
Algerian Archives in 1962: Legacy and Plunder

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On 5th July 1962, the Algerians celebrated their Independence with joy, but many were hoping for the return of the one who had left, and many were saddened by the loss of a loved one who had died for that day, a dearly paid-for day.

Since the cease-fire agreements signed in Evian on 18th March 1962, and applicable from the 19th at noon, entire areas of the country had returned to peace. The prisoners left the camps and the prisons ; the *djounoud* came down from the mountains, organizing roadblocks and parades; the *fidayins* came out of hiding; the first contingents of the Border Army entered Algeria from east and west; Ministry of Armaments and General Liaisons (MALG) agents smuggled into certain cities to assist the *fidayins* in their fight against Secret Army Organization (OAS); the *muhajirin* (exiles from the Moroccan and Tunisian camps) returned, some home, some to other temporary camps. The barbed wire encircling the settlement camps blocking certain parts of the cities had disappeared. Planes, helicopters (including the infamous “bananas”) were no longer tearing the sky. One could look up to the sky (which has now turned too blue, too calm) without anguish. Peace was setting up against the backdrop of the pain of fighting the OAS and the fights opposing the wilayas during the summer of 1962 (Mohand-Amer, 2014). Meanwhile in Paris, Algiers, Tunis, Oujda, and in all the administrative centers of the prefectures, trucks were loading archives.

They were heading for the ports of Algiers, Oran, Skikda and Annaba and the military airport of Teleghma (Constantine), bound for France., After 5th July 1962, the others left Tunis, Ghardimaou, Oujda, Rabat, for

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Algiers (barracks and Palais du Gouvernement), Oran (Canastel), carrying the archives of the National Liberation Army (ALN), of the Provisional Government of the Algerian Republic GPRA and of the MALG. Some boxes of archives had been transported by aircraft to Algiers¹. In his book on the Mécili Case, Hocine Aït-Ahmed writes that “the first concern of the agents of the MALG, after the ceasefire in Evian on 19th March 1962 and after the installation of the Provisional Executive in Bou Merdés, was to recover the archives of the French Army” (Aït-Ahmed, 2013). The story of this great removal remains to be told. It was not the first, it would not be the last. Did the 1962 breakup affect the status of the archives we received as a legacy of the colonial period and those produced since? Doesn’t the tumultuous past of the archives still weigh on their timeliness? Is the current bureaucratic approach to archives not still conditioned by a vision of archives inherited from the 19th century? The time of the administration is not the time of politics. How to assess the question of the legacy of archival practice and the management of archives before 1962? Can we call the transfer of the archives to France “memoricide”? A very strong word to describe what is still an act of spoliation of the memory of a population. An act that deprives them of their right to their memory and their history.

After all, the only solution to the Algerian-French dispute over the archives, which will inevitably be debated, seems to be the policy of the *‘fait accompli’*. Is it only a power relationship between the two countries? Should we not read here the power of archives on the imagination of two peoples? An imaginary obsessed with the myth of secrecy and tormented by fantasies about the content of these archives.

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The nagging questions of accessibility and the right to information – recognized as one of the human rights – are considered as subsidiary by the bureaucracy that was set up after 1965.

A Bureaucracy Inherited: Dealing with the New Political Order

Making the history of the State and of the Administration since 1962, is according to Pierre Bourdieu:

¹ All the data quoted have been gathered from former high officials of the MALG and other services of the GPRA, among them those of the Photography Service directed by Mohamed Kouaci.

“trying to find out how, somewhat obscure elites may have contributed to the transformation of the representations of the State and its functions, by developing an anonymous and practical science of the administration, and the ends and means of the State, *jus publicum*, organization of the archives, and all that is today referred to as grey literature (organizational charts, internal regulations, memos etc)” (Bourdieu & alii, 2000).

Ignoring or misconceiving History, is a self-inflicted sentence to live it again, even more so when it has to do with the administration. Any administration that believes it is moving forward thanks to the “*tabula rasa*” policy produces bureaucracy and comes into contradiction with the real country. We also know that no political upheaval has ever been based on the policy of a “*tabula rasa*”. On the contrary, both the French Revolution of 1789 and the Russian Revolution of October 1917 had seen the creation of the National Archives in June 1918. One component of the New Deal policy, initiated by Franklin Roosevelt in response to the effects of the Great Depression, was the creation of the Federal Archives in 1934. Two examples contradict this vision, that of “Khmer Rouges’ Cambodia” and “President Abdullah’s Comoros”. Finally, the State is considered here as an apparatus consisting of administrations requiring technical skills from its employees. But we are now in July 1962, and most of the technical experts have left the country or are about to leave.

As nature abhors any vacuum, managers who have held junior positions have moved into senior positions guided by their patriotic convictions and good faith. Young people, whether graduates or not, are often recruited for seasonal jobs (which were traditionally open in the summer), where they learn about the trade under the guidance of European civil servants who have remained at their posts.

A Difficult Transition

Is it obvious to seek some kind of automatic transfer of service from a French colonial administration to an Algerian administration? Did the transfer of ownership, or physical transfer, of the files in progress and those completed, actually take place? Thus, the Algerian-French dispute over the archives can only concern the classified funds placed in the public repositories. It also concerns the administrative archives which were in the offices in 1961 - at the time of the first transfers - and in 1962 at the time of the civil servants (Badjadja, 1995). This story remains to be told, as do the questions and questionings of the various actors involved,

as well as the legal, administrative and political mechanisms that have been implemented. To begin with, those archive collections, which will help the researchers put an end to the confrontation with the actors' memory, must be identified. The case of the Central Government is as complex as it is exemplary. The General Delegation of the Government in Algeria (DGGA) had been replaced as of 19th March 1962 by both the Provisional Executive and the High Commission of the French Republic in Algeria (HCRF). The latter, by force of events, could not occupy the offices of the palace of the General Government. Should it have done it?

The representative of the French State, the French political power in Algeria had no more links with the colonial administrative apparatus which, in principle no longer exists legally, but apparently keeps functioning². The Provisional Executive, in charge of ensuring the transition, is in the same practical dispositions and no more than the HCRF, does it have access to the documents left in Algiers. In his confidences to Ali El Kenz and Mahfoud Bennoune, Belaïd Abdesselam, Delegate for Economic Affairs within the Provisional Executive, states that he had found an embryonic administration in the summer of 1962 at the Rocher Noir/ Bouemerdes. Belaïd Abdesselam had firmly declared that his services had not found any records (Bennoune & El-Kenz, 1991).

