



**Not for the public..**

**The working mechanism of  
the Egyptian National Library and Archives**

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## Methodology

This paper reviews and analyzes Law No 356 .of 1954 regulating the work of the Egyptian National Library and Archives) ENLA ,(Law No 472 .of 1979 regarding the preservation of official state documents ,Presidential Decree No 121 .of 1975 regarding the preservation of official documents ,the government archives regulation No 270 .of ,2009 and Law No 183 .of 2018 amending some provisions of Law No 8 .of 2009 regarding the protection of manuscripts.

The paper relied on the International Council on Archives website to access reliable information about the public archives and bylaw No 84 .of 1964 regulating the ENLA's work .On the other hand ,the researcher who prepared this paper visited the ENLA headquarters and conducted interviews with several researchers who dealt with ENLA in order to get acquainted with the problems related to accessing the national archives.

## Executive summary

President Abdel Fattah al-Sisi launched the National Strategy for Human Rights in September last year .The strategy included four axes ,one of which focused on issuing a new law on the circulation of information – which has been awaited for more than a decade .In the meantime ,a new ENLA headquarters was established .Also ,there have been talks about a draft law for ENLA that has more flexibility and regulation with regard to preserving documents and making them accessible .This indicates a growing government interest in ENLA and in the right of citizens to know their history and access historical documents.

In this paper ,we seek to analyze the work of ENLA ,which is one of the most important institutions specialized in preserving historical documents and making them available to the public ,both in terms of the legal organization of the institution or the way it operates on the ground .We look into the consequences of this method of management on the public in general ,and on researchers, journalists and academics in particular.

This comes as part of AFTE's analysis of the legislative steps and interventions supposed to be taken alongside the issuance of a law for the circulation of information in Egypt ,which we started with the" top secret "paper that extensively analyzes most of the laws restricting the circulation of information in the country.

## Introduction

“Following the emergence of the last movement<sup>1</sup> – meaning the Free Officers Movement – the government felt the need for a body that controls guidance, direction and advocacy, and its goal is take over national guidance, combat social defects, and disseminate correct ideas and information at home and abroad.”

(Explanatory memorandum of Law No. 270 of 1952 regarding the establishment of the Ministry of National Guidance)

The explanatory memorandum of the law establishing the Ministry of National Guidance reveals the way the July 1952 state handled the circulation of information - which still continues to the present time. It notes that the goal of establishing the ministry is to control information and all that is published. In confirmation of this policy, Law No. 356 of 1954 establishing ENLA, which in turn was affiliated with the Ministry of National Guidance at that time, is still in force until now.

This raises our question about the state’s view of the right to knowledge in general, and the right to access historical information in particular. We also wonder how history is written in a way that meets the needs and requirements of the public. Moreover, there are questions related to the Egyptian citizens' view of modern history and its facts. The historical documents owned by the state and supposed to be available to the public are an essential factor in answering all these questions.

The Egyptian authorities have attached importance to documents since the twenties of the 19th century, when late ruler of Egypt Mohammed Ali established the so-called “Daftarkhana” (the National Archives) in 1828, which served as a seat for collecting state documents. However, the goal of establishing the Daftarkhana was to collect and preserve the state documents<sup>2</sup> not to make them available to the public.<sup>3</sup>

The Daftarkhana developed into the “Historical Records Department” in Abdeen Palace in 1932, which was established by King Fuad I. Its documents were available to the public at the time. It was established with the aim of polishing the image of the Mohammed Ali family, as most of the documents collected there was about how Mohammed Ali built modern Egypt. A decision was issued later to establish ENLA, which still exists until now, under Law No. 356 of 1954, in conjunction with the establishment of the Free Officers Movement.

