

The Absence of a National Archives and Legislation: The Vacuum of Records and Archives Management in Kuwait

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ABSTRACT

This case study discusses the absence of a national archives and archives legislation in Kuwait and the shortcomings of Kuwait's Archives Regulation, introduced in 1971 to manage the government's records and archives. Since then, there has been a series of ineffective efforts and little support by the government to establish a national archives and to enact proper archives legislation. As a result, no comprehensive framework exists to govern records and archives management nor does a national repository for preserving and providing access to archives. The author conducted several semistructured interviews with ministry employees and relied on local newspaper articles that indicate a vacuum in managing records and archives across government ministries. The study explains the failures of the Kuwaiti government's efforts and calls for the establishment of a national archives and the enactment of archives legislation. It argues that the most effective approach to establishing a national archives in Kuwait is for the government to amend the constitution and for the amir (ruler) to issue a decree emphasizing the pivotal role of a national archives in ensuring government accountability, legitimacy, and credibility. The national archives would standardize procedures and guidelines and oversee records and archives management. These governmental actions have proven successful in other Gulf countries that have established national archives. The study also calls for the introduction of records management and archival studies programs in Kuwait's academic institutions to train records managers and archivists to oversee government ministries' records and for future staffing of the national archives.

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KEY WORDS

Archival education, Archives legislation, Archives regulation, Kuwait, National archives, Records management

The foundation of sound records management and archival work is based upon a well-established and managed national archives, and proper legislation and regulations that require government institutions to implement and adhere to measures for access to and preservation of archival records. A records management program is a way for the government to standardize and set up general administrative principles for the creation, maintenance, access, use, and proper disposal of the records during their life cycle.¹ Governments with a well-developed records management program are more successful at preserving and maintaining their records. "The enactment and implementation of comprehensive, up-to-date records and archives legislation is a critical prerequisite for the establishment of an effective, integrated system for managing records and archives throughout their life cycle."² A robust archives and records management program that addresses records throughout their life cycle, in turn, results in successful civil service reform.³

Governments typically establish national archives through legislation and regulations, designating adequate physical space, and appointing qualified professional staff. The International Council on Archives (ICA) assumes the mission of every national archives is "to ensure the creation, identification and preservation of authentic, reliable and usable records of enduring value, and make them accessible to the largest possible extent according to the interests of the country and its citizens."⁴ Thus, a national archives is a crucial part of any government's national heritage and collective memory and is critically important to records management.

In the Arabian (Persian) Gulf, countries are establishing national archives, adding to the richness of their national heritage, and mirroring the roles and responsibilities of the West in records and archives management. Many countries in the West have long-established national archives.⁵ However, in the Arabian Gulf region, the existence of national archives is recent compared to other Arab countries.⁶ Recently, four Gulf countries established national archives: the National Archives of the United Arab Emirates (UAE) in 1968,⁷ the National Center for Archives and Records of the Kingdom of Saudi Arabia in 1989,⁸ the National Records and Archives Authority of Oman in 2007,⁹ and the National Archives of the Kingdom of Bahrain in 2015.¹⁰ The growing number of established national archives in the Gulf attests to the fundamental need for the role of national archives in government and a growing sense of national identity in the region. Yet, there are still Gulf countries that lack national archives and do not enjoy the benefits of a rich and robust records and archives management program.

Governments with a poor records and archives management program fail to provide the resources needed for effective decisions, accountability, and other financial and legal government services.¹¹ A national archives is authorized to oversee and formally inspect government records to ensure they adhere to the laws passed for their management. Archives legislation creates a comprehensive framework for managing records and archives, including a file plan and a records retention schedule.

Also, legislation authorizes and sets forth a records classification system for easy access and standardizes the preservation of records that ensures their survival and accessibility. A national archives can increase formal training and staffing, which is crucial for the proper handling of records in a government.¹² All of these roles and responsibilities are clearly absent in Kuwait because there is no national archival institution nor any official archives legislation.

Historically, the British and other European countries were present in the Gulf region from the sixteenth century to the twentieth. Their resulting influence in Kuwait and other Gulf countries has impacted how historical records of the Gulf region were created. In fact, most of Kuwait's history is written from the archival records found in these European countries and are now held in their own respective archival institutions. Kuwaiti historians would travel to Europe in search of Kuwaiti archives, make copies and retain these copies in their own archives.

After Kuwait established its independence from the British in 1961, the first attempt to manage its records and archives came in 1971. The Archives Regulation of 1971 was issued by the Ministry of Finance and Oil pursuant to Ministerial Decision no. 27 and published in the *Official Gazette* of the government of Kuwait. In 2001, the Ministry of Finance¹³ reviewed the Archives Regulation, released an update in *The Circular no. 7*, and sent it to all governmental ministries and departments. The Archives Regulation was initially intended to be implemented in all institutions, ministries, government departments, and any independent and attached budget departments.¹⁴ However, the ministry failed to oversee and control the management of records and archives throughout their life cycle and across all government ministries because the ministry lacked the authoritative power to enforce the Archives Regulation, thus creating a vacuum for the management of archival records.

The importance of Kuwait's national identity as a sovereign Gulf nation came under attack during the First Gulf War, when Iraq invaded Kuwait in 1990 and stole most of Kuwait's artifacts and archives. Kuwait did not have a centralized repository of its archives at the time and was unable to determine what was stolen during the war.¹⁵ This resulted in the government's initiative to create the Center for Research and Studies on Kuwait (hereafter, referred to as the center) in 1992 as an attempt to document Kuwait's history and sovereignty by collecting information resources as a way to prove its independence. In 1998, the Council of Ministers issued Decision no. 596 requesting various government agencies to coordinate with the center to transfer their records to contribute to the history of Kuwait and to serve Kuwait's desired role of maintaining its sovereignty.¹⁶ However, though born of necessity, this initiative failed to establish a national archives and enact archives legislation that includes all the assumed roles and responsibilities of such a repository. These failed efforts resulted in a decentralized system in which each ministry manages its own records and archives.