Had it really taken place, the fact is that the transition from one administration to another until the establishment of the first government on 26 September 1962 was only possible empirically; the French officials, continued their mission under the new ministers. In Algeria, as anywhere else, and in 1962, the transition from the colonial state to the national state did not result in any rupture other than political. The administration continued its work. Certainly, many French officials of all grades and statutes gave up their posts though only by the end of the summer of 1962. The movement continued between 1965 and 1968³. The continuity of the progress of the various administrations both at the central level (in Algiers) and at the local level (prefecture, sub-prefectures

² Apart from any archival documents (reports, correspondence, etc.) the most valuable source could only be the testimonies of senior French officials in Algeria. However, it is accepted that administrative files were destroyed by the OAS either during an attack (Archives of the land registry in Oran), or by civil servants who were members or close to the OAS, such as those who destroyed the offices of the General Secretariat in the new prefecture of Oran.

³ The archives of the "technical" ministries (Agriculture, Industry, Education, Commerce), those of the oldest prefectures and state enterprises provide information on this movement. 1968 corresponds to the evacuation of the Mers-el-Kébir base (on 1st February).

and municipalities) operated under particular political conditions marked by the political crisis prompted by the Congress of Tripoli in June 1962.

After the proclamation of the results of the referendum of July 1st 1962 and the recognition of the Independence of Algeria, the (GPRA) which claimed political legitimacy - without much conviction - had to recognize the Political Bureau of the National Liberation Front (FLN), constituted in Tlemcen and which was the real winner of the crisis. It represented the reality of The Power. The Provisional Executive, which had seen its mandate extended while waiting for the election of the Constituent Assembly⁴ (Farès, 2006, p. 138), appointed senior officials of the central administration, prefects and sub-prefects with the agreement (control?) of the Political Bureau. In fact, some services had never experienced a suspension in their daily work, particularly the most important of them, the Civil Registry. Reading the Official Journal of the Algerian State and the Official Journal of the The Democratic and Popular Republic of Algeria (RADP) is edifying in this respect⁵. The history of the Official Gazette, the Administration's great open book, is still to be written. But it contains what the administration is willing to bring to the attention of the citizens⁶. The first issue of the Official Journal of the Algerian State (JOEA) was published on 6th July 1962.

⁴ In his memoirs, Abderrahmane Farès relates how, the day after the Independence celebrations, the president of the GPRA, Benyoussef Benkhedda, invited him to continue his mission.

⁵ For a "legal" reading of this period, Boussoumah, M. (1982), « Contribution à une Recherche sur l'État et le Pouvoir en Algérie durant l'été 1962 », in *Revue Algérienne des Sciences Juridiques, Economiques et Politiques*, n° spécial 20^{ème} anniversaire. The political issues of "Algerianisation" and purge, which had no legal consequences, are not addressed.

⁶ This history would have to show that the successive changes made to the presentation of the J.O. can only suggest some strategy on the part of the administration in its policy of disseminating official information. Major changes were introduced in 1993, including the end of the single page numbering for all issues of the year. Is this simply a physical break with the traditions of all the official newspapers that Algeria had known until then? Doesn't the end of the single pagination break the logic of institutional information? The one that made the page number one of the references in establishing authenticity of a text while facilitating research. But everything suggests that it was part of another logic, that of freeing the legislator and the publisher from the constraint of respecting the regularity of the publication of issue after issue of the J.O. Thus, there is nothing to prevent the publication of an issue well before or well after the one or ones that were scheduled and numbered.

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The first issue of the “Journal Officiel de la République Algérienne” (JORA) was published one month later, on Friday 26th October 1962. The JOEA and JORADP inform us of the continuity of the administrative action by the decisions that were published there. Continuity in content and form, the texts of the colonial period are still implemented. The two official gazettes publish formal notices to contractors to resume work on the execution of contracts! They publish the calls for tender. A sign of recovery? Decisions and orders of expropriation for public utility taken before Independence are applied. The institutions are being set up or re-established (Belkhodja, 2011). The harvest and threshing season, the grape harvest and the start of the new school year have gone as smoothly as possible. The police services have been at work practically since Independence Day. They are hunting down car thieves to reassure Europeans mainly. The courts return on 2nd October, the Court of Appeal on 11th October. According to Amar Bentoumi, then Minister of Justice, Judge Turpin informed him that “more than 6,000 work accident files were blocked at the registry of the ‘Tribunal de Grande Instance’ of Algiers” (Bentoumi, 2010)⁷. The university opened on 17th December 1962.

Political Crisis: Party and/or State

It is true, however, that it was not until the end of the political crisis of the summer that current affairs took on an increasingly important role in the concerns of the power that was being installed in Algiers. In the background of the reactivation of the institutions was the new political rather than administrative situation: what role should be assigned to the Party (the FLN), soon to become the sole party, in the state and in the daily management of the country? During his speech to the Constituent Assembly on 7th December 1962, Hocine Aït-Ahmed addressed the issue in clear terms: “I have really insisted on dealing with the problem of the party because, on the one hand, it has been given pre-eminence over everything, with the risk of undermining the sovereignty of this Assembly in particular.” (Aït-Ahmed, 2013). Will the official party who is appointed have no pre-eminence over the elected representative of the people? A party at the service of the state or a party that is driving the State’s tank? The issue will be a pervasive matter for debates and the

⁷ In his memoirs, the man who was the first Minister of Justice does not mention the question of Algerianization, nor that of the purge.

political crisis will last until 19 June 1965. The single party will then become only one of the cogs of the State. The Political Bureau and the Provisional Executive shared power, but the former decided and ordered, and the latter executed.

The 20 September 1962 vote for the Constituent Assembly was conducted with the administrative coordination.

