



# **STATE OF THE ARCHIVES:**

**An analysis of South Africa's national archival system, 2014**

PREPARED BY THE ARCHIVAL PLATFORM

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## EXECUTIVE SUMMARY

### **STATE OF THE ARCHIVES: AN ANALYSIS OF SOUTH AFRICA'S NATIONAL ARCHIVAL SYSTEM, 2014**

South Africa's national archival system was conceptualised in the early 1990s, the product of a vibrant transformation discourse emerging alongside the negotiation process which was changing South Africa's political landscape so dramatically. Broad consultative processes convened from 1994 by the new state culminated in the 1996 Constitution and the *National Archives of South Africa Act No 43 of 1996* providing the framework for the establishment of the system. By the end of Nelson Mandela's presidency, most of the system's building blocks had been put in place and it was beginning to take shape around five key objectives:

- Turning archives into an accessible public resource in support of the exercise of rights.
- Using archives in support of post-apartheid programmes of redress and reparation, such as the Truth and Reconciliation Commission, land restitution and special pensions.
- Taking archives to the people through imaginative and participative public programming.
- Actively documenting the voices and the experiences of those either excluded from or marginalised in the colonial and apartheid archives.
- Transforming public archives into auditors of government record-keeping in support of efficient, accountable and transparent administration.

Much good work was done systematically through the 1990s, but the hopes of that period have not been realised. Today the national archival system is in trouble. Good work is being done only in isolated pockets. There is no overarching policy framework for archives beyond that implicit in national and provincial legislation. The vision of the 1990s has evaporated. Chronic underfunding and lack of resources is ubiquitous. The political will required to change things is largely absent. The system, simply put, is not delivering. These conclusions have been reached by the Archival Platform (a joint University of Cape Town-Nelson Mandela Foundation project) on the basis of a detailed analysis undertaken over two years (2012-2014). As a stakeholder in archives, and mindful of the public interest in a dynamic, efficient and transformative national archival system, the Platform's analysis is offered as a contribution to addressing what are fundamental challenges.

The system in 2014 fares poorly when measured against the key objectives of the 1990s:

- As has been noted repeatedly by the Auditor-General (AGSA) and the South African Human Rights Commission in recent years, the state of government record-keeping is embarrassing. Public archives are neither equipped, resourced nor positioned to do the records auditing and records management support they are required to by their mandates. Poor record-keeping undermines service-delivery, cripples accountability, and creates environments in which corruption thrives.
- Generally public archives have been unable to transform themselves into active documenters of society, nor to fulfil their mandated role of co-ordinating and setting standards for the archival sector as envisaged in the 1990s. Oral history projects are common, but are both random and undertaken in modes that are profoundly problematic. The huge potential of digitisation in support of preservation and public access has not been harnessed.
- Apartheid-era patterns of archival use and accessibility have proved resilient. Archives remain the domain of elites. Public archives do very little outreach, and only a fraction of their holdings are accessible online.
- Swathes of documentary memory are being lost, especially in electronic environments. While 21<sup>st</sup> century record-keeping is primarily electronic, public archives remain geared to paper-based realities. Numerous cases have been reported of records ‘disappearing’. And public archives continue to authorise the destruction of the vast majority (estimated at over 90%) of public records through appraisal processes without independent monitoring in the public interest.
- Ironically public access to archives has become more restricted in the era of a constitutionally protected freedom of information. The 1990s vision of ‘open democracy’, which saw archives opened in ways that had been impossible under apartheid, has been lost. *The Promotion of Access to Information Act* is routinely used by archives for gatekeeping. And the impending *Protection of State Information Act* has already fostered new cultures of secrecy within public archives and revived that old apartheid oppressive tool – the classified record.

The Archival Platform’s analysis reveals a national archival system in trouble. After twenty years of democratisation and transformation the system reminds us of nothing so much as the 1980s State Archives Service and its ‘homelands’ subsidiaries. The recommendation is not that the system needs ‘help’. Rather, we are recommending that it needs to be reviewed fundamentally. The models which informed it – North American and European models in the main – need to be reconsidered. The Minister of Arts and Culture must meet the challenge by acting decisively to avert what could become a national disgrace.

This analysis is dedicated to Gerald Kraak with deep respect for a lifetime's work as an archival activist and in acknowledgment of his indefatigable support for the difficult work of archives in the cause of building a just and equitable society as head of the South African office of The Atlantic Philanthropies.

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## Acronyms

<b>ACTAG</b>	Arts and Culture Task Group
<b>ACRA</b>	Archive for Contemporary Affairs
<b>AGSA</b>	Auditor-General of South Africa
<b>ANC</b>	African National Congress
<b>APP</b>	Annual Performance Plan
<b>AR</b>	Annual Report
<b>ATCHA</b>	Access to Cultural Heritage Archives
<b>BCM</b>	Black Consciousness Movement
<b>CDC</b>	Culture and Development Conference
<b>CMMH</b>	Commission on Museums, Monuments and Heraldry
<b>DAC</b>	Department of Arts and Culture
<b>DACST</b>	Department of Arts, Culture, Science and Technology
<b>DISA</b>	Digital Innovation South Africa
<b>DOJ&amp;CD</b>	Department of Justice and Constitutional Development
<b>DPSA</b>	Department of Public Service and Administration
<b>ERMS</b>	Electronic Records Management Systems
<b>ESKOM</b>	Electricity Supply Commission
<b>ESCARBICA</b>	Eastern and Southern Africa Regional Branch of the International Council on Archives
<b>FOIP</b>	Freedom of Information Programme
<b>FXI</b>	Freedom of Expression Institute
<b>GALA</b>	Gay and Lesbian Archives in Action
<b>GITO</b>	Government Information Technology Officers Council
<b>GIZ</b>	Deutsche Gesellschaft für Internationale Zusammenarbeit
<b>GRAP</b>	Generally Recognised Accounting Practice
<b>ICMS</b>	Integrated Case Management System
<b>IDAF</b>	International Defence and Aid Fund
<b>INA</b>	Institut National de l'audiovisuel
<b>JAG</b>	Johannesburg Art Gallery
<b>KRMDIOF</b>	KwaZulu-Natal Records Managers and Deputy Information Officers Forum



**LGBTI** Lesbian, Gay, Bisexual, Transgender and Intersex  
**MEC** Member of the Executive Council  
**MINMEC** Ministers and Members of Executive Councils Meeting  
**MISS** Minimum Information Security Standard  
**MPTT** Missing Persons Task Team  
**MTSF** Medium Term Strategic Framework  
**NAAC** National Archives Advisory Council  
**NAC** National Archives Commission  
**NAAIRS** National Automated Archival Information Retrieval System  
**NAREF** National Register of Photographs  
**NAREM** National Register of Manuscripts  
**NAROM** National Register of Audio-Visual Material  
**NAROS** National Register of Oral Sources  
**NARSSA** National Archives and Records Service of South Africa  
**NDP** National Development Plan  
**NFVSA** National Film, Video and Sound Archives  
**NHRA** National Heritage Resources Act  
**NIS** National Intelligence Service  
**NLSA** National Library of South Africa  
**NMF** Nelson Mandela Foundation  
**NOHP** National Oral History Programme  
**NPA** National Prosecuting Authority  
**ODAC** Open Democracy Advice Centre  
**OHASA** Oral History Association of South Africa  
**OSS** Operation Sukuma Sakhe  
**PAIA** Promotion of Access to Information Act  
**PAIA CSN** PAIA Civil Society Network  
**PAC** Pan Africanist Congress  
**POPIA** Protection of Personal Information Act No 4 of 2013  
**PPP** Private Public Partnership  
**SAA** South African Airways  
**SAAJ** South African Archives Journal  
**SABC** South African Broadcasting Corporation  
**SAHA** South African History Archive  
**SAHO** South African History Online  
**SAHRA** South African Heritage Resources Agency  
**SAHRC** South African Human Rights Commission  
**SANDF** South African National Defence Force  
**SAS** State Archive Service  
**SASA** South African Society of Archivists  
**SFJ** Struggle for Justice  
**SITA** State Information Technology Agency  
**TIC** Technical Implementation Committee  
**TRC** Truth and Reconciliation Commission of South Africa  
**UCT** University of Cape Town  
**UFS** University of the Free State  
**UWC** University of the Western Cape  
**VOC** Dutch East India Company



service  
map

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# INTRODUCTION

## Background

In 2007 the National Archives, the Nelson Mandela Foundation and the Constitution of Public Intellectual Life Research Project at the University of the Witwatersrand co-convened an archival conference, ‘National System, Public Interest’<sup>1</sup>, to assess the state of the national archival system and the vitality of the broader archival sector. The conference set itself the task of assessing how the archival landscape had changed in South Africa since 1997, when the *National Archives of South Africa Act No 43 of 1996* came into operation, by asking how well the system was working. Key questions addressed by the conference included how transformation discourse had engaged changing realities and what the key challenges facing both the national system and the broader archival system were.

*Archives at the Crossroads 2007*, the Open Report to the Minister of Arts and Culture from the conference, sounded a severe warning about an archival system under severe strain, and a wider archive sector urgently in need of support. The Open Report identified three problem areas: the lack of understanding of the political and social role of the archive and archiving in a democracy; the under-resourcing of archival work, because its significance was largely unacknowledged; and inadequate and un-integrated planning, and a low skills base that resulted in the archival system not serving South Africa as it should.

This analysis, prepared by the Archival Platform, the organisation born out of the Conference, considers the state of the national archival system seven years after *Archives at the Crossroads 2007* alerted the Minister to the crisis.

## Purpose

At the heart of the Archival Platform’s mission is a commitment to playing a catalytic role in enabling practitioners, theorists and the general public to reimagine the concept of ‘archive’ and to re-think the ways in which archiving is practiced in a changing world.

In this analysis we take a long hard look at the national archival system to determine what is working and what is not. We identify elements that need to be re-imagined or restructured and detail key areas where strategic interventions are required to enable the national archival system to deliver effectively on its mandate.

We do this with the intention of making a positive contribution to the growth and development of a national archival system that reflects the values embodied in our democratic constitution, embraces our diverse pasts, arms

us to address the challenges we face in the present, and opens to a more just and equitable future.

## **Methodology**

In considering the question of how and by what criteria to assess the state of the national archival system, the Archival Platform Team pursued three lines of enquiry, asking:

- What shaped the national archival system that was set in place after 1994? What vision drove its conception? What was it imagined to do?
- What is the national archival system mandated to do? Is it delivering on this mandate? How does it interact with non-public organisations and institutions that have to do with archives and records?
- What needs to be done to ensure that the national archival system reflects the values and aspirations embodied in our constitution?

While the conclusions articulated in *Archives at the Crossroads 2007* arose from the conference discussions, this analysis was informed by the Archival Platform's close engagement with the broader archival sector, dialogues with practitioners, professional associations and other interest groups across the country. It was also informed by developments in international and local archival theory, critical thinking about the role of the archive in the production of knowledge and in transitional justice and the changes to archival practice that flow from the growth of electronic information and communication technologies.

Intense conversations with archivists, visits to public archives and a diversity of other institutions and organisations in the broader archival sector provided an opportunity for the Archival Platform Team to get to grips with the challenges and the aspirations of the institutions, governmental bodies and the individuals who work in and with them and who use them. Having engaged with practitioners across the country, we turned to the record – the strategic and annual reports, estimates of expenditure to complement the information gathered through personal engagements and to 'read' the state of the archive as it would be viewed by officialdom and the public. Finally, we looked at the research undertaken by others in the field to see whether our findings were supported or contradicted, or opened up new lines of enquiry.

Key issues raised in our analysis were shared with members of the Parliamentary Portfolio Committee on Arts and Culture at a strategic planning workshop in September 2014. A draft of the report, incorporating input from the Archival Platform Steering Committee, was distributed for comment and presented to key stakeholders including: the Department of Arts and Culture, the National Archives Management Team, the National Archives Advisory Council, the National and Provincial Heads of Archives Forum, the Western Cape Archives Advisory Committee, the executive of the South African Society of

Archivists and members of the Unisa Department of Information Science in November and December 2014.

Discussions arising from these presentations brought some additional issues and concerns into focus and sharpened the articulation of interventions proposed in the concluding chapter of the analysis. The analysis has been well received by key stakeholders who have concurred that it is a fair and accurate reflection of the state of the national archival system and that the proposed interventions are necessary. It has been heartening to hear that, even in its draft form, this analysis has been used to inform the development of strategic plans in some of the provinces.

## **Structure of the analysis**

The analysis is divided into three parts.

Part One responds to the first set of questions that framed the Archival Platform's inquiry: What shaped the national archival system set in place after 1994? What vision drove its conception and what was it imagined to do? Chapter One outlines the regulation of public archives under colonial and apartheid rule. Chapter Two summarises the discourse and processes that informed the conceptualisation of the national archival system in the 1990s. Chapter Three outlines new Constitutional arrangements for archives, describes the process through which the *National Archives of South Africa Act No 43 of 1996* was negotiated and outlines key provisions of the Act. Chapter Four covers three key initiatives that critiqued the national archival system in the first decade after it came into being.

Part Two responds to the second set of questions that framed the Archival Platform's inquiry: What is the national archival system expected to do? Is it delivering on this mandate? What factors impede delivery? Chapter Five provides a broad overview of the national archival system, including its mandate. Chapter Six outlines the mandate of public archives. Chapter Seven considers the mandate to ensure the proper management and care of all public records. Chapter Eight covers the mandate to preserve records of enduring value. Chapter Nine interrogates the mandate to document aspects of South Africa's past previously neglected by repositories. Chapter Ten reflects on the mandate to promote access to and use of records by the public. Chapter Eleven deliberates on the mandate to provide professional guidance and to facilitate collaboration between institutions that have custody of records and archives. Chapter Twelve reflects on the presentation and protection of non public archives and records.

Part Three considers the way forward. Chapter Thirteen concludes that while there are pockets of excellence, the national archival system is in trouble, and identifies a number of challenges to address and proposes some strategic interventions.

## **A note on terminology**

This Report refers to ‘archives’, ‘archiving’, ‘the archive’, the ‘national archival system’ and ‘the archival sector’ as defined in *Archives at the Crossroads 2007*.

- We use the term ‘national archival system’<sup>2</sup> to mean the institutional network of state structures, which is charged with responsibility for ensuring the proper management of public records, promoting the accessibility of South Africa’s archival heritage and overseeing the national system. The system comprises the National Archives, the National Archives Advisory Council, the various provincial archives structures, and a range of related governance structures.
- We use the term ‘archives’ to refer to collections or storehouses of preserved historical resources, whether documentary, oral, visual, material, virtual or physical. In doing so, we deliberately break from an inherited usage of the term ‘archives’ as limited to texts, whether documentary or oral.
- We use the term ‘archiving’ to refer to a range of dynamic processes including those by means of which some items get preserved and others do not, how choices are made about systems used to preserve items, and the ways in which access to records is determined.
- We use the term ‘the archive’ as a conceptual term to refer to the circumscribed body of knowledge of the past that is historically determined as that which is available for drawing on when we think about or reckon with the past.
- We use the term ‘archival sector’ to refer to the broad range of institutions including museums; universities; private, corporate, community and activist archives; and a variety of archival and memory projects; as well as the users, creators and theorists of archives, among them professional historians; family history researchers; artists and other cultural workers; identity theorists; academics; and countless others with an interest in archives.
- We make extensive use of the term ‘public archives’ to refer to national and provincial archives and records management services.

## **The Archival Platform**

The Archival Platform, established in 2009, operates under the auspices of the University of Cape Town NRF Chair in Archive and Public Culture, Professor Carolyn Hamilton, and the Nelson Mandela Foundation.

The Archival Platform aims to play an advocacy and intervention role in respect of memory, archives and records as dynamic public resources in South Africa in the 21<sup>st</sup> century and within the context of a fledgling democracy. Its activity is directed broadly at: public education, professional development, research, networking, advocacy and sectoral mobilisation. It draws attention to the political and social role of archives and records in relation to four interrelated areas of concern: access to information and the ‘right to know’;

social justice and the ‘right to truth’; good governance: deepening democracy by encouraging the exercise of active citizenship in relation to the role of the record in holding politicians and leaders to account; and the discourse around remaking the past in the present and the work of building social cohesion in a historically fractured society. In addition, the Archival Platform plays a proactive role in addressing the specific concerns of the archival sector: poor communication and limited interaction, the low visibility and status of the profession and the dismal shortage of opportunities for ongoing professional development.

Members of the Archival Platform Steering Committee, Professor Carolyn Hamilton, NRF Chair in Archives and Public Culture, UCT; Professor Njabulo Ndebele, Chairperson of the Board of Trustees, Nelson Mandela Foundation; Sello Hatang, Chief Executive Officer, Nelson Mandela Foundation; Verne Sheldon Harris, Director of Research and Archive, Nelson Mandela Foundation; Dr Noel Solani, Senior Manager: Heritage and Conservation, Nelson Mandela Museum; and Dr Mbongiseni Buthelezi, Senior Researcher, Archives and Public Culture Research Initiative, UCT, bring their deep understanding of the need to transform the archival landscape and a demonstrated track record in this respect to bear on providing guidance and direction. Jo-Anne Duggan directs the day-to-day activities of the Archival Platform.

## **Acknowledgements**

The Archival Platform acknowledges and thanks the many stakeholders who have contributed information and generously shared their experience and expertise as this analysis has taken shape. These include: the Director and staff of the National Archives and Records Service of South Africa, provincial archivists and their colleagues in the Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, North West, Northern Cape and Western Cape; members of the National Archives Advisory Council and the Western Cape Archives Advisory Committee; colleagues in the Archive and Public Culture Research Initiative at the University of Cape Town, University of Fort Hare, University of South Africa, and University of the Witwatersrand, the South African Society of Archivists and archival activists in civil society initiatives.

The preparation of this report has been made possible through the generosity of Atlantic Philanthropies.



## **(Endnotes)**

- 1 See Chapter Four for more information on this conference.
- 2 In the 1990s archivists envisioned a national archival system that would include both state and civil society archives.







## PART ONE

### HISTORICAL OVERVIEW

Part One responds to the first set of questions that framed the Archival Platform's inquiry: What shaped the national archival system set in place after 1994? What vision drove its conception? What was it imagined to do? Chapter One outlines the regulation of public archives under colonial and apartheid rule. Chapter Two summarises the discourse and processes that informed the conceptualisation of the national archival system in the 1990s. Chapter Three outlines new Constitutional arrangements for archives, describes the process through which the *National Archives of South Africa Act No 43 of 1996* was negotiated and outlines key provisions of the Act. Chapter Four covers three key initiatives that critiqued the national archival system in the first decade after it came into being.

ACT

**ACT**  
To make further provision as to the disposal of Crown Lands in the Province of the Cape of Good Hope.

Enacted by the King's Most Excellent Majesty in the House of Assembly of the Union of South Africa in the first year of the reign of His Majesty King George V.

1. Notwithstanding anything in section two of the Crown Lands Disposal Act, 1917 or in any other provision of that Act or of any other Act, the Governor-General may, on such terms and conditions as he may think fit, sell or lease any land in the Province of the Cape of Good Hope which falls within the definition of "Crown Lands" for the purpose of the said Act, and any land for privately owned land in the Province of the Cape of Good Hope which has been sold or leased or exchanged shall take place in accordance with the provisions of that Act.

1922.\*

lic

**Wet No. 9**  
van 1922.

Tot regeling van de bewaring van en het toezicht over de publieke archieven van de Unie.

[Datum van invoering—1 Julie 1922.\*]

**WET**

(Door de Gouverneur-generaal in het Hollands getekend.)

**ZIJ HET BEPAALD** door Zijn Majesteit de Koning, de Senaat en de Volksraad van de Unie van Zuid-Afrika als volgt:—

1. De hoofdarchivaris is onder oppertoezicht van de Minister van de Bewaring van, en het beheer en toezicht over de publieke archieven van de Unie.

\*Zie artikel acht, post bladz. 35.

**Wet No. 8**  
van 1922.

Ter verdere regeling van de vervreemding van Kroongronden in de provincie de Kaap de Goede Hoop.

(Goedgekeurd 22 Mei 1922.)  
(Door de Gouverneur-generaal in het Engels getekend.)

**WET**

**ZIJ HET BEPAALD** door Zijn Majesteit de Koning, de Senaat en de Volksraad van de Unie van Zuid-Afrika als volgt:—

1. Niettegenstaande het bepaalde bij artikel twee van de Wet Verdere Vreemding van Kroongronden 1887, of in enige tot verandering van die Wet of van 1887, of in andere wet, kan vreemding van Kroongronden in de Kaap de Goede Hoop, welke onder de uitdrukking "Kroongronden" vallen volgens de betekenis daarvan gegeven voor de Kaap de Goede Hoop, verhuuren of verruilen voor de andere bepaling van die Wet, verhuuren of verruilen voor de Kaap de Goede Hoop, welke onder de uitdrukking "Kroongronden" vallen volgens de betekenis daarvan gegeven voor de Kaap de Goede Hoop, met dien verstande dat zodanige verkoop, verhuur of verruiling niet kan geschieden tenzij en voordat beide Huizen van het Parlement daaraan hun goedkeuring gegeven hebben.

2. Deze Wet wordt aangehaald als de Vervreemding van Kroongronden (Kaap) Wijzigingswet, 1922.

[Datum van invoering—27 Mei 1922.\*]

# CHAPTER ONE

## THE REGULATION OF ARCHIVES UNDER COLONIAL AND APARTHEID RULE

This Chapter summarises the regulation of public archives under colonial and apartheid rule. It covers legislation enacted during this period and considers the impact of government ideology and constitutional change on public archives. We conclude that the legacy of colonial and apartheid archival practice is an important factor limiting archives today and that public archives need to step up their efforts to address this proactively.

### South Africa's archival inheritance

The resource that is available to South African's to draw on when they think about the past includes the documentary records of individuals, organisations, institutions, communities and government as well as the memories, oral testimonies, artworks, artefacts, cultural practices, knowledge systems, places and landscapes that comprise the national estate. This extraordinary resource brings together the recorded evidence of "both the private and the public, the institutional and the personal"<sup>1</sup> and offers diverse perspectives on virtually every aspect of South African life, past and present.

Amongst these treasures are *public* and *non-public* records.<sup>2</sup> *Public records* include the records of the current national, provincial and local governments and those of past administrations including the former self-governing 'homelands'. *Non-public records* include all records that are not generated by the state. These include: the records of non-governmental organisations, political parties, liberation movements and prominent individuals who have played a role in leading the country in one way or another; the records of explorers, travellers, artists, anthropologists, ethnologists and others who have documented people, places, practices and landscape over many centuries, for different purposes; records kept by churches, missions and other institutions that contain a wealth of information for family research and social historians; evidence of past lives and memories contained in letters and other correspondence, diaries, photographs, maps, artefacts, items and clothing, etc.; recordings that give voice to indigenous languages; and the oral narratives, praise poems, customs and practices on which diverse people draw to make sense of their personal, clan and national pasts.

The custody and care of South Africa's archival treasury is shared, to varying degrees, between private individuals, civil society institutions and organisations, and the state. While some countries have a tradition of separating the care of public and private records, in South Africa the distinction is blurred: public

*"There has been 'archive' in South Africa for as long as humans have inhabited this part of the world. Collective stories, passed on from generation to generation; rock paintings; signs patterned into dwellings, clothing, shields and so on; markings, temporary and permanent, on human bodies; these and many other forms of archive carried the narratives, messages and beliefs of people for millennia."*

V. Harris, 2001, p. 6.

archives have been mandated to collect non-public records of enduring significance since the first archives legislation was promulgated in 1922<sup>3</sup>. The National Archives and Records Service of South Africa (NARSSA) in Pretoria, and provincial archives services that constitute the national archival system hold rich collections of public *and* non-public records.

## Origins

South Africa's national archival system has its origins in the legislative and administrative mechanisms that regulated colonial rule, which saw extensive official and non-official record generation and keeping: by, among others, British colonial officials, missionaries, travellers, public figures and scholars. At the same time as records of the activities of the aforesaid were being generated and preserved, a concept of archives as the place where the paper-based records of what European settlers did was taking root. Simultaneously, Africans entered the archive in commissioned ethnological and other surveys that were instrumental in establishing authority over the land and its people, entrenching difference, maintaining control and reinforcing a particular hierarchy of knowledge. They also entered the archive through other deliberate and inadvertent ways, such as court records and correspondence with officialdom. Yet even when Africans entered the domain of the archive, their voices were framed within institutional settings in which power relations were uneven, such that their voices are often sublimated in records that have survived. The hierarchy of knowledge saw the consignment of forms of knowledge production practiced by Africans to the domain of ethnology whereas archives became the preserve of a small, predominantly white, elite.

## The regulation of public archives<sup>4</sup> 1922–1990

The foundation for South Africa's *institutionalised* archives system as an instrument intended primarily to preserve the records of government dates back to the late 19<sup>th</sup> century when in 1876, the Cape government, then under British colonial administration, appointed an ad hoc commission to collect, examine, classify and index the archives of the Colony. Rudimentary archival services were established in Natal, the Transvaal<sup>5</sup> and the Orange River Colony<sup>6</sup> in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries under similar circumstances.<sup>7</sup> On the formation of the Union of South Africa as a British dominion in 1910, the former colonies, the Cape, Transvaal, Orange River and Natal, were established as provinces with clearly defined administrative powers under a centralised national government. The nascent archival services of the colonies were similarly incorporated into a single public archives service within the Department of the Interior<sup>8</sup>. South Africa's public archives continued to operate as a single centralised service until the late 1970s when archive services were established by the governments of the newly declared 'homelands'<sup>9</sup>.

In 1919 the Cape Archivist, after an extensive study tour, recommended that the administration of government records be centralised under the control of a

*"The importance of the Public Archives of the Union of South Africa has been recognised by the State and the public. The last decade has seen greater attention given to the care, preservation and accessibility of our national records. The public has used them to a much greater extent for historical research."*

C.G. Botha, 1928, p. iii.

Chief Archivist and that five repositories be established, one in each province, to house provincial government records and a fifth in Pretoria, the capital city of the Union, to house the records of the central government.

The structure and function of the 'public archive' was formalised by the *Public Archives Act No 6 of 1922*, which established the public archives<sup>10</sup> as a government department under the control of a Chief Archivist in the Ministry of the Interior. Although the legislation was redrafted and amended over the years, the basic principles remained unchanged for the next forty years. The Chief Archivist was tasked with: managing and preserving national and provincial government records that were no longer required for administrative purposes; advising government departments about the care and custody of public archives remaining in their custody; acquiring non-public records; and making documents accessible or withholding access to them. The Act also made provision for the appointment of an Archives Commission to advise the Minister and to assist and advise the Chief Archivist<sup>11</sup>.