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1 Meaning the Free Officers Movement

2 Dr .Emad Abu Ghazi ,National Archives and Access Systems ,2014 ,last visited in February ,2022 link :<http://search.mandumah.com/MyResearch/Home?rurl2%FRecord2%F459442>

3 Yoav di Capua .The gatekeepers of Arab past- Historians and history writings in Twentieth century Egypt .2009 .-Pages 38,39 and40

The role of ENLA is to preserve documents and facilitate the circulation of information about the history of Egypt. But in reality there are administrative and security measures and obstacles that prevent access to information. This paper looks into the impact of these restrictions and obstacles and suggests ways to solve this problem. We have previously published a study entitled "Problems of Access to Documents"<sup>4</sup>, which revealed the failure to collect all official documents at ENLA. Rather, official documents were scattered among various government agencies for several reasons, the most important of which is the division of the state archives between the "National Archives" and ENLA.

Through research and interviews with a number of researchers who dealt - or tried to deal - with ENLA, we noticed that ENLA's administration has more than a level. Each level is different from the other in terms of the method of management, the extent to which documents are allowed to be accessed, and the nature of the documents allowed to be accessed, according to the political context related to the documents.

The case of international arbitration for the restoration of Taba in 1980s prompted the Egyptian authorities to pay due attention to ENLA, as its documents contributed to proving Egypt's sovereignty over area. This was the first turning point in the state's relationship with ENLA, as the procedures for making documents available to the public were complicated. These complications increased after the 30 June 2013 mass protests, which marked the second turning point in the state's relationship with ENLA.

The paper aims to review the legal framework governing the work of ENLA as one of the most important outlets for information circulation in Egypt. It looks into how this framework affects the practices related to facilitating the circulation of information and historical documents, starting with reference to the pre-availability stage related to the organization of archives in Egypt.

Official documents are distributed among a number of government agencies, including the archive preservation departments, the National Archives at Abdeen Palace, the intermediate archives, the Egyptian Survey Authority, which archives detailed maps of Egypt's cities and villages based on aerial and ground surveys, and ENLA.

We also shed light on the problems of the internal organization at ENLA, starting with the vague procedures required to obtain access permits, the fact that some security agencies, such as the General Intelligence Service, control the process of granting these permits, and the ambiguity of indexing documents. We inter-

<sup>4</sup> AFTE", Problems of Access to Documents, 2015 "last visited in December, 2021 link :<file:///C:/Users/Dell/Downloads/D8%A7%D8%B4%D9%83%D8%A7%D9%84%D9%8A%D8%A7%D8%AA20%D8%A7%D9%84%D9%88%D8%B5%D9%88%D9%84%20%D8%A5%D9%84%D9%89%20%D8%A7%D9%84%D9%88%D8%AB%D8%A7%D8%A6%D9%82.pdf>

viewed some researchers and journalists who tried to deal with ENLA in an attempt to understand the institution's working mechanism and how it impacts the journalistic and academic work on the one hand and the public's right to knowledge on the other hand.

## First :How archives are organized in Egypt



"It was noticed that Egypt's national documents are scattered in several places. The original documents of laws and decrees were never sent to the National Archives in Al-Qalaa ,but they remained at the Council of Ministers .Some of the original documents of international agreements and negotiations remained at the Ministry of Foreign Affairs while others remained at the Council of Ministers. Some of Egypt's historical documents since Mohammed Ali's reign were handed to the history department at the presidential palace while others are still scattered over many places and they were not accessible during the reign of the monarchy except through very difficult procedures .The time has come to collect all these documents in one place ,arrange them in a scientific way ,facilitate research and review of them ,publish what is decided to be published ,and disseminate the facts contained in these documents among the public .So ,the law stipulated the establishment of an archive of historical documents and made it affiliated to the Ministry of Guidance in its first article .The archive's task is closely related to that of the ministry ,as it is concerned with disseminating facts

to the public .The archive is a repository of historical facts ,so its natural place is where this law puts".

(Explanatory memorandum of Law No 356 .of 1954 regarding the establishment of ENLA)

Although the explanatory memorandum and the law itself stated that the main goal of the law is to collect the scattered historical documents in order to preserve them and facilitate access to them ,the law contains a number of exceptions that prevent this end .These include the restriction of ENLA's powers in favour of ministries and government agencies ,and the lack of a binding law that obligates these agencies to transfer their documents to ENLA ,thus wasting these documents in the cycle of archiving before reaching ENLA.