All meetings chaired by Ahmed Ben Bella included economic revival as a key agenda item, with the Provisional Executive in attendance. After the election of the National Constituent Assembly to which the provisional Executive handed over its powers on 25 September, and the official proclamation of the People's Democratic Republic of Algeria, Ahmed Ben Bella was elected Head of Government, President of the Council. He formed his government on 27th September. On 2nd October, at Rocher-Noir, the Provisional Executive handed over its powers for a third time to the Government of the Algerian Republic. Abderrahmane Farès reports this final handover: "After the government was formed, a meeting took place at Rocher Noir between President Ben Bella, the members of the government and those of the Provisional Executive, during which each delegate gave the competent minister a detailed report on the problems falling within his ministry. I, myself gave President Ben Bella the archives of the Presidency of the Provisional Executive" (Farès, p. 147). These archives are certainly crucial for the record in the history of the period. I could not find any trace of them either in the National Archives, or at the police prefecture of Oran, dissolved on 16th November, all the more so as the decree which had dissolved it remained silent about the fate of its archives. According to Mohamed Said Mazouzi, the issue of an evenly shared power raised the central question of the party. Invited by Rabah Bitat, who had just been appointed head of the party by the Political Bureau, he was told:

"If we don't" create a political party, the army will take over with full control of the commands and prerogatives ...

Therefore the Algerian society will need a solid political base allowing the party to lead the people, with the support of the army indeed, but it is not up to the army to rule. So we have decided to reconstruct the FLN from bottom to top again" (Mazouzi, 2015).

Obviously, in front of these serious political issues, the question of the historical archives could only become subsidiary; prefects and sub-

prefects and even the party commissars had understood that the reality was far more complex⁸.

“Algerianization” and Cleanup Operation

The Algerianization and clean-up of the administration were called for as early as 24th August 1962 by Lieutenant Allouache in the name of Wilayas III and IV, in a statement released to the Press⁹. The ordinance of the Provisional Executive of 18th September on the “integration of Algerian civil servants and agents from Moroccan, Tunisian and French executives into Algerian executives” was the first and only decision taken at the time. The administration, its operating rules and, partly its men continued or resumed their missions and work according to the previous procedures. The political discourse changed, but neither Life nor the administrative requirements did.

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The double issue of the Algerianisation and the cleansing of the administration was addressed again by the national commission of the FLN party, which on 16th November 1962 requested “national indignity for certain Algerians who had behaved in an anti-national way during the Revolution and for the thorough cleansing of the administration”¹⁰. Stamping a person with “national indignity”¹¹ required the presentation of tangible evidence, hence the obligation to refer to the party leadership and the Ministry of Justice. The same day during a debate at the National Assembly, Amar Bentoumi announced the creation of a nationwide cleansing commission¹² (Bentoumi, 2010, p. 57). The whole

⁸ I refer you, among others, to the Memoirs of Abderrahmane Farès, Amar Bentoumi, Pierre and Claudine Chaulet, Mohamed Saïd Mazouzi, Boualem Bourouiba, Jean-Paul Grangaud, Mohamed Lemkani, Ahmed Taleb Ibrahim, Michel Martini, Zoulikha Bekaddour, William Sportisse

⁹ In a communiqué of 8 May 1962, the APS had already raised the issue by demanding the cleansing of the administration. On that date, the Director of Finance, who was in charge of Rocher Noir, was heard in the context of the Salan trial and at the request of the latter, see *Le Monde*, 8 May 1962.

¹⁰ *Annuaire de l'Afrique du Nord* (AAN), 1962. The following chronology and the citations in italics are taken from the AAN unless otherwise stated.

¹¹ The reference to the history of the liberation of France is obvious. In fact, only the Harkis were collectively struck with national indignity not by a court, but by the administration and public opinion.

¹² In his memoirs, the man who was the first Minister of Justice makes no mention of the issues of “Algerianisation” or ‘purge’. He provides no specific details of his activities “at party headquarters from September 1962 to March 1963”.

administrative issue was examined by the Political Bureau during a meeting held from 26th November to 1st December 1962. The structures of the party may have been assessed through a study on the respective fields of intervention of the Party, the Government, the Administration and the ANP (Popular National Army) because these various bodies were sometimes likely to deal with the same questions and interfere with each other. This study led the Political Bureau to consider a profound reorganization of the administration to adapt it to the new Algerian reality. It had noticed “shortcomings in almost all areas of national activity, due to incompetence or conscious obstruction”. To remedy this it decided to create a National Commission for Cleansing which would work with the help of departmental, regional and communal sub-commissions, made up of representatives of the party, the government, the administration, the The General Union of Algerian Workers (UGTA), the General Union of Algerian Muslim Students (UGEMA) and the Union of Algerian Women (UFA).

These commissions were authorized to carry out investigations and inquiries, the results of which would be communicated to the Political Bureau, the only one empowered to take decisions. These measures were aimed at more or less avowed supporters of the former regime, but also at militants who, in the past months, had shown incapacity, even more, dishonesty. What was the case? Only the archives of the FLN could provide the researcher with information. The collection donated in 1994 by the late Abdelhamid Mehri to the National Archives, after an agreement concluded with the then Director General, Abdelkrim Badjadja, contained mainly documentation. Did the National Commission of Purification work? The press made no mention of it, nor did the testimonies of former officials, nor the memories of contemporaries. However in certain regions, the popular tribunals, which had no legal existence, had to judge and condemn the *harkis* whose violent attitude (or not) had attracted at least the resentment, if not the hatred of the population (Azzi, 2009)¹³. There is no record of these actions except in the memories of the actors and possibly in the police archives (?). It is as if, during the period 1962-1965, the central and local administrations were involved and/or were involved, against their will, in the handling of administrative documents from the colonial period. But this is a legacy

¹³ He author reports (p. 286) the lynching of Hocine Malhoum, former mayor of Akbou, by the population a week after the elections of 1st July: 'Alerted, Doctor Aoudjhane and I rushed to find him left for dead in the middle of the road, abandoned by a restless mob in search of other lynchings. Another lifeless body will be found later, at the exit of the village.

that nobody really cared about. This documentary heritage is either left where it is, or squandered and privatized (as is the case in many municipalities), or destroyed.

Creating archives as legacy: coming to terms with the sidelines

In its approach to the question of archives, the administration of the new state reproduced the know-how inherited from the colonial administration, both in its spirit and in its practice. However, in the early 1960^s, the French administration was in the process of changing. It did not try to find another solution. Thus, in relation to the archives, there has been a strong perception that archives are only dead archives, those for which the administration no longer has any use. This position has firmly established in the minds of the decision-makers that archivists (in fact, people assigned to archives) are nothing more than custodians of old papers that have become dusty and are stored in necropolis archives! Dead archives, therefore, useless archives, therefore to be destroyed! Hence the practice of appointing civil servants, either at the end of their careers or dismissed from the administration by disciplinary measure. The living archives are then, and *a contrario*, the documents useful for a smooth running of the administration. These ongoing or just completed files belong to the administration that produced them. Furthermore, the idea has become established that the only archival medium is paper. Documents on media other than paper also belong to their producers and are not intended to be deposited in the National Archives, even less so in the archives of the wilayas. The mission devolved by the colonial administration to the Archives was essentially to take charge of the archives considered as historical, the noble archives! But we were in the spirit of the times!