As with later acts, the *Public Archives Act No 9 of 1922* offered no rationale for the establishment of the 'public archives', simply defining the term as "public records, documents and other historical material of every kind, nature and description as are in the custody of any of the public departments, whether of the Union Government or of any provincial administration"<sup>12</sup>. This was qualified by a statement that "the 'public archives' does not include any document which, under the provisions of any other law is to be kept in the custody of any particular officer".<sup>13</sup>

In 1948, the year the National Party came to power, and following a Public Service Commission inquiry the Cabinet found that archives were by nature "educational and cultural material"<sup>14</sup> and transferred responsibility for public archives from the Department of the Interior to the Department of Education, Art and Science<sup>15</sup>. The *Archives Act No 22 of 1953* was one of many acts passed in the early 1950s to strengthen the apartheid bureaucratic hold over South African society. It retained the centralised structure established earlier and: extended the powers of the Chief Archivist in respect of the care, control and disposal of public records, whether these were in the care of the archives or any other 'government office'; made provision for the Chief Archivist to offer advice on the care, custody and preservation of non-public archives; and empowered the Chief Archivist to allow the deposit, in public archives, of material less than thirty years old.<sup>16</sup>

The appraisal of records and the approval of destruction authorities were entrusted to the Archives Commission until the 1950s, when responsibility of this was transferred to the staff of the Archives Service who submitted their recommendations to the Commission for approval. The volume of work generated by this was such that by 1957 a 'Liaison Section', later renamed 'Record Management' was created to take responsibility for this highly specialised function.<sup>17</sup>

*"The Archives Act of 1922 ... contained two cardinal principles which were of the greatest importance for the Archives Service and on which we continue to build today. Firstly, the principle was accepted by the authorities that the care for the documentation of the State and of the Provincial Administration and the financing involved, should be the duty and responsibility of the Central Government. Secondly the principle of decentralisation of archives depots under one central archives administration was accepted."*

National Diploma in Archival Science  
Handbook, 1984, p. 3.

*“When the Act of 1953 was passed by this House, it was considered at the time that a new charter had been laid down for archives in our country. I think the passing of that Act by this House helped greatly to destroy the conception that the archives of our country were a sort of glorified burial chamber for the dead hand of the past rather than the conception which I am very glad to note seems to be growing on the government benches that the archives are a living record of what we do today and a living record of the history of our nation which enables us to pass on the benefit of our mistakes to generations to come.”*

Assembly Debates, 1962, p. 1010.

The Union Archives were renamed as the Republic of South Africa Government Archives Service<sup>18</sup> in 1961, after the country left the Commonwealth to become a republic. *The Archives Act No 6 of 1962* extended control of public records to include those in government offices as well as those generated by local authorities and strengthened the archives’ responsibilities in respect of records management. The Act made provision for public records to be kept in safe-keeping ‘at the seat of’ the government or provincial administration and for ‘intermediate depots’ to be established to hold records which were no longer required for administrative purposes but which did not yet qualify for disposal or transfer to an archives repository. It also made provision for the Archives Commission to authorise the destruction of ‘valueless records’.<sup>19</sup> In the same year, the Union Archives Depot was renamed as the Central Archives Depot and opened to the public.<sup>20</sup>

The Act was amended in 1964, 1969, 1977 and 1979 to clarify, refine or strengthen the institution’s power and control over government record-keeping. During this time, the function of granting approval for the introduction of filing systems in the offices subject to the Archives Act was transferred from the Public Service Commission to the State Archives Service (SAS),<sup>21</sup> and the power to authorise the destruction of records from the Archives Commission to the Director, giving officials tighter control over records.<sup>22</sup> Responsibility for the administration of the SAS was transferred to the Department of Cultural Affairs in 1967, and in 1970, returned to the Department of Education.

## **‘Homelands’**

The creation of independent self-governing ‘homelands’, in accordance with the apartheid policy of ‘separate development’ from the 1970s, had far-reaching consequences for South African society. It effectively denied citizenship to Africans, assigning them instead to ethnic ‘homelands’. The creation of ‘homelands’ impacted too on the regulation of archives. Between 1976, when the Transkei was granted ‘independence’, and 1994 when the ‘homelands were reincorporated into South Africa, rudimentary archive services, with their own legislation and repositories were established in Venda, Lebowa, Ciskei, Transkei, KwaZulu, Gazankulu, and Bophuthatswana, and records management services in Qwaqwa.<sup>23</sup> In their *Report on archives in South Africa*, Luli Callinicos and André Odendaal, convenors of the Arts and Culture Task Group (ACTAG) Archives sub-committee describe these as “totally inadequate”<sup>24</sup> in terms of resources and quality.

## **The Republic of South Africa Constitution Act No 110 of 1983**

In terms of the *Republic of South Africa Constitution Act No. 110 of 1983* the Government Archives Service was deemed to be a ‘General Affair’<sup>25</sup>, i.e. of common concern to whites, coloured and Indians, and placed as a Directorate

under the Chief Directorate of Culture and Professional Auxiliary Services of the Department of National Education.

Although the 1983 Constitution effectively excluded Africans<sup>26</sup>, it introduced a new layer of government in the townships: local councils under the control of white-run 'Bantu Administration Boards'. The SAS, tasked with training officials and overseeing the record-keeping systems of these councils, was implicated in a very direct way in a system that was violently rejected by the majority of the population. This established the SAS firmly, in the minds of many, as an instrument of racist division, control and authority. It has left a lasting legacy: there are many who attribute the lack of political will to support the archives in the present to its tainted<sup>27</sup> reputation.

## Conclusion

As an agency of the state, the public archives service mirrored political and administrative changes. It was shaped initially by its origins as an instrument of colonial regulation and in later years by the ideology of apartheid and the bureaucratic culture that supported it. This is evidenced in institutional practice at all levels. For example until the mid-1980s only white people were appointed to professional posts in the SAS, Afrikaans was the dominant language and facilities, including the reading room, were strictly segregated. The imprint of apartheid is evident too in the dominance of Afrikaner nationalist historiography visible in the research and publications of the SAS,<sup>28</sup> the narrow range of nongovernmental materials brought into archival collections and the exclusion of records that document the struggles against colonialism and apartheid or that give voice to African experiences. Under colonial and apartheid rule, public archives had a narrow mandate in respect of public records and following the 'logic' of separatist policies the collection and preservation of non-public records was uneven. Many of the practitioners and scholars with whom we consulted, describe this legacy as the single most important factor limiting archives today, arguing that archives are perceived to be places where the unwanted or tainted traces of the past are, or should be, relegated into storage, safely out of sight.

*"In summary, the nature of the Government Archives Service has been directly shaped and influenced by the National Party's pervasive political ideology. The Service reflects the divisions and tensions within the political culture of the ruling party. The professional service that the Government Archives Service provides, has been significant subordinated by political considerations for almost 40 years."*

J. Geber, 1987, p. 61.

## (Endnotes)

- 1 T. Cook. 'Remembering the future: appraisal of records and the role of archives in constructing social memory' in, Blouin Jr, F.X. & Rosenberg, W.G. (eds), *Archives, documentation and institutions of social memory. Essays from the Sawyer Seminar*, (Ann Arbor: University of Michigan Press, 2006), pp. 169–181.
- 2 As noted in the Introduction, we use the terms 'public record' and 'non-public record' as defined in the National Archives and Records Service of South Africa Act No. 43 of 1996.
- 3 The *Public Archives Act No. 6 of 1922*.
- 4 We use the term 'public archives' to mean national and provincial archives and records management services established in accordance with national or provincial legislation and we use the term 'non-public archives' to mean archives established by individuals, organisations, corporations or institutions to preserve 'non-public' records.
- 5 Formerly the South African Republic.
- 6 Formerly the Orange Free State Republic.

- 7 For a detailed account of this, see G.C. Botha, *The Public Archives of South Africa 1652–1910*, (Cape Times Limited, Cape Town, 1928).
- 8 In her unpublished MA thesis, 'The South African Government Archive Service: Past, Present and Future' (University College, London, 1987), Jill Gerber describes the amalgamation of the archives saying, "the archives department inherited the entire mass of government archives in the country. These were disorganized and scattered and the task of applying new legislation with few trained archivists was a difficult one", pp. 13–14.
- 9 The legislation through which these were established closely mirrors South Africa's archival legislation of the time.
- 10 These were known as the Union Archives.
- 11 When this Act was amended by the *Cultural laws Amendment Act No 36 of 2001*, the mandate of the council was extended to include providing advice to the Director General of Arts, Culture, Science and Technology.
- 12 *Public Archives Act No 8 of 1922*, Section 7.
- 13 *Ibid.*
- 14 Union of South Africa, Public Service Commission, "Annual Report of the Public Service Commission" 1948, quoted in J. Geber, "The South African Government Archive Service: Past, Present and Future", p. 14.
- 15 Later renamed the Department of National Education.
- 16 This did not mean that records could be made available to the public. In terms of the Act, records were made accessible when they were 'of the age of fifty years or more'.
- 17 J. Geber, "The South African Government Archive Service: Past, Present and Future", 1987, p. 16.
- 18 The name was subsequently changes to the 'Government Archives Service'.
- 19 *Archives Act No 22 of 1953*, Section 3 (a).
- 20 J. Geber, "The South African Government Archive Service: Past, Present and Future", 1987, p. 19.
- 21 The name changes may be confusing. From national archive was known, for many years as the 'Staatsargiefdiens', which was translated into English as the 'Government Archives Service'. The term 'State Archives Service' was used from about 1989.
- 22 Seen in the context of the massive but unauthorised destruction of records in later years, this may have been a deliberate attempt to control the flow of information about government actions.
- 23 For more detailed information on this, see Brenton Maart's contribution Field brat's blog from the bundu: The Mthatha Archives [http://www.archivalplatform.org/blog/entry/field\\_brats\\_blog\\_from\\_the\\_bundu\\_the\\_mthatha\\_archives/](http://www.archivalplatform.org/blog/entry/field_brats_blog_from_the_bundu_the_mthatha_archives/).
- 24 L. Callinicos and A. Odendaal, *Report by the Convenors of the Archives Sub-committee of the Arts and Culture Task Group (ACTAG): Archives in South Africa*, section 4.1.3, 1995.
- 25 Under this constitution issues that concerned all 'racial groups' were deemed as 'General Affairs' and debated in all three houses. Issues deemed to be 'Own Affairs' were discussed in the relevant house.
- 26 Africans were excluded from this constitution. In terms of the apartheid' era policies of separate development, they were supposed to exercise their political rights in the self-governing 'homelands'.
- 27 The involvement of the NARSSA in the Timbuktu Manuscripts Project may be seen as an attempt to address this perception by demonstrating to government and to others that the institution could make a significant contribution to President Thabo Mbeki's flagship African Renaissance project and to the preservation of a key and iconic part of Africa's intellectual and cultural heritage.
- 28 An Official History Section was created in 1959 to concentrate exclusively on the writing of the history of the Anglo-Boer War.





**LOOKING *FORWARDS***  
***LOOKING* BACKWARDS**



**CULTURE & DEVELOPMENT CONFERENCE**  
**APRIL – MAY 1993 JOHANNESBURG**

## CHAPTER TWO

### ENVISIONING ARCHIVES IN AND FOR A DEMOCRATIC STATE

This chapter summarises the findings and recommendations about the future of archives contained in various reports and policies coming out of a number of broadly consultative processes in the 1990s. These include: The African National Congress Commission on Museums, Monuments and Heraldry; the Arts and Culture Task Group; and the White Paper on Arts, Culture and Heritage. These initiatives played a seminal role in shaping the vision and values that informed the transformation of public archives and the conception of the national archival system. We conclude by asking whether this conception holds good in the present, or whether the time has come to reimagine the system.

#### Reimagining archives

Between 1990, when political organisations were unbanned, political prisoners released, and negotiations towards a democratic order began, and 1997 when the White Paper on Arts, Culture and Heritage was published, the nature and role of the archives, like all other government institutions, came under intense scrutiny. During this period, the glaring inequities of the structures and systems of the apartheid government were heavily critiqued as new visions for more equitable, democratic and better-resourced institutions took shape.

National dialogues and consultative processes created an opportunity for practitioners and stakeholders to reassess and reimagine the significance and function of archives and records in a new dispensation, to attend to the issues of redress – on all fronts – and to develop the policy and legislative frameworks to support this. Discourse flourished as opportunities for engagement with the international archives community opened up debates and offered an injection of new thinking after years of enforced isolation; strong professional associations provided a platform for practitioners, giving them a voice in decision-making processes; and barriers crumbled as academic institutions, political movements and parties, civil society organisations and state structures came together to build a shared vision for a new national archival system

#### The African National Congress's Commission on Museums, Monuments and Heraldry, 1993

In 1992 the African National Congress's (ANC) Department of Arts and Culture established a Commission on Museums, Monuments and Heraldry

*“The ANC policy will ensure that people have access for research purposes to the state and private information channels so that an informed democratic culture can be developed. It is accepted that certain exceptions to this right will have to be granted in order to protect the privacy of individuals and the security of the democratic state.”*

Looking Forwards: Looking Backwards, 1993, p. 55.

*“The ANC’s policy towards museums, monuments, memorials, national archives and national symbols of South Africa rests on the premise that these institutions and cultural structures should foster national unity, reconciliation and democratic values and be accessible to and preserved for the education and benefit of all South Africans.”*

G. Dominy, 1993, p. 69.

(CMMH) which convened an Archives Sub-committee to examine the status of archives in the country, formulate a draft policy for archives in a democratic South Africa, establish guidelines regarding interim measures and make recommendations regarding transformation, popularisation and democratisation of current archive structures.<sup>1</sup> The position of the ANC CMMH was presented at the ANC-initiated *Culture and Development Conference* (CDC)<sup>2</sup> held in Johannesburg in 1993.

The CMMH condemned cultural institutions established under apartheid rule as “archaic, monuments of privilege, institutionalised proof of white hegemony and the abuse of environment and culture”.<sup>3</sup> Noting that there was no coherent national policy for the management of museums, monuments, archives and national symbols, the CMMH reported that the ANC’s proposed national policy would be underpinned by the premise that cultural institutions and structures should foster national unity, reconciliation and democratic values and be accessible to, and preserved for, the education and benefit of all South Africans.<sup>4</sup>

In its report on archives the CMMH, while acknowledging that the SAS provided a “high quality professional service”<sup>5</sup>, identified numerous problems. These included: the absence of a clear policy; the illegal destruction of records; the state of records in the self-governing ‘homelands’, the security forces and other state agencies not subject to the control of the SAS; the restrictive nature of legislation which limited the democratic rights of citizens to access; the shortage of resources; the unequal racial composition of staff arising from years of discriminatory employment policies; and the low bureaucratic status of the SAS which, the CMMH noted, “impairs its ability to function as an effective ‘watchdog’ over records in powerful departments”.<sup>6</sup> As we have noted in this analysis, the status of public archives remains an issue of pressing concern.

The Report of the CMMH positioned archives at the nexus of cultural rights and civil rights, particularly in regard to freedom of information and administrative functions of government and outlined a number of principles to guide the future direction of the SAS. It also proposed several positions to be incorporated into a national archives policy. These include: the principle of freedom of access to information should be accepted as a democratic right; the archives service should be placed under a democratically elected Archives Commission tasked with responsibility for determining policy for the appraisal and destruction of government records; the archives service should collaborate with cultural and heritage institutions in a ‘people’s history’ programme aimed at empowering the voiceless; and archival centres should be positioned as community resources, not simply repositories.

These recommendations made by the CMMH, many which are echoed in the *Report on Archives in South Africa* prepared for the Arts and Culture Task Group by Luli Callinicos and André Odendaal in 1995, played a profound role in shaping the *National Archives of South Africa Act No 43 of 1996*.

## The Arts and Culture Task Group, 1995

In November 1994 the Minister of Arts, Culture, Science and Technology, Dr Ben Ngubane, appointed a 23-person ACTAG to make detailed recommendations on an arts and culture policy consistent with the country's new democratic constitution. ACTAG's terms of reference were widely publicised and interested parties invited to submit written proposals. Sub-committees were established to prepare sector-specific recommendations. During 1995, public hearings were held across the country and a national conference was convened to discuss and adopt the recommendations and a final report outlining these was published in July 1995.

The matter of archives was considered by the ACTAG Heritage Sub-committee which identified four critical roles for archives: preserving collective memory; unlocking neglected and suppressed histories; protecting civil rights and the right to citizenship, freedom of expression, and information; and fostering democratic accountability. As Verne Harris notes in an *S.A. Archives Journal* editorial in 1995, the Heritage Sub-committee did not include a representative from the archival profession and, while it consulted widely, the recommendations put forward by archivists, including the South African Society of Archivists (SASA),<sup>7</sup> were simply ignored and the Report was, in consequence, "deeply flawed".<sup>8</sup> In its submission on the ACTAG Heritage Report SASA<sup>9</sup> argued the Report communicated a "fundamentally warped view of what a public archives service is" and SASA identified a number of major shortcomings in the report. Chief amongst these was that it ignored the record management function of the public archives service and the role this was intended to play in promoting efficient, transparent and accountable government.

Five months after the publication of the ACTAG Report, sub-committee members Luli Callinicos and André Odendaal, in response to the discontent expressed by SASA, prepared a *Report on Archives in South Africa*. We consider this report at length because it offers a concise and useful overview of the key challenges identified at a key moment, as well as making detailed recommendations for the transformation of the SAS to meet the needs of the new democratic state.

While the report acknowledged that the SAS, "in some respects provides a high quality service"<sup>10</sup> and recognised that it was "unique among world archives services in that it is the only service to have the legal authority to approve the design of records systems in government offices",<sup>11</sup> it was sharply critical of the racial bias of the apartheid government's archival policies and practice. It pointed out that the archives were part of the broader system of oppression that suppressed the experiences of black South Africans, and argued that the Eurocentric appraisal policy had resulted in the loss of material relating to the history of black South Africans.

*"Now that South Africa is for the first time formally a democracy, archives can help to unlock the neglected and suppressed history of our past. Archives must also be freely accessible (within universally acknowledged necessary legislative limitations) to ensure a cardinal constitutional principle of freedom of information. In terms of the principles of the new constitution, the people of South Africa have the right to fair access to state information for research purposes, so that democratic accountability and freedom of expression are fostered."*

ACTAG Report on Archives in South Africa, 1996.

The report identified a number of other major shortcomings. These related specifically to: the inadequate and uneven distribution of resources; difficulties in accessing archives; a chronic shortage of staff and funds; and the low status of the SAS in the state bureaucracy, which enabled powerful departments to defy the provisions of the Archives Act with impunity; the illegal destruction of records in the offices of origin, and the SAS's inability to exercise its role as a 'watchdog' over government records effectively, and the unrepresentative nature and ineffective functioning of the National Archives Council. On a positive note, the report pointed to the "huge potential"<sup>12</sup> of archives to contribute to education.

A number of policy guidelines were proposed. Most of these applied broadly to the need to effect transformation in accordance with the democratic provisions of the new Constitution and to "give voice to those marginalised by apartheid".<sup>13</sup> Noting that records management was vital to upholding the right to freedom of information, the report contended that public archives should be positioned within government structures that might "facilitate rather than hamper the function".<sup>14</sup> It recommended that, "Ideally, in order to empower the State Archives Service to work efficiently, it should have independent agency status and be directly answerable to parliament; but if this is not feasible, the Service should be positioned as centrally as possible and be given full status to enforce legislation."<sup>15</sup> While the report recommended that the National Archives account to the DACST via the proposed Archives Commission, this was qualified by a suggestion that, "framework autonomy must be the cornerstone of the new system thus providing the National Archives with a greater degree of autonomy than it has hitherto enjoyed".<sup>16</sup>

The report indicated a number of areas that required urgent and critical attention. These included the management of electronic records, the training and education of archivists, the provision of archival infrastructure in several of the provinces, the fragmentation of archives services and the illegal destruction of official records.

## **The White Paper on Arts, Culture and Heritage, 1996**

The White Paper of 1996, informed by the ACTAG Report, arose out of a deep and far-reaching engagement with practitioners, educators, academics and administrators. It embodied the hopes and aspirations of the sector – from the smallest community-based projects to the largest national institutions. It focused broadly on three important challenges: to effect fundamental transformation in accordance with the democratic values enshrined in the new Constitution; to give substance to the rights of citizens to access, to participate in and to enjoy the arts and to preserve their heritage; and to facilitate the optimum conditions in which these rights might be enjoyed and practised. The White Paper, which continues to guide policy today,<sup>17</sup> was forward-looking, aiming to build a better future by redressing the wrongs of the past, correcting historical imbalances, and broadening the range and

*"Attention to living heritage is of paramount importance for the reconstruction and development process in South Africa. Means must be found to enable song, dance, story-telling and oral history to be permanently recorded and conserved in the formal heritage structure."*

White Paper of Arts, Culture and Heritage, 1996, p.33.

scope of publicly funded heritage institutions. It also acknowledged the need to address the country's troubled history and to use arts, culture and heritage to promote nation building, national reconciliation and healing. While in retrospect it may seem overly idealistic, somewhat naïve and difficult to put into operation, it spelled out a compelling and inspiring vision to which most stakeholders subscribed and it laid the foundation for a more just, equitable and inclusive dispensation for the arts, culture and heritage sector.

The White Paper did *not* address the matter of archives. Clive Kirkwood, then Chairperson of the National Committee of SASA, in a letter to Minister Ngubane,<sup>18</sup> attributed this omission to the fact that the drafters may have taken into account the work of the Consultative Forum on Archival Management and Legislation and decided that, as the National Archives of South Africa Bill had already been tabled in Parliament, it was not necessary to propose policy frameworks for archives. Kirkwood also asked whether the omission may be attributed to the fact that “given the transversal nature of the records management function of the national archives, involving a supra-departmental monitoring role, archives do not logically belong within structures for culture and heritage.”<sup>19</sup> In retrospect, the discomfiting omission of archives from the White Paper should have been seen as a portent of things to come. The Department of Arts and Culture (DAC) has never quite come to grips with the issue of archives: they have always been over-shadowed by DAC's other programmes.

## Key features of the 1990s discourse

Verne Harris, in a National Archives publication, *Exploring Archives: An Introduction of Archival Ideas and Practice in South Africa*<sup>20</sup> summarised the main features of the discourse of the 1990s. We quote Harris in full here because his summary captures the essence of the transformative intentions that informed the formulation of the *National Archives of South Africa Act No 43 of 1996*:

- “Archives are understood as institutions of social memory. They preserve heritage resources, and should be conceptualised within the broader heritage sector.
- The role of public archives is to promote a shared national identity and to protect the rights of citizens.
- Archivists are active shapers of social memory and documenters to society. In this they are accountable to the people and should focus on documenting aspects of South African experience ignored or excluded by the apartheid public archives. A strong emphasis should be placed on recording oral histories and traditions largely absent from written records.
- Archives should not merely be a scholar's domain. They are a public resource. Freedom of information, and outreach endeavours designed to take archives to the people, to overcome the enduring systemic barriers to access, are key instruments in realising this ideal.

*“Public discourse in South Africa is framed by two watchwords: transformation and transition. The archival profession is no exception. In numerous forums across the country, both formal and informal, public and private, archivists are assessing the demands on their services of the transition to democracy. As never before, they are questioning the basic assumptions which have shaped their theory and practice for many decades.”*

Editorial, South African Society of Archivists Journal, 1993, p. 1.

*“In all these conferences common goals were identified and designed to initiate, encourage, facilitate and contribute towards the promotion of arts and culture as conciliatory, reconciliatory and unifying factors in the evolutionary process of a democratic South Africa. This is a qualitative leap from the culture of protest and resistance to the culture of transformation and reconstruction.”*

W. Serote, 1995, p. 4.

- Public and non-public archives should work together, share resources, forge partnerships, and co-ordinate their activities outside of a regulated regime”.<sup>21</sup>

Harris’ summary offers a useful benchmark against which to assess archival practice in the years that followed.

## Conclusion

The 1990s were characterised by a spirit of optimism as archivists played an active role in shaping new directions for their discipline and their institutions in keeping with the broader transformation endeavour of the time. Our reading of the last twenty years or so shows that the optimism that marked the 1990s crumbled away as resources failed to materialise, backlogs in processing archives and records grew to unmanageable levels, training and opportunities for professional advancement became limited and the NARSSA lost the will and the capacity to play a national leadership role.

The challenge in the present is to consider whether the thinking and the ideals that framed the conceptualisation of the national archival system in the 1990s remain appropriate and relevant today. Is it time to reimagine the national archival system for the 21<sup>st</sup> century?

## (Endnotes)

- 1 For more detailed information on this, see Brenton Maart’s contribution Field brat’s blog from the bundu: The Mthatha Archives [http://www.archivalplatform.org/blog/entry/field\\_brats\\_blog\\_from\\_the\\_bundu\\_the\\_mthatha\\_archives/](http://www.archivalplatform.org/blog/entry/field_brats_blog_from_the_bundu_the_mthatha_archives/)
- 2 *Looking backwards. Looking forwards: Culture and Development Conference*, Johannesburg April–May 1993. (Mayibuye Books, Bellville, 1993), pp. 51–56.
- 3 *Ibid.*; p. 51.
- 4 G. Dominy, “Archives in a Democratic South Africa: the proposals of the ANC: An Evaluation” in *S.A. Archives Journal*, Vol. 35, 1993.
- 5 *Ibid.*; p. 70.
- 6 *Ibid.*; p. 72.
- 7 South African Society for Archivists, “Submission on the Arts and Culture Task Group’s (ACTAG) Heritage Report” in *S.A. Archives Journal*, Vol. 38, 1996, p. 108.
- 8 V. Harris, “Editorial, Getting our ACTAG together: Musings on the challenges facing South African archivists, with special reference to the Arts and Culture Task Group’s (ACTAG) Report on Heritage” in *S.A. Archivists Journal*, Vol. 37, 1995.
- 9 South African Society of Archivists ‘Submission on the Arts and Culture Task Groups Heritage Report’ in *S.A. Archives Journal*, Vol. 38, 1996, p. 108.
- 10 L. Callinicos & A. Odendaal, *Report by the Convenors of the Archives Sub-committee of the Arts and Culture Task Group (ACTAG): Archives in South Africa*, section 4.3, 1995.
- 11 *Ibid.*
- 12 *Ibid.*; section 4.3.6.
- 13 *Ibid.*; section 5.2(iv).
- 14 *Ibid.*; section 5.4.
- 15 *Ibid.*; section 5.10.
- 16 *Ibid.*; section 5.19.
- 17 The White Paper on Arts, Culture and Heritage published in 1996 continues to guide the activities of the DAC. A revised White Paper was, at the time of writing, in preparation.