### **A. By force of law :broad exceptions prevent government agencies from transferring their confidential documents**

Egypt has a huge amount of laws that restrict the powers of ENLA in favour of ministries and government agencies .These include the law regulating ENLA's work .Article 4<sup>5</sup> of the law allows the agencies and ministries mentioned in the law to keep confidential documents .This leads to the continued scattering of Egypt's historical documents ,especially with the lack of a clear definition of confidential information ,as well as the lack of an information circulation law that is expected to classify information into" secret ,top secret ,prohibited "and sets time periods after which information should be available to the public.

Article 2 of Law 356 of 1954 states" :ENLA shall collect ,preserve and facilitate the study and publication of documents that are considered Egypt's historical material and all related matters in all ages ,without prejudice to the provisions of Law No 215 .of 1951 referred to ".This restricts ENLA's authority to collect documents through the antiquities law .Therefore ,documents related to archaeological discoveries were kept in museums and could not make their way to ENLA<sup>6</sup>.

The exceptions related to the transfer of documents to ENLA also include official documents related to the state's supreme policies or national security .Many laws exclude the transfer of a wide range of information .These include Article 3of the Statistics and Census Law No 35 .of ,1960 which states that individual

5 Article 4 of Law No 396 .of 1956 regulating ENLA is considered the nucleus of ENLA ,which will have the documents deposited in the following bodies (1) :The historical archive departments at the Republican Palace (2) ,The archives centre in Al-Qalaa (3) ,The Cabinet (4) ,The Ministry of Foreign Affairs (5) ,The Ministry of Justice (6) ,The Ministry of Awqaf ,and (7) Al-Azhar .However ,the bodies mentioned in items 3 to 7 may keep documents that they consider to have a confidential nature .The documents kept at the ministries or other agencies ,or with individuals and bodies ,which the Supreme Council considers to have a historical value should be transferred to ENLA.

6 Dr .Emad Abu Ghazi ,National Archives and Access Systems ,2014 ,last visited in February ,2022 link :<http://search.mandumah.com/MyResearch/Home?url2%=FRecord2%F459442>

data related to any census is considered confidential and no individual or public or private body may access it or be informed of it ,nor may it be used for non-statistical purposes or publish what is related to individuals except under written permission from the bodies concerned .This enables the Central Agency for Public Mobilization and Statistics) CAPMAS (to keep these documents ,without handing them over to ENLA.

Law No 121 .of 1975 stipulated in its first article that the President of the Republic has the right to establish a system for preserving official state documents, with the possibility of banning the publication of some of them for a period of up to fifty years .<sup>7</sup>The law was issued after Egypt signed the second disengagement agreement with Israel ,which implicitly ended the state of war between the two countries<sup>8</sup>.

Four years after the issuance of Law No 121 .of ,1975 i.e .in the context of signing the Camp David Accord that faced popular rejection at the national and Arab levels ,Presidential Decree No 472 .of 1979 was issued to develop a system for preserving official state documents and set a method for publishing and using them .<sup>9</sup>The decree maintained the same method with regard to the circulation and dissemination of information .Thus ,the law was further shrouded in ambiguity with regard to the periods of time after which information may be published or circulated .This came amid the lack of a definition of" the state's national security and supreme policies ,"as well as the lack of clarity on the body that deals with appeals.

The Government Archives Regulation No 270 .of 2009 consolidated the separation the July 1952 state established between ENLA and the archives of the current regime which are kept at government agencies and eventually flow into the National Archives .The Government Archives Regulation specified the number of years the archives should remain at government agencies before being transferred to ENLA<sup>10</sup>.

Law No 183 .of 2018 amending the provisions of Law No 8 .of 2009 on the protection of manuscripts stipulated a special treatment of military manuscripts. Article 5 of the law stipulated that manuscripts of a military nature should be kept at the Central Archives of the Military Research Authority for a period of up

7 Article 1 of Law No 121 .of' :1975 The President of the Republic shall ,by a decision ,establish a system for preserving official state documents .This system shall specify the publication method and use of official documents related to the state's supreme policies or national security ,which the constitution or law does not provide for their publication upon issuance or approval .Such a system may include provisions to prohibit the publication of some of these documents for a period not exceeding fifty years if the public interest requires so“.