The “archivistic revolution” had not yet revolutionized the profession of archivist in France. “Archivistics”, the science of archives, had only just begun to experience the archival revolution presented by Michel Duchein¹⁴. In independent Algeria, archives continue to belong to the realm of dust and secrecy; they cannot be visited. Yet, archives often find themselves quite incidentally at the heart of political events. Those, which had shaken up colonial Algeria at the end of the 19th century, had also led to a redefinition of its relationship with the French state. As they prompted the reorganization of the General Government and the birth of

¹⁴ Title given by Michel Duchein to one of his major feature articles, which serves as a reference: *La Révolution Archivistique: Le Défi des Archives Modernes à l'Archiviste*. In *La Gazette des Archives*, n°80, 1973.

directorates, whose decision-making power was similar to the power of a ministry, or of an archives service of the General Government.

Colonial Administration and Its Archives

It is generally accepted that the colonial administration managed its archives perfectly well, as the wealth of collections kept at the “National Overseas Archives” easily shows. A first global remark can be made. The wealth of archives of the colonial period is much more the result of an irreversible and almost natural sedimentation process than the result of a voluntary and well thought-out policy. First the archives kept accumulating, especially those of the 19th century, despite everything, and then they were taken care of, in a very unequal way, depending on the goodwill of the colonial administration. As Gabriel Esquer noted it so well:

“It was a tradition for the offices to throw away in the cellars (the administrative papers) that they considered embarrassing; this is what used to be called “dumping into the archives”. It was later discovered that colonial goods were wrapped up in administrative documents. This is what determined, with some delays, the creation of an archives service at the General Government” (Esquer, 1912):

The archives of the General Government were organised well after the departmental archives and those of the mixed municipalities. They functioned on the fringes of the administration. Just as they remained on the fringes of cultural and intellectual life¹⁵. They did not enjoy the same statute as libraries, museums and antiquities. Secondly, unlike the archives, libraries, museums and especially archaeological remains soon became the object of attention by both scholars and decision-makers. This privileged position resulted in the creation, in February 1905, of a commission responsible for giving its opinion on the use of art and archaeological objects discovered in Algeria and belonging to the State. The composition of this commission reflects the importance given to its remit and purpose¹⁶. At that time, then, archaeology already had its own

¹⁵ Gabriel Esquer in his article, « La vie intellectuelle en Algérie » (in Simoun, 1956), does not devote any line to the archives.

¹⁶ Presided over by a government councillor, Saint-Germain, who was mayor of Batna and the first director of Indigenous Affairs in the General Government, it brought together

general inspection and two renowned “antiquists” were in charge. Never before had the archives received so much attention. On the other hand, places for books would have been built, the National Library of Algiers and the municipal libraries. The excavated sites (Timgad, Tipaza etc.) would be protected and places for archaeological finds (site museums) would be built¹⁷. Roman archaeology, placed at the service of colonial ideology, therefore, deserved these financial efforts and social visibility. Only two archive buildings were built in the 1950^s: one in Algiers and one in Oran. One sentence: The failure to comply with the accepted standards for the construction of an archives building, especially the height of the ceiling, facilitated the misuse of the Algiers building in the summer of 1962.

The characteristic of the Oran building, which was integrated into the prefecture building, made it almost invisible. If we can characterize, in a somewhat dogmatic way, a state by the existence of a territory, with recognized borders, a population, a government which levies taxes and has its own budget¹⁸, mints its own currency and enacts rules applicable to all and an administration that manages everything, the only thing missing from the colonial state apparatus is the flag (which the Algerian People’s Party proposed in 1937 through Emilie Busquant) and a national army (which the same PPA also demanded in its programme in 1937). The fact remains that this state apparatus exists and has taken on forms and means that set it apart from the French state, of which it is and remains a product.

It has its own archives. With the incentive of the governor general Charles Jonnart and in the context of the construction of this surrogate state, in order to calm down and satisfy the big settlers, Raoul Busquet in 1906 and especially Gabriel Esquer in 1908, had a decree published creating a central archives service in charge of collecting and treating the historical archives of Algeria. For about forty years, the departments had an administrative archives service that managed the administrative papers

René Cagnat (general inspector of the scientific and archaeological museums of Algeria), Gsell (inspector of African antiquities), Bernard (general controller of the railways, corresponding to the service of historical monuments), Ebert (head of the first office of the Directorate of the Interior, i.e. in charge of the Bulletin Officiel).

¹⁷ Including that of the Beaux-arts of Algiers, whose curator was Jean Alazard.

¹⁸ On the other hand, the responsibility for this “Algeria” budget was always entrusted to the body of finance inspectors. The colonial state will only control the Muslim justice and the public education of the natives. It was only in 1947 that the General Directorate of National Education was created. As the Ministry of National Education had moved into the premises of this directorate, it could only have found the archives which had not been transferred to France!

as best it could. These archive services did not attract paleographers (Boyer, 1960). The task was hard and the road was long. Gabriel Esquer was the central figure in this history of the archives of colonial Algeria¹⁹.

He was responsible for the constitution of the series, the administrative deposits and the classification system of the French system. But he had few links with the departmental archives and no understanding of the private archives that colonized Algeria could have preserved²⁰. He made his mark through his works of history more than through his management of the archives. In 1929, Gabriel Esquer published his famous “Iconography” in three volumes, from which everyone draws generously today to make beautiful calendars and to decorate museums. We owe him especially “Les Commencements d'un Empire”. “La Prise d'Alger” (1830), a work in which he gives credit to the thesis of 132 years of colonisation of Algeria, reducing the construction of a state by Emir Abd-al-Kader to a simple parenthesis in an ineluctable historical process! The filing system he developed does not reserve any series for the Emir’s archives and at no time was he able, willing or able to know, let alone try to find out, their fate. Emile Dermenghen, his successor, was a great Islamist. He managed the archives from 1942 to 1961(?). But as an Islamist, did he care about the archives that the brotherhoods and zaouias could keep!