- 18 C. Kirkwood, "Submission on Draft White Paper on Arts, Culture, Heritage and Archives". *S.A. Archivists Journal*, Vol. 38, 1996, p. 123.
- 19 SASA Submission to Dr Ben Ngubane, Minister of Arts, Culture, Science and Technology on the Draft White Paper on Arts, Culture and Heritage, 24 June 1996.
- 20 V. Harris, *Exploring Archives: An Introduction to Archival Ideas and Practice in South Africa*, (Pretoria, National Archives of South Africa, 1991), pp. 90–91.
- 21 *Ibid.*

# **The Constitution**

of the Republic of South Africa, 1996



**Act 108 of 1996**

## CHAPTER THREE

### THE REGULATION OF PUBLIC ARCHIVES IN A NEW DEMOCRACY

This chapter describes new Constitutional arrangements for archives, outlines the process through which the new archival legislation, which laid the foundation for the national archives system, was prepared and summarises key provisions of the National Archives of South Africa Act No. 43 of 1996 and amendments made to the Act in 2001. We conclude that it is time to re-examine the legislation that underpinned the foundations of the national archival system and to ask whether it remains appropriate in the 21<sup>st</sup> century.

#### The Constitution of the Republic of South Africa, 1996

The wide-ranging changes that affected every aspect of South African society after the election of the first democratic government in 1994, and the adoption of a new Constitution in 1996, affected the regulation and mandate of public archives profoundly.

The *Constitution of the Republic of South Africa Act 108 of 1996* established three distinctive, interdependent and interrelated spheres of government: national, provincial and local. Schedule 5 of the Constitution lists functional areas of exclusive provincial legislative competence.<sup>1</sup> These include: archives other than national archives; museums other than national museums; libraries other than national libraries; cultural matters and a range of miscellaneous services including abattoirs, **ambulance services and provincial sport. This means that the while the NARSSA takes responsibility for the records of national government departments and public institutions including: Constitutional Institutions; Major Public Entities; National Public Entities; and National Government Business Enterprises and their subsidiaries, responsibility for the records of provincial and local government, such as Provincial Public Entities and Provincial Government Business Enterprises and their subsidiaries, devolved to provincial archives.**

The devolution of archives, other than national archives, to the provinces, resulted in the split of the centralised archives service (which had until then been tasked with responsibility for national, provincial and local government records) into 10 distinctive, independent yet interrelated entities, the NARSSA and the nine provincial archives and records services. The SASA raised concerns about this issue in 1996, in a submission to the Constitutional Court in which it noted that the archival profession had not been consulted on the devolution of the function to provinces and warning that “the widespread

*“This Constitution is a magnificent document. In keeping with the spirit of the nation that has so often been called a miracle, it is a testament to nation building. It has high ambitions. It sets us a formidable test. These hopes and ideals for our nation must become more than words on a paper; they must become a reality in the lives of all our people. We must take this Constitution to our hearts, we must get to know it intimately and we must learn to live by its tenets.”*

C. Ramaphosa, speech at the signing of the new constitution, 10 December 1996.

lack of archival expertise coupled with the general disinclination of provincial government to provide adequate resources for archives services is cause for alarm”.<sup>2</sup>

While no doubt intended to bolster provincial governments’ powers over their own records, the fragmentation of the centralised archives service disrupted the delivery of archive and records management services in the new dispensation.<sup>3</sup>

While archives, museums and libraries, other than national archives, museums and libraries, are listed as areas of exclusive provincial legislative competence, *cultural matters* are listed as an area of concurrent national and provincial legislative competence. This means that the DAC is required to develop minimum standards that apply generally across the country and to monitor and evaluate the implementation of policy. The DAC is also empowered to commit funds from its own budget for work done in the provinces. The same provisions do not apply to archives other than national archives because they are designated as a functional area of exclusive provincial legislative competence.

The *Constitution of the Republic of South Africa Act 108 of 1996* did more than establish a system of co-operative government. As the supreme law of the land it calls on all South Africans amongst other actions to “heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights.”<sup>4</sup> This required a fundamental shift not only in society at large, but in archival practice too.

## **The National Archives of South Africa Act No 43 of 1996**

The sense of common purpose and the prospect of making a significant contribution to the broader transformation project, strengthened by sound leadership and the support of key political leaders, emboldened archivists to come together to formulate a new national archival system for a democratic state. While they contributed to the debates generated through the ACTAG process, another more focused intervention was at work, quietly laying the foundations for a new archival service. The Consultative Forum for Archival Management and Legislation (the Forum), initiated after a process of negotiation with the Minister, the Council of Culture Ministers and the Technical Committee on Culture<sup>5</sup> and managed by the SAS, was mandated to negotiate the future management of public archives services, in accordance with the new Constitution and to draft new legislation.

A wide range of stakeholders, including professional archivists from national and provincial archives, representatives from ACTAG, professional associations, client offices and associations of users of archives as well as the National Assembly’s Portfolio Committee on Arts and Culture, participated in the deliberations of the Forum. After agreement was reached that provincial

*“New archival legislation is needed to replace the current Archives Act (No. 6 of 1962), and serve as a key instrument of democratisation. The National Archives of South Africa Bill reflects the new constitutional dispensation and the division of functions at national and provincial level; it addresses the new realities of public record-keeping; and it embraces the principles of accountability and transparency.”*

C. Kirkwood, 1996, p.113.

legislation would be drafted in conjunction with central legislation, a Working Committee for the Drafting of Archival Legislation was elected. The Working Committee undertook a careful study of international archival legislation. A draft Framework for a new National Archives Bill was submitted to the Forum in August 1995 and finalised for submission to the Minister by November of that year.

To the dismay of the Forum, and SASA who had endorsed it, the Ministry made a critical change to the functions of the proposed Archives Commission detailed in the Bill without consultation. SASA's concerns are outlined in their submission to the Parliamentary Committee on Arts, Culture and Language, Science and Technology.<sup>6</sup> In summary, SASA argued that the Forum had adopted the position that the appraisal of public records was an archival function and that responsibility for this function should lie with the National Archivist and that the proposed Archives Commission should be mandated to approve an overarching appraisals policy and to monitor its implementation. The Ministry changed this, effectively giving responsibility for, and control over, appraisals to the Archives Commission. SASA objected to this on the grounds that appraisal was a professional function, that the large number of appraisal applications submitted to the archives made the proposed change in procedure unworkable, and that the involvement of the Archives Commission in appraising records would allow for "direct political interference in a professional function".<sup>7</sup> The Bill was subsequently revised to reflect the original proposals of the Forum, charging the Archives Commission with responsibility for approving the appraisal policy and monitoring its implementation.

In its submission to the Minister, SASA also acknowledged the vital role of oral history in filling gaps in the written record and in restoring "the marginalised to the historical record"<sup>8</sup> and suggested that that NARSSA might best contribute to this important initiative by maintaining a register of oral history resources.

In August 1996 the Portfolio Committee, in what has been described as a "triumph for democratic process",<sup>9</sup> secured a consensus position on all the disputed clauses of the Bill.

The *National Archives of South Africa Act No 43 of 1996* came into effect on 1 January 1997, marking the start of a new phase of public archive management and administration. The Act:

- formalised the institutional status of the National Archives by establishing it as a branch<sup>10</sup> of the Public Service under the control of the (then) Department of Arts, Culture, Science and Technology (DACST)<sup>11</sup> and made provision for it, as a national body to "assist, support, set standards for and provide professional guidelines to provincial archives services"<sup>12</sup> and to maintain a national automated archival retrieval system in which all the provinces should participate. As an integral part of government,

*"The new legislation firmly rejects the apartheid model for public archivists – answerable only to the state and their operations [are] largely opaque. This, of course, fuses with the broader imperatives to democratise South Africa's public service."*

Annual Report of the National Archivist  
1995–1997, p. 6.

*“We can have the most magnificent and comprehensive piece of legislation – in my opinion that is exactly what we do have with this Bill – but for all that, it remains only a tool. To ensure the protection and preservation of our national heritage in its totality, we need to acknowledge the fact that sufficient funds must be made available for this tool to be used.”*

Proceedings of the National Assembly, 28 August 1996, p. 4068.

the NARSSA was also expected to contribute to the broad imperatives of transformation, redress and nation building.

- broadened the powers of the National Archives over public records by tasking it with a comprehensive and unambiguous mandate to ensure the proper management and care of *all* public records, including classified records and electronic records and by extending its mandate to include all legislative, executive, judicial and administrative organs of state, including records housed in offices of origin such as the deeds office and statutory bodies. **This effectively made the NARSSA the auditor of government record-keeping in support of the rights enshrined in the Constitution.**
- mandated the NARSSA to play a proactive role in shaping public memory by filling gaps resulting from past imbalances in the acquisition of non-public records and actively documenting the experiences of those either excluded from or marginalised in the colonial and apartheid archives.
- aimed to facilitate access to archives as a public resource by reducing the period after which unrestricted access to public records in the custody of the NARSSA would be made accessible from a variable 30-35 years to 20 years and obliging the institution to find ways of addressing the systemic barriers to access created by the apartheid system.
- required the NARSSA to become an effective member of the broader South African archival community by fostering co-operative endeavours, encouraging archives and records management activities, providing training and promoting awareness of the archival heritage.
- established the National Archives Commission (NAC), comprising the National Archivist and nine other members appointed by the Minister “from among persons who are knowledgeable or have an interest in archival matters”<sup>13</sup> through a process of public nomination, as the Minister and society’s watchdog over the NARSSA.

**Note on terminology:** *The National Archives Act No 43 of 1996, as amended is hereafter referred to as the 1996 Archives Act.*

## **Amendments to the Act, 2001**

The 1996 Archives Act was amended by the *Cultural Laws Amendment Act No. 36 of 2001*. While some of the amendments were necessary to align the 1996 Archives Act with the Public Service Regulations published in 1999 others were more substantive. While the 1996 Archives Act was crafted through a broad consultative process, the 2001 amendments were formulated without any input from the sector. Amendments were aimed at addressing two key issues: firstly, the need to harmonise the 1996 Ac with other legislation; and secondly the troubled state of the NAC and a number of inconsistencies in its powers and functions.

Amendments regulating administrative matters entrenched the position and status of the NARSSA as a branch of the public service and as a directorate

within the (then) DACST<sup>14</sup> in accordance with relevant legislation. While the 1996 Archives Act gave the Minister full authority to appoint the National Archivist, within the framework of the *Public Service Act No 103 of 1994*, the 2001 amendments require the Minister to consult with the Public Service Commission. Other amendments made provision for the National Archivist to manage the NARSSA under the Direction of the Director General of DACST and, by repealing Sections 8 and 9 of the 1996 Archives Act, placed all financial matters in the hands of the DACST rather than the NAC, in accordance with Treasury regulations.

A more substantive set of amendments replaced the NAC with a National Archives Advisory Council (NAAC) a body with a different composition and reduced powers. Graham Dominy, who assumed the position of National Archivist early in 2001, argues that this was necessary for a number of reasons.<sup>15</sup> Firstly, the 1996 Archives Act required the NAC to “promote the co-ordination of archival policy formulation and planning at national and provincial levels”. This function was removed because *policy formulation* is a ministerial responsibility and prerogative, the NAAC was accorded an *advisory* role in this and other matters relating to the operation of the 1996 Archives Act. Secondly, the composition of the NAAC, which made provision for provincial representatives, gave effect to the principles of co-operative government and intergovernmental relations outlined in Chapter 3 of the Constitution, unlike that of the NAC whose members were appointed by the Minister. Thirdly, the NAC, inaugurated in 1998, ran into trouble very quickly because it was not provided with the budget and administrative infrastructure required to support its role. It became dysfunctional, and the Minister had no mechanism to dissolve the Council without amending the Act. Amendments were also required to address a troublesome blurring or duplication of roles of the NAC and the NARSSA in respect of non-public records. The NAAC were given to new functions: to advise and consult with South African Heritage Resources Agency (SAHRA) on the protection of records forming part of the National Estate and to consult with the Public Protector on investigation into the unauthorised destruction of records protected by the 1996 Archives Act.<sup>16</sup>

*“One of the key mechanisms for providing the post-1994 ANC-led government with watchdog and public accountability capacities in relation to the transformation of the National Archives was the National Archives Commission. Quite deliberately the legislation provided the Commission with critical executive powers in addition to a medley of advisory ones.”*

V. Harris, 2009.

Among the functions of the NAC that were *not* extended to the NAAC was the provision for oversight that required the NAC to “approve the appraisal policy of the NARSSA and monitor its implementation”.<sup>17</sup> It may be argued that this is implicit in the broad advisory mandate, but this may be open to interpretation. **It is crucial that the important decisions which are made about what records should be retained and what records may be destroyed or disposed of are monitored by an independent body, in the public interest.**

## Legislation Review, 2008

The 1996 Archives Act, as amended in 2001, was reviewed together with other heritage legislation in 2008.<sup>18</sup> The purpose of this review was to review

the laws for “divergence, duplication and inconsistency (within the laws themselves, in relation to the White paper on Arts, Culture and Heritage, 1996, the Constitution, constitutionally mandated laws and other applicable laws).<sup>19</sup>

A number of recommendations were proposed. These included:

- broadening the definition of ‘record’ to incorporate information in electronic and digital formats;
- reviewing and updating the definition of ‘governmental body’;
- expanding the functions of the NAAC to include an appeals function in relation to decisions taken by the National Archivist in respect of granting access to records – and, in support of this amending the composition of the NAAC to include a legal practitioner or High Court Judge;
- expanding the objects and functions of the National Archives to include supporting provincial archives, and interactions with other relevant bodies;
- reviewing the composition of the NAAC and amending the provisions for its dissolution that were considered to be vulnerable to legal challenge;
- aligning the legislation with the Promotion of Access to Information Act (PAIA), and providing for a general right of appeal in cases where the National Archivist refuses access. The Act, as it stands, only makes provision for appeals in cases where access is refused because of the fragile condition of a document;
- revising and updating penalties;
- introducing copyright exceptions aimed at enhancing the performance of the mandate of public archives;
- establishing an intergovernmental forum to include all three spheres of government; and
- harmonising the provisions relating to governance with those of other institutions falling under the DAC.

*“Other interlinking pieces of national legislation are in various stages of completion: The National Heritage Bill is still being drafted; the Open Democracy Bill was published for comment in 1997; and the Legal Deposit Act was passed in 1997 but awaits approval of its subsidiary regulations before it can become fully operative. The National Archives is participating in all these processes.”*

Annual Report of the National Archivist 1997-1998, p. 6.

**These amendments were never brought into law.** Since the recommendations were formulated other legislation, including the *Protection of Personal Information Act No 4 of 2013*, and the impending *Protection of State Information Act*, which impacts significantly on archival practice, have been passed. A thorough review of the 1996 Archives Act is long overdue.

## Conclusion

The 1996 Archives Act inaugurated a new national archival system. In the absence of a national policy it set in place the mandate of the NARSSA and laid the framework for the regulation and management of all public records. In theory, the Act was excellent, reflecting the aspirations of the time for a national archival system to fit the new democratic order. Sadly, the gap between legislation and implementation and between policy and delivery yawns wide.



Our analysis of the national archival system has highlighted the failure of public archives to fulfil the mandate set out in the 1996 Archives Act and identified a number of challenges that bedevil the system. Many of those with whom we consulted ascribe these to a lack of political will and insufficient resources. It may be that the challenges are the consequence of a flawed legal instrument rather than of poor implementation. We concluded the previous chapter by asking if the vision that drove transformation in the 1990s still holds good in the present. It's time to interrogate the legislation too.

## (Endnotes)

- 1 The *Interim Constitution Act 200 of 1993* assigned archives as an area of concurrent competence.
- 2 South African Society for Archivists, 'Certification of new constitutional text: Schedule 5, Archives other than national Archives', addendum to Submission NC 4/3/2 of 31 May 1996 to the Constitutional Court, p. 1.
- 3 The disruption caused by administrative changes within government and by new demarcations of national, provincial or local government boundaries should not be underestimated. Describing the situation following Union, the South African Government Service, National Diploma in Archival Science Handbook, published in 1987 says, "Unification was probably the event that caused the greatest disruption in the archival field. The establishment of central government departments resulted in the disintegration of many offices' archives as parts thereof were gathered in Pretoria for administrative purposes. In the process the new departments often incorporated these parts in their own archives without any ado. The result was that archives from different offices became so entangled that they cannot logically be separated again."
- 4 From the Preamble to the Constitution of the Republic of South Africa, 1996.
- 5 The Annual Report of the Director of Archives, 1995 and other documents use the terms 'Council of Culture Ministers' and 'Technical Committee on Culture' to refer to the bodies later known as MINMEC and the TIC respectively.
- 6 Submission on the National Archives of South Africa Bill to the Parliamentary Committee on Arts, Culture and Language, Science and Technology, 13 August 1996 in *S.A. Archives Journal*, Vol. 38, 1996, p. 113.
- 7 See "Submission Three on the National Archives of South Africa Bill", *S.A. Archives Journal*, Vol. 38, 1996, pp. 113–118.
- 8 *Ibid.*
- 9 V. Harris, "Editorial: Transforming South African Archives: Discourse and Delivery" in *S.A. Archives Journal*, Vol. 38, 1996, p. 1.
- 10 In South Africa the national public archive has functioned as an integral part of what is known as the public service since it was first established in 1922. This status remained unchanged after 1996, despite recommendations by the ACTAG Sub-committee on Archives and others that the archives and records service be granted a greater degree of autonomy.
- 11 From 1 August 2002, the Department of Arts, Culture, Science and Technology (DACST) was split into two: the Department of Arts and Culture (DAC) and the Department of Science and Technology (DST) under separate ministries.
- 12 *National Archives Act of South Africa No 43 of 1996*, Section 3(g).
- 13 *Ibid.*; Section 6 (2).
- 14 The Department of Arts and Culture came into being on 1 August 2002, when two separate ministries were created: The Ministry of Arts and Culture and the Ministry of Science and Technology.
- 15 Personal communication, August 2014.
- 16 *National Archives and Records Service Act No 43 of 1996*, as amended, Section 6(4)(c).
- 17 *Ibid.*; Section 6 (4)(e).
- 18 *Department of Arts and Culture, Heritage, Archives & Libraries Legislation Review Report*, 2008, pp. 212–225.
- 19 *Ibid.*; p. 5.

# Archives at the Crossroads 2007

Open Report to the Minister of Arts and Culture from the Archival Conference "National System, Public Interest" held in April 2007 and co-convened by the National Archives, the Nelson Mandela Foundation and the Constitution of Public Intellectual Life Research Project.



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Arts and Culture  
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NELSON MANDELA  
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## CHAPTER FOUR

### POST 1996 ASSESSMENTS OF THE ARCHIVE AND ARCHIVES

This chapter summarises the conclusions of three initiatives that critiqued the archives in the decade following the coming into being of the new national archival system. These different perspectives are included in: the reports of the Truth and Reconciliation Commission (1998); the Human Sciences Research Council report on the State of the Nation: South Africa 2004–2005 (2005); and Archives at the Crossroads 2007: The Open Report to the Minister of Arts and Culture from the Archival Conference “National System, Private Interest”. We conclude that these demonstrate a deep concern for the functionality of the national archival system and its conceptual and ideological underpinnings.

#### Introduction

The reports, summarised below, evaluate the state of the national archival system from a number of different perspectives. Individually and collectively, they consider the extent to which it: performs the functions mandated in law; is positioned to address an unjust past and contribute to societal transformation; and responds to the unique, and constantly unfolding, circumstances of the present.

#### The Report of the Truth and Reconciliation of South Africa (1998)

One of the mandates of the Truth and Reconciliation Commission (TRC) was “to determine what articles have been destroyed by any person in order to conceal violations of human rights or acts associated with political objectives”.<sup>1</sup> Given the complexity of this task and the constraints of time and resources, the Commission chose to limit the investigation into record-keeping practices by state structures subject to national archival legislation. In the course of its work the Commission investigated the destruction of records by: the Security Branch of the South African Police; the intelligence services of the former self-governing ‘homelands’ governments; the State Security Council and other structures of the National Security Management System under the control of the National Intelligence Service; the South African Defence Force; the Department of Prison Services; and the Security Legislation Directorate of the Department of Justice. There was one exception to the decision to focus on state records: the Commission also elected to investigate the destruction of huge volumes of non-public records confiscated by the state from individuals and organisations opposed to the system.

The Commission found that in the 1970s state bodies routinely destroyed ‘sensitive records’ to protect state security. This was done on the assumption

*“Measures must be implemented to prevent the destruction of records which form part of our history, however unpleasant. Particularly cynical is the deliberate destruction of records which may incriminate individuals or groups in power. To prevent such destruction, appropriate legal powers must be given to the state’s public archives service. The Archives Act provides the necessary legislative framework, but requires rigorous implementation.”*

TRC Final Report, Vol. 5, p. 345.

that 'sensitive records' fell outside the ambit of the Archives Act. This assumption, which was not tested by legal opinion until 1991, was sanctioned by the National Security guidelines and authorised by the head of state in 1978 and in 1984.

The Commission found that from 1990, as the state recognised that the transition to democracy was inevitable, it sanctioned and promoted the systematic and sustained destruction of its records in order to deny the incoming government access to apartheid secrets. Despite legal challenges and an agreement that all public records would, in future, be dealt with in terms of the Archives Act the state's illegal destruction of records continued unabated. In November 1995, Cabinet finally imposed a moratorium on the destruction of all records of the state. The report concluded that while, in the short-term, the destruction of records this hampered its investigations into gross human rights violations, in the long-term, all South Africans had suffered as a result of the apartheid state's attempted imposition of a selective amnesia.

The Final Report of the Commission acknowledged that the 1996 Archives Act provides the necessary legislative framework to protect records but noted that the Act requires rigorous implementation to prevent the destruction of records. It recommended that:<sup>2</sup>

- Future provincial archival legislation embodies the features of the national act.
- Government **provide the NARSSA with the resources** it requires to implement the Act, arguing that the power to inspect governmental bodies is rendered meaningless if the resources required to exercise this oversight function are not made available.
- Government takes steps to ensure that the **NARSSA functions as the auditor of government record-keeping**, arguing that this requires the NARSSA to become an independent agency, rather than a sub-programme of a single government department and recommending that consideration be given to creating a national archives unit in the office of the President or Deputy President.
- The security establishment not be allowed to bypass the operation of the Act, but, with due regard for sensitive material, be **subject to the professional supervision of the NARSSA.**
- The Report also makes detailed recommendations about security records, and the need to enable NARSSA to **fill gaps in official memory** through the collection of non-public records and the promotion of oral history projects in terms of the 1996 Archives Act,

*"The Commission recommends that the national archives be enabled to fill the gaps in official memory, through the collection of non-public records and the promotion of oral history projects (in terms of section 3(d) of the archives act)."*

TRC Final Report, Vol. 5, p. 346.

The Commission also made a number of recommendations about how its own records should be archived and made accessible to the public. To date, none of these recommendations have been implemented. See Chapter Ten for more information on this issue.

## The HSRC State of the Nation: South Africa 2004–2005

In their chapter, ‘The State of Archives and Access to Information’, in *State of the Nation: South Africa 2004-2005*, Sean Morrow and Luvuyo Wotshela conclude that **the NARSSA, while under strain, remains one of the most efficient official archives in Africa**. They argue that the same cannot be said for the situation at provincial and local government level where there are **too few skilled personnel and storage conditions are often “highly inappropriate”**.<sup>3</sup>

Morrow and Wotshela provide a detailed description of the problems plaguing the Eastern Cape Provincial Archives. These include: the appalling state of repositories, understaffing, as well as the lack of political will and institutional capacity that put historical and contemporary records at risk. They also consider the issue of non-official archives, the challenge of new technology, the records of the TRC, and access to information.

Morrow and Wotshela conclude that: archives are crucial, not just for efficient functioning of government, but also for citizens who wish to participate intelligently in the life of their society; and that the maturity of a society can be indicated by how judiciously it deals with the tensions between secrecy and openness, control and emancipation.

## Archives at the Crossroads 2007

In 2007, in response to a range of indicators signalling a troubled state of affairs in the national archival system and in the archival sector more broadly, the NARSSA, the Nelson Mandela Foundation and the Constitution of Public Intellectual Life Research Project at the University of the Witwatersrand, with the support of the Minister of Arts and Culture, collaborated in organising a two-day conference to consider the state of the archive.

The conference, “National System, Public Interest”, which marked the 10<sup>th</sup> anniversary of the inauguration of South Africa’s post-apartheid national archival system was attended by a broad range of stakeholders, and asked how well the system was working. The conference considered how transformation discourse had engaged changing realities and identified key challenges facing both the national system and the broader archival sector.

*Archives at the Crossroads 2007, the Open Report to the Minister of Arts and Culture from the Archival Conference “National system, Private Interest”*, which followed the conference, outlined the triggers that led to the holding of the conference, the various contributions to the conference and the discussions that ensued, noting these pointed unambiguously to an archival system under severe strain and to a wider archives sector urgently in need of support. We detail areas of concern identified by the conference at some length below because they

*“A well functioning but circumscribed official archives system has now been given a wider remit. This has put the system under strain, but the National Archives of South Africa (NASA) remains one of the most efficient official archives in South Africa. At provincial and local government levels the system is often unsatisfactory with insufficient skilled personnel and ... sometimes highly inappropriate storage conditions.”*

S. Morrow and L. Wotshela, 2005, p. 313.

provide a benchmark against which to determine whether the situation has improved or deteriorated over the last seven years.