8 Galal Amin ,What happened to culture in Egypt ,Cairo ,Dar Al-Karma ,2019 ,pp 49 .and50

9 ” Documents and correspondences related to the state's supreme policies or national security shall be considered confidential and may not be published or broadcast in whole or in part ,nor may they be circulated or accessed except by those whose work nature requires so ,unless the constitution or law provides for their publication immediately upon issuance“.

10 AFTE ,Problems of Accessing Documents ,aforementioned reference

to fifty years before being transferred to ENLA<sup>11</sup>.

All these laws show that archives and documents are scattered among various government agencies ,thus preventing them from reaching ENLA for reasons related to the country's national security or supreme policies.

## **B. Lack of specific mechanism for transferring documents from different ministries**

In addition to the wide exceptions stated in various laws regarding the transfer of government documents to ENLA, the cycle of documents is one of the factors that lead to the scattering - or even the loss - of documents among various institutions. These documents are transferred from government departments<sup>12</sup> to the intermediate archives (the National Archives), and finally to ENLA.

Although the transfer of documents is a routine cycle, it represents a major obstacle for these documents to reach ENLA due to the lack of a governing framework, especially in the absence of a specific mechanism for transferring documents from ministries. This leads to the scattering of documents or even their loss, especially during the last stage<sup>13</sup> (the historical archive).

ENLA has no powers over archives in the current and intermediate stages, which therefore leads to the deliberate loss of documents through a number of decisions that restrict ENLA's authority in favour of the government archive departments and the National Archives.

When late President Gamal Abdel Nasser stepped to power, a government archives regulation for accounts, users, and pensions was issued under the system of archive departments in 1954. The regulation provided for the establishment of permanent archive committees and bylaws in all ministries. It allowed the ministries to keep current documents for certain periods - one year in most cases - after which the documents would be transferred to the archive departments at various government institutions. In 2009, the regulation was developed to give the Minister of Finance the right to determine the time periods for keeping documents and records at government archive departments before being moved to ENLA.<sup>14</sup>