What Scientific Assessment?

Is it possible to draw up a scientific and administrative assessment of the activity of the Archives during the colonial period? Without trying to be complete, we can say that the scientific heritage is composed of two filing systems and a small number of research tools, but of great value. Prosper Alquier, the departmental archivist of Constantine, was entrusted with the creation of the classification system for the archives of the departments of Algeria²¹.

¹⁹ Gabriel Esquer was both archivist-librarian of the General Government and administrator of the National Library from 1908, the date of his arrival in Algiers, until 1942, when he retired. G. Esquer was more often at the National Library than at the Archives. Emile Dermenghen, for his part, left some very fine studies on the history of Islam in the Maghreb.

²⁰ It is therefore below the level of Berbrugger’s tracking of local archives during the war against the Emir and then against Ahmed Bey. It is far from the concerns of Charles Féraud.

²¹ This classification system was approved in February 1927 and made applicable by the then Director of the Archives of France, the famous historian Ch. V. Langlois

The Colonization fund, “L” series of the GGA archives and “M” series of the departmental archives were the most consulted.²² To every State and to every society its own concerns. The results of this century of colonial archiving were mixed. The departmental archivist was certainly a member of the departmental urban planning commission, he was invited to give courses in local history at the Teacher Training College, he was a member of the commission for historical and natural sites and monuments, an inspector of communal archives and finally a regional curator after the creation of the new departments. The introduction, albeit late, of rational working methods in the management of the archives, thanks to the arrival of archivists with paleographic skills, was salutary. The fact that Yves Renaudin was able to pass on his technique of receiving archives, of depositing slip and continuous interserial numbering, to Oran and then Algiers, and the fact that André Berthier remained in Constantine until 1973, allowed certain practices that saved funds to be carried on, and archive services in Oran, Algiers and Constantine to become administrative realities which would benefit those departments (changed into wilayas), and historians. It was not until December 1956 that the “Direction des Archives de France” encouraged the creation of a Committee for the Organization of Algerian Archives, visibly at the instigation of the General Government. The original purpose of this Committee was to study the issues raised by the creation of nine new departments. The presidency was entrusted to Emile Dermenghen, André Berthier, as the oldest of the departmental archivists, was appointed vice-president, Pierre Boyer was the deputy secretary and Jeanine Bordas his deputy.

Gabriel Esquer and Roger Le Tourneau were invited to take part in the work, as well as representatives of the central administration of the general government. This committee made the chief archivists of the three departments regional curators and served as an operational framework for the archive transfer operations. In 1961, the scientific staff responsible for the preservation of the archives was rather small. Enumeration is easy. In the general government, the departure of Emile Dermenghen leaves his deputy Bath all alone. In Algiers, Boyer had been able to obtain a position for one assistant and no more, Jean Gourhand then Annie Laforgue filled the position. In Constantine, Guy Quincy

²² “The Notice sur la Série M. (colonization)” was the only printed inventory of the Oran archives! In his 1959 report, Yves Renaudin in Oran made three remarks: To date, no series or sub-series have really been constituted ...; - with the exception of the sub-series 3M/ “Dossiers des concessionnaire”; - adoption of continuous inter-series classification (continuous numbering).

helped André Berthier for a while. In Oran, the Renaudin couple, Annaba Anne-Marie Couvret and Marie-Annick Blanc in Ouargla complete the number of archivists in place. In total, there are eight individuals in this position.. In other words, 1961 was the most important year for colonial archiving. Five years before, there were only four²³. Archivists who are not archivists (and not documentalists!) arrive in the new prefectures. They have a special status. But no Algerian gets this position. The combination of these phenomena certainly did not allow the birth of an archival tradition in Algeria after 1962, and it will strongly handicap the integration of the archives and the institution in charge of their development into the national state apparatus that is being set up. The institution in charge of the National Archives has still not been able to build its space within the State apparatus. Even today, more than a quarter of a century after the passing of the law of 29th January 1988 on national archives, a law that was as modern as it was innovative, despite some imperfections, the administration still considers that archives are nothing more than useless old papers. It may be that there is still a tendency to view archives as the administration's waste.

And for good reason, a contradiction will never be overcome. The central administration sees itself as completely new and at odds with the immediate past. It does not feel bound by the old documents inherited from the administration of the DGGG. This attitude is at the origin, voluntarily or not, the destruction of documents. Nevertheless, 1962 would remain as the year for the opening of a contentious file: the Algerian-French dispute over the archives.

Implementing the spoliation

The French presence in Algeria began with a war in 1830, continued with the ransacking and destruction of archives, and it ended with a war and a massive transfer of archives. Can we, for all that, speak of "memoricide"? Can we consider that the French colonial system had a clear desire to erase the traces of a people's memory, its culture, if we were to accept the definition given by Louise L. Lambrichs? (Lambrichs, 2009). The commitment was certainly there, at least by declaring Arabic a foreign language and by methodically destroying social relations through land laws and civil status laws, and through repressive codes (the Indigenous Code and the Forestry Code). The colonial system being

²³ Dermenghen (GGA), Boyer (Algiers), Berthier (Constantine), all three archivists-paleographers, and Robert Tinthoin (Oran), a schoolteacher at the beginning of his career, who obtained a PhD in Humanities (geography).

racist in essence could but only lead to the extinction of the culture of the colonized. Moreover, the ceaseless tracking down of archives and documents was conducted from the first years of the French occupation by civilians and soldiers²⁴. This tracking down began with the recovery of what remained of the state archives in Algiers. Most of those found in Algiers were transferred to the administration of the Domaines in 1833, according to Genty de Bussy (Genty de Bussy, 1835).

The archives of the beys of Constantine and Oran suffered the same fate at a slightly later date. On the other hand, it would be interesting to try to understand what happened to the archives that enabled Baron Aucapitaine and Henri Federmann to write their “Notices sur l’Histoire et l’Administration du Beylik de Titeri”²⁵. How can we describe this tracking down: simple scientific research? How then can the transfer of the archives be interpreted? The various events surrounding this significant move in 1961-1962 are well known, as are the reasons for it²⁶. The aim here is to try to understand the motivations of the various parties. The fact remains that this major move -since the expression *displaced archives* is now commonly used- is the largest in volume of all cases of litigation known. The French argumentation has evolved since the 1960^s. Three proposals have been put forward: the summa diviso archives of sovereignty/archives of management, then common heritage and finally domaniality of archives.