Eric Ketelaar describes records and archives management as either centralized or noncentralized.¹⁷ Kuwait can be categorized as a noncentralized country, and its ministries do not necessarily follow the Archives Regulation, which is quite limited and poorly executed.¹⁸ The decentralized system and the absence of a national archives and legislation have greatly affected the provision of trained and qualified archivists and records managers across Kuwaiti ministries. This also resulted in a lack of public access for researchers and Kuwaiti citizens interested in accessing archival records.

A centralized system for managing records and archives, as described by Ketelaar, is best achieved through a national archives. Hence, there is an urgent need to establish a national archives in Kuwait, create legislation that sets forth the necessary laws and regulations, and introduce archival studies programs to train future records managers and archivists. These goals can be achieved through two powerful government actions: amending the constitution and the issuing of an Amiri Decree by the ruler declaring the official establishment of the national archives and the enactment of archives legislation.

Literature Review

This study argues that, in Kuwait, the Archives Regulation that passed in 1971 and was updated in 2001 is insufficient and is contributing to the vacuum of records and archives management. Current literature reviewed for this study 1) shows the importance of establishing a national archives and enacting archives legislation; 2) explains how archives legislation is arguably stronger than archives regulations; and 3) validates the need for records and archives education programs throughout academic institutions that will result in the proper staffing and the oversight of ministries' records and archives units and centers, as well as the national archives.

THE ROLE NATIONAL ARCHIVES PLAY IN NATIONAL IDENTITY

The history and culture of a nation is preserved through its artifacts, cultural sites, and most important, its archival records. The preservation of archival records reinforces a sense of power, national identity, and sovereignty. Michael Roper and Laura Millar highlight the importance of records management stating: "A programme for the proper management of archives—maintaining their integrity, guaranteeing their safety and thereby providing state, society and citizens with an historical perspective—is the duty of a civilised state."¹⁹ Any nation that seeks legitimacy and sovereignty has the responsibility to preserve its history and archives. Joan Schwartz and Terry Cook emphasize that "Archives—as records—wield the power over the shape and direction of historical scholarship, collective memory, and

national identity, over how we know ourselves as individuals, groups and societies.”²⁰ There is intrinsic value in preserving records, and access to these records over time builds a long-lasting history and shapes social culture. A nation’s heritage can be found in the archival records, and the records make up the building blocks of its collective memory. They lend evidence to its history and define its national identity.²¹ This is made possible through a national archives that actively preserves and maintains documentary heritage.

The national archives functions as an integral part of government and lends power and efficacy to its laws and regulations. The historian and archivist Waldo Gifford Leland, president of the Society of American Archivists (SAA) from 1939 to 1941, specifically wrote about the importance of a national archives and its role in government, stating, “The chief monument of the history of a nation is its archives, the preservation of which is recognized in all civilized countries as a natural and proper function of government.”²² Schwartz and Cook assert that institutional national archives “wield power over the administrative, legal, and fiscal accountability of governments, corporations, and individuals, and engage in powerful public policy debates around the right to know, freedom of information, protection of privacy, copyright and intellectual property, and protocols for electronic commerce.”²³ Hence, a national archives provides a country with a strong sense of identity, supports its history, and shapes its laws through its records.

Countries that lack a national archives lose a sense of identity and history, and their governments potentially struggle with making appropriate decisions in a timely manner. Randall C. Jimerson, president of SAA from 2004 to 2005, writes about the significant influence of archives, asserting: “The archives is a place of knowledge, memory, nourishment, and power. Archives at once protect and preserve records; legitimize and sanctify certain documents while negating and destroying others.”²⁴ Leland, Schwartz and Cook, and Jimerson all support the argument for a national archives and describe how it shapes a government’s function and history, establishing it as critical to national heritage and culture.

Archival records play a crucial role in serving the public’s interests. Jimerson supports this argument by stating, “Archives and records have contributed to the public interests in four ways: 1) by holding political and social leaders accountable for their actions; 2) by resisting political pressure in order to support open government; 3) by redressing social injustice; and 4) by documenting underrepresented social groups and fostering ethnic and community identities.”²⁵ The national archives is a strong foundation for a transparent and accountable government that protects and preserves its records and allows easy accessibility to its citizens. Dagmar Parer adds to this argument, stating, “No government can operate without records, because they document its actions. Additionally, government and civil servants must account for their actions to the citizens.”²⁶ A key role of national archives is government accountability. Parer continues, “Governments use legislation to ensure

that its records and archives are appropriately managed and preserved over time for accountability and historical reasons.”²⁷ Proper records management sets the foundation for plans for the nation, holds governments accountable, and protects a nation’s citizens and land.²⁸ This is typically achieved by implementing comprehensive archives legislation.

ARCHIVES REGULATIONS VERSUS ARCHIVES LEGISLATION

This study argues that archives legislation is stronger than archives regulations because legislation establishes the laws and authorizes the implementation of such laws, whereas regulations lack the authoritative power to enforce the law. Ketelaar notes there are distinct differences between the two, stating, “Legislation is the product of the highest legislative authority of a nation. . . , in a form appropriate to the constitution. Regulations may be regarded as embracing all measures concerned with the enforcement of legislation . . . , those enactments established by the legislature. . . . Regulations, however, may be enacted by an administrative authority with regulatory powers.”²⁹ Archival legislation falls under the legislative authority of a country (or nation, ministry, state) and is written into the constitution. An example is the neighboring Kingdom of Bahrain, which amended its constitution to include archival legislation that is enforced by a National Archives.³⁰ Regulations can be viewed as addressing all measures that deal with the enforcement of legislation that is enacted by an administrative authority with regulatory powers but not necessarily embedded into the constitution.³¹

The ICA further clarifies how legislation is better suited to archival programs: “Archives and records legislation establishes the legal and administrative base that allocates functions, power and responsibilities among accountable bodies within the country, and expresses the rights and expectations of citizens with respect to recorded information and documentary heritage.”³² Archival legislation establishes the authority to create laws that enforce the management, preservation, and access of archives that ultimately determine a nation’s archival heritage and identity.³³ This results in government transparency and accountability and builds a better relationship between the government and its citizens.