Among the key concerns identified in the Open Report to the Minister of Arts and Culture were the following:

- The political and social role of archive and archiving in a democracy and in facilitating the work of building social cohesion in a diverse and historically fractured society was not recognised sufficiently, nor was it actively and systematically fostered in and by government and, indeed, in the broader public sphere. Furthermore, many of the varied forms and sites of archive and archiving went unrecognised.
- The lack of access to the archive remained a persistent and especially troubling matter. It was particularly concerning that the records of the TRC are not publicly accessible despite the Commission's own request that they be made available. The failure to make records accessible was indicative of the lack of understanding of the role of records and archiving in maintaining democracy.
- While heritage initiatives valorised the memory of the liberation struggle, it is important to consider that there is no single definition of the past that holds good for all people at all times. Access to open and inclusive archives is essential to acknowledging and facilitating diverse interpretations of the past and challenging politically dangerous exclusivity.
- The inherited, and limited, definition of the archive fails to acknowledge its vital presence in countless aspects of cultural and social life. This contributes to the isolation of the archive, as does the taint of its apartheid and colonial baggage. It is critical that the record of oppression be preserved because of its capacity to explain the legacies of those eras that still persist and so that victims, oppressors, witnesses and descendants can reckon with or come to terms with the past and call others to account. Furthermore, colonial and apartheid administrators collected and archived information about subject peoples. This resource may be put to good use in the service of post-colonial projects.
- Archival work is seriously under-resourced because its significance is largely unacknowledged. Lack of recognition and under-resourcing result in inadequate and un-integrated planning; a low skills base among personnel; inadequate records management in government departments; absence of clear career paths for staff; poor service delivery; inadequate conditions of preservation; in short, an archival system under strain and not serving South Africa as it should.
- Digitisation may solve many problems relating to lack of resources, access to and repatriation of archival material but it throws up new challenges. The Conference urged the DAC to take the lead in formulating policies and protocols to protect South Africa's archival resources.
- The incoming NAC should be afforded the fullest opportunity to grapple with the challenges detailed in the conference report and supported to come to grips with what is at stake nationally concerning archives.

*“Lack of recognition and under-resourcing result in inadequate and un-integrated planning; a low skills-base amongst personnel; inadequate records management in government departments; absence of clear career paths for staff; poor service delivery; inadequate conditions of preservation; in short, an archival system under strain and not serving South Africa as it should.”*

Archives at the Crossroads, 2007, p. 1.

In affirming the important role of archive and archiving in a democracy, the *Open Report to the Minister of Arts and Culture* argues that, “The records of government are key instruments of efficient administration and planning, and the means by which citizens hold governments accountable to them. The archive and archiving are further central tools of reconciliation and the recognition of our common humanity embracing all our diversity. They are sites for the ongoing reconsideration of the past in order to enable a better future.”<sup>4</sup>

*“What is at stake is not simply the survival of the inherited documents of the past, but our hard-won democracy itself and our possible future as a cohesive society.”*

Archives at the Crossroads, 2007, p.1.

*The Open Report to the Minister of Arts and Culture*, while suggesting that **the time was ripe to “fix the problems in the system and to use a rethought, 21<sup>st</sup> century, post-colonial concept of archive to underpin the urgent national project of social cohesion”<sup>5</sup> sounded a very serious warning that, “There is a danger of the national system being reduced to an observer of poor governance and a loss of historical memory.”<sup>6</sup>** It concluded, “What is at stake is not simply the survival of the inherited documents of the past, but our hard-won democracy itself and our possible future as a cohesive society.”<sup>7</sup>

## **DAC Arts and Culture Policy Review, 2006/2007**

In 2005/2006 the DAC initiated a cultural policy review. This was aimed primarily at evaluating the progress of the national and provincial departments of arts and culture and related entities and statutory bodies in relation to the objectives set out in the *White Paper on Arts and Culture* of 1996 and at reviewing legislative and policy frameworks.

*The Report of the Cultural Policy Review Committee* makes the **barest mention of archives**, linking them to the issue of access to information legislation. It explains the “National Archives and Records Service seeks to preserve the institutional or individual memory of an activity, its circumstances and context, in order to inform the development of a new democratic society”.<sup>8</sup> It provides some basic information about the purpose, Constitutional arrangements, institutional structure and legislation governing archives. Two issues are raised in the single paragraph that provides any substantive comment or analysis about archives. Firstly, it is suggested that the National Archives tardy response to access to information requests may be due to the fact that as the NARSSA is a DAC directorate and DAC Director-General the PAIA information officer. The Report suggests that this problem may be resolved if the NARSSA “seeks a different status (namely that of a public body)”.<sup>9</sup> Secondly, the Report notes that “Lack of respect on the part of role-players for the requirements under the National Archives of South Africa Act also seem to be a problem that may require revision of the legislative framework, especially with regard to the sanctions that may be imposed on bodies that fail to meet the timeframes and other statutory obligations”.<sup>10</sup>

*“Archivists and records managers in either country are still marginalised by state administration. There is no political champion of archives and records management in either country. There is a shortage of funds and staff, accompanied by poor infrastructure and lack of vision by the leaders of archival institutions in both countries. In South Africa, the national archives have inherited a role from the previous dispensation and it still remains a subordinate functionary within the Department of Arts and Culture, rather than being relatively independent.”*

M.Ngoepe and S. Masegonyana, 2011, p. 145.

A follow-up *Background Document on Arts, Culture and Heritage Review Process in South Africa*, prepared for an Arts and Culture Policy Review Workshop in 2007, includes the recommendations made in the *Draft Report: Review of Heritage Legislation*, as detailed in Chapter Three of this publication, but makes no further mention of archives.

### **An assessment of the state of national archival and records systems in the ESARBICA region: A South Africa – Botswana comparison**

This 2011 study, undertaken by Mpho Ngoepe and Segomotso Masegonyana Keakopa, was intended to assess and compare the current state of archival and records systems in two ESARBICA member countries, namely South Africa and Botswana. The authors found that, “While archives and records services in both countries do have legislation, they are not being recognised and given status in the government and public arena. Archivists and records managers in either country are still marginalised by state administration. There is no political champion of archives and records management in either country. There is a shortage of funds and staff, accompanied by poor infrastructure and lack of vision by the leaders of archival institutions in both countries. In South Africa, the national archives have inherited a role from the previous dispensation and it still remains a subordinate functionary within the Department of Arts and Culture, rather than being relatively independent. In Botswana, the national archival system is centralised and is also a subordinate functionary within the Ministry of Youth, Sports and Culture. Practical implications – the findings and recommendations will help in guiding national and provincial archival institutions in both countries to facilitate the effective management of records to determine those of archival value, to preserve them for posterity and to make them accessible to the public.”<sup>11</sup>

### **The Revised White Paper on Arts, Culture and Heritage, 2013**

In its response to the *Revised White Paper of Arts, Culture and Heritage*, submitted to the DAC in August 2013 the Archival Platform noted *inter alia* that:

- The document offers a very narrow reading of the role and significance of archives. More specifically: it fails to address the vital role of the archives in a democratic society; it loses sight of the role of archives in re-imagining the past; and it does not address the critical role that archives play in building social cohesion.
- One element of the mandate of state archives is to preserve the records of the government. In this regard, archives provide information about decisions and actions taken by government. This is of interest and use not only to those who seek to understand the past and make sense of the present, but to those who are required to ensure operational continuity



and plan efficiently for the future. In a democracy, reliable public records provide the evidence that empowers citizens to hold government to account, and enables government to demonstrate the actions it has taken to exercise its duties, fulfil its mandates and honour its commitments to citizens.

- Archives are a resource that is available to us in the present when we speak of, reckon with or come to terms with the past. They hold the resource that may be used in understanding how we came to be in our current circumstances, holding the records that have the potential to reveal both the injustices and the achievements of the past.
- The role of archives in building social cohesion is undervalued.
- The institutional arrangements described in Part 6 of the revised draft White Paper locate archives as a sub-sector of the Languages and Publishing Sector. This alignment fails to take account of the oversight function and responsibilities of public archives in relation to government record-keeping.
- The revised draft White Paper does not indicate what mechanisms are envisaged to facilitate the interaction between public and civil society organisations or academic institutions that hold important collections of non-public records, nor does it indicate how collaboration between these and other institutions of memory may be fostered within the broader institutional landscape.<sup>12</sup>

The Revised White Paper on Arts, Culture and Heritage has been amended, but awaits approval and, at the time of writing, had not been published.

## Conclusion

The various assessments of the state of the archive discussed above reflect a mixed bag of pragmatism, optimism and despair. On the one hand they demonstrate concern for the technical functionality of the national archival system. On the other, there is a deeper concern for the conceptual and ideological underpinnings and an anxiety that an opportunity to engage, to any significant degree, in fundamental changes might be slipping away. We are concerned that the challenges arising from the fundamental restructuring of the national archival system and the scarcity of resources, is diverting attention away from the broader transformation agenda.

## (Endnotes)

- 1 For a detailed account of this process see V. Harris, "They Should Have Destroyed More": The Destruction of Public Records by the South African State in the Final Years of Apartheid', *Transformation*, 42, 2000, pp. 29–56 and V. Harris, in *Archives and Justice: A South African Perspective*, Society of American Archivists, Chicago, 2007.
- 2 Truth and Reconciliation Commission of South Africa Final Report, Volume 5, Chapter 8, pp. 343–349.
- 3 S. Morrow, and L. Wotshela, 'The State of the Archives and Access to Information' in *State of the Nation: South Africa 2004–2005*, Department of Democracy, Governance and Service Delivery (DGSD), p. 2.

*"Some of the legislation, programmes and projects developed since 1996 overrides the essence of the 1996 White Paper, not as an intentional disregard for the policy framework but rather as a response to changes in the political and socio-economic context and directives issued by succeeding government's priorities."*

Revised White Paper on Arts, Culture and Heritage, 2013, p. 12.

- 4 *Archives at the Crossroads 2007: Open Report to the Minister of Arts and Culture from the Archival Conference "National System, Public Interest"*, p. 7.
- 5 *Ibid.*; p. 1.
- 6 *Ibid.*
- 7 *Ibid.*; p. 7.
- 8 Department of Arts and Culture, *Report of the Cultural Review Committee*, 30 May 2006, p. 26.
- 9 *Ibid.*; p. 27.
- 10 *Ibid.*; A footnote here refers to a SAHA Freedom of Information Programme update, February 2002.
- 11 M. Ngoepe and S M. Keakopa, 'An assessment of the state of national archival and records systems in the ESARBICA region: A South Africa – Botswana comparison' in *Records Management Journal*, Vol. 21, No 2, 2011, p. 145.
- 12 To read the Archival Platform's comments in full visit the website: [http://www.archivalplatform.org/blog/entry/comment\\_on\\_the\\_revised\\_draft\\_white\\_paper/](http://www.archivalplatform.org/blog/entry/comment_on_the_revised_draft_white_paper/)



## PART TWO

### THE NATIONAL ARCHIVAL SYSTEM: AN OVERVIEW

Part Two responds to the second set of questions that framed the Archival Platform's inquiry: What is the national archival system expected to do? Is it delivering on this mandate? What factors impede delivery? Chapter Five provides a broad overview of the national archival system, including its mandate. Chapter Six outlines the mandate of public archives in more depth. Chapter Seven considers the mandate to ensure the proper management and care of all public records. Chapter Eight covers the mandate to preserve records of enduring value. Chapter Nine interrogates the mandate to document aspects of South Africa's past previously neglected by repositories. Chapter Ten deliberates on the mandate to provide professional guidance and to facilitate collaboration. Chapter Eleven reflects on the mandate to promote access to and use of records by the public.



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(Please find attached to this invite, a copy of the paper by Professor  
Upper Campus

# CHAPTER FIVE

## OVERVIEW

This chapter offers a brief description of key aspects of the national archival system, including the Constitutional devolution of archives other than national archives, as a functional area of exclusive provincial legislative competence, placement in government, organisational structure, legislative framework, advisory councils, national and provincial budget allocations, holdings, infrastructure and facilities, human resources and legislative mandates. The overview points to areas where they system is functioning, and areas where there is a worrying lack of activity. It also begins to demonstrate the inequities in the delivery of archives and records services in the provinces. Key aspects of the mandate of the national archival system described here in broad brushstrokes, are addressed in more detail in the chapters that follow.

### The National Archival System

The term ‘national archival system’ is used to mean the network of state structures charged with responsibility for ensuring the proper management and preservation of public records. The system comprises the National Archives and Records Service of South Africa, the nine provincial archives and records services and councils or committees established to advise these.

## LEGISLATIVE FRAMEWORK

### Constitutional designation of archives

The *Constitution of the Republic of South Africa Act No. 108 of 1996* designated archives other than national archives as a functional area of exclusive provincial legislative competence. This brought about a significant shift in the South African archival landscape, splitting a once unified service into ten individual institutions: the National Archives and Records Service and nine provincial archives and records management services. These operate within the framework of co-operative government outlined in Chapter 3 of the Constitution.

### Archives legislation

The devolution of archives other than national archives to the provinces as a functional area of exclusive legislative competence required national government to enact legislation that applied to *national* archives and records services and provincial governments to enact legislation that applied to *local and provincial* archives and records management services. Provincial archives legislation is to a large extent modelled on national archives legislation, with provision being made for provincial application and relevance.

*“Mpumalanga Province is amongst the 6 provinces in the country that never inherited any functioning infrastructure with trained staff to provide records management services and to manage public records in the province. As a result, the function of records management has proved to be beyond our capacity due to limited resources and professional expertise.”*

Mpumalanga MEC Mtsweni, 19 April 2005.

*“The Archives and Records Management policy that will inform legislation was approved by the Executive Council. The draft legislation for Archives was completed and will be taken forward in the next financial year.”*

Gauteng Department of Sport, Arts, Culture and Recreation, Annual Report 2011/2012, p. 61.

National and provincial legislation share a number of common features. Both make provision for:

- the establishment of an archive and records service within a government department which sets out its objects and functions;
- the appointment of a head of service detailing his or her powers;
- the management of public records by governmental bodies;
- the preservation of public and non-public records and set out the conditions governing access to and use of these; and
- the appointment of a body to advise the minister / MEC on archives.

Public archives legislation currently in force includes:

- *National Archives and Records Service Act of South Africa Act 43 of 1996;*
- *Provincial Archives and Records Service Act No. 7 of 2003 (Eastern Cape);*
- *Free State provincial Archives Act No. 4 of 1999, as amended;*
- *Gauteng Archives and Records Services Act No. 5 of 2013;*
- *KwaZulu-Natal Archives and Records Services Act No. 8 of 2011;*
- *Mpumalanga Archives Act No. 14 of 1998;*
- *Northern Province (Limpopo) Archives Act No. 5 of 2001;*
- *Northern Cape Provincial Archives Act No. 7 of 2013; and*
- *Provincial Archives and Records Service of the Western Cape Act No. 3 of 2006.*

North West has still to enact provincial archives legislation. Until such time as provincial archives legislation is passed, provincial archives and records are managed in accordance with the provisions of the national act.

## **Other legislation relevant to the management of information and records**

Public archives and records management services function within the framework of other legislation having to do with the management and protection of records and information.

These acts include the:

- *Constitution of the Republic of South Africa Act No. 108 of 1996;*
- *Copyright Act No. 98 of 1978, as amended;*
- *Minimum Information Security Standards, 1996;*
- *Legal Deposit Act No. 54 of 1997;*
- *National Heritage Resources Act No. 25 of 1999;*
- *Public Finance Management Act No. 1 of 1999;*
- *Promotion of Access to Information Act No. 2 of 2000;*
- *Promotion of Administrative Justice Act No. 2 of 2000;*
- *Electronic Communications and Transactions Act No. 25 of 2002;*
- *Municipal Finance Management Act No. 56 of 2003; and*
- *Protection of Personal Information Act No. 4 of 2013.*

There are many more relevant acts and legal prescripts relating to the records and information that should be taken into account when the 1996 Archives Act is revised.

## **ORGANISATION**

### **Placement and status in government**

The 1996 Archives Act established the NARSSA as a ‘branch’ of the public service. It is administered as a sub-programme of the DAC.<sup>1</sup> While professional operations are managed independently, support functions, notably the management of financial and human resources, are fully integrated into the DAC’s organizational structure and programmes.

Provincial archives are similarly placed within departments having to do variously with sports, arts, culture and recreation.

### **Position in departmental hierarchies**

The National Archivist is appointed by the Minister of Arts and Culture and manages the institution under the Director General of Arts and Culture. Until 2004 the NARSSA was located in the Chief Directorate Archives, Records, Meta-Information (which included libraries) and Heraldry Services<sup>2</sup>. In 2004, when the Department of Arts, Culture, Science and Technology (DST) was split into two departments, Arts and Culture and Science and Technology, the Meta-Information function was transferred to the DST and the Chief Director: Archives was required to assume responsibility for the library function. This had a major impact on the performance of management duties, especially when the conditional grant for libraries came into effect. Graham Dominy, the National Archivist at the times notes that, “there were comments from the library side that they felt swallowed up by the National Archives and from archivists that they were being subordinated to librarians.”<sup>3</sup>

The current status of the NARSSA is unclear. While the organogram in the DAC’s 2012/2013 Annual Report shows a position for a Deputy Director General of National Archives and Library Services, information on the DAC website<sup>4</sup> suggests that responsibility for the National Archives remains with the Deputy Director General of Heritage Promotion and Preservation. This signals a worrying degree of confusion and ambiguity about the placement of the NARSSA within the DAC.

In the Eastern Cape, Limpopo, Mpumalanga and North West, provincial archivists function as sub-directorates. Archivist posts are at the level of deputy director/manager and provincial archivists report to a director/senior manager who is also responsible for library services. In KwaZulu-Natal the provincial archives function as a directorate within the DAC. The provincial archivist post is at director level. The provincial archivist reports directly to

*“With the restructuring of government and government departments in 1994, the National Archives and Records Service became a programme of the Department of Arts, Culture, Science and Technology. Following the creation of two separate departments in August 2002, the National Archives and Records Service became a programme of the Department of Arts and Culture.”*

www.national.archives.gov.za, accessed February 2015.

the Head of Department. The Free State and the Western Cape are in the process of establishing archives services as directorates within their respective departments. In these provinces the provincial archivists will occupy director-level posts and report directly to the Head of Department.

## **Organisational structure**

The internal structure of archives services depends very much on the size and staff complement.

The NARSSA functions under the National Archivist (Chief Director). Activity is divided into two Directorates:

- National Archives: with Sub-Directorates responsible for Preservation Management, National Archives Repository, National Film Video and Sound Archives, Security services, and Administration and Coordination.
- Records Management and Information.

In the provincial archives services activity is divided into two clearly defined primary streams: one dealing with records management and the other with archives management, each with its own dedicated staff. When capacity is limited, staff members perform both functions.

## **Advisory Councils**

Public archives legislation provides for the establishment of councils to advise the Minister or MECs. The NAAC comprises a maximum of 15 members: 6 appointed by the Minister and the chairpersons of the “various provincial councils advising on archives”<sup>5</sup> or another representative elected through a public process overseen by an MEC. Provincial archives legislation makes provision for the appointment of provincial archives bodies by MECs, through a process of public nomination. Archives advisory councils/committees have, to date, been appointed in three provinces, Free State, Western Cape, and Eastern Cape. Gauteng has issued a call for nominations but, at the time of writing, no appointments had been made.

## **RESOURCES**

### **Budget allocations<sup>6</sup>**

Public archives are funded through the budget appropriations of the departments within which they are placed.

Budget allocations differ significantly from province to province. In the 2012/2013 financial year for example, the budget allocated to the Gauteng Archives and Records Services was R468,000.00 while the KwaZulu-Natal

*“A crucial element in the national archival system is the National Archives Advisory Council. Composed of the chairs of provincial archives advisory councils and members appointed by the Minister through a process of public nomination, it is the Minister’s and society’s watchdog over the National Archives.”*

Annual Report of the National Archivist 2004/2005, p. 8.



Archives and Records Service was allocated R15,043,000.00 or 30 times more! This discrepancy is indicative of the inequality in the provision of archival services that characterises the national archival system.

<b>TABLE 1: EXPENDITURE REPORTED IN THE 2012/2013 FINANCIAL YEAR</b>		
NATIONAL ARCHIVES	36 877 000.00	This excludes capital expenditure.
EASTERN CAPE	10 094 000.00	This excludes expenditure on renovations to archives repositories
FREE STATE	4 080 000.00	
GAUTENG	468 000.00	
KWAZULU-NATAL	15 403 000.00	
LIMPOPO	3 238 000.00	
MPUMALANGA	45,020,000.00	This includes costs associated with the construction of the new archives repository
NORTHERN CAPE	11 027 000.00 <sup>7</sup>	This includes provision for the completion of the archives repository
NORTH WEST	15 080 000.00 <sup>8</sup>	This includes costs associated with the Executive Departmental Management Committee Archives Project.
WESTERN CAPE	9 105 000.00	

Note: The figures included above indicate audited expenditure as detailed in budget vote estimates 2014/2015 submitted to the National Treasury. In some cases these differ from the figures quoted in annual reports. As archives are placed as sub-programmes within programmes dealing with libraries, it is not possible to determine how much of the allocated funds were expended.

## Human resources

<b>TABLE 2: STAFF COMPLEMENT IN THE 2012/2013 FINANCIAL YEAR</b>			
	Posts filled	Posts vacant	Staff complement
NATIONAL ARCHIVES	98	23	121
EASTERN CAPE	31	5	36
FREE STATE	7	8	15 3 interns
GAUTENG	2	0	2
KWAZULU-NATAL	49	6	55 3 interns 12 contract staff (oral history projects)
LIMPOPO	7	3	10
MPUMALANGA	3	7	10 4 EPWP beneficiaries

NORTHERN CAPE	2	2	4 9 EPWP beneficiaries
NORTH WEST	9	4	13
WESTERN CAPE	36	10	46 2 EPWP beneficiaries

Note: In the provinces archives are placed as a sub-programme in departments that also deal with libraries. Annual reports and other documents reflect the total staff complement for programme.

With few exceptions, public archives are drastically under-capacitated. As the DAC 2012/2013 Annual Report notes in one instance staff members have had to be redeployed into the reading room in order to keep the service operational and in another, targets have been met only because an intern had been trained to assist<sup>9</sup>. All provincial archives are mandated to deliver a particular set of services that meet the requirements to preserve archival records and manage public records in the care of government bodies, but the number of staff allocated to the function in the provinces is inconsistent. At the one extreme, in the provinces that inherited substantial resources from the SAS, staff numbers, while not optimal, are reasonable: KwaZulu-Natal has a staff establishment of 55 staff members servicing three repositories, the Western Cape has a staff establishment of 46 posts and the Free State 15 posts, 8 of which have not been filled.<sup>10</sup> At the other extreme, the newly established services are drastically understaffed: Gauteng has a staff complement of 2 people; the Northern Cape has 4 posts 2 of which have not been filled and; Mpumalanga has 7 posts 4 of which have not been filled.

## Infrastructure and facilities

The NARSSA is housed in facilities inherited from the SAS. The building, inaugurated in 1990, has undergone a series of renovations and upgrades to: increase security and access control measures; improve conservation facilities and conditions; extend the reading room; add additional storage capacity; and improve access for people with disabilities. A major refurbishment, begun in 2013, is due to be completed by January 2016. This includes: the construction of a new front entrance; security upgrades; the installation of new climate control, fire detection and suppression systems; and the replacement of static shelves with mobile shelving systems, adding 20 per cent more space to each strongroom. The Old National Library complex has been handed over to the NARSSA and is being refurbished to provide about 10,000 linear metres of additional shelving space. Two strongrooms in this complex were refurbished in 2013, creating 2,000 linear metres of storage space. This has been allocated to Department of Justice Records. Notwithstanding the above, the DAC Annual Report 2011/2012 notes that “A proposal to do a Private Public Partnership (PPP) for the National Archives and Records Service of South Africa (NARSSA), incorporating the Presidential Archives/Library, National Film, Video and Sound Archives (NFVSA) and Records Centres

*“While we have done well, the major challenge in our archives is the lack of specialised staff. We have undertaken a major survey to determine the training needs for the sector. We have observed that the records management responsibilities of the national archives have been particularly hard hit by staff shortages.”*

Minister P Jordan, Proceedings of Extended Public Committee, Appropriation Bill, Debate on Vote No 12 – Arts and Culture, 6 June 2008, p. 6.

has been submitted, because the NARSSA building at 24 Hamilton Street, Arcadia, is experiencing many challenges.” A large-scale refurbishment of the NFVSA, approved in 1997, was completed in 2011/2012.

The Eastern Cape inherited the Port Elizabeth Intermediate Depot of the former SAS as well as the Transkei Archives Repository in the Bhunga Building in Mthatha and the Ciskei Archives Repository in King William’s Town. Records stored in the Bhunga Building were removed in 2000 when the building was renovated to accommodate the Nelson Mandela Museum. The building to which they were transferred was subsequently vandalised and records looted and damaged. In 2001 records that had been housed in the Ciskei Archives Repository were removed into a private storage facility where they were virtually inaccessible to officials and the public. These facilities are in a state of disrepair and in urgent need of upgrading. The 2013–2014 Budget Vote indicates that this has been identified as a concern and that plans to upgrade the King Williams Town repository and conduct the feasibility study into the recapitalisation of the Mthatha Archives are under way.

The Free State inherited a purpose-built Archives Repository, opened in 1996. The building that formerly housed the archives is now used as a Records Centre. These facilities are almost filled to capacity and tentative plans are being made to extend the repository to include additional and more specialised storage space.

Gauteng did not inherit any archival facilities. The 2008-2009 Annual Report notes with a sense of urgency that, “The need for a repository to house records of archival value is becoming critical. The requests from governmental bodies to transfer documents with archival value to the Provincial archives are increasing by the day. A building to be used as repository and to start operating as a provincial archive, will receive urgent attention in the year to follow.”<sup>11</sup> In the 2011 Budget Speech the MEC indicated that R3 million had been allocated to kick-start the development of the Gauteng Archives Centre. In the 2012 Budget Vote Speech the MEC announced that, “The Archives Centre will be a centre where documents with archival value will be preserved and made available to the public for generations to come.” A feasibility study has been completed, a site identified, plans drawn up and construction is expected to commence in the current financial year.