What May Have Happened

In any case, between 1961 and 1962, under the official pretence of microfilming them and under the pretence, later put forward, of protecting them, the archives of the colonial state apparatus, both central and departmental, were sent to France²⁷.

²⁴ *La Revue Africaine*, especially, but also the *Recueil des Notices et Mémoires de la Société d’Archéologie de Constantine*, and to a lesser extent the *Bulletin de la Société de Géographie et d’Archéologie d’Oran*, are full of pages reproducing these documents.

²⁵ *Revue Africaine*, 1865 and 1867.

²⁶ This text was in progress when Todd Sheppard informed me that he was going to publish an article on the subject in 2015...

²⁷ It would seem that some archivists in place at the time in the departments (except Pierre Boyer) had expressed some reservations. Similarly, there is little information available about the fact that the deputy director of political affairs at the DGGGA had silenced any hint of contestation: “You are not here to discuss the opportunity but the modalities of the operation”.

When Algeria became independent, the transfer to France of the majority of the collections of the main public archives was practically completed²⁸.

The movement initiated as early as March 1961 had been accelerated a year later, on the eve of the signing of the Evian Agreements, and implemented afterwards. At the time of the Evian negotiations, the issue of archives had been completely missed by the Algerian delegation. As Réda Malek pointed out, even economic issues were incidental. The crucial issues were Independence and Territorial Integrity to which the French party added the Europeans' status and its economic interests. But there is more. The representatives of the French state were facing militants whose main argument was patriotism. The French negotiators therefore presented themselves with all the historical experience they had assimilated during negotiations over the years and in the case of decolonisation since 1950. We know that in each treaty a part was devoted to the archives. As the Algerians did not ask any questions on this subject, the French did not have to answer them and it was not in their interest to open this debate. It is also true that for the French, archives are the quintessence of the state, they are part of their culture and for the Algerians archives were one of the material means of the state. Neither the GPRA, on the political level, nor the provisional Executive on the administrative level were informed, nor were they informed of what was happening in the offices.

The Algerian-French dispute was not the only one, far from it. However, Leopold Auer's investigation shows that, at least in terms of the mass of archives transferred, this dispute is the most important (Auer, 1998). L. Auer uses the figures provided by Algeria, *i.e.* approximately 20,000 linear meters. However, according to Gérard Ermisse, "The CAOM in Aix-en-Provence keeps 7.5 to 7.8 linear kilometres of so-called sovereignty archives, *i.e.* approximately 10% of the mass of public archives that existed in Algeria in 1962 at the time of independence, a mass estimated at 80 kilometers, without any guarantee of this figure". However, if we stick to the figures he gives for the four main repositories, we get a total of 5,300 linear meters. The French argument is based on the capacity of the Aix repository and the seven linear kilometers that have been devoted to these archives. But as Mohamed Touili rightly wrote, all this "is evidence enough of the

²⁸ Abdelkrim Badjadja writes on this subject: "For the record, it should be noted that the first prefect of Constantine in independent Algeria was personally involved in urging his staff to complete the transfer of archives to the military base at Teleghma, which was still occupied by the French army", in *Le Quotidien d'Oran*, 24 May 2008.

massive nature of the transport” (Touïli, 1981)²⁹.

Apart from the quantity of archives transferred and their quality, there is the unilateral nature of the French approach. Unilateral in decision-making, unilateral in solution proposals. As early as 1963 the issue was officially raised and would be consistently raised. On 23rd December 1966 there was an exchange of memos between Algeria and France. The issue of archives is addressed on two levels: bilateral in the context of the work carried by the joint Algerian-French committee on one hand, and international, during the meetings organized by both the International Council of Archives and UNESCO on the other hand.

International meetings

At its 18th session, in 1975, the International Conference of UNESCO adopted a resolution on “The possibility of transferring, under bilateral agreements, documents from archives that had been created in other countries or that relate to their history”. The “Conseil International des Archives” (CIA), in fact its secretary, is entrusted with the drafting of a preliminary study on the subject. The American archivist Frank Evans states that this working document “recommended a series of actions the solutions of which were of a very wide range, from the recovery of a documentary legacy in its entirety, to guarantees of access to archives...”. The CIA gave up the principle of territoriality and endorsed the new division of archives under the label of sovereignty archives and management archives. Those were the same new concepts which had been created for the occasion and developed by the French party to meet the Algerian demands and face the purists. And yet it was this preliminary study which served as the basis for the work of the 17th International Conference of Cagliari in October 1977.

Frank Evans acknowledged that this was the “liveliest meeting he had ever attended over the past 30 years”. UNESCO experts then reflected on the codification of international law about the succession of States and on the solution of microfilming. This led to the holding of the Vienna Conference on the Succession of States with regard to State property, archives and debts in April 1983. The consulting-expert to the chairman of this conference was Mohamed Bedjaoui³⁰. A double break up occurs.

²⁹ Mohamed Touili was then director of the National Center for Historical Studies, in charge of the national archives.

³⁰ Mohamed Bedjaoui, former Minister of Justice (1964-1970), had been a member of the United Nations Commission on International Law (1965-1982) and Special Rapporteur on « La succession d'États dans les matières autres que les traités ». In his capacity as United Nations legal expert at the Conference of Plenipotentiaries in Vienna on the Convention

The first, between UNESCO and the CIA, which will demand and obtain the blocking of the Convention (only 7 countries among which Algeria ratified it). The second, between archivists and lawyers, the former feeling that the latter ignored the problems posed by the archives. The latter reminded the former of some basic notions of international law. Frank B. Evans and Charles Kecskemeti, in his capacity as secretary and then executive director of the CIA, provided an update on the issue at the meeting of the International Conference of the Round Table on Archives (CITRA) in Thessalonika in 1994³¹. UNESCO, by addressing the issue of the protection and return of the cultural property, and the CIA, that of access to archives, organized a meeting to jointly address the issue of the transfer of archives. At CITRA in Washington in September 1995, it was decided to leave the problem to the political authorities of both countries. Then there was March 6, 2009 and the joint agreement between the directors of Algeria and France.