THE ROLE OF ARCHIVAL EDUCATION AND TRAINING IN THE IMPLEMENTATION OF ARCHIVES LEGISLATION

As mentioned earlier, a national archives is a crucial part of the government that oversees the enactment of archives legislation. One of its roles involves developing and enforcing a standardized workflow to manage the records throughout their life cycle. It will also provide for the staffing and training of records managers and

archivists throughout the government's ministries and departments. The ICA issues guidelines for proper legislation on staffing and states, "To ensure quality management of archives and records, the recruitment, training, promotion and the professional qualifications of middle and senior archivists, and the classification of records staff both in the National Archives and working in government agencies should be addressed in specified regulations or staffing standards."³⁴ The national archives must employ qualified professional archivists and staff to ensure the proper enforcement of records management. Again, the ICA emphasizes this necessity, stating, "The mandate of the National Archivist should include not only areas of acquisition, preservation, access and use of archival records but also the creation and maintenance of adequate, accurate and usable records in agencies covered by the archives legislation."³⁵ Proper archival legislation is most effective when it is supported by the authoritative powers of the constitution.³⁶ The historical significance of the French Revolution set a precedent for the importance of public access to the records to prevent government corruption and a false interpretation of the past to hold onto power.³⁷ This still holds true and is supported by Jimerson, who states, "The necessity of professional archival control over records becomes especially clear when considering the importance of public access to governmental records."³⁸ Archivists prepare the records and enable citizens to publicly access the records and keep their government accountable.

A great demand exists for knowledge about a country's history and culture, and that knowledge can be found in its archival records. Archives hold an immense potential for shaping and deepening a nation's perception of its heritage and place in the global context. James B. Rhoads highlights this importance by writing, "The archives, if effectively exploited as an educational and cultural resource, can be invaluable in the process of developing a sense of national identity, and in fostering a people's understanding of itself and its relationship to the rest of the world."³⁹ A country develops its sense of national identity through the education and cultural resources made available to its citizens. Archives are a key part of cultural heritage, and they also protect the rights and interests of all citizens through government transparency and accountability. Jimerson expands on this by explaining, "These dual responsibilities give archivists significant power, not only over questions of recordkeeping in today's society but for future generations. Such power carries an obligation to employ it for positive purposes, as archivists search for a role to play for the benefit of all people in society."⁴⁰ Thus, there are multiple reasons for creating strong, well-established archival studies programs in academic institutions—not only for the future of staffing and managing the national archives—but also for refining a country's identity and strengthening the culture of its people.

I have discovered no academic studies that deal with archives legislation and the laws that exist in Kuwait. However, I wrote my master's thesis on the state of Kuwait's archives before and after the Gulf War and the consequent successes and

failures of Kuwait to regain its archives from Iraq. I understand the need to raise awareness of the importance of preserving and accessing the archives through the establishment of a national archives and the enactment of proper archives legislation. Additionally, I discuss the shortage of archival education programs in Kuwait's academic institutions necessary to provide the staffing and resources to gather, preserve, and organize a national archives, legitimizing the cultural and national identity of Kuwait and the important roles archivists play in how archives are preserved and accessed throughout their life cycles.⁴¹

Methodology

I collected data by reviewing the Constitution of Kuwait (1963) with the intention of locating articles stipulating the management of the state's records and information. Data were also gathered through a rigorous internet search on any specific government document related to records and archives legislation and regulations in Kuwait. The search revealed the Archives Regulation of 1971 and 2001 by the Ministry of Finance. After perusing the Archives Regulation, I scheduled a semistructured interview with the government official in charge of this Regulation to discuss how ministry-related issues regarding Archives Regulation are conducted. I also interviewed other government employees in person and by phone within the Ministry of Finance for greater context and clarification and visited the offices where the records and archives are housed to see how they are managed. I followed up by interviewing employees of the Ministry of Health, the Ministry of Education, the Ministry of Communications, and the Ministry of Public Works to see whether they were aware of the Archives Regulation enacted by the Ministry of Finance and enforced for all ministries. Another finding in the internet search was a local newspaper article that discusses the poor records and archives management in Kuwait's ministries and governmental departments.

Findings

KUWAIT'S FIRST ATTEMPT AT ARCHIVES REGULATION

Kuwait, as an independent sheikhdom, began in 1752.⁴² In the nineteenth century, the sheikhdom was pressured to join the Ottoman Empire, so the Kuwaiti ruler at the time sought the protection of the British government, which offered Kuwait protection in 1899 through treaties and agreements. Kuwait remained a British protectorate until the Kuwaiti ruler sought the end of British protection in 1961, thus establishing Kuwait as a sovereign nation.⁴³

While under the British protectorate, however, many documents and much correspondence were created to record British transactions in Kuwait, and the

British set up trading posts and mail offices for keeping these records in Kuwait and throughout the Gulf region. The British set up the India Office in London and transferred the records created, received, and sent in the Gulf region. They are currently preserved in their cultural heritage institutions, namely, the British Library and The National Archives (TNA). Many of these archival records describe the day-to-day transactions with the Gulf and its rulers and “include the dispositive (e.g., contracts, agreements) and probative (e.g., minutes, registrations, ledgers) bureaucratic and diplomatic records that involve one or more entities or parties (e.g., a British and Gulf official) in their creation.”⁴⁴ The archives also include the history of Kuwait, its rulers, significant places, and the everyday lives of its people. Kuwait was a British protectorate and not officially a colony, so I coined the term *transactional archives* to describe the nature and status of these archives, and it encompasses both the reason why the British were documenting and retaining records about the Gulf region and defines their transnational, noncolonial relationship.⁴⁵

A decade after Kuwait's independence from the British, the government recognized the need for implementing a unified program for managing and preserving records created and received by government ministries and departments, so Kuwait first attempted to manage its records through the passage of the Archives Regulation in 1971 by the Ministry of Finance and Oil. The regulation includes ways in which archives are cataloged, classified, and coded, as well as a retention schedule for specific records of ministry-based areas such as salaries, international treaties, contracts, and other ministry-related records on finance. The intentions of the Archives Regulation were to 1) ensure the preservation of all types of records; 2) arrange, maintain, and regulate their circulation; 3) set a predetermined duration of preservation in various entities; 4) facilitate efficient access to refer to them upon request; and 5) provide proper storage and retrieval of archives that are easy to access by authorized users.⁴⁶ Although the Ministry of Finance and Oil acknowledged the importance of the management of the government's archival records, no serious government actions were taken to enforce the Archives Regulation, nor was it executed in a systematic manner across all ministries.⁴⁷ This attempt at records and archives management failed to provide a standardized guideline for all ministries and departments to collect and preserve their records in a centralized repository.