KwaZulu-Natal inherited the Archives Repository in Durban and Intermediate Depots in both Durban and Pietermaritzburg from the former State Archives. It also inherited the archives repository in Ulundi from the former KwaZulu ‘homeland’. The 2007–2008 Budget Vote notes that, “The rehabilitation and upgrading of archival repositories still remains a challenge”. Funds were provided in the 2006/07 Adjustments Estimate for the renovation of the Ulundi repository. At the Durban repository, the challenge is the lack of storage space for increasing volumes of archival

*“Rendering of Archives and Records Services is dependent on a facility that will enable efficient and effective arrangement, description, conservation and preservation of archival material and community access to archival information resources. A purposely built archives building, the construction of which is scheduled to commence in the next financial year at a cost of R4 million finalisation of pre-construction phase, R24 million and R25 million respectively over the next MTEF period is a step in the right direction.”*

Estimate of Provincial Expenditure, North West Vote 4, 2005/2006, Department of Sport, Arts and Culture, p.106.

*“Archive Repositories are currently full and very limited archive resources can be taken into the repositories. In the long term the department plans to establish a one stop archival hub that will store large archival documents.”*

Kwazulu-Natal Department of Arts and Culture, Annual Performance Plan 2014–2016, p. 19.

records. This was addressed through negotiations for additional storage area. The Pietermaritzburg facility was renovated, with funds from national government and handed over to the province in 2012.

Limpopo inherited ‘makeshift’ repositories from the former ‘homelands’ in Thohoyandou (Venda), Lebowakgomo (Lebowa), and Giyani (Gazankulu). The construction of a new purpose-built facility was approved in 2006. The state-of-the-art building was completed in 2013, but is yet to be fully furnished, equipped and staffed.

Mpumalanga did not inherit any archival facilities after the demarcation of the provinces in 1994. A feasibility study for a Provincial Archives Centre was conducted in 2004–2005. The provincial treasury allocated funding for construction in 2005–2006. In 2007–2008 it was reported that the delay in apportioning or rezoning land for the Archives Centre was delaying the process. Construction of the Archives Centre began in 2008. The building was completed in 2013 but is yet to be fully equipped and staffed.

The Northern Cape did not inherit any archival facilities after the demarcation of the provinces in 1994. The construction of a new purpose-built facility began in the 2009–2010 financial year. It was completed in 2013 and formally opened in January 2014 but is yet to be fully furnished, equipped and staffed.

North West did not inherit any archival facilities after the demarcation of the provinces in 1994. Construction of the provincial Archives and Library Building began in 2007/2008 and was completed in 2010/2011. A statement issued by the Office of the Premier on 4 May 2010 describes this as a “state-of-the-art facility [which] has an archives section with a Records Centre consisting of six strong rooms for storage of public and personal records. An additional six repository strong rooms for materials of archival value of more than 20 years and a conservation and preservation unit which is not yet fully functional”. This building is in use but is still bedevilled by problems and has yet to be formally handed over to the province by the contractor.

The Western Cape inherited a purpose-built facility, constructed on the site of the Roeland Street prison, Cape Town, in the late 1980s and occupied in 1989/1990, and the Cape Town Records Centre from the former SAS.

In some countries<sup>12</sup> national standards for the construction or accreditation of archival repositories have been developed. These cover every aspect of the design and construction of facilities used for storage, conservation, administration and consultation of records and include specifications for climate control, fire prevention and suppression measures, digital records, etc. The construction of new repositories in the provinces has raised some concerns as to whether or not they are compliant with international best practice – especially when these have been designed and constructed without input from the archivists concerned. While the NARSSA has developed guidelines for the use of off-

site or commercial storage no national standards have yet been developed for archival repositories.

## **COLLECTION, MANAGEMENT AND PRESERVATION**

### **Records management policies**

The NARSSA has developed a number of excellent publications that outline records management policies, principles and requirements for governmental bodies. These are available online. See the NARSSA website [www.nationalarchives.co.za](http://www.nationalarchives.co.za). A number of provinces have developed their own policies, based on the national standard.

### **Public records**

In accordance with the Constitution, NARSSA is responsible for the proper management and care of the records of national governmental bodies. Provincial archives are responsible for the records of provincial and local governmental bodies.

The responsibility for the proper management, care and preservation of public records involves two separate sets of activities:

- Regulating record-keeping and monitoring compliance. Public archives are required to: approve all file plans or systems; determine the criteria by which records are appraised and identified for transfer to archival repositories or destruction; and authorising the disposal of records that are no longer required.
- Preserving public records of enduring value. Public archives are required to take transfer of public records after a period of 20 years has elapsed since they came into being, unless the records are subject to other legislation; and arrange, described, preserve and make records accessible.

Delivery on this mandate is discussed in Chapter Seven of this analysis.

### **Non-public records**

Public archives are mandated to acquire, preserve and make accessible non-public records, subject to certain provisions.

Delivery on this mandate is discussed in Chapter Nine and Chapter Twelve of this analysis

### **Audio-visual records**

The NFVSA is designated as a place of legal deposit for audio-visual records. It's holdings include a large collection of sound and audio recordings in a

*“The Department as a custodian for recording and safeguarding of the provincial documented heritage as well as records management continue to afford the people of the province to bring forth all records for safe keeping for usage in the future. This enables us to protect our identity and origins for future reference by our coming generations.”*

Limpopo Department of Sport, Arts and Culture, Annual Performance Plan 2014–2015, p. 9.

*“The world’s entire audio visual heritage of the last century is endangered and most of it is considered lost. Not even in those countries where funds are more easily available can it be assumed that this heritage is protected. Floods, fires, storms and earthquakes can destroy our heritage overnight. Humidity, heat, dust and salt-laden atmospheres also play their part, and losses can arise from technical obsolescence as well as physical decay affecting not only traditional carriers but also the ‘new’ digital media. Theft and vandalism, the ravages of war, deliberate erasing and reusing of tapes have destroyed countless collections.”*

Deputy Minister of Arts and Culture, R. Mabudafhasi, 30 October 2014.

number of formats. The NFVSA does *not* hold audio-visual material that has been broadcast, these are held by individual broadcasting companies. Recordings of SABC radio and television programmes are, for example, held in the organisations own archives. The NFVSA premises have been upgraded recently to create state-of-the-art storage facilities, but the skills and equipment necessary to preserve and make its holdings widely accessible is still in short supply. None of the provinces have the capacity to preserve audio-visual records under optimal conditions, to read recordings in obsolete formats or to transfer these into digital format.

Delivery on this mandate is discussed in Chapter Eight of this analysis.

## **The management and preservation of electronic records**

The NARSSA has published guidelines that outline the principles and requirements for managing electronic records<sup>13</sup> but many national and provincial governments have not set in place the Integrated Document and Records Management Systems to do this effectively and to enable the transfer of records in electronic format to archival repositories. It is of great concern that none of the public archives have the capacity or systems required to ingest electronic records for long-term preservation

This issue is discussed in greater detail in Chapter Seven and Chapter Eight of this analysis.

## **Holdings**

The records of past colonial, apartheid and ‘homelands’ rule are held in repositories across the country. The location of records reflects South Africa’s political history and the changing demarcation of administrative areas. This means that records relating to the provinces established in 1994 may be found in repositories outside those provinces. Many of the records of the Eastern Cape, for example, are housed in the Western Cape Archives Repository.

The National Archives is responsible for the records of the current National Government and its predecessors from 1910–1994. Its holdings also include the records of the former Transvaal Province until such time as these are repatriated, if appropriate, to provincial repositories in Gauteng, Mpumalanga, North West and Limpopo. The NFVSA holds a wide selection of audio-visual material and is listed as a Place of Legal Deposit for published audio-visual material that has not been broadcast.

The Eastern Cape Archives and Records Service is responsible for the records of the Eastern Cape Province, established in 1994. Eastern Cape repositories also house the records of the former Ciskei and Transkei ‘homelands’ as well as regional records previously held by the SAS in the Port Elizabeth Records

Centre. Historical records relating to areas of the Eastern Cape that were, until 1994, part of the former Cape Provincial Administration are still held in the Western Cape Archives, pending the outcome of discussions about 'repatriation'. The Eastern Cape Archives and Records Service is facing severe space challenges and able only to accept a limited number of records from governmental bodies in the province.

The Free State Provincial Archives are responsible for the records of the Free State Province, established in 1994, as well as those of its predecessors the former Orange Free State Provincial Administration, the Orange River Colony, the Orange Free State and earlier administrations. The Free State repository also houses the records of the former QwaQwa 'homeland'. The Free State Provincial Archives receives records from governmental bodies in the province. These are housed in the Records Centre while they are processed for transfer to the archives repository. Space is at a premium but plans are under way to extend the repository to accommodate additional records.

The Gauteng Archives and Records Services are responsible for the records of the Gauteng Province, established in 1994, the Transvaal Province, the Transvaal Colony, the *Zuid-Afrikaansche Republiek* and earlier administrations. These and other historical records relating to the area of Gauteng that was, until 1994, part of the former Transvaal Province, and its predecessors, are being held in the National Archives in Pretoria, pending the outcome of discussions about 'repatriation' and the construction of a provincial repository. Gauteng does not yet have an archives repository and the Gauteng Provincial Archives and Records Service is unable to take transfer of records from governmental bodies in the province.

The KwaZulu-Natal Provincial Archives and Records Service are responsible for the records of the KwaZulu-Natal Province, established in 1994, its predecessors the Natal Province and the Colony of Natal and earlier administrations. KwaZulu-Natal repositories also house the records of the former KwaZulu 'homeland' as well as the records formerly held in the Durban Records Centre and the Pietermaritzburg repository. The KwaZulu-Natal Provincial Archives and Records Service is taking transfer of records from governmental bodies in the province and is making plans to address the need for additional space in which to store them.

The Limpopo Provincial Archives and Records Management Services are responsible for the records of the Limpopo Province (formerly the Northern Province) established in 1994. Limpopo repositories also house the records of the former homelands of Venda, Lebowa and Gazankulu. These are currently being transferred to the new Provincial Archives building. Historical records relating to the area of Limpopo that was, until 1994, part of the former Transvaal Province are still held in the National Archives in Pretoria, pending the outcome of discussions about 'repatriation'. The Limpopo Provincial

*"The history and identity of a country is found in its records. Through the National Archives and Records Services of South Africa the Department acts as custodian of the country's collective memory and has continued to provide services to the public at large, including to researchers and other practitioners."*

Department of Arts and Culture, Annual Report 2012/2013, p. 25.

*“The records and documents housed in South Africa’s archives have the power to teach us about our history and identities. The preservation of and access to public records is of critical importance in the building of democracy as archives function as enablers of continuity, consistency and effectiveness in human action.”*

Ms D van der Walt (DA), Proceedings of Extended Public Committee, Appropriation Bill, Debate on Vote No 12 – Arts and Culture, 19 June 2009, p. 20.

Archives and Records Service is taking transfer of records from governmental bodies in the province, despite the fact that the archives repository is not yet fully functional.

The Mpumalanga Archives are responsible for the records of the Mpumalanga Province (formerly the Eastern Transvaal Province) established in 1994. The province is also responsible for the care and custody of the records of the areas of the former ‘homelands’ of KaNgwane and Gazankulu that fell within its borders. Historical records relating to the area of Mpumalanga that was, until 1994, part of the former Transvaal Province, are still held in the National Archives in Pretoria, pending discussions about ‘repatriation’ and the operationalisation of the new provincial repository. The archives repository is not yet fully functional and the Mpumalanga Archives are not yet able to take transfer of records from governmental bodies.

The Northern Cape Provincial Archives are responsible for the records of the Northern Cape Province, established in 1994. Historical records relating to the area of the Northern Cape that was until 1994, part of the former Cape Province, are still held in the Western Cape Archives in Cape Town, pending the outcome of discussions about ‘repatriation’. The archives repository is not yet fully functional and the Northern Cape Provincial Archives are not yet able to take transfer of records from governmental bodies.

The North West Provincial Archives are responsible for the records of the North West Province, established in 1994. The province is also responsible for the care and custody of the records of the areas of the former homeland of Bophuthatswana that fall within its borders. These are in the process of being transferred to the new Provincial Archives building. Historical records relating to the area of North West that was, until 1994, part of the former Transvaal Province, are still held in the National Archives in Pretoria, pending the outcome of discussions about ‘repatriation’. The North West Provincial Archives are taking transfer of a limited number of records from governmental bodies because the archives repository is not yet fully functional.

The Western Cape Provincial Archives and Records Service are responsible for the records of the Western Cape Province, established in 1994, its predecessors, the former Cape Province, Cape Colony and earlier administrations. The Western Cape Provincial Archives hold extensive collections of non-public records, including photographs and maps dating back to the mid-17<sup>th</sup> century, acquired largely by donation. It also holds historical records relating to the Northern and Eastern Cape, pending the outcome of discussions about ‘repatriation’. The Western Cape Provincial Archives and Records Service accepts records from governmental bodies in the province. These are housed in the Records Centre while they are processed for transfer to the archives repository.



## ACCESS TO AND PROMOTION OF ARCHIVES

All public records retained in archival repositories are accessible to the public subject to the provisions of the 1996 Archives Act and any other applicable legislation.

### Reading rooms

Users may access the archives held by the NARSSA by visiting the reading room in Pretoria. The archives held the Eastern Cape, Free State, KwaZulu-Natal and Western Cape provincial archives may be accessed by users who visit reading rooms attached to repositories in these provinces. Users wishing to access archives held by Limpopo and the North West may do so by visiting reading rooms attached to the repositories in these provinces, but should be aware that repositories have only taken transfer of a limited number of records, many of which are still to be arranged and described for retrieval. Users in Gauteng, Mpumalanaga and the Northern Cape do not yet have access to archives because the repositories in these provinces are not yet functional.

### Finding aids

Public archives prepare finding aids to assist users to access the records they wish to consult. These finding aids include manual retrieval systems, such as inventories, guides, lists, indexes and registers, as well as the National Automated Archival Information Retrieval System (NAAIRS).

### National registers

The NARSSA maintains four registers of non-public records: The National Register of Manuscripts (NAREM), the National Register of Photographs (NAREF), the National Register of Audio-Visual Material (NAROM) and the National Register of Oral Sources (NAROS).

### The National Automated Archival Information Retrieval System

The NAAIRS operated by the NARSSA includes information about records held in national, provincial and other repositories. This system, when developed in the late 1970s, was the first of its kind in the world. It was web-enabled in 2002–2001, a development that the National Archivist described as “without precedent in the public sector,” making NARSSA “the first government body to make existing mainframe databases available on the Internet, thereby contributing to an e-government that is transparent and can therefore be held accountable to its citizens.”<sup>14</sup> It is currently being upgraded. Although the NAAIRS may be accessed online and in reading rooms it has not been updated while the upgrade is in process and should

*“The National Archives and Records Service of South Africa (NARSSA) website is more than 10 years old and it became evident that the website as well as the content needed to be revamped and updated to improve our services to our clients. The new website will be much more interactive and will improve access to archival records. Other services that will be available on the website will include electronic transfer lists; registering as records managers; registering as participating institution to the National Registers; participating institution form (PIF); and much more. The new website will also be accessible in all 11 official languages.”*

Department of Arts and Culture, Annual Report 2011/2012, p. 28.

*“The Western Cape Archives and Records Service has the oldest records in the country, dating from 1651. Due to regular use over time and the ageing of the materials, many of these records require repair and conservation care to ensure their continued survival. A strategy to ensure the long-term preservation of the records will require their digitisation, so that digital surrogates can be consulted instead of the fragile originals. The acquisition of a digital overhead scanner will be investigated to facilitate the provision of copies/surrogates to the public, and to preserve the records by eliminating unnecessary handling.”*

Western Cape Department of Cultural Affairs and Sport, Annual Performance Plan 2012/2013, p. 22.

therefore be used in conjunction with manual finding aids. The revamped NAAIRS is due to be launched at the end of February 2015.

## **Digitisation**

The National Policy on the Digitisation of Heritage Resources was finalised in 2010. This policy was presented for comment at consultative workshops in 2011. At a meeting of the Parliamentary Portfolio Committee on 26 February 2014 the DAC reported that this policy had been finalised. It will be made public once Cabinet has approved it.

At the same meeting, the DAC reported that the National Archives Digitisation Strategy had been approved. We have been told that this policy will be made available when the new NARSSA website goes live in February 2015.<sup>15</sup>

In the absence of a national policy or strategy, digitisation of public records by public archives has been limited. Where records have been digitised this has been done in partnership with other organisations which make the information available through their own digital platforms.

## **Online access to archives**

While the NAAIRS is available online, the holdings of public archives are not, unless they have been digitised by other organisations and made available on their websites.

## **Users**

Although no survey of users has been undertaken, anecdotal evidence suggests that the majority of those who visit public archives are engaged in historical or genealogical research. Users report differing experiences of the service offered by archives. On the one hand, there are glowing reports about the helpfulness of reading room staff and the invaluable information to be found in the records consulted. On the other, there are disturbing reports about staff members who are surly or ill equipped to deal with queries and records that are allegedly missing, untraceable or inaccessible.

## **Public programmes**

Public archives implement a variety of public programmes as and when resources and capacity permit. Public programmes include regular open-days, outreach initiatives and other events.

Delivery on the mandate to promote access to and use of archives is discussed in Chapter Ten of this analysis.

## PROFESSIONAL DEVELOPMENT

### Education and training: archivists

Although the field of archival science is well defined,<sup>16</sup> the educational qualifications required to enter the profession are not. A brief survey of advertisements for entry-level posts shows that while a BA degree, or an equivalent three-year diploma, is generally listed as a requirement, the fields of study vary according to the specialisation of the particular institution. Few expect applicants to have any form of archival training.

Until 1990 the SAS was responsible for training and accrediting archivists. Today, while many academic institutions offer accredited training in information management, only a limited number offer specialist programmes for archivists.

The University of South Africa (Unisa) offers a Higher Certificate in Archives and Records Management (NQF Level 5), a Post-graduate Programme (NQF Level 7) which allows successful graduates to proceed to an Honours in Archival Science, as well as Masters' and Doctoral programmes for those wishing to pursue research on topics related to archives and records management. Unisa also offers a number of short, week long, short learning programmes. The University of Fort Hare offers a Post-graduate programme (NQF Level 7), and Honours programme specialising in Archives and a Master's programme for those wishing to pursue research on topics related to archives and records management. The University of KwaZulu-Natal offers a Post-graduate Programme (NQF Level 7), an Honours programme and Masters' and Doctoral programmes for those wishing to pursue research on topics related to archives and records management.

The programmes detailed above deal specifically with archives and records management. Other universities offer opportunities for students to pursue different kinds of research interests. The Archive and Public Culture Research Initiative at the University of Cape Town is an inter-disciplinary project with scholars undertaking advanced research with critical questions about history, memory, archives, identity and the public sphere in South Africa. The programme attracts local and international participants including emerging scholars and leading academics. The University of Johannesburg, the University of Pretoria, the University of the Western Cape (UWC) and the University of the Witwatersrand all offer post-graduate students an opportunity to pursue research on topics which have to do broadly with the archive, archives and archiving.

A number of private-sector organisations offer short courses covering issues relating to audio-visual archives, digitisation and preservation.

*“One of the major problems confronting archives-related transformation endeavours is the scarcity of qualified archivists. This scarcity hampers not only transformation, but critically, also service delivery. The shortage of staff means that normal functions cannot be performed at optimal levels and has led to public criticism of the National Archives.”*

Annual Report of the National Archivist  
2004/2005, p. 9.

## Education and training of records managers

Advertisements for records management posts indicate a requirement for a three-year degree or diploma in information or records management.

All records managers are also required to participate in a Records Management Course presented by or under the auspices of the NARSSA or their counterparts in the provinces. While the NARSSA has not had the capacity to offer training courses in recent years, the provinces conduct regular training programmes for officials engaged in records management.

A number of private-sector organisations offer short courses in records management.

## Professional associations

The SASA was established in 1959 when archivists seeking to be recognised as a profession, like doctors, accountants and engineers, decided to establish a professional body to determine procedures, protocols, policies, etc., independently of their employers. In the early years, the Society's membership was made up largely of employees of the SAS and its activities focussed on the production of a journal through which developments within the profession were communicated to members. From the early 1980s SASA pro-actively extended its membership to include archivists in a range of other institutions. It established branches in each of the four the provinces and increased the nature and range of the articles published in its journal. In 1992 the SASA Constitution was amended to gear its functions not only to the development of archives but also to the promotion of the profession and in 1993 developed a professional Code for Archivists. Throughout the 1990s SASA played a dynamic role in invigorating the profession, sharing new ideas and stimulating debate through publications, seminars and other activities. SASA also took a leading role in the various consultative processes aimed at establishing a new national archival system and made input into other important processes including the TRC, and intervened in the public interest on the issue of archives on a number of occasions. In the years that followed, apathy set in and by 2003 SASA was effectively non-functional. The organisation has been reactivated. Annual conferences have been held since 2009 and the journal was revived in 2012. It must be noted that one of the limitations on SASA's activity is a lack of resources. This constrains the activities of the society, frustrating its commitment to professionalising the discipline and supporting archivists.

Many archivists choose to join the Eastern and Southern Africa Regional Branch of the International Council on Archives (ESARBICA), established in 1969 to bring together individuals and institutions concerned with the creation, use, preservation and management of recorded information in Eastern and Southern Africa.

*“The National Committee of SASA ceased to function in about 2005 ... As a functioning National Committee is not in place and membership details and payments have not been maintained, reactivation of SASA would seem to need a special intervention, which is an eventuality not provided for in the Constitution. At an Archives Conference hosted by the Department of Information Science of Unisa in Pretoria on 4–5 September 2008, the attendance of which can be regarded as being representative of a cross-section of the profession, a resolution was adopted supporting an intervention to resuscitate SASA.”*

www.national.archives.gov.za, accessed February 2015.

## FORUMS

### Records management forums

National and provincial records management forums have been established to facilitate contact between archivists and records managers and to provide a platform for sharing information. The AGSA hosts an annual Records Management Seminar.

### Conclusion

As noted earlier, this chapter of the analysis provides a broad and concise overview of the institutional arrangements, structure, holdings, infrastructure and facilities and some of the operations and functions of the national archival system. This broad overview is offered to contextualise the detailed analysis of key elements of the mandates, and the challenges that public archive face in meeting these, addressed in the next seven chapters.

*The Mpumalanga Records Management Forum aims to, amongst other objectives, “vigorously participate in decision making process together with the Provincial Archivist on matters related to Records Management.”*

Mpumalanga Records Management Forum Face Book page, accessed February 2015.

### (Endnotes)

- 1 Until April 2004, the Department of Arts, Culture, Science and Technology.
- 2 The SAS was responsible for the Bureau of Heraldry, established in 1962, following intellectual precedent set by Scandinavian countries where archives and heraldry have been linked since the late 19th century. In 2011/2012 responsibility for the Bureau was transferred from DAC's Programme 6: National Archives and Library Services to Programme 5: Heritage Promotion.
- 3 Personal communication, Dr Graham Dominy, February 2014.
- 4 <https://www.dac.gov.za/organogram>, accessed 20 September 2014.
- 5 *National Archives and Records Service Act No 43 of 1996*, as amended, Section 6(2)(b)
- 6 Information on national expenditure has been drawn from the Annual reports of the Department of Arts and Culture. Information on provincial expenditure has been extracted from Departmental Estimates filed under Estimates of Provincial Revenue and Expenditure on the website of the National Treasury, [www.treasury.gov.za](http://www.treasury.gov.za). These are not always consistent with the expenditure reported in annual reports or performance plans. In all cases, detailed breakdown of expenditure on archives is reported on together with libraries. It is therefore not possible to determine what percentage of the expenditure relates to individual categories such as remuneration of staff.
- 7 2012–2013: Northern Cape – includes costs associated with the construction of the Provincial Archives Repository.
- 8 2012–2013: North West – includes costs associated with the Executive Departmental Management Committee Archives Project.
- 9 Department of Arts and Culture, Annual Report 2012/2013, p. 141.
- 10 7 of these posts have been filled but 8 are still vacant.
- 11 Gauteng Department of Sport, Recreation, Arts and Culture Annual Report 2008/2009.
- 12 See the UK National Archive's standard for records repositories <http://www.nationalarchives.gov.uk/documents/archives/standard2005.pdf> and the American Archival and special collections facilities: guidelines for archivists, librarians, architects and engineers <http://conference.ifla.org/past-wlic/2012/102-oconnor-en.pdf>
- 13 National Archives and Records Service of South Africa (2006) *Managing Electronic Records in Governmental Bodies: Policy, principles and requirements*.
- 14 Annual Report of the National Archivist 2000–2001, p. 10.
- 15 Personal communication: email from National Archivist Mandy Gilder to Jo-Anne Duggan, 6 November 2014.
- 16 See for example the study commissioned by the DAC in 2010. *The Demand for and Supply of Skills in Library and Information Services, Archival Services and Records Management*. Final Report for the Department of Arts and Culture. Research Conducted by Research Focus (Pty) Ltd., 15 March,

**NATIONAL ARCHIVES AND RECORDS SERVICE OF SOUTH AFRICA ACT (ACT  
NO. 43 OF 1996)**

as amended by  
Cultural Laws Amendment Act 36 of 2001

**ACT**

To provide for a National Archives and Record Service; the proper management and care of the records of governmental bodies; and the preservation and use of a national archival heritage; and to provide for matters connected therewith.

[Long title substituted by s. 20 of Act 36 of 2001.]

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[ASSENTED TO 27 SEPTEMBER 1996]  
[DATE OF COMMENCEMENT: 1 JANUARY 1997]  
(Afrikaans text signed by the President)  
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**1. Definitions**

1.

In this Act, unless the context otherwise indicates-

'appraisal' means the archival function of determining the eventual disposal of records;

'archives' means records in the custody of an archives repository;

'archives repository' means any archives repository contemplated in section 11;

'Council' means the National Archives Advisory Council contemplated in section 6;

'Council' means the National Archives Advisory Council contemplated in section 6; [Definition of 'Council', previously definition of 'Commission', substituted by s. 7 (a) of Act 36 of 2001.]

'custody' means the control of records based upon their physical possession; specifying records to be transferred into the custody of the National Archives or specifying records to be otherwise disposed of;

'electronic records system' means any records system in which information is generated electronically and stored by means of computer technology;

'governmental body' means any legislative, executive, judicial or administrative organ of state (including a statutory body) at the national level of government;

## CHAPTER SIX

### MANDATES

In this chapter we set out the objects and functions of the NARSSA spelt out in the National Archives Act of South Africa No 43 of 1996, as amended. We conclude that the legislative mandates empower public archives to deliver the promise of the national archival system envisaged in the 1990s.