In 2021, a dispute arose between CAPMAS and ENLA after the former destroyed

11 Meaning ENLA

12 AFTE ,Problems of Accessing Documents ,aforementioned reference

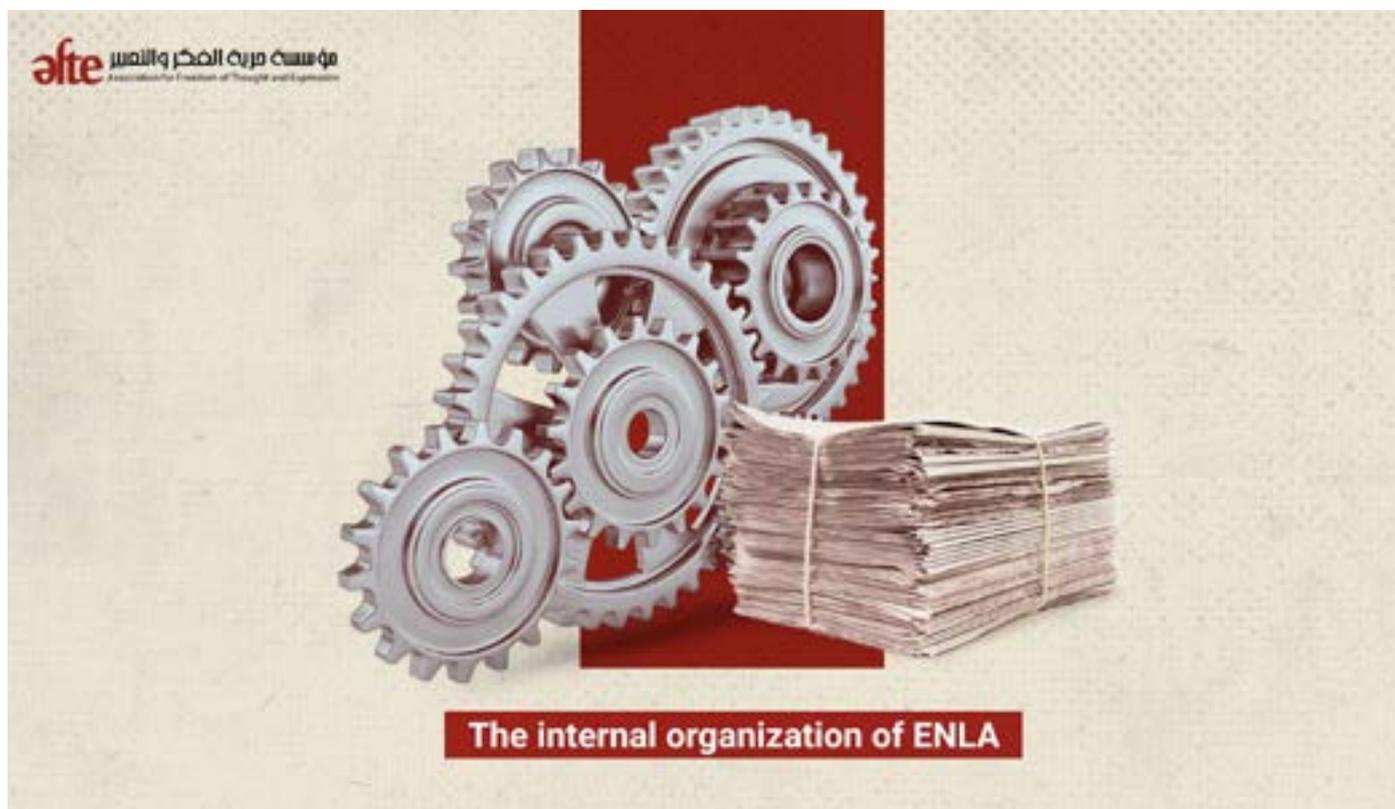
13 Support for Information Technology Center" ,National Archives ...Their Organization and Working Mechanisms ,2015 ,"last visited in February ,2022 link :[file:///C:/Users/Dell/Downloads/national-archive\\_study.pdf](file:///C:/Users/Dell/Downloads/national-archive_study.pdf)

14 See attachments) List of government archives(

the population census forms<sup>15</sup>. CAPMAS should have sought the advice of ENLA's Supreme Council before that move, according to Article 11 of Law No. 356 of 1954. The State Council's Fatwa and Legislation Committee opined that CAPMAS had the right to destroy these forms under the Statistics and Census Law No. 35 of 1960. This proves the weakness of ENLA's authority versus most ministries and government agencies.

A female worker at one of the ministries told us during an interview that the ministry had a department that stored the ministry's historical documents and did not transfer them to ENLA despite the documents have been stored there for longer than the prescribed periods.<sup>16</sup>

## Second :The internal organization of ENLA



In this part ,the paper deals with the definition of ENLA ,its working mechanism, the way it serves the public ,the shortcomings in access to information ,and related legal and implementation problems ,as follows:

### A. The formation of ENLA's Supreme Council

Article 3 of Law No 356 .of 1954 stipulates the roles of ENLA's Supreme Council ,which include" setting conditions of access to documents and taking copies

<sup>15</sup> Al-Shorouk website" ,Destruction of population census forms triggers crisis between CAPMAS and ENLA " ,June ,2021 last visited in February ,2022 link :<https://www.shorouknews.com/news/view.aspx?cdate&14072021=id780=a47a1-f8d6-4a09-b19d8516-ed4bd2ac>

<sup>16</sup> Interview ,November ,2021 Cairo ,Egypt

thereof.<sup>17</sup>“However ,practices on the ground are different .It is not clear which agency gives access permits .Applicants should submit their access requests to ENLA’s staff ,but the requests go to security agencies ,according to researchers who dealt with ENLA .These security agencies control the process of granting access permits .They conduct illegal investigations about the applicants and the subject of their research.