THE FIRST GULF WAR AND ITS INFLUENCE ON CREATING THE CENTER FOR RESEARCH AND STUDIES ON KUWAIT

During the First Gulf War of 1990, the Iraqi military looted most archives and artifacts from Kuwait's government ministries. It is still unknown whether Iraq returned all the archives to Kuwait.⁴⁸ As a result, the Kuwaiti government started an initiative to collect and preserve its information sources, including archival records. In 1992, His Highness Sheikh Jaber Al-Ahmad Al Jaber Al-Sabah issued Decree

no. 178 to create the Center for Research and Studies on Kuwait. The goal was to define Kuwait as a nation with a sovereign identity separate from Iraq through the collection and preservation of information sources on Kuwait's history.⁴⁹ The decree dictates four main roles of the center: 1) a research center on Kuwait's history with ties to cultural, economic, social, and cultural affairs within the region; 2) a library with a collection of published materials of Kuwait in all languages; 3) a repository for documents and publications on the Iraqi invasion of Kuwait; and 4) a multimedia outlet to raise awareness of publications on Kuwait.⁵⁰ In 1998, the Council of Ministers issued Ministerial Decision no. 596 that dictates that government ministries transfer their archival records to the center.⁵¹ However, the center does not have the authoritative power over the ministries and cannot order them to hand over government archives. The transfer is currently voluntary, an option for ministries that need a place for storage or that want to preserve their archives outside of their ministries. My interviews with government employees from five ministries revealed that they are unaware of this option.⁵² In this case, the current regulation of Kuwait's archives falls under the jurisdiction of the Ministry of Finance that issued and circulated the Archives Regulation to all government ministries. However, the head of the Ministry of Finance does not have the authoritative power to implement it over other ministries and thus cannot enforce the transfer of records to the center. This raises an even more urgent need for a national archives that is under the jurisdiction of a new ministry and has the capability to oversee all aspects of Kuwait's records and archives and to ensure the coordination, preservation, and management of all the records and archives throughout all levels of government.

Unlike the center, a national archives has the legislative authority to 1) "inspect, replevin, recover and instruct protection of public records;"⁵³ 2) make policies for archives and records management throughout their life cycle;⁵⁴ and 3) implement legislation that stipulates that "no public records should be transferred, migrated, altered, deleted or distorted without the consent of the National Archives."⁵⁵ Although the decision designates the center to take over projects to register and collect archives from all institutions and ministries, no legislation enforces the implementation and execution of this decision across all levels of government ministries and departments, so each ministry handles its records in its own way.⁵⁶

Transactional archives from the time of the British presence in Kuwait are now housed in the United Kingdom. However, it is unknown if the Kuwaiti government is actively seeking to create partnerships with UK-based cultural heritage institutions to repatriate or digitally share these archives. Conversely, some Gulf countries—the United Arab Emirates (UAE) and Qatar—are currently benefiting from their established partnerships with the United Kingdom and began digitally sharing British archival records pertaining to the Gulf. More specifically, the National Archives of the UAE took further action to set up a partnership with TNA of Britain

to digitally share archival records pertaining to the Gulf and the UAE's history, culture, and national heritage through its archives.⁵⁷

Like the UAE, a national archives in Kuwait would essentially guarantee a centralized location to house and standardize the management and preservation of Kuwait's archival records. Roper and Millar so demonstrate: "The National Archives is the permanent home for government records with enduring value, . . . the authenticity and security of the records and of the information which they contain is respected, records of no continuing utility are destroyed in a timely but controlled fashion and valuable records are secured and preserved for posterity."⁵⁸ Thus, the establishment of a national archives in Kuwait would reduce or eliminate the decentralized and uncoordinated efforts currently taking place by untrained ministry employees and shift the authority to archivists who will oversee each ministry's records and archives in a standardized and centralized manner, which corrects the shortcomings of the three government attempts.

KUWAIT'S LATEST EFFORTS IN UPDATING ARCHIVES REGULATION

An updated version of the Archives Regulation of 1971 was circulated in 2001 by the Ministry of Finance to all governmental ministries and departments. This update was intended to include recent developments and modern information technologies.⁵⁹ However, my interviews reveal that many ministries' employees were not made aware of or trained on the new updates and do not implement them when managing records and archives.⁶⁰

During the course of the interviews, I asked five ministry employees for help to find the appropriate ministry official tasked with enforcing the implementation of the Archives Regulation. After several visits and follow-up phone calls, I was able to conduct an interview with the employee in charge of the Archives Regulation at the Ministry of Finance. My main questions were 1) Who prepared the Archives Regulation at the Ministry of Finance? 2) Who has the authority to implement the Archives Regulation? and 3) How are you able to implement the Archives Regulation across other ministries and departments?

According to the Ministry of Finance official, the Archives Regulation was prepared by the Storage Section of the General Storage Affairs Department within the Ministry of Finance, but it does not have the judicial power to implement it in other ministries. One shortfall of the Archives Regulation is that it mainly focuses on managing and preserving records concerning administrative and financial issues. Another problem is that Ministry of Finance employees are not trained in archives. They are unfamiliar with the articles and appendixes within the Archives Regulation and do not adhere to the records retention schedule stipulated by its articles.

This raised more questions during the interview with the ministry official: 1) Is the Storage Section of the General Storage Affairs Department the appropriate

entity to prepare and handle the Archives Regulation? 2) Does the department have the capability to train staff and provide proper staffing to manage records and archives of all the ministries? 3) What is the current process for coordinating and transferring government records and archives to the Center for Research and Studies on Kuwait? 4) Is the ministry official familiar with Appendix 6 of the Archives Regulation, which stipulates coordination with the entity responsible for transferring and preserving records with enduring value? and 5) Is the ministry official familiar with where other ministries store their records and archives?