#### **Alignment with overarching government mandates**

Archives and records services legislation sets primary mandates but service delivery has been aligned with national government's imperatives and priorities, expressed through documents such as the Reconstruction and Development Programme (1994), the more recent outcomes based approach expressed in the Medium Term Strategic Framework (MTSF) of 2009–2014, the MTFS 2014–2019 and the National Development Plan 2030.

Responsibility for the delivery of the MTSF 2009–2014 Outcome 12, “An efficient, effective and development oriented public service and an empowered, fair and inclusive citizenship” was assigned to the Minister of Public Service and Administration and the Minister of Arts and Culture. Part A of Outcome 12, i.e. “an efficient, effective and development oriented public service” is assigned to the Department of Public Service and Administration (DPSA) and linked to four outputs: service delivery quality and access; human resource management and development; business processes, decision rights and accountability and; tackling corruption efficiently. While the issue of records and PAIA is dealt with at some length, there is no mention of any role for the DAC. The DAC emerges as the lead partner in the delivery of Part B, “an empowered, fair and inclusive citizenship” which is linked to three outputs: Nation Building and National Identity, Citizen Participation and Social Cohesion”. The Delivery Agreement argues that, “Empowered, Fair and Inclusive Citizenship underlies efforts across government and at all levels to improve its effectiveness and deals to some extent with educating citizens to be able to exert their rights and hold government to account”. Linking access to information to issues to active citizenship it argues that, “In order for Citizenship to be fair and inclusive, Citizens will need to access accurate and up to date information about government and its activities. For this purpose it is crucial that government makes information concerning what it does, how it functions and whom to contact available through a variety of media, not just internet”. The DAC, and almost every provincial arts department dealing with arts and culture, make mention of their commitment to delivering on Outcome 12 by promoting social cohesion through programmes linked to arts, culture and heritage. None mention the role of archives in facilitating access to the information required by active citizens.

*“The Department contributes in significant ways to facilitating access to information and the development of the appropriate information infrastructure and technical services such as archival, library and records management services.”*

DAC Strategic Plan 2012/2013, p. 6.

The outcomes were revised in 2014. The MTSF 2014–2019 assigns responsibility for the co-ordination, implementation and reporting on Outcome 14: Nation building and social cohesion”. The DAC Annual Performance Plan 2014/2014<sup>1</sup> notes that the DAC also contributes to Outcome 1: Improved quality of basic education, Outcome 4: Decent employment through economic growth and Outcome 7: Vibrant equitable and sustainable rural communities with food security for all. While archives play an important role in monitoring government record-keeping, no mention of the DAC is made in respect of Outcome 9: A responsive accountable, effective and efficient local government system or Outcome 12: An efficient and development oriented public service.<sup>2</sup>

Current activity, across government, is aligned with the National Development Plan with DAC activity being driven by Chapter 15: Transforming Society and Uniting the Country.

## **The broad vision outlined in the 1996 Archives Act**

The 1996 Archives Act, informed by the transformative vision of the 1990s, was framed around five key objectives:

- turning archives into an accessible public resource in support of the exercise of rights;
- using archives in support of post-apartheid programmes of redress and reparation, such as the Truth and Reconciliation Commission, land restitution and special pensions;
- taking archives to the people through imaginative and participative public programming;
- active documenting of the voices and the experiences of those either excluded from or marginalised in the colonial and apartheid archives; and
- transforming public archives into auditors of government record-keeping in support of efficient, accountable and transparent administration.

## **Legislative mandates**

The mandate of the NARSSA is derived from the objects and functions<sup>3</sup> listed in the National Archives and Records Service Act of South Africa No 43 of 1996, as amended, as follows:

- preserve public and non-public records with enduring value for use by the public and the State;
- make such records accessible and promote their use by the public;
- ensure the proper management and care of all public records;
- collect non-public records with enduring value of national significance which cannot be more appropriately preserved by another institution, with due regard to the need to document aspects of the nation’s experience neglected by archive repositories in the past;

*“As the custodian of government records, the National Archives and Records Service continues to support and guide records and information management procedures across government to ensure that records of enduring value will be permanently preserved in the archives.”*

Estimates of National Expenditure. Vote 14: Arts and Culture 2011/2012, p. 2.



- maintain a national automated archival information retrieval system, in which all provincial archives services shall participate;
- maintain national registers of non-public records with enduring value, and promote co-operation and co-ordination between institutions having custody of such records;
- assist, support, set standards for and provide professional guidelines to provincial archives services;
- promote an awareness of archives and records management and encourage archival and records management activities; and
- generally promote the preservation and use of a national archival heritage.

*“The National Archives of South Africa is a key resource of vital information for government, academic and research institutions and for ordinary citizens alike. It provides a cornerstone for transparency and accountability in government.”*

Annual Report of the National Archivist  
2000/2001, p. 1.

More specific information about *how* the activities of the NARSSA are regulated are outlined under the sections of the Act that deal with the powers and duties of the National Archivist, the custody and preservation of records, access and use, management of public records, and the acquisition and management of non-public records. The Act is supplemented by detailed regulations.<sup>4</sup> Provincial archives legislation is largely based on the 1996 Archives Act, with provision being made for provincial application.

For the purposes of this analysis, we have grouped the objects and functions of public archives into five areas that encapsulate the core mandates of public archives:

- the management and care of public records;
- the preservation of records with enduring value;
- the documentation of aspects of the nations’ experience previously neglected by repositories;
- the provision of professional guidance and the facilitation of collaboration; and
- the promotion of access to and use of records by the public.

The extent to which public archives are delivering on these mandates and the challenges they face as they do so, are considered in the chapters that follow.

## **Reporting on activity**

The performance of national and provincial governmental bodies is measured against pre-determined objectives, indicators and targets set in strategic plans, annual performance plans and in Estimates of Expenditure as part of a policy cycle which includes reviews, planning, implementation, monitoring, evaluation and reporting.

A close reading of strategic plans, annual performance plans, budget estimates and annual reports offers some insight into the extent to which public archives are delivering on their mandates, but this is limited. Firstly, information included in performance plans and reports is *quantitative* rather than *qualitative*. This means that it is not possible to determine, from these documents, how

well or badly an activity has been performed. Secondly, performance is assessed against indicators that, while offering a useful measure of activity, do not offer insight into the *impact* of the successful performance of an activity or the consequences of under-performance. Thirdly, in the absence of a substantive narrative, it is not always possible to determine why targets have been exceeded or not achieved. Some performance plans and reports offer useful insight into the delivery environment enabling a more nuanced reading of the quantitative information.

It is also of concern that performance indicators are not aligned with the legislative mandate. In some cases this does not preclude activity. In others it obscures the fact that no actions have been taken to deliver on a particular aspect of the mandate.

## **A note on accessing the records of the national archival system**

As noted in the Introduction to this document, the Archival Platform's analysis of South Africa's national archival system is based largely on: interviews conducted with officials, personal communication with individuals, engagements with colleagues in various meetings and forums, and visits to archival institutions; and information gleaned from annual performance plans, strategic plans, annual reports, budget vote speeches and estimates of expenditure covering the period from 2004–2014. A study of these documents lays bare the particular priorities of individual institutions or departments and the strategic spin they put on their activities to demonstrate their links to or associations with more popular or politically powerful agendas. It is telling to read between the lines of these documents, to determine which aspects of their mandates are highlighted and reported on and which are marginalised or omitted.

*“As soon as practicable after the end of each financial year the National Archivist shall compile a report on all the activities of the National Archives during that financial year... the report of the National Archivist shall include: (a) details of income and expenditure; (b) a complete list of disposal authorities issued; (c) an account of all cases of unauthorised disposal of public records investigation by the national archives; and an account of all governmental bodies which have failed to comply with this Act.”*

National Archives and Records Service of South Africa Act, No. 43 of 1996, p. 6.

Tracking down the information required was, with a few notable exceptions, extremely difficult and time-consuming. Neither the National Library nor the Library of Parliament – both places of Legal Deposit – were able to provide copies of annual reports of all the national and provincial departments for the period 1997–2013.

The websites of the Department of Arts and Culture, Gauteng, North West and the Western Cape offered the most comprehensive range of information. The Eastern Cape, Free State and Limpopo had some information available online. KwaZulu-Natal, Mpumalanga and the Northern Cape have little or no information available online.

The most reliable and comprehensive source of online information is arguably the website of the National Treasury – [www.treasury.gov.za](http://www.treasury.gov.za) – which carries detailed estimates of national expenditure dating back to 1994 and

provincial estimates dating back to 2002. A great deal of useful information about provincial government and its activities can be found on the website of the Provincial Government Handbook – [www.provincialgovernment.co.za](http://www.provincialgovernment.co.za). Unfortunately this only includes current information.

In most cases, however, information available in the documents we accessed was patchy, and inconsistent, with little narrative information to expand the statistics. In the case of the National Archives, the paucity of information on current activities contained in the annual reports of the DAC stands in marked contrast to the rich insights into the operations of and challenges facing the institution offered in reports up to and including the 2000/2001 financial years and in 2004/2005. This is because between 2001 and 2004 and from 2006 onwards information about the activities of the National Archives has been condensed into a few paragraphs and subsumed into the DAC Annual Reports.<sup>5</sup> **It is somewhat ironic that the records that we need to assist us to understand the workings of the institutions responsible for preserving the public records are unavailable to us.**

While this is regrettable, it points to a more worrying issue. The 1996 Archives Act requires the National Archivist and the National Archives Advisory Council to submit annual reports to the Minister to table in Parliament. The report of the National Archivist is required to include: details of income and expenditure; a complete list of disposal authorities issued; an account of all cases of unauthorised disposal of public records investigated by the National Archives and an account of all government bodies which have failed to comply with this Act. In a presentation to the Parliamentary Portfolio Committee on 28 May 2008, the National Archivist argued that NARSSA was an integral part of the DAC and that its compliance with the PFMA formed part of the DAC's Annual Report. He subsequently took responsibility for the backlog in reports and assured the Committee that the matter would be attended to.

**It is alarming that, in the last decade, the institution tasked with ensuring the proper care and management of the records of government has not made this information available as required by its own governing legislation and in the face of the growing concern about government record-keeping.**

We understand that steps are being taken to remedy this situation. While NARSSA has not published information about disposal authorities, as required by the Act, the NARSSA PAIA Manual lists disposal authority case files as 'records that are automatically available' on request. The NARSSA has recently set in motion a process to compile annual reports to cover the period from 2006 to date. These will be available for consultation in the NARSSA library. The NAAC is committed to submitting an annual report to the Minister, in compliance with the 1996 Archives Act.

*“Dr Dominy said there were more recent reports than 2004/5, and admitted that the National Archives was behind with its reports, which was attributed to procurement problems within the Department that had led to an eighteen-months backlog. He, however, wished to assure the Committee that the Director General of the Department was paying stringent attention to the issue.”*

Minutes of the Parliamentary Portfolio Committee Meeting, 28 May 2008.

*“Discourse does not necessarily translate into delivery. Nor does legislation, as important, and in the case of the National Archive of South Africa Act, as good as it might be. The big question remains – can the ideas deliver at the archival coal-face?”*

S.A. Archives Journal, 1996, p. 3.

## Conclusion

The legislative mandates empower public archives to deliver the promise of the national archival system envisaged in the 1990s. In the chapters that follow we consider how and to what extent public archives are implementing these mandates, in order to identify structural and systemic obstacles to delivery.

## (Endnotes)

- 1 Department of Arts and Culture, *Annual Performance Plan 2014/2015*, pp. 9–10.
- 2 The Presidency, Republic of South Africa, Department of Monitoring and Evaluation (2014) *Medium-Term Strategic Framework 2014–2019*.
- 3 *National Archives and Records Service of South Africa Act No. 43 of 1996*, Section 3.
- 4 *National Archives and Records Service of South Africa Act No. 43 of 1996*, National Archives and Records Service of South Africa Regulations, Government Notice No. R 1458, 20 November 2002.
- 5 This is explained in the 2004/2005 Annual report of the National Archivist.





# CHAPTER SEVEN

## RECORDS MANAGEMENT

This chapter sets out the mandate of public archives to ensure the management and care of all public records. It details performance indicators used to assess the extent to which this function is being delivered, summarises the reported activities of public archives, highlights achievements and outlines challenges. We conclude that government record-keeping is in a state of crisis and that public archives are not resourced or capacitated to deliver on their mandate to ensure the proper management and care of public records in the custody of government bodies.

### Archives in support of democracy

In 2011 UNESCO adopted the *Universal Declaration on Archives*<sup>1</sup>. One of the key roles of archives emphasised in this Declaration is that of ensuring administrative transparency and democratic accountability.

Chapter 10 of the South African Constitution sets out the principles that should govern public administration – administration in every sphere of government, organs of state and public enterprises. Amongst these are the following:

- efficient, economic and effective use of resources must be promoted;
- people's needs must be responded to, and the public must be encouraged to participate in policy-making;
- public administration must be accountable; and
- transparency must be fostered by providing the public with timely, accessible and accurate information.

None of the above are possible without reliable public records – records created or received by governmental bodies and retained to provide evidence of their activities and transactions. These are a strategic resource required to support planning and decision-making, ensure continuity of operation, to demonstrate effective, transparent and accountable governance, just administrative action and give effect to the right of access to information. Among other reasons, citizens require access to the records of government to call government to account for its actions and to understand or reckon with the past.

The responsibility for monitoring the proper management and care of all public records – even when they are retained in offices of origin, unless this is precluded by other legislation – lies with public archives. This function is critical for the successful exercise of the oversight functions of national and provincial legislatures and of institutions, like the Public Protector, the Human Rights Commission and the Auditor-General, established to support South Africa's constitutional democracy.

*“The link between public bodies having access to accurate, reliable information sources, the provision of effective service delivery and open, transparent and accountable governance is absent in post-apartheid South Africa. The public archivists and records managers appear oblivious to their role concerning accessibility of information in public bodies and the overall safekeeping of public sector information sources.”*

I. Schellnack-Kelly, 2013, p. 11.

## The mandate

The 1996 Archives Act mandates the NARSSA with “the proper management and care of all public records”. Section 13 of the Act qualifies this, charging the National Archivist with “the proper management and care of public records in the custody of governmental bodies”. As noted in Chapter Three, this had the effect of making public archives the auditors of government record-keeping, with far-reaching powers, in support of efficient, accountable and transparent administration.

Provincial Archivists are mandated to perform these functions in respect of provincial departments and local government authorities, in accordance with legislation established by their respective provinces.

## Powers, duties and other provisions relating to the exercise of this mandate

The 1996 Archives Act charges the Minister with:

- responsibility for making regulations as to the management and care of records in the custody of governmental bodies.

The NAAC is charged with responsibility for:

- consulting with the Public Protector on investigations into the unauthorised destruction of records.

The National Archivist is tasked with responsibility for:

- ensuring the proper management and care of public records in the custody of governmental bodies;<sup>2</sup>
- authorising the transfer of records to an archives repository or the destruction of records;
- determining records classification systems (file plans);
- determining the conditions under which records may be micro-filmed or electronically reproduced;
- determining the conditions under which electronic records systems should be managed;
- inspecting public records, as necessary, providing that disclosure of information contained in the records is not restricted by another act of parliament; and
- issuing directives and instructions as to the management and care of records in the custody of governmental bodies.

Heads of governmental bodies are tasked with responsibility for:

- designating an official to be the records manager of the body.

*“Due to the lack of central control over the records and records management awareness among staff, there is a definite possibility that records are destroyed without a disposal authority being issued for them.”*

M. Ngoepe, 2008, p. 85.



Records managers are responsible for:

- ensuring that the governmental body complies with the requirements of the 1996 Archives Act.

**Performance indicators**

Indicators used by public archives to measure activity in regard to this function include:

- the number of disposal authorities received, processed and approved;
- the number of classification systems or file plans submitted, approved or commented on;
- the number of government offices or departments inspected;
- the number of training courses conducted for records managers and/or the number of records managers participating in these courses; and
- the number of policies developed and directives or advisories issued.

As noted previously, these performance indicators are quantitative rather than qualitative. In considering how public archives are delivering with this aspect of their mandate we would also want to know: what records have been authorised for disposal and according to what criteria; whether the classification systems or files plans submitted for approval show sufficient understanding of the relevant requirements or whether archivists are having to expend time and energy amending these; what findings have been made about governmental offices where inspections have been conducted; what is the level of compliance with record-keeping regulations; what lessons can be learnt from offices where compliance levels are good; what challenges mitigate against good record-keeping; what recommendations have archivists made to address challenges and have these been acted upon and if not, why not; whether participants assess the training programmes and if so, what shortcomings do they report and how have these been addressed?

The table below summarises the extent of activity in relation to the performance indicators listed above.

<b>TABLE 3: RECORDS MANAGEMENT ACTIVITIES REPORTED IN 2012/2013 ANNUAL REPORTS</b>	
<b>NATIONAL ARCHIVES</b>	
Number of governmental bodies	The Presidency 37 National ministries 37 National deputy-ministries 44 National departments ± 4,000 Statutory bodies
Disposal authorities issued	21 received 18 issued

Record Classification systems	78 received 64 commented on
Inspections conducted	0 due to lack of capacity
Officials trained	0 due to lack of capacity
<b>EASTERN CAPE</b>	
Number of governmental bodies	±70
Disposal authorities issued	No activity reported
Record classification systems	7 approved
Inspections conducted	19
Officials trained	152 Records management officials trained
<b>FREE STATE</b>	
Number of governmental bodies	±52
Disposal authorities issued	9 records appraisals completed
Records classification systems	11 approved
Inspections conducted	17
Officials trained	69 Records managers trained
<b>GAUTENG</b>	
Number of governmental bodies	±52
Disposal authorities issued	No activity reported
Record Classification systems	No activity reported
Inspections conducted	No activity reported
Officials trained	142 Records managers trained
<b>KWAZULU-NATAL</b>	
Number of governmental bodies	±100
Disposal authorities issued	10 planned but only 3 requests received from client offices
Record Classification systems	8 approved
Inspections conducted	95
Officials trained	9 Records managers trained 417 Records management staff trained 6 Information sessions conducted
<b>LIMPOPO</b>	
Number of governmental bodies	±66
Disposal authorities issued	No activity reported
Record Classification systems	15 approved
Inspections conducted	24
Officials trained	84 records managers trained
<b>MPUMALANGA</b>	
Number of governmental bodies	±39
Disposal authorities issued	No activity reported
Record Classification systems	3 Records classification systems approved
Inspections conducted	38
Officials trained	25 officials trained 1 training course conducted

<b>NORTHERN CAPE</b>	
Number of governmental bodies	±64
Disposal authorities issued	No activity reported
Record classification systems	13 approved
Inspections conducted	20
Officials trained	52 records managers trained
<b>NORTH WEST</b>	
Number of governmental bodies	±52
Disposal authorities issued	23 issued
Record Classification systems	14 assessed 10 approved
Inspections conducted	16
Officials trained	315 records management staff trained
<b>WESTERN CAPE</b>	
Number of governmental bodies	±66
Disposal authorities issued	12 issued
Record classification systems	56 approved 116 assessed
Inspections conducted	34
Officials trained	137 records managers 5 training courses conducted

Note: In some instances we have noted that no activity has been reported. This does not always mean that no activities have been undertaken. Archives are not required to report on all activities in their annual reports. This, in our opinion, means that it is not possible to get an accurate picture of *actual* activity or to assess the extent to which they may or may not be delivering on their mandates. It is unfortunate that the line items on which they *are* required to report are not more closely aligned with their mandates.

## Delivering on the mandate

The table above shows that public archives are, to some extent, delivering on their mandate to ensure the “proper management and care of all public records” but, given the number of client offices for which they are collectively responsible, the figures are relatively low. In 2012/2013 when it is estimated that public archives served a total of at least 669 client offices (excluding statutory bodies), it is reported that:

- a total of 63 disposal authorities were issued in 2012/2013 in comparison with 51 in 2008/2009 and 82 in 2004/2005,<sup>3</sup>
- a total of 189 file plans were approved or commented on in 2012/2013 in comparison with 196 in 2008/2009 and 204 in 2004/2005, and
- a total of 216 offices were inspected in 2012/2013, in comparison with 181 in 2008/2009 and 99 in 2004/2005.

The relatively low number of disposal authorities issued indicates that records are either piling up in storerooms or that they are being disposed of without proper authorisation. It is concerning to note that in KwaZulu-Natal the

*“Records on-site were likely to be destroyed due to lack of space as they accumulated. This could have posed a risk as vital records could have been destroyed and confidential information fall into wrong hands. The accumulation of these records created a backlog that needed to be cleared carefully, systematically and lawfully.”*

J. Mukwevho, 2012, p. 5.

targets for issuing disposal authorities was not met in 2012/2013 because there were fewer requests from governmental bodies than anticipated.<sup>4</sup>

Similarly, the low number of file plans approved or commented on indicates either that filing systems are generally in good order or that records managers are not seeking approval for these.

KwaZulu-Natal, Limpopo and Western Cape report a high percentage of inspections. It would be useful to know what the findings of these inspections were and whether regular inspections impact on compliance.

While the table contains some useful statistics, it does *not*: reflect the full range of relevant activity in each repository explain differences in the performance of provinces; offer any qualitative assessment of the work being done; reflect the good work that is being done behind the scenes or; explain the context in which activities are performed or the conditions that affect delivery in one way or another.

*“Always make sure that you get the message out there no matter how less appreciated your executive support or fellow staff may be towards archives and records management field. Ensure that one your strategy, policy and procedures are in place that you should organise ‘information workshops’ to let staff now that changes are afoot. Make sure that you ‘sell’ the value of archives, records management and PAIA compliance to your fellow staff members and members of the public.”*

Sedibeng Archives and Records Management Forum, 2011.

## **Achievements**

Although it is disturbing to see that the NARSSA did not train a single records manager, due to staff shortages, it’s encouraging to see that training is taking place in the provinces. There is commendable support for records managers. Departmental records managers and registry clerks have been embraced by archivists as key agents in the management and care of records held in government bodies. Records management forums that bring records managers and archivists together have been established across the country. These forums meet regularly providing a platform for communication, engagement and training and an opportunity to find solutions to shared problems. They also play a key role in building morale within a largely demoralised sector. These forums have an important spin-off effect, driving awareness of archives and the role that they play in the present, for the future, and about the past. Provincial archivists are to be commended for the diligence with which they are pursuing this engagement. It bodes well for the future.

Public archives have garnered the support of a number of other role-players actively engaged in and committed to addressing the crisis in records management. While public archives are mandated to ensure the proper management and care of public records none of the Ministers of Arts and Culture have ever spoken out about the state of records management.<sup>5</sup> Instead, the AGSA has drawn attention to issue by repeatedly<sup>6</sup> pointing to the poor state of record-keeping in provincial and local governmental bodies as a reason for issuing qualified audits or audit opinions. The AGSA has also been proactive in addressing this problem by establishing an Annual Records Management Seminar that attracts delegates from every sphere of government.

In 2012, after several years of discussions, the AGSA signed a Memorandum of Agreement (MoA) with the NARSSA to include records management in its audits of several governmental bodies. This may put additional pressure on officials to comply with records management legislation. It is anticipated that this will also assist in identifying areas/departments where targeted intervention is necessary to effect improvements in the function. The 2012 MoA has recently been extended to include additional client offices. This development demonstrates that, despite the lack of resources and skills within the NARSSA, the organisation has worked hard to build credible partnerships and alliances with better-capacitated and more influential agencies to assist it to deliver on its mandate.

The Eastern Cape Provincial Government has partnered partnership with the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) to support the development of records management in the province. This has contributed to the development of new skills and expertise and a greater focus on the practice of records management in the province.

Linking records management with access to information, the Human Rights Commission of South Africa engages with the National Information Officers Forum which is aimed at increasing the capacity of various stakeholders in utilising and enforcing the right to information under the *Promotion of Access to Information Act*.

In some provinces there are moves to drive records management through the Office of the Premier rather than through the departments in which archives are placed. This is welcomed where archives are called on to play a leading role in this process, and their legislative mandate is respected and supported. In KwaZulu-Natal, for example, the Office of the Premier and the KwaZulu-Natal Records Managers and Deputy Information Officers Forum (KRMDIOF) Information work closely with the provincial archives. This is not always the case. In one province<sup>7</sup> resources to improve records management have been redirected to the Office of the Premier. This means that the archives are not able to deliver on their legislated mandate and that the function is being performed by people who lack experience and knowledge of the requirements of archival legislation or best practice. It is important that archives work in collaboration with other bodies, but it is also important for them to take charge where they are mandated to deliver a particular function.

NGOs including the South African History Archive (SAHA) and the Open Democracy Advice Centre (ODAC) have initiated programmes to assist citizens to access information, including records in the custody of governmental bodies. Like the Archival Platform, these initiatives play an important role in building a culture of accountability and affirming the significance of records.

*“For the last decade, the PAIA Unit has been hosting the National Information Officers Forum (NIOF). The aim of this Forum is to provide capacity building tools to DIOs support implementation of the law, create networking opportunities, provide insight on practical challenges and to show case best practices.”*

www.sahrc.org.za, accessed February 2015.

## Challenges

In his dissertation, “An exploration of records management trends in the South African public sector: A case study of the Department of Provincial and Local Government”, Mpho Ngoepe expressed the frustration of practitioners challenged with trying to implement wide-ranging legislation without appropriate resources, “South Africa has a long road to travel as far as record-keeping is concerned. The state has been provided with legislative tools that are amongst the most powerful available worldwide to enable and audit government record-keeping. Together the Constitution, PAIA and the 1996 Archives Act provide an excellent map and rules of the road. Therefore it is important that government departments should commit themselves to the effective implementation and maintenance of records management systems. Otherwise the records management function will continue to be marginalised in government administration forever”<sup>8</sup>.

*“Records management was included as a component of this audit following documented evidence from best practice models that those institutions that have incorporated PAIA compliance within their records management compliance framework tend to do better than those that have not. Records management is therefore regarded as a critical component and enabler of effective PAIA implementation.”*

South African Human Rights Commission, 2012.

In a similar vein, and supporting findings on the state of government record-keeping by the AGSA, Isabel Schellnack-Kelly, in her dissertation,<sup>9</sup> argues that “The meticulous governance score cards provided by the Office of the Auditor-General, revealing the dire straits of public sector record keeping and information technology challenges in the local government sector, require urgent interventions from records managers and public archivists.”