There is no document that can be put forward as to why security agencies have control within ENLA ,but we have what can be considered a turning point in ENLA’s administration .A historian who dealt with ENLA at different times told us that the Egyptian security authorities started to attach importance to ENLA during the border dispute with Israel over Taba ,which Egypt restored through a committee headed by historian Younan Labib Rizk at the time .The committee got documents from the National Archives and ENLA that proved the presence of an Egyptian police station in Taba ,thus proving Egypt’s sovereignty over the area .Since then ,the authorities have paid attention to such documents and surround them with a fence of confidentiality<sup>18</sup>.

## B. The ambiguous access procedures

The ambiguity of the criteria adopted for issuing access permits is one of the obstacles to access to information at ENLA .Article 9 of Law No 356 .of1954<sup>19</sup> provides for permission to take photocopies or written copies and to access documents .However ,it does not set specific criteria for accepting or rejecting access or a specific category that can access documents .This ,therefore ,grants discretionary powers to ENLA’s staff to reject access requests without any responsibility .We noticed ,through our interviews with researchers who dealt with ENLA ,that permits are limited to researchers only ,which means that citizens who are not specialized in research are denied access to the national archives. This clearly contradicts the law ,which states that ENLA is an institution that

17 ENLA shall have a Supreme Council to deal with all matters it undertakes ,especially the following:

1. Determine which documents are of historical value
2. Report transferring documents to ENLA
3. Set rules for preserving documents
4. Identify the documents to be published and the method of publication
5. Set conditions of access to documents and taking copies thereof ,provided that a decision shall be issued by the Minister of National Guidance in that regard
6. Give an opinion on destroying the documents of each ministry
7. Set internal regulations for ENLA’s workflow ,provided that a decision shall be issued by the Minister of National Guidance in that regard

The Minister of National Guidance shall issue a decision indicating the formation of this Council ,the dates of its convening ,the validity of its sessions ,the manner in which its decisions are issued and implemented ,the system of work thereof ,the competencies of its chairman ,secretary and the remuneration of its members.

18 Telephone conversation with an Egyptian historian ,November ,2021 Cairo ,Egypt

19 ” It is permissible to take photocopies or written copies of the documents deposited at ENLA ,in accordance with the rules determined by the Supreme Council and issued under a decision by the Minister of National Guidance .Normal decided fees shall be paid for issuing copies of official documents unless special fees are prescribed in accordance with laws in force in the bodies from which the document was transferred. Fees may be increased to no more than two times – and fees may be reduced and lifted in accordance with rules prescribed by a decision issued by the Minister of National Guidance based on a proposal made by the Supreme Council“.

provides its services to citizens in general ,regardless of being researchers or not.

Regarding procedures for obtaining access permits ,a researcher who dealt with ENLA said applicants should fill in a form and obtain a letter from the research authority - the university in most cases .This means that the public in general does not have the right to enter ENLA” .Those who want to read about the history of their families ,as well as amateurs ,are not allowed access “,the researcher said<sup>20</sup>.

There have been developments on the theoretical level ,through Prime Minister Decree No 4248 .of 1998 regarding facilitating access to public services ,which resulted in the service delivery form that was jointly developed by the Central Agency for Organization and Administration and the Ministry of Culture .<sup>21</sup>However ,these developments remained just ink on paper ,without any improvement in performance on the ground .Researchers who dealt with ENLA at different times unanimously agreed that the procedures required to access documents at ENLA were complicated .As we mentioned in the first part of the paper ,the methods of managing ENLA have changed since the1980 s ,with security measures having been intensified following the 3 July 2013 events .Researchers were required to fill out a simple form ,but later they were required to submit an outline of the whole research.

The absence of specific criteria for approval of access permits is one of the consequences of the security authorities 'control of ENLA .Acceptance of applications varies according to the time they are submitted or the applicants themselves .The process lacks any objective criteria .The security authorities act as the protector and owner of documents ,thus shutting ENLA’s door in the face of the public and researchers alike.