The ministry official was unaware of the details of the Archives Regulation, specifically Appendix 6, which states the stipulations governing the coordination and transfer of government records and archives. She was also unaware of how the Archives Regulation is enforced and carried out in other ministries. She disclosed that the department is not responsible for overseeing the records and archives management of the ministries, nor does she see the Ministry of Finance as responsible either. Unfortunately, this indicates why Kuwait does not have a centralized and well-managed archival repository. Thus, the current Regulation shows no executive legislation, which is needed, and the Regulation that *was* issued did not create archival entities that designated their specializations, which negatively impacted the management of government records throughout their life cycle.

Governments need to regularly access records for several reasons. As Rhoads notes, "Any government, or agency thereof, will have a frequent need to refer to records it has created in the past—to verify past decisions and continuing obligations, to determine precedents, to conduct ongoing research operations, and for a host of other legal, administrative, political and diplomatic reasons."⁶¹ Currently, the Kuwaiti government has no way to keep itself accountable and thus may repeat past mistakes. This is further evidenced in a newspaper article released regarding the mismanagement of records and archives in Kuwaiti ministries.

In his article, "The Unspoken File," Hamza Alayan, a columnist for *Al-Jarida Newspaper*, provides support for the lack of awareness and implementation of the Archives Regulation by ministries' employees. He investigated the existence of a law that regulates and/or determines how to collect government records and asks if there is a retention schedule that should be adhered to before destroying any record. He discovered that no widely implemented regulations on the preservation of records with enduring value exist, and no retention schedules determine the timeframe for keeping or disposing of records and how to properly discard them.⁶² Alayan's investigation opens the door to other critiques of Kuwait's mismanagement of records and archives. For example, he asked a large number of employees concerned with handling the records and archives in different government ministries about the retention schedule required by law to keep those records. They unanimously said that there is no law in this regard. Alayan also discovered that each ministry, and each department within each ministry, mishandles its own records.⁶³

Alayan further supported his findings by interviewing a Kuwaiti legal expert who indicated that no law specifies or determines the timeframe for keeping records and correspondence that belong to any ministry or administration. It is usually up to the individual officials within each ministry and department to determine the timeframe, depending on the importance of the records. Their decision to return them is usually dictated by the rights and obligations within these records, which is at the discretion of each ministry official and not necessarily a rule or law.⁶⁴ My own interviews with ministries' employees and Alayan's article provide ample evidence for the poor records and archives management in Kuwait and the lack of awareness by the very ministry employees tasked with the responsibility of implementing the Archives Regulation.

TWO KUWAITI PARLIAMENTARIANS' PROPOSAL TO ESTABLISH A NATIONAL ARCHIVES AND ARCHIVES LEGISLATION

Some members of the Kuwaiti parliament engage in debates that support the need for a national archives and archives legislation for a successful records and archives management program. The absence of a national archives encouraged two parliamentarians, Muhammad Al-Dallal and Osama Al-Shaheen, to bring forth a proposal regarding establishing a national archives and creating archives legislation in 2020. Their justification for this proposal was threefold: 1) Kuwait lacks a centralized repository to preserve its national archives and maintain its records; 2) no supporting documents provide evidence for government transparency regarding Kuwait's laws and decision-making; and 3) a national archives establishes a country's national identity and culture through the preservation of its records and archives.⁶⁵ This proposal was primarily introduced as a way to take action that will boost Kuwait's reputation as an independent and sovereign nation within the Gulf with its own history and national identity. However, their proposal did not garner enough support and attention from the Council of Ministers and failed to receive the necessary number of votes to be enacted by the rest of the parliamentary members.

KUWAIT'S LACK OF EDUCATIONAL AND TRAINING PROGRAMS IN RECORDS AND ARCHIVES MANAGEMENT

A crucial demand exists for qualified records managers and archivists to work in government ministries' records and archives centers and units. However, Kuwait does not have the capacity to educate, train, and provide the staffing and expertise needed. Although public academic institutions in Kuwait have established programs in library and information sciences (LIS), currently, no programs are offered that lead to an undergraduate or graduate degree in archival studies. The Public Authority for Applied Education and Training (PAAET) established the

Department of Library and Information Science in 1997 and offers a bachelor's program in LIS.⁶⁶ Despite having a total of thirty-one full-time faculty members, the department currently lacks individuals holding a PhD in archival studies, with only one faculty member possessing this qualification. Similarly, Kuwait University established the Department of Library and Information Sciences in 1996 and provides a master's program in LIS in the College of Graduate Studies. Among the department's nineteen full-time faculty members, none possess a degree in archival studies.⁶⁷ Therefore, the two departments offer a very limited number of elective courses in archives (archives administration at PAAET and digital archiving at Kuwait University).⁶⁸ Additionally, there are no current plans for Kuwait to offer such programs in its academic institutions or to provide archives and records management training programs across government ministries.

The main challenges faced in establishing comprehensive archival education programs are that few faculty members are dedicated to teaching and the scope of local archives and preservation programs are restricted. This is supported by Richard J. Cox and Ronald L. Larsen, who argue, "It is truly difficult to build comprehensive archival education programs where there are only one or two specialized faculty with regular appointments (who have a greater array of responsibilities than just teaching) or when archives and preservation programs in the immediate geographic areas of the school are sparse or limited in their own scope of activities."⁶⁹ In Kuwait, this is more likely due to the absence of a national archives and archives legislation that would provide the necessary funding, staffing, and resources to support the introduction of robust and comprehensive archival studies programs in its academic institutions.