Bilateral Negotiations: There Is an Archival Dispute Indeed, Certainly Not a Misunderstanding

The French Experience of Litigation: Two Fine Examples

Archival disputes, like any other conflicts, are well within the scope of international law. But we know that they are totally dependent on the balance of power established between the countries concerned. The compliance with archival principles grown out of the intelligence of the European and Western archivists easily accommodates exceptions. The contemporary history of the French archives is a perfect illustration. Lucie Favier reminds us that in 1941, the Director of the Archives of France had “the heartbreak of having to transfer (not restore!) to Spain the collection referred to as the “Simancas fund” which had been (yet a euphemism!) in the Archives since Napoleon the 1st”. At that time, the French State showed a rather low profile with Germany, allied and supporter of Franco’s Spain. On the other hand, the final protocol of the Joint French-Italian Committee signed pursuant to the Treaty of Peace

on the Succession of States in Matters of State Property, Debts and Archives in 1983, he had to write a report on the archives.

³¹ B. Evans, F., « La Question des Contentieux Archivistique: l’Action de UNESCO et du CIA depuis 1976 »; Kecskemeti, Ch., « L’Action de UNESCO et du CIA depuis 1976 », 2^{ème} partie. XXX CITRA, The Interdependence of Archives, Thessaloniki. 1994. Information does not really circulate among archivists. Both CIA and CITRA documents are considered internal documents and are only distributed to members of these institutions. Once they arrive in Algiers, in one or two copies, they are granted the status of State documents with all the practical consequences that this statute confers.

between France and Italy on 10th February 1947 consecrates the transfer to France of the archives of the House of Savoy which were in Turin. An old French claim was thus satisfied. As Alain Bottaro notes:

“It is not so easy to define the principles that have governed the definition of the partition line of the archives. The context of diplomatic tension... as much as the elasticity of the criterion of historical interest contributed to the random character that emerged from the list of the Turin documents transferred to Nice” (Bottaro, 2012)³².

Isn't that what practically happened in Algeria?

The practical conclusion of the French-Italian dispute, which had been going on since 1860, was the sharing of the archives between the two countries according to their respective interests: “Only documents that are essentially French by origin or destination were claimed (by France)”. French and Italians have reached a compromise thanks to a shared commitment to finding a solution that would satisfy both parties. The sacrosanct principle of respect for funds has received a blow: “It should not surprise us to see sometimes unfortunate caesuras, made in the continuity of certain series and gaps. It has to do with a human work that imposes sacrifices on each of the partners” (Perret, 1950). The solution of an archival conflict is a matter for politics, not for archival science. This means that, when Gérard Ermisse cites the French-Italian example to present the principle which guided the attitude of the French party, that is to say the *summa divisio* between archives of sovereignty and archives of management, he is in slight contradiction with his colleagues (Ermisse, 2004). Article 4 of the final protocol of the joint French -Italian committee signed on May 30, 1949 stipulates that: “the work of the committee having revealed the existence, in the State Archives of Turin, of collections of interest to Bresse, Bugey, the country of Gex and the valley of Barcelonnette which are not referred to in article 7 of the Peace Treaty ..., the Italian delegation, in a spirit of understanding and friendship and mutual collaboration, will propose to its government the transfer to France of the aforementioned collections”. There was a sharing based on the interests of both countries. What then of the fundamental archival principle in archival science that is the principle of compliance with the funds? Understanding, friendship and collaboration

³² The question of Savoie's archives was the subject of a presentation by A. Perret (1950), *La Réintégration des Archives Savoisiennes de Turin*, in *Bulletin du Comité des Travaux historiques*. Congress of Learned Societies.

are as important as, if not more important than, archival principles in resolving litigation.

On the other hand, to recognize that it is in Bao Dai Vietnam that this “principle” was applied for the first time in the context of a decolonization process, highly justifies the apprehensions of the Algerian party and its rejection of this kind of argument.³³ The National War of Liberation is also being waged against the partisans of what has been called “the third way”, who were not all Bao Dai. Thus, as if to illustrate by the absurd the crucial part archives have in the life of modern nations, Noël Becquart, from the fictitious character of Edmée Senthorens, tells the adventures and the end of “this minister of the archives of the principality of Périgord... It was the end of the principality of Périgord which was re-annexed without any problem by France [which was] then at war with Algeria over an issue of archives” (Becquart, 1983).

Archives of Sovereignty, Archives of Management

During the bilateral negotiations as well as at the international meetings, the Algerian party had dismantled the fiction of the *summa divisio* between archives of Sovereignty and archives of Management thanks to the operation initiated in 1976 by the central director of the National Archives, Redouane Aïnad-Tabet. The use of the archives of the departmental archives has made it possible to draw up a bundle report of the funds transferred from the departments of Constantine and Oran. This work did not take into account the fate of the files in the offices. The difference between sovereignty and management was not really established. Above all it became clear that this principle had been built a posteriori.

The French party, on its own, had dealt with the problem in accordance with its responsibilities and cases of emergency³⁴. The

³³ Bao Dai, the last emperor of Vietnam, was installed by the French as president of the Republic of Vietnam in 1949. He went down in the history of decolonization as an example of Puppet leader

³⁴ In a note dated March 2, 1961, the Government Delegate in Algeria invites the Regional Conservators of archives to prepare the work of transferring documents for microfilming, noting that ‘the destruction carried out during riots and which provoked in 1958, in particular the elimination of files and most of the directories and inventories of archives, the threats which are on certain repositories such as those of Oran and Orléansville reveal the need to take security measures... moreover the Direction des Archives de France has a large organization of microfilming and has decided to begin operations of this kind concerning the archives of Algeria in the near future. It is therefore essential to make a choice of documents likely to be collected in the regional archives’. There is a whole literature in Algeria on the content of a large part of the transferred archives and the practical conditions.

question of transfer was first of all a political problem. The point of view of the archivists was built up afterwards. The management of the archives of France has played its role as a state institution. The fact remains that the archivists stationed in Algeria had expressed reservations about the transfer of certain series and that Pierre Boyer went beyond the prescribed instructions by sending even the Press collection of the departmental archives of Algiers!

Common Heritage

In 1981, a new proposition was put forward: the archives are a “Common Heritage”. This concept has been defined in a document of UNESCO as follows:

“In the event that an archival fund or a set of archives results from the activity of an administration whose succession is between the predecessor State and two or more successor States – that is, when it is part of the national heritage of two or more states, but cannot be divided up without its legal, administrative and historical value being destroyed – one will have to resort to the realistic solution which constitutes the concept of Common Heritage. The application of this concept means, on a practical level, that the collection is kept physically intact in one of the countries concerned, where it is considered as an integral part of the national archival heritage with all the responsibilities in terms of security and treatment... grant to the State which shares this common heritage, rights equal to those of the State which has custody of it” (Kecskemeti, Van Laar, p. 1981).