In its Consolidated PAIA Audit Report 2008–2012 the South African Human Rights Commission (SAHRC) reports on its investigations into government record-keeping. The report, based on a sample of governmental bodies, noted a number of disturbing findings:

- Governmental bodies lacked the knowledge required to regulate records management;
- There was little buy-in or support from senior managers for proper records management practices.
- Insufficient budgetary provision was made for the roll out of effective records management programmes.
- In most cases governmental bodies indicated that they had not been inspected by NARSSA or provincial archives.
- Governmental bodies also complained that they had not received destruction certificates from national or provincial archives, indicating that this posed a problem in so far as storage space is concerned.
- Most governmental bodies were not aware of the need to file records that were classified as “other”. There are few control lists or registers for audio-visual records, microfilms, photographs, maps and plans.
- Most bodies have electronic communication or information systems in place but have not yet put Electronic Documents and Records Management Systems in place.
- Disposal of records has not been systematic. Most governmental bodies have never received or sought disposal authorities from NARSSA or provincial authorities.

- A shortage of storage space means that that records have been transferred to archival repositories, placed in commercial storage facilities or destroyed without authorisation.
- Most commercial storage facilities have not been approved or endorsed by NARSSA or provincial archives.

On a more positive note the report notes that in most cases:

- Designated records managers have been appointed, although many have not been sufficiently trained;
- Records management policies have been set in place, but non-compliance remains a challenge; and
- File plans are in place, but many are outdated. This challenges the effective management of records.

We concur with the SAHRC and address a number of key challenges below.

The 1996 Archives Act made public archives the auditors of government record-keeping but the cost of implementing the provisions of the Act was never assessed.<sup>10</sup> One of the consequences of the failure to cost the Act is that the records management function has never been adequately resourced or capacitated to deal with the increased number of client offices or the workload caused by the introduction of electronic records management systems. The long-term consequences of this are critical. The under-resourcing of the Records Management Division means that NARSSA cannot conduct inspections to monitor governmental bodies for compliance or offer the support needed to ensure the proper management of records. This compromises accountability and efficiency in the short term and puts the archive in jeopardy in the long term.

The relatively low ranking of the officials tasked with monitoring records management makes it difficult for them to hold more senior staff members to account. Officials who try to enforce compliance with records management legislation are often held in scant regard. Similarly, conscientious records managers **do not always have the authority to enforce good record-keeping practice**, unless they have the support of senior management. Officials that bemoan the poor culture of record-keeping in the public service, cite **lack of support from managers and political principals as factors that entrench this further**.

There is a very **low ratio of archives staff delegated to monitor client offices** – a concern that has been raised repeatedly in our engagement with archivists. The NARSSA, with a staff of four people in the records management section, is expected to keep a watch over more than 4 000 governmental bodies. Several of the provinces are similarly under-resourced. Gauteng, Mpumalanga and the Northern Cape have 3 staff members each, tasked with fulfilling **all** the functions expected of public archives. North West, Limpopo and Free State are better served, but still under capacitated.

*“Funding is key to formulating and implementing effective records and archival services. The existence of progressive and comprehensive legislation is not likely to bring about positive changes in the management of public records unless resources to implement the laws are made available to archival institutions.”*

P. Ngulube and V.F. Taylor, 2007.

The 1996 Archives Act requires heads of governmental bodies to designate an official to be its records manager. The rank of officials tasked with managing departmental records range from registry clerks to directors. On the one hand, low ranking officials lack the expertise to make appropriate decisions or to enforce compliance. On the other hand, when the function is assigned to a high ranking official, he or she generally has other responsibilities to attend to, and **records management is accorded a low priority.**

Despite the efforts of public archives, **many records managers are not properly trained.** The Regulations to the 1996 Archives Act requires records managers to be in possession of an ‘appropriate academic qualification’ – there is no set standard that defines what this appropriate qualification is, although degrees in subjects like history and politics are sometimes stipulated – and to have completed the NARSSA Records Management Course. While the provision of training differs from province to province, limited resources and / or capacity restrict training opportunities. In 2012–2013, the NARSSA did not train a single records manager.

*“Instances, in 2012/13, of proper record keeping were at 50%, compliance with the requirements for daily and monthly controls was at 49%, regular and accurate reports was at 39% and the review and monitoring of compliance was at 37%. Root causes that must be addressed in this regard involved the slow response by management, the lack of consequences for poor performance, and transgressions, instability or vacancies in key positions and lack of appropriate competencies for key officials.”*

Auditor General of South Africa, 2014.

There is a perception that ‘difficult’ or ‘troublesome’ staff members are assigned to registries where they have limited opportunities to engage with other staff members. **Working with records is viewed as a punishment rather than as a mark of responsibility,** and efforts must be made to change this misperception.

Notwithstanding the above, we have heard repeatedly that public archives invest in training staff members to fill posts in registries and records management divisions, only to lose them to other governmental bodies where they are offered higher level positions or to the private sector where they are offered higher salaries.

**Compliance with public archives and records management legislation is reportedly low. This is evident in the widespread failure of governmental bodies to appoint designated records managers and in on-going reports of the routine, but unauthorised, destruction of records** no longer required for operational or administrative purposes.<sup>11</sup> While governmental bodies are required to keep records in registries, there are concerns that officials prefer to keep records in their own offices. **This means that records are at risk; they are inaccessible and cannot be properly managed.**

In our engagements with records managers we have heard huge concerns being expressed about record-keeping at *local* government level. Constitutionally the responsibility for local government records is the responsibility of provincial archives. In practice they have insufficient capacity or resources to address the issue and this void has dangerous consequences for good governance, accountability and public safety. The amalgamation of municipalities set at odds, and in some instances, destroyed, long-standing and relatively stable records-keeping systems, especially where smaller municipalities were



subsumed into their bigger neighbours, and where new entities were created without the necessary record-keeping infrastructure, expertise and oversight in place. We have heard accounts of plans being destroyed; infrastructure being unmapped; council decision-making not being properly recorded; and alterations being made to record management systems without the approval of provincial archivists. **Municipal records are in a chaotic state, as is municipal government, yet they are the records that ordinary people need – building plans; road plans; transport schedules; public health policies; etc. It is unfortunate the exclusive constitutional competence of provincial archives means that the most under-resourced and under-capacitated components have responsibility for one of the most challenging tasks.**

The absence of reliable and credible records compromises accountability and impacts negatively on service delivery.

## Conclusion

As has been noted repeatedly by the AGSA in recent years and by the SAHRC, **the state of government record-keeping is woefully inadequate.** Public archives are neither equipped and resourced nor positioned to do the records auditing and records management support they are mandated to do. Poor record-keeping undermines service-delivery, cripples accountability, and creates environments in which corruption thrives. While this is of great concern, it is particularly worrying that the voices of the political principals responsible for public archives are silent on this issue.

*“My message to all of you is simple: let us aim for effective accountability and responsibility; quality and sustainable financial statements; effective record keeping; effective audit committees and internal audit units; visionary leadership and high morals in defence of freedom and democracy. This is an achievable target: Clean Audits for Municipalities and Provincial government departments by 2014.”*

Minister S. Shiceka, 2014.

## (Endnotes)

- 1 See <http://www.ica.org/13343/universal-declaration-on-archives/universal-declaration-on-archives.html>, accessed December 2014.
- 2 *National Archives and Records Services Act No 43 of 1996*, Section 13 (1).
- 3 1999 was selected as a point of comparison as it is the last year in which the Annual Report of the National Archivist covered the whole country – including newly established provincial departments and municipalities.
- 4 KwaZulu-Natal Department of Arts and Culture Annual, Report 2012/2013, p. 93.
- 5 This is not necessarily the case in the provinces. Several MECs have emphasised the role that provincial archives play in overseeing records management.
- 6 See for example Auditor General of South Africa (2014) *PFHA Consolidated general report 2013/2014* and other reports accessible on <http://www.agsa.co.za/Documents/Auditreports/PFMAGeneralreportsnational.aspx>, accessed December 2014.
- 7 We have chosen not to name this province for fear of compromising the position of our information source.
- 8 M.S. Ngoepe, *An Exploration of Records Management Trends in the South African Public Sector: A Case Study of the Department of Provincial and Local Government*. MA Thesis: Information Science. University of South Africa, 2008, p. 99.
- 9 I. Schellnack-Kelly, *The Role of Records Management in Governance-Based Evidence, Service Delivery and Development in South African Communities*, unpublished DLitt et Phil dissertation, Unisa, 2013, p. 203.
- 10 Ideally all Bills should be costed before they are tabled in Parliament so that adequate budgetary provision can be made for implementation.
- 11 SAHRC, *The Promotion of Access to Information Act (PAIA) and Records Management: Consolidated Audit Report*, SAHRC, 2012.



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## CHAPTER EIGHT

### PRESERVING RECORDS OF ENDURING SIGNIFICANCE

This chapter outlines the national and provincial mandate to hold records in safe custody in archive repositories. It considers the issue in relation to overarching responsibilities and activities aimed, to date, largely at documents. It also deals with the special requirements for the preservation and custody of audio-visual and electronic records and concludes with a consideration of the challenges of digitisation. We conclude that public archives are geared to paper-based realities and that swathes of records are being lost or rendered inaccessible because they are preserved in other formats.

#### Archives: from the past, in the present, for the future

The 1996 Archives Act accords public archives two important mandates in respect of records. The first is to regulate and audit record-keeping in governmental bodies, as discussed in the previous chapter. The second is to preserve records of enduring significance in archival repositories.

Public records are preserved, even when they are of no administrative value, to retain the memory of past actions for various reasons to do with history, accountability, national identity and memory. Non-public records are preserved for similar purposes. Without a diversity of records it is difficult to write history or to think in informed ways about the past, to discern where or establish how it is being manipulated, where significant events, individuals or groups may have been forgotten or vulnerable and marginal or ‘troublesome’ persons side-lined, victimised or oppressed.

#### The mandate

The 1996 Archives Act mandates the NARSSA to “preserve public and non-public records with enduring value for use by the public and the State”<sup>1</sup> and to “collect non-public records with enduring value of national significance which cannot be more appropriately preserved in another institution”.<sup>2</sup>

The 1996 Archives Act does not spell out how records may be determined to be of ‘enduring value’. This means that the assessment of records to be preserved is open to interpretation – and manipulation – unless clearly defined policies and criteria are put in place and the selection of records is conducted in an open and accountable manner. See *Appraisals* in this chapter for a more detailed discussion on the topic.

*“Much of the disciplinary practice of history depends on ideas about archives as neutral, professional storehouses, committed to holding deposited records as far as is possible unchanged over time. Indeed, this is the understanding of archives that underpins the professional practice of the archivists. Thankfully, professional archivists mostly do an outstanding job in ensuring conditions of preservation. But archives, are of course, themselves historical artifacts, with often complex conditions of production.”*

C. Hamilton, 2011.

## **Powers, duties and other provisions relating to the exercise of this mandate**

The 1996 Archives Act makes provision for *public* records identified as having enduring value to be transferred to an archives repository when they have been in existence for 20 years, providing that they are not required by any other Act of Parliament to be kept elsewhere.

The 1996 Archives Act charges the Minister with responsibility for:

- establishing archives repositories under the control of the National Archivist for the custody of records; and
- prescribing the terms and conditions governing the transfer of public records to an archives repository.

In respect of public records the 1996 Archives Act charges the National Archivist with responsibility for:

- determining, in consultation with the head of a governmental body, which public records should be kept in the custody of the governmental body;
- deferring the transfer of public records to an archives repository;
- granting permission for public records to be transferred to an archives repository before they have been in existence for 20 years; and
- taking whatever measures are necessary to preserve and restore records.

In respect of non-public records the 1996 Archives Act empowers the National Archivist to:

- acquire non-public records of enduring value of national significance which cannot be more appropriately preserved by another institution; and
- determine where non-public archives acquired by the NARSSA shall be deposited.

It also requires the National Archivist to maintain a national register of non-public records with enduring value, in consultation with the institutions having custody of such records.

Provincial Archivists are mandated to perform these functions in respect of provincial departments and local government authorities, and non-public records of provincial significance in accordance with legislation established by their respective provinces.

## **Performance indicators**

Acquisition of holdings takes place through the transfer of public records of enduring value from government bodies. Estimates of numbers or linear

*“Libraries and Archives are at the center of promoting active citizenship and broad-based leadership through information dissemination, promotion of reading and global competitiveness ... To ensure that records of history are properly documented, preserved and stored we will support government departments and municipalities with record management services through records management training and regular record inspections.”*

Free State Sport, Arts, Culture and Recreation MEC Mmathabo Leeto, 8 July 2014.

metres of records transferred to repositories are used as a performance indicator to measure activity in this area of responsibility. On acquisition, records are sorted and listed but they only become properly accessible to users when they have been professionally arranged, labelled and described in an inventory or other finding aid. Data relating to each record is captured for inclusion in the NAAIRS in which all provinces and many non-public repositories participate. Fragile or vulnerable records may be preserved through copying or reformatting and damaged or deteriorating records may be restored.

Indicators used to determine whether these functions are being adequately performed include the number of:

- records or extent of records transferred to archives from governmental bodies;
- additional records<sup>3</sup> acquired – including non-public records;
- or extent of records arranged and described;
- records captured on data-forms for inclusion in the NAAIRS;
- or extent of records preserved or restored; and
- records listed in national registers.

As noted previously, these performance indicators are quantitative rather than qualitative. In considering how public archives are delivering on this aspect of their mandate we would also want to know: what records have been transferred from governmental bodies to archives repositories; what is the state of the records received by archives – does it indicate adequate or inadequate performance in the offices of origin; if records are transferred in a state that requires additional work from archives staff, what remedial action is taken to ensure that the governmental bodies address this so that it does not become a recurrent problem; what challenges do archivists face as they arrange and describe the records and how may these be mitigated; what progress is made with implementing GRAP 103 and what steps are being taken to address these; if archives are not participating actively in the NAAIRS, what measures need to be put in place to facilitate this; what steps are archivists taking to ensure the participation of non-public archives in the NAAIRS; what preventative conservation measures are being put in place to minimise the deterioration of records in the custody of archival repositories; what measures are being taken to restore records in poor condition – and why are these necessary? We would also like more detailed reports on particular areas of concern: the state of electronic records and digitisation, with indications of how these issues are being addressed.

## **Delivering on the mandate**

The table overleaf summarises the extent of activity in relation to the performance indicators listed.

*“The Archives sub-programme in implementing the internal records appraisal and disposal has weeded out non archival records, i.e. ephemeral. The appraisal reports for the ex-Bophuthatswana Department of Justice and the Presidency were completed and submitted to National Archives for confirmation of disposal authority. The ephemeral records of ex-Bophuthatswana Department of Public Works lists of receipts and claims have also been forwarded to National for disposal authority confirmation.”*

Estimate of Provincial Expenditure, North West Vote 4, 2005/2006, Department of Sport, Arts, Culture and Recreation, p. 127.

<b>TABLE 4: ARCHIVES MANAGEMENT ACTIVITY REPORTED IN 2012/2013</b>	
<b>NATIONAL ARCHIVES</b>	
Records transferred to archives	A target of 50 linear metres was set but not achieved because the Old Library Building renovations were not completed timeously.
Records arranged and described	330.2 linear metres (4,224 records)
Items data-coded for NAAIRS	21,846 records data-coded 100 forms were coded but not finalised for capturing 89,636 received from the provinces
Records preserved or restored	937 Records repaired
NFVS activity	1,555 sound records inventoried 4,062 video items inventoried 842 film items inventories 59 museum items researched and inventoried 4, 224 archival records arranged and described 150 legal deposit objects deposited.
Other significant activity	
<b>EASTERN CAPE</b>	
Records transferred to archives	Civil and criminal case records transferred from the High Courts of Grahamstown and Mthatha
Other <i>archivalia</i> acquired	No activity reported
Records arranged and described	9 linear metres of records from the Joe Gqabi municipality were arranged and described
Items data-coded for NAAIRS	No activity reported
Records preserved	2 documents preserved
Other significant activity	No other activity reported
<b>FREE STATE</b>	
Records transferred to archives	No activity reported
Records arranged and described	100 linear metres arranged 2 groups arranged an described
Items data-coded for NAAIRS	The province will consider participating in the NAAIRS once the system has been upgraded
Records preserved	432 documents restored
Other significant activity	No other activity reported
<b>GAUTENG</b>	
Records transferred to archives	No repository, so no records transferred to the archives.
Records arranged and described	
Items data-coded for NAAIRS	
Records preserved	
Other significant activity	
<b>KWAZULU-NATAL</b>	
Records transferred to archives	27 linear metres transferred
Records arranged and described	2 archival groups arranged for retrieval
Items data-coded for NAAIRS	1,837
Records preserved	No activity reported
Other significant activity	No activity reported

<b>LIMPOPO</b>	
Records transferred to archives	125 linear metres
Records arranged and described	No activity reported
Items data-coded for NAAIRS	No activity reported
Records preserved	No activity reported
Other significant activity	No activity reported
<b>MPUMALANGA</b>	
Records transferred to archives	Repository still under construction.
Records arranged and described	
Items data-coded for NAAIRS	
Records preserved	
Other significant activity	
<b>NORTHERN CAPE</b>	
Records transferred to archives	Repository still under construction.
Records arranged and described	
Items data-coded for NAAIRS	
Records preserved	
Other significant activity	
<b>NORTH WEST</b>	
Records transferred to archives	No activity reported
Records arranged and described	93.5 linear metres arranged 2 groups arranged for retrieval
Items data-coded for NAAIRS	No activity reported
Records preserved	No records data-coded because records transferred from 'homeland' repositories were in a chaotic state and required sorting.
Other significant activity	No activity reported
<b>WESTERN CAPE</b>	
Records transferred to archives	294 linear metres transferred
Records arranged and described	317 linear metres arranged and described
Items data-coded for NAAIRS	61,159 records data-coded
Records preserved	564 records stabilised or restored
Other significant activity	No activity reported

Note: In some instances we have noted that no activity has been reported. This does not always mean that no activities have been undertaken. Archives are not required to report on all activities in their annual reports. This, in our opinion, means that it is not possible to get an accurate picture of *actual* activity or to assess the extent to which they may or may not be delivering on their mandates. It is unfortunate that the line items on which they *are* required to report are not more closely aligned with their mandates.

The table above shows a degree of activity in the NARSSA, but it is of concern to note that targets are not being met.

The table reflects the grim reality that very little is happening in this field in several of the provinces. As with records management, archives in provinces that inherited infrastructure, facilities and capacity – Free State, KwaZulu-

*“There was an escalation in the number of linear metres arranged and described which exceeded the projected target. This was due to the introduction of the Records Centre concept which is a pre-archive records transfer of semi-active records by client offices. A pioneer Department was the Premier’s Office. This will help to de-congest registry thereby creating space for proper records practices by client offices. This will facilitate convenient scheduling and monitoring of disposal processes. However there is an anticipated challenge in the demand for additional staff in Archives.”*

Eastern Cape Department of Sport, Arts, Culture and Recreation, Annual Report 2009/2010, p. 111.

Natal and the Western Cape – are functioning satisfactorily. In the North West and Limpopo some activity is being reported. At the end of the 2012/2013 financial year facilities in Mpumalanaga and the Northern Cape were not yet operational. Gauteng had, and still has, no facility.

The low volume of records transferred to the archives is of concern. What this means is that records are either piling up in departmental storerooms or being disposed of without proper authorisation.

The table also shows that NARSSA is reportedly continuing to process records for inclusion in the NAAIRS while the new system is being developed. If all goes according to plan, the existing database, which includes over seven million records, will be imported into the new system.

Some, but not all, provinces are participating in the NAAIRS. Provinces not currently participating include Limpopo, Mpumalanga, and the Northern Cape, which are yet to take transfer of records, North West where officials are still in the process of processing newly acquired records and Gauteng, which does not have a repository. The effectiveness of the NAAIRS is dependent on the participation of provinces and other institutions – they need to provide the data required to create a comprehensive database!

As mentioned earlier, the NARSSA maintains four registers of non-public records: NAREM, NAREF, NAROM and the NAROS.

<b>TABLE 5: INSTITUTIONS LISTED ON NATIONAL REGISTERS BY 2012/2013</b>	
National Register of Manuscripts (NAREM)	42 institutions
National Register of Photographs (NAREF)	23 institutions
National Register of Audio-Visual Material (NAROM)	This register only includes records held by the National Film, Video and Sound Archives
National Register of Oral Sources (NAROS)	4 institutions

Figures for the number of participating institutions shown in the table above have not changed in the last decade. This is because the NAAIRS, in which these registers are held, is currently under development.

## **Achievements**

The Eastern Cape, Free State and Limpopo and North West are making great strides in the appraisal, arrangement and description of records inherited from the former ‘homelands’.

While little or no activity is reported in Mpumalanga, North West and the Northern Cape, there is cause for cautious optimism. The construction of



repositories in these provinces has been completed and they will be in a position to receive records once these repositories have been equipped and staffed.

The revamped NAAIRS is due to be launched at the end of February 2015.

## Challenges

Challenges to the delivery of the preservation of records relate to four issues: lack of capacity for key archival functions; insufficient or inadequate processing of archival material; inadequate storage facilities; and poor record-keeping in offices of origin.

Institutions are challenged by the shortage of qualified and experienced staff able to perform what are arguably the most important functions in the process: appraising records to decide which should be retained in archival repositories and which may be disposed of, and to arrange and describe those to be retained for public access.

The challenge of delivering on this mandate is exacerbated by poor record-keeping in the offices of origin. This means that archivists are required to do additional and time-consuming work before they can even begin to process records for public access. All of these issues impact on the availability of records to citizens.

Archivists have also, in recent years, been challenged by the requirement to comply with the Accounting Standard Board's Standards of Generally Recognised Accounting Practice 103 (GRAP 103) in accordance with Section 89 of the Public Finance Management Act. GRAP 103 prescribes the accounting treatment for heritage assets and requires institutions to determine the fair value of each asset (individual item or collection) in their holdings. As no guidelines have yet been developed to assist with the practical implementation of GRAP 103 in relation to heritage assets in South Africa the process has proved extremely problematic for archives, and for museums.

Specific challenges relating to the appraisal and disposal of records, audiovisual records, electronic records and digisation are dealt with in more detail below

## Appraisals

In his dissertation "The role of the National Archives and Records Service of South Africa in the young democracy"<sup>4</sup> Masimba Yuba argues that the challenges facing the NARSSA are symptomatic of an apparent neglect and disregard for the value and importance of records management in the public sector and points to the critical role that archives play in shaping memory. "The issuing of disposal and retention authority is one of the fundamental

*"Mpumalanga Province is amongst the 6 provinces in the country that never inherited any functioning infrastructure with trained staff to provide records management services and to manage public records in the province. As a result, the function of records management has proved to be beyond our capacity due to limited resources and professional expertise."*

Mpumalanga Sports, Arts, Culture and Recreation MEC M. Mtsweni, 2005.

*“Public records do not speak for themselves and the documents in most national archives are shaped by the preconceptions and prejudices of the people who decide which documents should be selected for saving and how they should be described, and which should be destroyed — for the process of saving must always be accompanied by destruction, or we would be overwhelmed by the sheer volume of records produced by the modern state.”*

S. Marks, 2012.

activities of the NARS in the South African public sector. This process is the one which determines which records will be kept and which ones will be destroyed. This is the process that actually ensures what will be remembered and what will be forgotten in time. The government therefore has a great deal of control over the shape of historical scholarship because they choose what to destroy or keep.”<sup>5</sup>

One of the most significant and far-reaching functions of archives is that of appraisal, the process by which decisions are made about which records should be retained in archives and which records may be disposed of or destroyed. It has been estimated that archives internationally retain approximately 5 per cent of public records<sup>6</sup>. This means that the selection of those to be retained needs to be conducted in an accountable and transparent manner.

Before 1994 the appraisal process was completely opaque. Citizens had no access to the policies or procedures that determined how these decisions were made or to information about what records had been disposed of. The 1996 Archives Act introduced a more transparent records management regime, requiring the NAC to play an important oversight role in approving the NARSSA appraisal policy and monitoring its implementation and charging the National Archivist with publishing an annual report in which a “complete list of disposal authorities issued” is included.

The 1996 Archives Act was amended in 2001, replacing the NAC with an advisory council with reduced powers and removing the requirement to oversee appraisals – although this may be implicit in its broad mandate to advise the Minister and the National Archivist. It is essential that the appraisals policy be monitored independently in the public interest. The National Archivist is empowered, in terms of the amended Act, to publish the appraisals policy and lists of records that might be destroyed.<sup>7</sup> It is essential that the NAAC and the National Archivist exercise their powers in relation to this important activity and so mitigate against what, we worry, is a rapidly growing culture of opacity within government. In the provinces the situation differs slightly. In six of the provinces, archival legislation makes provision for a degree of independent oversight of appraisal. The Eastern Cape, Free State, Gauteng, Limpopo, Mpumalanga and the Western Cape, provincial archives councils are mandated to approve the provincial archives appraisal policy and monitor its implementation. In the Northern Cape the Provincial Archivist is mandated to draft an appraisal policy. KwaZulu-Natal archives legislation does not make provision for the approval of an appraisal policy. In the absence of provincial archives legislation in the North West, provincial archives and records are managed in accordance with the provisions of the national act.

On the issue of appraisals, another factor has come into play in recent years. Paper records are bulky and take up a great deal of storage space but electronic records do not. Appraisal policies, which relate to the management of paper-based archives, must be urgently revised to take account of this shift.

## Disposal authorities

The 1996 Archives Act requires the National Archivist and the NAAC to submit annual reports to the Minister to table in Parliament. The report of the National Archivist is required to include: details of income and expenditure; a complete list of disposal authorities issued; an account of all cases of unauthorised disposal of public records investigated by the National Archives; and an account of all government bodies which have failed to comply with this Act.

As noted in Chapter Five, the failure of the NARSSA to publish annual reports means that since 2004/2005, information about disposal authorities issued and cases of unauthorised disposal of public records investigated by the NARSSA has been withheld from the public. This runs counter to the spirit of the Constitution and government's commitment to accountability and transparency.

**It is alarming that, in the last decade, the national department tasked with ensuring the proper care and management of the records of government has not made this information available as required by its own governing legislation and in the face of the growing concern about government record-keeping.**

A number of different scenarios apply in the provinces, but in at least six, Provincial Archivists are required to make information about disposals public. In the Eastern Cape and the Free State, KwaZulu-Natal, Limpopo and Mpumalanga Provincial Archivists are required, through the respective MECs to table an annual report in the Provincial Legislature that includes, *inter alia*, a complete list of disposal authorities issued, an account of all cases of unauthorised disposal of public records investigated by the Provincial Archives and an account of all governmental bodies which have failed to comply with the provisions of the provincial archives legislation. In the Northern Cape, the Provincial Archivist is required to publish the provincial appraisal policy, and a list of records that might be destroyed, in the Provincial Gazette. In Gauteng and the Western Cape archives legislation does not make provision for provincial archives to account for the unauthorised disposal of public records. In the absence of provincial archives legislation in the North West, provincial archives and records are managed in accordance with the provisions of the national act.