Kuwait can benefit greatly from archival education programs to train future archivists to strengthen Kuwait's oversight of records management. This is evidenced by an example from the UAE that set up a collaboration between its National Archives and Sorbonne University and launched bachelor's and master's programs in records management and archival studies.⁷⁰ The programs specifically aim to graduate four thousand specialists qualified in the field of documentation and archiving with the future goal of preserving and managing UAE's documentary heritage according to international archival standards.⁷¹

Another example from Oman further solidifies the need for a national archives. The Department of Records Management and Archival Studies in Oman's Middle East College (MEC) offers an archives and records management (ARM) bachelor's program in coordination with the National Records and Archives Authority (NRAA) and the Ministry of Higher Education. A few of the department's aims are to provide knowledge and skills in the field of ARM, conduct research in the field, and develop novel teaching and learning practices in the ARM program.⁷² Oman is fortunate to have professional faculty and staff members who are well trained in teaching students to become future records managers and archivists to preserve the

country's history and national heritage. Thus, the focus on education is very important to records and archives management and staffing for countries with recently established national archives.

Another shortcoming caused by the absence of a national archives is the inability to meet the growing demands of researchers and citizens interested in accessing and using archives. Technological updates to archives (i.e., digital archives and e-government access) have spurred increasing global and international interest in archives. Citizens are increasingly exposed to the benefits of accessing archives through social media and news reports on the accountability of the government as it applies to government records. As a result, more and more people are interested in learning about their countries' history and culture through archives, and archival education programs need to incorporate these technologies into their curriculum. Cox and Larsen present their support for this, arguing, "The very nature of archival work is changing, and we need individuals who are intellectually engaged by the challenges digital technologies are bringing to records and information systems."⁷³ Thus, there is an urgent need to meet these demands by introducing undergraduate and graduate programs in records management and archival science and the corresponding digital technologies to Kuwait's academic institutions.

Recommendations

Several Gulf countries understand the importance of a national archives and took the necessary actions to establish national archives and enact proper archives legislation. One such case is the Kingdom of Bahrain where the king reviewed and amended its constitution and its current laws. These laws include: 1) Law no. (22) of 2006 of the Protection of Copyright and Related Rights; 2) Law no. (16) of 2014 of the Protection of State Information and Documents; and 3) Royal Order no. (18) of 2008 that created the Isa Bin Salman Cultural Center, amended by Royal Order no. (32) of 2008 renaming it the Isa Cultural Center.⁷⁴ Bahrain then began the process of designating a physical space for its national archives through Royal Order no. (31) of 2015, which established and organized the National Archives housed in the Isa Cultural Center, "with the aim of collecting the public documents and supervising their preservation in accordance with the scientific principles of archiving, and organizing their circulation to researchers and others who wish to benefit from them."⁷⁵ Kuwait could mirror Bahrain and learn the approaches it took to establish a national archives and pass archives legislation.

The absence of a national archives and archives legislation can be rectified by the following actions. The government of Kuwait needs to first amend the constitution to include articles that highlight the significance of national records and documentary heritage. The ruler must then issue an Amiri Decree that mandates the

establishment of a national archives and designates a physical space, outlining roles and responsibilities of a national archives and its legislation.

A decree on archives legislation must consider the responsibility to manage records throughout their life cycle and must be based on international standards, including guidelines for implementing an appropriate archives program. That requires additional funding to introduce records and archives education programs in Kuwait's academic institutions and raising national awareness of the urgent need for records managers and archivists throughout Kuwait's ministries and archival institutions. The national archives can then proceed with the oversight and implementation of sound records and archives management over all government ministries.

Kuwait has the advantage of learning from its neighboring Gulf countries that have already established their own national archives by leveraging its diplomatic relationships to learn from their constitutional processes how to establish its own national archives and pass archives legislation. Additionally, Kuwait can take advantage of its diplomatic relationships with Qatar and the UAE that both established partnerships with UK-based cultural heritage institutions and are currently digitally sharing British archival records pertaining to the Gulf. Kuwait can negotiate and request these archival records, create a digital national archives to house them, and request shared copyright and licensing for these transactional archives. Also, Kuwait can learn from these partnerships how to set up partnerships with the United Kingdom's and other European countries' national archives that currently house records pertaining to the Gulf and digitally share them with Qatar and the UAE.

Future Studies

The field of archival studies is relatively new to Kuwait. As such, there is a great need to further explore how archival studies will shape the future of Kuwait's national archives and archives legislation. Studies can be conducted on how an amendment to the constitution is initiated and introduced in relation to the establishment of a national archives in the Gulf and in Kuwait specifically. Additionally, a study can be designed to understand the records and archives management needs of government ministries and the corresponding steps for introducing bachelor's and master's programs in records management and archival studies in Kuwait's academic institutions to fulfill the needs of Kuwait's records and archives management needs and job market demands. Ultimately, Kuwait is a great case study for why the establishment of a national archives and the enactment of archives legislation are crucial to the preservation, management, and access to the governmental records and archives.

Conclusion

There is strong evidence for supporting the establishment of a national archives and the enactment of archives legislation in Kuwait for three main reasons: 1) a sense of national identity and cultural heritage; 2) the management of records and archives through their preservation and access; and 3) government transparency and accountability. A national archives and archives legislation will make up for the failures to implement and enforce the current Archives Regulation and oversee the centralized transfer of government records, which will result in better government transparency and accountability.

Additionally, the enactment of proper archives legislation will fund the need for archival education and training, which is twofold: 1) setting up and fulfilling future staffing needs, and 2) educating and enriching citizens on the rich history and culture of the country and its place in the world. The establishment of a national archives will satisfy the demand to introduce records and archives education and training programs and raise awareness of the importance of records managers and archivists in the national consciousness and of the heritage of Kuwait through its records and archives.