This definition does not identify whether the Predecessor State or the Successor State retains these archives. Nothing prohibits Algeria from keeping these archives. But as they are in France, nothing prevents this country from keeping them. To illustrate the concept of “Common Heritage”, the best example would be, according to Gérard Ermissé and Christine Martinez, the attitude of Poland. These two authors explain that the objective was to reconstruct the Polish memory “from archival sources kept outside the borders of Poland *without any claim*, (our underlining) but on the basis of new technologies being used”. And

further on, “this is precisely what has been refused elsewhere (cf. the example of the French-Algerian dispute)” (Ermissé & Martínez, 2006). Daria Nalcz welcomed the application of this principle in Poland's relations with its neighbours, but she specified:

“After the Second World War, Poland did not play the part of successor state only. As of 1945, it became the successor with respect to the western and northern part of its present territory and the predecessor state –with respect to these parts of its former territory that were taken over by Lithuania, Belarus and Ukraine”³⁵.

Poland has the dual status of Predecessor State and Successor State. The case of the Polish archives is therefore much more complicated than the question of the Algerian archives. The Polish solution could not serve as an example for the solution of the Algerian-French dispute. Moreover, one can believe that G. Ermissé is making a small trial of intent on the Algerian side. The latter has accepted the principle of common heritage on the condition that the archives return to the territory where they were produced. In addition, the division of funds (parceling) is only possible “without its legal, administrative and historical value being destroyed”.

So for the Algerian party, there was no doubt that it was on the part of the French party “not (to) share ownership between the two States concerned, but (to) justify its integral preservation in France, the discussions only having to bear on the access modalities to those archives”. (Badjadja, 2008). The French party prefers maintaining the *de facto* situation it has created. In a statement to a French weekly, the Minister of Foreign Affairs at the time, Mohamed Seddik Benyahia, raised the fundamental problem:

³⁵ Nalcz, D., Stepniak, W., “Legal, Political and professional Aspects of Displaced Archives”, Vienne 15^e Congrès International des Archives: Legal and Political Aspects of The problem of Displaced Archives, 1 / 2 .23-24 août 2004. Au cours de cet atelier sont intervenus outre les deux Polonais, un Russe, Vladimir P. Kozlov et deux Américaines spécialistes de l'Europe de l'Est, Patricia K. Grimsted et Elena S. Danielson.

“The refusal to return our archives to us is equivalent to denying the existence of Algeria before 1962. They are the material record of our history. They are rightfully ours. Here better than elsewhere, they will be classified and studied, and open to all researchers, we are committed to this”³⁶.

The bilateral negotiations stopped there. But the problem remained unsolved with, in addition, the French desire to register those archive funds in the domain of the French State. On 6th March 2009, in Paris, the ‘Direction Générale des Archives nationales et la Direction des Archives de France’ signed an agreement. Of this agreement, we only know the congratulatory press releases from the French Ministry of Foreign Affairs, the French Embassy and the Direction des Archives de France. These press releases already left no room for any ambiguity or equivocation regarding the content of this agreement. From this agreement, we only hear the silence of the “General Direction Générale des Archives nationales” of our country, who might have well and truly accepted to receive the copies and no longer the originals of the archives, as it had been claimed since 1963 by all the successive directors of the national archives until July 2002.

For the French party, the Algerian-French archival dispute, the largest in terms of the amount of archives displaced throughout the 20th century, is closed! Thus, and at very little cost, the French party will have obtained satisfaction. Those of us who refuse to recognize that in fact and in law the National State had well and truly taken over the colonial State, believe that after all, these archives stemmed out of colonization do not concern us, no more than the administration that created them. Could we have stayed in 1962?

Conclusion

The Symbolic Scope and Weight of the Archives

Litigation came along by the end of the War of National Liberation. It is part and parcel of decolonization. Its solution is an act of decolonization, the last one, the one that gives each and everyone the freedom to regain their memory and their history. As Lucien Sfez writes it in *L'Enfer et le Paradis* “Because memory, with its subtle blurrings and abrupt reminiscences, the pieces it keeps at disposal in the archives and

³⁶ *El Moudjahid*, 30 November 1981.

these gestures, forming a kind of reservoir of meaning, is inseparable from a certain freedom. Absent, it deprives peoples of their roots” (Sfez, 1978). Moreover, archiving³⁷ gathers the raw material to construct History as a ‘*system of representation of reality*’ in the words of Robert Steichen. (Steichen, 2009). At the same time, the archivist believes he exists “not only as a curator and organizer but also as an actor..., as a creator of history...”. The archivist manages to see in his work altogether a “victory over death” since he preserves the traces of life, a creation of reality since it is up to him to evaluate what must be sorted out and eliminated and finally a construction of history, which he classifies and communicates certainly not as he pleases (there is a law), but at his own pace.

Have not the few archivists-historians of the colonial period, Gabriel Esquer and Pierre Boyer, been overwhelmed by that feeling? This is what allowed the historians of that period to be convinced they were contributing to the creation of the image of this colony and its new people and to the construction of the History of the colonized man. Keeping the archives in your possession meant keeping the symbols of the greatness of France at home This posture may assist us in gaining insight into the intellectual treatment of archival funds, as well as the French perspective on the Algerian-French archival litigation. Understanding but neither justifying nor accepting the “*fait accompli*”. Thus, the issue of the archives recovered by the French army from the bodies of the *djunud* fallen on the battlefield must be addressed and tackled. One final question: how and why should the documents contained in the bags of Colonels Bougara (1928-1959) and Amirouche (1926-1959) be of any concern to the French State? Spoils of war? This explains the reason why the solution proposed by Denmark in its relations with the successive independences of Iceland, Greenland and the Virgin Islands and that in progress with the Faroe Islands, consisting of a physical sharing of funds, is still not possible. It is only through the reintegration of the Algerian archives that the French party will consider the “War of Algeria” to be over once and for all. This will enable the conflict to be consigned to history in a peaceful manner, and will mark the completion of the national liberation process on our side.

³⁷ The term “archiving” is only ever used very cautiously by archivists. It is in fact and curiously a borrowing from the technical language of computer scientists.

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