### **C. The duration of time expected for obtaining access permits**

Despite the fact that the ENLA’s access form stipulates a month to respond to requests for access ,the time ENLA takes to respond is one of the most common problems the researchers face .ENLA is not committed to a specific period of time to respond to requests ,thus driving researchers away from dealing with it and leading them to look for other sources instead .There is also no way to complain in the event ENLA does not respond to requests ,thus sparing its administration the responsibility for ignoring the requests.

20 Telephone conversation with a historian and academic who declined to be named ,December ,2021 Cairo ,Egypt

21 See Attachment No (3) .of the application form for obtaining a photocopy of the documents kept at ENLA

## D. The ambiguity of indexing and classification

In addition to the ambiguity of the law ,the lack of an efficient archival system and the security authorities 'control over ENLA are key reasons for restricting access .A researcher who dealt with ENLA noted the absence of indexing of all documents ,saying only the headers of the topics are indexed ,thus making it difficult to censor all these documents.

This leads ENLA to shut its door in the face of researchers for fear that they would access documents that might harm national security .ENLA has a number of caveats ,such as the army ,the borders ,the Nile ,sexuality ,sectarian strife, Copts ,Jews ,women ,and the Muslim Brotherhood .This has been known through experience ,practice ,and dealing with ENLA<sup>22</sup>.

Researchers face another problem related to the archival units required in their research .At a time when there is no inventory of these units ,they are required to mention them in order to obtain access permits .A researcher said to us” :We must specify the archival units that we will rely on in our research ,but these units are not announced ,and there is no inventory or list of them .This is an obstacle .When an access permit is issued ,it is restricted to specific units ,and if my research requires access to documents in other units ,they deny me access and ask me to submit a new application “.Hence ,researchers face further obstacles and have to wait until another permit is issued.

It is necessary to appoint experts in the science of documents and archiving, and to establish a system for archiving documents at ENLA so that visitors and even workers can access the required documents more smoothly.

## Conclusion and recommendations

There are some problems with ENLA's work ,mainly related to how the archive is collected and delivered to ENLA so it makes it available in the first place .In addition ,there are legal problems related to ENLA's weak authority ,given the huge number of laws pertaining to ministries and government agencies and presidential decrees that restrict ENLA's eligibility to collect and manage documents and make them available .There are also bureaucratic problems related to the weak awareness of employees of the importance of the documents they have ,and the loss of a number of documents in the course of archiving cycle.

On the other hand ,there are several problems with ENLA's internal organization. These include the security agencies 'control over ENLA's management ,which contradicts the law that states that ENLA should be managed by a higher council composed of experts and technicians .This affects the process of granting

22 Interview with a historian and academic who dealt with ENLA from the 1980s until recent years ,Cairo ,Egypt

permits to access documents .Moreover ,there is no efficient archival system that allows researchers to access what they need .AFTE stresses the importance of implementing the following recommendations:

1. The government should apply Article 11 of Law No 356 .of ,1954 which stipulates the eligibility of ENLA's Supreme Council to review the documents expected to be destroyed by government institutions ,agencies, and ministries.
2. The House of Representatives and the Senate should amend Law No. 356of ,1954 by introducing new texts that specify the procedures required to obtain access permits ,as well as the expected period of time for obtaining the permit ,provided that this should be a procedural matter for preparing the required documents ,without expanding the rejection of access permits.
3. The government should launch a number of training programs for employees of government agencies on the importance of documents and how to deal with them.
4. The government should appoint archive experts at each government institution to archive and classify its documents periodically, so that they can move more smoothly to the next stage of archiving.
5. ENLA should appoint experts and technicians specialized in the science of libraries and documents. It should also develop a system for indexing and classifying documents in a way that helps both citizens and staff access the documents they need.
6. The House of Representatives and the Senate should pass the law on circulation of information and make the required amendments to laws that conflict with it.
7. ENLA should interact with the government's plan for digital transformation, by digitizing the national archive and developing a digital access system.