NOTES

- ¹ Eric Ketelaar, *Archival and Records Management Legislation and Regulations: A RAMP Study with Guidelines* (Paris: United Nations Educational, Scientific and Cultural Organization, 1985), 45.
- ² Michael Roper and Laura Millar, *A Model Records and Archives Law* (London: International Records Management Trust and International Council on Archives, 1999), 3, http://www.irmt.org/documents/educ_training/public_sector_rec/IRMT_archive_law.pdf.
- ³ Roper and Millar, *A Model Records and Archives Law*, 2.
- ⁴ The International Council on Archives (ICA), *Principles for Archives and Records Legislation: Draft* (2004) 5, https://www.ica.org/sites/default/files/CLM_2004_archival-principle_paper_draft_EN.pdf.
- ⁵ Many countries have well-established national archives such as the Archives nationales in France (1790); the United Kingdom's Public Record Office (1838), which later changed to The National Archives; and the National Archives and Records Administration in the United States (1934).
- ⁶ For example, the Egyptian National Library and Archives was established in 1870, the National Records Office of Sudan in 1953, and the Centre Nationale des Archives in Algeria in 1971.
- ⁷ "About Us," The National Library and Archives, 2023, <https://nla.ae/en/about-us>, captured at <https://perma.cc/U5UT-9MHJ>.
- ⁸ "Welcome," The National Center for Archives and Records, 2023, <https://ncar.gov.sa/#welcome>.
- ⁹ "Royal Decree 60/2007 Promulgating The Records and Archives Law," Sultanate of Oman National Records & Archives Authority, 2023, <https://nraa.gov.om/wp-content/uploads/2018/09/60-2007-qanon-al-wathaiq-wa-mahfodat-1.pdf>.
- ¹⁰ "Who We Are; Royal Order No. (31) of 2015 of Establishing and Organizing the National Archives," Isa Cultural Center, 2023, <https://www.icc.gov.bh/en/Who%20we%20are/Royal%20Orders>, captured at <https://perma.cc/5FQM-CTD2>.
- ¹¹ Roper and Millar, *A Model Records and Archives Law*, 2.
- ¹² ICA, *Principles for Archives and Records Legislation*.
- ¹³ In 1971, the Ministry of Finance and Oil was one joint ministry and later separated into two, the Ministry of Finance and the Ministry of Oil.

- ¹⁴ Government of Kuwait, "Ministry of Finance and Oil: Ministerial Decision No. (27) of 1971" [in Arabic], *Al-Kuwait Al Yawm* 17, no. 829 (1971): 2.
- ¹⁵ Sakena A. Al-Alawi, "A Documentary Research on the State of Kuwait's National Archives: Pre and Post the Gulf War" (master's thesis, University of Texas at Austin, 2017), <https://repositories.lib.utexas.edu/handle/2152/60380>.
- ¹⁶ Abdullah Alghunaim, "Invitation to Participate in Collecting Kuwaiti National Documents" [in Arabic], *Resalat Al-Kuwait [Kuwait's Letter]*, no. 2 (April 2010): 27.
- ¹⁷ Ketelaar, *Archival and Records Management Legislation*, 33–34.
- ¹⁸ Author's interviews with government employees of the Ministry of Finance, the Ministry of Health, the Ministry of Education, the Ministry of Communications, and the Ministry of Public Works, January 1–31, 2023.
- ¹⁹ Roper and Millar, *A Model Records and Archives Law*, 3.
- ²⁰ Joan M. Schwartz and Terry Cook, "Archives, Records and Power: The Making of Modern Memory," *Archival Science* 2 (2002): 2, <https://doi.org/10.1007/BF02435628>.
- ²¹ Roper and Millar, *A Model Records and Archives Law*, 3.
- ²² Waldo Gifford Leland, "The National Archives: A Programme." *American Historical Review* 18, no. 1 (1912): 1, <https://doi.org/10.2307/1832690>.
- ²³ Schwartz and Cook, "Archives, Records and Power," 2.
- ²⁴ Randall C. Jimerson. "Embracing the Power of Archives," *American Archivist* 69, no. 1 (2006): 20, <https://www.jstor.org/stable/40294309>.
- ²⁵ Randall C. Jimerson. "Archives for All: Professional Responsibility and Social Justice," *American Archivist* 70, no. 2 (2007): 256, <https://www.jstor.org/stable/40294571>.
- ²⁶ Dagmar Parer, *Archival Legislation for Commonwealth Countries* (Clifton Beach, AUS: Association for Commonwealth Archivists and Records Managers), 1, <https://acarmblog.files.wordpress.com/2019/06/legislation-report.pdf>.
- ²⁷ Parer, *Archival Legislation for Commonwealth Countries*, 1.
- ²⁸ Parer, *Archival Legislation for Commonwealth Countries*, 1.
- ²⁹ Ketelaar, *Archival and Records Management Legislation*, 4.
- ³⁰ A list of constitutional amendments related to archival legislation in Bahrain include: 1) Law no. (22) of 2006 of the Protection of Copyright and Related Rights; 2) Law no. (16) of 2014 of the Protection of State Information and Documents; and 3) Royal Order no. (18) of 2008 that created the Isa Bin Salman Cultural Center, amended by Royal Order no. (32) of 2008 renaming it the Isa Cultural Center. Bahrain established its National Archives through Royal Order no. (31) of 2015 and housed it in the Isa Cultural Center.
- ³¹ Ketelaar, *Archival and Records Management Legislation*, 4.
- ³² ICA, *Principles for Archives and Records Legislation*, 5.
- ³³ ICA, *Principles for Archives and Records Legislation*, 5.
- ³⁴ ICA, *Principles for Archives and Records Legislation*, 9.
- ³⁵ ICA, *Principles for Archives and Records Legislation*, 9.
- ³⁶ See footnote no. 30.
- ³⁷ Jimerson, "Archives for All," 259.
- ³⁸ Jimerson, "Archives for All," 259.
- ³⁹ James B. Rhoads, *The Role of Archives and Records Management in National Information Systems: A RAMP Study* (Paris: United Nations Educational, Scientific and Cultural Organization, 1983), 23.
- ⁴⁰ Jimerson, "Archives for All," 254.
- ⁴¹ Al-Alawi, "A Documentary Research on the State of Kuwait's National Archives."
- ⁴² A sheikhdom is a region governed by a sheikh (ruler).
- ⁴³ Al-Diwan Al-Amiri; State of Kuwait, "About Kuwait: Independence and Building the Modern State," 2023, <http://www.da.gov.kw/eng/aboutkuwait/independence.php>.
- ⁴⁴ Sakena A. Al-Alawi, "Simultaneous Multiple Provenance, Co-creation, and Digital Repatriation: Conceptual Investigation Using Archived Records Shared by the United Kingdom with the Gulf

- States" (PhD diss., University of California, Los Angeles, 2022), 41, <https://escholarship.org/uc/item/8263633f>, captured at <https://perma.cc/U5X8-RTB6>.
- ⁴⁵ Al-Alawi, "Simultaneous Multiple Provenance," 40–43. While the term "transactional archives" has been employed in digital preservation to delineate a technical approach for web crawling and web archiving, often by individuals not directly associated with archival science but engaged in digital preservation, in my dissertation, I use the term "transactional archives" in a more "archival" context. This usage emphasizes the inherently transactional and dispositive nature of numerous official records and recordkeeping practices, aligning with diplomatic theory. It also parallels David Bearman's conceptualization of records as transactions in his pioneering work on electronic records in the 1990s. Therefore, the context in which I employ the term "transactional archives" represents an innovative perspective within the field of archival science and should not be conflated with its usage for web crawling and web archiving.
- ⁴⁶ Government of Kuwait, "Ministry of Finance and Oil: Ministerial Decision No. (27) of 1971," 2.
- ⁴⁷ Author's interview with the government official in the Ministry of Finance in charge of the Archives Regulation, January 16, 2023.
- ⁴⁸ Al-Alawi, "A Documentary Research on the State of Kuwait's National Archives."
- ⁴⁹ Alghunaim, "Invitation to Participate in Collecting Kuwaiti National Documents," 27.
- ⁵⁰ "About the Center," Center for Research and Studies on Kuwait, 2014, <https://www.crsk.edu.kw/en/AboutCRSK.aspx>.
- ⁵¹ Alghunaim, "Invitation to Participate in Collecting Kuwaiti National Documents," 27.
- ⁵² Author's interviews with government employees of the Ministry of Finance, the Ministry of Health, the Ministry of Education, the Ministry of Communications, and the Ministry of Public Works, January 1–31, 2023.
- ⁵³ ICA, *Principles for Archives and Records Legislation*, 8.
- ⁵⁴ ICA, *Principles for Archives and Records Legislation*, 9.
- ⁵⁵ ICA, *Principles for Archives and Records Legislation*, 11.
- ⁵⁶ Author's interviews with government employees of the Ministry of Finance, the Ministry of Health, the Ministry of Education, the Ministry of Communications, and the Ministry of Public Works, January 1–31, 2023.
- ⁵⁷ For more details about these partnerships, see Al-Alawi, "Simultaneous Multiple Provenance."
- ⁵⁸ Roper and Millar, *A Model Records and Archives Law*, 3.
- ⁵⁹ Ministry of Finance, *The Circular no. 7 of 2001 Regarding Archives Regulation* [in Arabic], <https://www.mof.gov.kw/Desicions/MofGeneralization/MinstryGenerl/PDF/str-7-2001.pdf>.
- ⁶⁰ Author's interviews with government employees of the Ministry of Finance, the Ministry of Health, the Ministry of Education, the Ministry of Communications, and the Ministry of Public Works, January 1–31, 2023.
- ⁶¹ Rhoads, *The Role of Archives and Records Management*, 18.
- ⁶² Hamza Alayan, "The Unspoken File" [in Arabic], *Al-Jarida*, November 4, 2021, <https://www.aljarida.com/articles/1635949012068494400>, captured at <https://perma.cc/ED4S-63HX>.
- ⁶³ Alayan, "The Unspoken File."
- ⁶⁴ Alayan, "The Unspoken File."
- ⁶⁵ Muhammad Al-Dallal and Osama Al-Shaheen, "The Establishment of Kuwait's Center for the National Archives" [in Arabic], *Al-Anba*, September 16, 2020, <https://www.alanba.com.kw/ar/kuwait-news/993579/16-09-2020--الدلال-والشاهين-إنشاء-مركز-الكويت للأرشيف الوطني/#>, captured at <https://perma.cc/2X8E-EMPL>.
- ⁶⁶ "Brief," Department of Library and Information Science, College of Basic Education; The Public Authority for Applied Education and Training, 2023, <https://e.paaet.edu.kw/colleges/EN/CollegeofBasicEducation/Sections/LibraryAndInformationSciencesDepartment/AboutSection/Pages/Brief.aspx>, captured at <https://perma.cc/QX8B-SWCT>.
- ⁶⁷ "About the Department," Department of Information Studies; Kuwait University, 2021, <https://www.dist.ku.edu.kw/%D8%B9%D9%86-%D8%A7%D9%84%D9%82%D8%B3%D9%85>, captured at <https://perma.cc/6AZ4-DSMT>.

- ⁶⁸ Kuwait University also houses the Department of Information Science within the College of Life Sciences. However, the programs offered by this department are primarily focused on engineering and technology, unrelated to traditional archives and records management. See <https://isc.ku.edu.kw>, captured at <https://perma.cc/KJV5-8D23>. I am uncertain about the intention of private academic institutions to introduce programs or courses related to archives and records management in the future.
- ⁶⁹ Richard J. Cox and Ronald L. Larsen, "iSchools and Archival Studies," *Archival Science* 8, no. 4 (2008): 315, doi: 10.1007/s10502-009-9092-3.
- ⁷⁰ "Master in Records Management and Archival Studies," Sorbonne University Abu Dhabi, 2023, <https://www.sorbonne.ae/study/postgraduate-study/master-in-records-management-and-archival-studies>, captured at <https://perma.cc/UZS8-ZLHV>.
- ⁷¹ "National Archives Launches Bachelor Programme in Records Management and Archival Science," *Emirates News-Agency (WAM)*, September 22, 2019, <https://wam.ae/en/details/1395302788686>, captured at <https://perma.cc/TZ9A-9E4P>.
- ⁷² "Archives and Records Management Programs at MEC," Middle East College, 2023, <https://mec.edu.om/en/archival-studies/>.
- ⁷³ Cox and Larsen, "iSchools and Archival Studies," 314.
- ⁷⁴ "Who We Are," Isa Cultural Center.
- ⁷⁵ "Who We Are," Isa Cultural Center.

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