## Audio-visual records

While the requirements for the preservation and management of paper-based archives have been dealt with above, three other issues merit special consideration: audio-visual records, electronic records and digitisation.

*"As the custodian of records management in the Western Cape, DCAS has been assigned to preserve the corporate memory of the provincial government and to drive the shift from paper-based record systems towards electronic storage systems. Modernising record and content management and digitising heritage material in the Western Cape Archives and Records Service received a significant boost when it was awarded an additional budget of R30.6 million in 2014/15."*

Western Cape Cultural Affairs and Sport  
MEC, Dr. I. Meyer, 2014.

Audio-visual records require highly skilled technical expertise, specialist equipment and sophisticated storage conditions. While the NFVSA premises have been upgraded recently to create state-of-the-art storage facilities, the skills and equipment necessary to preserve and make their holdings widely accessible is still in short supply. None of the provinces have the capacity to receive and preserve audio-visual records under optimal conditions.

## Electronic records

<b>TABLE 6: DEVELOPMENTS IN ELECTRONIC RECORDS MANAGEMENT REPORTED IN 2012/2013</b>	
<b>NATIONAL ARCHIVES</b>	NARSSA is updating the NAAIRS. In its new format the NAAIRS will have the capacity to receive, preserve, manage and make electronic records available according to international standards.
<b>EASTERN CAPE</b>	No developments reported
<b>FREE STATE</b>	The Archives Services Unit is investigating the implementation of a transversal electronic document and records management system for provincial departments and municipalities in order to improve the quality of records management in government offices and mitigate the risks posed by a digital environment to the preservation of records, data security and data integrity.
<b>GAUTENG</b>	No developments reported.
<b>KWAZULU-NATAL</b>	The Department and the State Information Technology Agency (SITA) are working on the development of a single Integrated Document and Records Management System for the province.  The Department engaged with the SITA to provide guidance to all record managers on electronic record management.
<b>LIMPOPO</b>	No developments reported. The Office of the Premier is investigating the implementation of an electronic records management system.
<b>MPUMALANGA</b>	No developments reported.
<b>NORTHERN CAPE</b>	No system has been implemented. Client offices are advised to implement the Alfresco document management system.
<b>NORTH WEST</b>	Mandate for the development of a provincial electronic document management system shifted from the archives to the office of the Premier.
<b>WESTERN CAPE</b>	As part of the Western Cape Government's modernisation process, the electronic OpenText Records Management System was implemented with effect from September 2012 at the Archives Services.

*“On 20 December 2013, an agreement was signed between the DAC and L’Institut National de L’audiovisuel (INA) to digitise the Rivonia Trial Dictabelts. The proceedings of the Rivonia Trial as with other landmark trials in the history of South Africa were recorded on a medium called ‘dictabelts’. Dictabelt technology was first introduced in America in 1947 and is now an obsolete form of recording. Here in South Africa it was mostly used in the court system from the 1950s to 1970s. Volumes of dictabelts that are preserved at the National Archives are not accessible because of the obsolescence of the technology.”*

Department of Arts and Culture, Annual Report 2013/2014.

Note: In some instances we have noted that no activity has been reported. This does not always mean that no activities have been undertaken. Archives are not required to report on all activities in their annual reports. This, in our opinion, means that it is not possible to get an accurate picture of *actual* activity or to assess the extent to which they may or may not be delivering on their mandates. It is unfortunate that the line items on which they *are* required to report are not more closely aligned with their mandates.

In the in the Preface to the NARSSA document *Managing Electronic Records in Governmental Bodies: Policy Principles and Requirements*, the National Archivist argues that, “The increasing use of electronic systems by governmental bodies to conduct their business has significantly changed the way that records are created and kept. Electronic record-keeping poses particular challenges to governmental bodies and to the National Archives and Records Service, both of which need to ensure that reliable records are maintained over time as evidence of official business for the purposes of accountability, operational continuity, disaster recovery and institutional and social memory. With paper-based records, provided a well-structured file plan is maintained and the records are physically protected, the evidence they contain remains accessible and readable over time. However, in the rapidly-changing technological environment, the same cannot be said of electronic records. It is essential for governmental bodies to give specific consideration to the preservation of electronic records as part of a formal policy of managing records.”<sup>8</sup>

*“Plans to move the department into the domain of electronic records management are at an advanced stage. Investigations and explorations have commenced to identify suitable and appropriate tools for an electronic records management system in order to reduce the carbon footprint and to move closer to e-governance.”*

KwaZulu-Natal Arts and Culture MEC W. Thusi, June 2012.

The apartheid state began using electronic record-keeping systems on a significant scale in the 1970s. By the end of the apartheid era government record-keeping relied equally on electronic and paper-based systems. And yet only fragments of that electronic record have survived. Since 1994 government has made increasing use of electronic media, so that today electronic environments constitute the primary, if not sole, site of record-keeping. In recent years, government has committed itself to using e-government as a strategy to improve service-delivery. While sound management of electronic records has been identified as critical to the success of e-government, in practice, this is not happening.

The DPSA is responsible for the development and co-ordination of government’s overall e-government strategy and works with statutory bodies including the SITA and Government Information Technology Officers Council (GITO) to implement this. As the entity mandated to ensure proper records management of all public records, the NARSSA has developed an Electronic Records Management Policy. This aims to ensure the proper creation, maintenance, use and disposal of electronic records in support of efficient, transparent and accountable governance in the short-term. In the long-term, the policy aims to retain the record and memory of government decision-making and its impact. To do this, the policy is required to facilitate the safe passage of the record from the point of origin to the record-keepers responsible for the corporate memory of the governmental body and then into the care of archives without jeopardising the authenticity, integrity or reliability of the record.

While 21<sup>st</sup> century record-keeping is primarily electronic, records managers and public archives generally remain geared to paper-based realities. The preservation of electronic records brings a different set of issues into play requiring a paradigm shift and a move away from the preservation of physical storage media to the preservation of the processability of the record over time.

Failure to manage and preserve electronic records effectively will have serious consequences.

Public archives cannot tackle the challenge of preserving electronic records alone. They are to a large degree dependent on the capacity and willingness of governmental departments to set up the information and communication systems to deal with records from the moment of creation until they are transferred to archives. Similarly, governmental bodies need to work hand-in-hand with archives to ensure that the requirements for safe transfer and long-term preservation are built into their systems from the outset.

Although the NARSSA does not yet have the capacity to accept electronic records, and many national government departments have still to develop the capabilities to manage their electronic records effectively, it has established a working relationship with the SITA. Provincial archives in the Western Cape, KwaZulu-Natal, Limpopo and North West have established similar relationships with the relevant authorities and service providers in their provinces. In the Free State and in the Eastern Cape, where no uniform records management system has been applied across provincial departments, the prospect of accepting electronic records is daunting. It is of huge concern that many of the records of the past 20 years are at risk because electronic record-keeping systems may have not been properly managed or because of the technologies by which they have been preserved has become obsolete.

**The failure to manage electronic records for long-term access, and the consequent loss of information represents the biggest single threat to government efficiency and accountability and to institutional and social memory.**

## Digitisation

Around the world digitisation is regarded as a tried and tested means of both promoting the preservation of records and facilitating online access to repository holdings. In South Africa use of these means is to be found in small pockets outside the public sector. It is extraordinary that effectively there is no online access to holdings in South Africa’s public archives.

The table below summarises current digitisation provisions and initiatives within the national archival system.

<b>TABLE 7: DIGITISATION INITIATIVES REPORTED IN 2012/2013</b>	
<b>NATIONAL ARCHIVES</b>	In late 2013 the National Archives entered into an agreement with France’s Institut National de l’audiovisuel (INA) to digitise the recordings of the Rivonia Trial.

*“E-government promotes a better life characterized by representative and participative democracy, transparent, open and collaborative decision making, close relations between government, business and citizens, enhanced service delivery, new infrastructure and info-structure, integrated and seamless government services that cut across departmental boundaries and providing a convenient and timely one-stop service to the citizens, and equity in the provision of government services.”*

P. Ngulube, 2007.

	<p>A target of 100,000 pages was set but not achieved because the NARSSA Digitisation Strategy was still being developed and dependent on the finalisation of the National Policy on the Digitisation of Heritage Resources.</p> <p>A target of 20 audio-visual records was set but not achieved because the NFVSA did not have the equipment necessary to do this.</p>
<b>EASTERN CAPE</b>	<p>The Department has initiated a project of managing paper records electronically as a first phase towards full digitisation. A digitised environment will enhance access to the scanned Eastern Cape records that are due to be relocated from the Western Cape Provincial Archives.</p> <p>In the 2013/2014 Policy Speech it was reported that R3 million had been set aside to digitize the holdings of the King William's Town repository</p>
<b>FREE STATE</b>	<p>Key collections are being digitised to preserve the original documents and to improve access to records. The Genealogical Society of Utah is digitising family history records. In 2012/2013 two groups, comprising 5,174 documents, were digitised at the request of users.</p>
<b>GAUTENG</b>	<p>No developments reported, but a digitisation policy is being drafted.</p>
<b>KWAZULU-NATAL</b>	<p>669 456 records were digitised in collaboration with the Genealogical Society of Utah. Digital copies will be made available to the public while original copies of these records will remain in strong rooms.</p>
<b>LIMPOPO</b>	<p>No developments reported.</p>
<b>MPUMALANGA</b>	<p>Specialist equipment has been procured in order to digitise records.</p>
<b>NORTHERN CAPE</b>	<p>No developments reported.</p>
<b>NORTH WEST</b>	<p>No developments reported.</p>
<b>WESTERN CAPE</b>	<p>Two Expanded Public Works Programme interns digitised 26,028 photographs.</p> <p>The Genealogical Society of Utah digitised 181,114 family history records.</p> <p>A digitisation policy has been drafted</p> <p>The Archives Service has procuring a specialised overhead scanner for improved preservation and accessibility of archive documents.</p> <p>As part of the Mutual Cultural Heritage Project administered by the National Archive of the Netherlands, background about the Western Cape Archives and Records Service was compiled and forwarded to the project manager for capturing on the newly established Access to Cultural Heritage Archives (ATCHA) website. The website will make the archives of the inventories of the VOC (Dutch East India Company) available on the Internet.</p>

As noted in Chapter Five, a National Policy on the Digitisation of Heritage Resources was finalised in 2011. It has been approved by the Minister and awaits Cabinet approval. It is unfortunate that the DAC has been slow to move on this much-needed policy. This has had an impact on the digitisation of archives in two ways. On the one hand, many national institutions have

been hesitant to proceed with digitisation initiatives until such time as the policy has been approved. On the other, digitisation has proceeded in an ad-hoc manner with institutions randomly digitising material without guidance as to the appropriate standards and systems.

In the absence of the facilities and capacity to digitise their own collections, public archives are vulnerable to, and often suspicious of, organisations who approach them with offers to digitise their holding in exchange for the right to use the digitised material in another way. Fears have been expressed about the sale of digitised material for gain, about loss of control, copyright and intellectual property. Archivists need guidelines to assist them to deal with these proposals responsibly. A National Archives Digitisation Strategy was finalised early in 2014 and will be published on the new NARSSA website, due to be launched at the end of February 2015.

*“Digital technology in itself can be seen as a form of cultural imperialism. This is because: English is largely the language employed on the Web ...orality is being displaced; and American culture on the Net is an overwhelming influence. Furthermore, the lure of financial aid has spawned a new form of imperialism reinforcing the digital divide, as countries in the North loot the intellectual property of an African heritage in the name of preservation.”*

D. Peters and M. Pickover, 2002, p. 18.

Notwithstanding the above, a number of initiatives involving public archives are under way to digitise records and to make these available through various platforms, demonstrating the potential of digitisation for facilitating access to records. The Genealogical Society of Utah has digitised family history records held in the Western Cape, KwaZulu-Natal and Free State provincial archives and in a number of church collections. Digital copies are made available to the archives concerned and posted on the Family Search website. In April 2014 there were almost 8 million images of South African records available on this website.<sup>9</sup> Many of these records have not yet been indexed (this task is performed by volunteers), but the images are available for browsing online. In 2012, The Nelson Mandela Foundation (NMF) partnered with the Google Cultural Institute to digitise materials from Nelson Mandela’s archive dating back to 1929. This material is now accessible in digital format online. The project is a living archive that will continue to expand as people across the globe contribute new material. Because this archive pulls together material from a number of different sources, the agreement forged between the partners allows the NMF to retain ownership of the content and individual contributors to retain ownership of their copyright. The Google Cultural Institute has entered into a similar agreement with the Desmond Tutu Peace Centre in Cape Town, to digitise Desmond Tutu’s archives, and establish an interactive digital learning centre.

Following the launch of the Nelson Mandela Digital Archives, the NARSSA approached the NMF for assistance with a digitisation project. This related to a substantial accumulation of records (the so-called Yutar Papers) on the Rivonia Trial. These records were digitised by a service-provider under the oversight of the NMF and NARSSA staff received some elementary training in digitisation. In 2013 the NARSSA facilitated another partnership to digitise important holdings. The proceedings of the 1963 Rivonia Trial were originally captured on Dictabelt, an obsolete format. While NARSSA has these tapes in secure storage, the information on them cannot be accessed because the institution does not have the players required to read them.



In December 2013 the DAC signed an agreement with the French INA to digitise 555 Rivonia Trial Dictabelts.

We acknowledge the good work being done by a range of institutions and initiatives. These include the South African Digitisation Initiative (SADI) in sensitising institutions to issues relating to digitisation and in providing training; the University of the Witwatersrand Digitisation Centre<sup>10</sup> which provides the infrastructure, expertise, technical capacity and state of art equipment to assist the Wits community to undertake retrospective digitisation projects to boost research opportunities and support teaching and learning; and the National Research Foundation (NRF) through its Digitisation and Digital Data Preservation Centre<sup>11</sup> and; private enterprises including Africa Media Online and Roger Layton and Associate who provide digitisation services to a range of heritage institutions. We note, with alarm the apparent collapse of the R360-million contract awarded by the Rural Development and Land Reform Department to a company to convert 500 million pages of deeds records in deeds offices across the country into electronic format.

## Out of sight

There is a common perception that all public records are transferred to archival repositories where they are preserved and made accessible to the public. This is not the case, many public records are held elsewhere, classified as ‘secret’ or ‘sensitive’ and withheld from public view or are not recognised as ‘public records’.

### Out of sight: public records held in offices of record or departmental archives

A superficial reading of the *National Archives and Record Service of South Africa Act No. 43 of 1996*, as amended, creates the impression that the NARSSA has jurisdiction over the management and custody of all public records. This is *not* the case.

The Act makes provision for the Minister to establish archive repositories under the control of the National Archivist for the custody of records. It also makes provision for public records to be transferred to an archives repository providing that “no other Act of Parliament requires such records to be kept in the custody of a particular governmental body or person”.

Although governmental bodies may by law be mandated with the preservation of their own records, or by nature of their records excluded from archival control, they cannot dispose arbitrarily of their records. The destruction of records remains subject to the provisions of the 1996 Archives Act unless specifically provided for otherwise.

*“The mechanisms which the National Archives use to verse the records management practices of the broad public sector are appraisals and the issuing of disposal authorities. Regrettably, the sections of the National Archives responsible for these functions have atrophied through the attrition of trained staff and the inability of the institution to adapt to the huge changes posed by the electronic era. The lack of resources has also meant that there is no longer space at the National Archives for Offices of record to use.”*

G. Dominy, 2014.

Offices mandated by law to preserve their own records include, among others: the Offices of the Registrars of Deeds, the Masters of the High Court, the Offices of the Surveyor General, the Registrars of Births, Deaths and Marriages, and offices of revenue and tax. Other departments, dealing with foreign affairs, defence, security services and police, operate their own repositories and records management systems. The South African National Defence Force (SANDF) and the State Security and other intelligence agencies operate their own archives repositories and records management systems, but such repositories and systems are maintained in terms of the 1996 Archives Act and in consultation with the NARSSA, but the office of origin carries out the day-to-day operations.

<b>TABLE 8: STATUS OF OFFICES OF RECORD AND DEPARTMENTAL ARCHIVES IN 2012/2013</b>	
The South African National Defence Force Archive	Section 11(1) of the National Archives and Records Service Act provides for the Minister of Arts and Culture to establish archives repositories under the control of the NARS. The Department of Defence, established in 1962 to take custody of records that, for security reasons could not be transferred to the NARS, falls into this category. All the standards and procedure that apply to the NARS apply to this archive.
The Department of International Affairs Archive	Repositories and systems are maintained in terms of the National Archives Act and in consultation with the National Archives.
Offices of the Registrars of Deeds Office of Record	<p>The South African Registrar of Deeds (also known as the Deeds Office) an independent directorate within the Department of Land Reform and Rural Development. It holds title deeds that record information about property ownership.</p> <p>The Deeds Registries Act, 47 of 1937 makes provision for ‘any person’ to inspect and make copies of public records held in any of the organisation’s 11 offices around the country.</p> <p>There are 11 Deeds Offices in the country, but a central web-enabled, searchable database has been developed to allow registered users to access information, for a fee.</p> <p>See <a href="http://www.deeds.gov.za">www.deeds.gov.za</a></p>
Offices of the Masters of the High Court Office of Record	<p>The Offices of the Master of the High Court is a branch of the Department of Justice and Constitutional Development.</p> <p>The Offices of the Masters’ of the High Court holds records of Deceased Estates, Liquidations (Insolvent Estates), Registration of Trusts, Tutors and Curators, as well as Administration of the Guardian’s Fund (minors and mentally challenged persons).</p> <p>Copies of any documents held by the Masters Offices are available, providing the request is made in writing and the prescribed fee is paid.</p>

	<p>The Integrated Case Management System (ICMS) connects more than 400 magistrates' offices (deceased estate service points) and all 14 of the Masters' Offices. The ICMS Web Portal makes available information held by the Masters' Offices from 2008.</p> <p>See <a href="http://www.justice.gov.za/master/m_main.htm">www.justice.gov.za/master/m_main.htm</a></p>
The office of the Chief Surveyor General Office of Record	<p>The office of the Chief Surveyor General is a branch of the Department of Rural Development and Land Reform.</p> <p>In terms of the Land Survey Act No. 8 of 1997 the Chief Surveyor General is responsible for cadastral surveying and land information services.</p> <p>The four offices of the Surveyors-General are responsible for processing the safe-keeping of all survey records relating to all diagrams, general plans and draft sectional plans for registration purposes, relating to the provinces under their jurisdiction.</p> <p>Spatial and Alphanumeric data and images of maps, diagrams and plans can be accessed online through a centralised database.</p> <p>Records are also made available on paper or in electronic form, for a fee.</p> <p>See <a href="http://csg.dla.gov.za">http://csg.dla.gov.za</a></p>
Offices of Registrars of Births, Deaths and Marriages	<p>The Department of Home Affairs holds birth, marriage and death certificates and records relating to immigration, naturalization and name changes.</p> <p>No central database of these records is available to the public. To find out how to apply for a copy of these records see the Department of Home Affairs website: <a href="http://www.home-affairs.gov.za">http://www.home-affairs.gov.za</a></p> <p>Civil registration of births was only introduced in parts of South Africa in the late 1800s and was not compulsory until 1905. Records of births and marriages up to about 1950 are held in the National Archives in Pretoria and in various provincial archive repositories.</p> <p>Marriage records were first registered in the Cape in 1700 and in other areas in the mid- nineteenth century and afterwards. Marriage records up to about 1950 are held in the National Archives in Pretoria and in various provincial repositories.</p> <p>Death notices, deceased estate files and other records may also be found in the National Archives and provincial repositories, but the cut-off date for these varies.</p> <p>The Genealogical Society of Utah has scanned millions of South African family history records held in provincial and other archive repositories and are making these available free of</p>

	charge on the Family Search website <a href="http://www.familysearch.org">www.familysearch.org</a> as they are processed. While many of these records have not yet been indexed, the images are available to browse.
State Security and other intelligence agencies	Repositories and systems are maintained in terms of the National Archives Act and in consultation with the National Archives. These records are not accessible unless made available in response to a PAIA request.

## Out of sight: the records of statutory bodies

The broad and ambitious remit outlined in the 1996 Archives Act means that public archives are responsible for the proper management and care of *all* public records in the care of governmental bodies. The 1996 Archives Act defines ‘governmental bodies’ to mean ‘any legislative, executive, judicial or administrative organ of state (including a statutory body) at the national level of government’. Provincial legislation defines the term to include governmental bodies within the provincial or local spheres of government. Governmental bodies, defined as ‘public institutions’, i.e. not departments or ministries, are listed in Schedules 1, 2 and 3 of the PFMA. Included in these schedules are: nine Constitutional Institutions such as the Public Protector of South Africa and the Independent Electoral Commission; twenty-one Major Public Entities including ESKOM and the South African Broadcasting Corporation, and their subsidiaries; One hundred and fifty-four National Public Entities including the Castle Control Board, the South African National Biodiversity Institute (SANBI) and the ‘national museums’, and their subsidiaries; twenty-six National Government Business Enterprises including Overberg Water and the SA Bureau of Standards, and their subsidiaries; seventy Provincial Public Entities, and their subsidiaries; and sixteen Provincial Government Business Enterprises. The responsibilities for public archives’ oversight of the records of other statutory institutions including universities is not clear. **The stark reality is that the neither NARSSA nor the provincial archives have the resources or capacity to implement the oversight mandate in respect of statutory bodies. The consequences for good governance, accountability and memory are dire.**

*“ One of the most important changes to current information law proposed by POSIB is its chapter (chapter 11) providing for a statutory scheme of criminal offences and penalties to protect classified information. In the view of many critics of the Bill, these penalties will have a chilling effect on whistleblowing and investigative journalism, inhibiting the publication of stories that originate from classified material. It is also feared that they will encourage the cynical misuse of classification by officials wishing to conceal evidence of malfeasance or corruption.”*

V. Harris, 2013.

## Out of sight: ‘security classified’ and sensitive records

Sensitive records are managed in terms of the Minimum Information Security Standard (MISS) adopted in 1996 and the Protection of Information Act No of 1982. This makes provision, amongst other things, for the classification, reclassification and declassification, storage and destruction of information which is deemed ‘exempt from disclosure’ in the national interest.

The contentious Protection of State Information Bill is now awaiting the signature of the President. As it stands the Bill makes provision for harsh penalties for the possession or disclosure of classified records and information and gives the Minister of State Security considerable powers over ‘valuable’

records. If it comes into effect in its current form it will impact significantly on archival practice and on access to information.

## **Out of sight: records and archives of traditional authorities**

The question of whether the archives and records of traditional authorities are deemed to be ‘public records’, subject to public archives legislation, seems not to have been fully addressed. For now, three scenarios apply to these: records are deposited in provincial archives where they are made available to researchers on request; records are deposited in provincial archives where they may be made available to researchers with the permission of the traditional authority; and records are retained by the traditional authority which sets the terms and conditions under which these may, or may not, be made accessible to researchers.

## **Out of sight: The records of the Truth and Reconciliation Commission**

The Preamble of the Constitution calls on the people of South Africa to “recognise the injustices of the past”<sup>12</sup> and “heal the divisions of the past”<sup>13</sup>. This requires citizens and the state to interrogate the past in order to identify and acknowledge past wrongs and abuses and to seek ways to build “a society based on democratic values, social justice and fundamental human rights.”<sup>14</sup> The national project of reconciliation was institutionalised through the establishment of the TRC in 1995. Although the TRC has been strongly criticised in recent years largely because government did not follow through diligently on its findings and recommendations, its archive holds a rich resource. It includes valuable information relating to the violation of human rights and the workings of the security forces under apartheid accumulated by TRC commissioners and researchers as well as in records generated by the TRC about its own work. In its final report, published in 1998, the TRC recommended that “all [the] Commission’s records be transferred to the NARSSA” and that “all records should be made “accessible to the public unless compelling reasons exist for denying such further access”. It also recommended that “government allocate additional funding to the NARSSA to preserve and maintain the records” and to “facilitate the creation of decentralised, nation wide, ‘centres of memory’ at which members of the public who do not have personal access to computers can access details of the proceedings of the Commission, including transcripts and sound and video clips of hearings.”

The SAHA, an independent human rights archive has demonstrated a longstanding interest in the records of the TRC. Since 2001 SAHA has submitted over 60 PAIA requests to access the records of the TRC. While the organisation has had a few successes, in most cases the requests have been blocked. According to SAHA, one of the most concerning issues to emerge from their attempts to access these records is that it has been the Department of

*“Ultimately, the most concerning pattern revealed in SAHA’s longstanding attempts to open up the official TRC archive using PAIA, as exemplified by the case of the TRC database request, is the apparent disregard of the DOJ for the right to the truth located at the heart of the TRC, as articulated in the Promotion of National Unity and Reconciliation Act, 1995.”*

C. Kennedy, 2014.

Justice and Constitutional Development (DOJ&CD) that has been particularly obstructive and non-compliant. As the government department tasked with overseeing the ongoing business of the TRC, the DOJ&CD currently controls access to the bulk of the TRC records. The DOJ&CD also has oversight responsibilities in terms of monitoring compliance with the PAIA and, as such, should be both familiar with the law and exemplary in its responses to request for access to information. It is therefore doubly damning that not only has the DOJ&CD failed to respond to SAHA within the legally prescribed timelines in the vast majority of requests submitted, but the department has also refused access to more than half of the requests submitted, and denied many of the subsequent appeals. Adding to these barriers to access, the bulk of the official TRC Archive, whilst under the control of the DOJ&CD<sup>15</sup>, is confusingly located within the woefully under-resourced NARSSA. In November 2013, while the NARSSA may, on request, grant access to TRC records generated in open hearings, requests for access to Section 29<sup>16</sup> hearings containing sensitive or third party information must be referred to the DOJ&CD. It is our understanding that the NARSSA is attempting, within the legal framework to facilitate access to the records of the TRC, but lacks the resources and capacity to do this effectively. In response to a PAIA request submitted by SAHA to investigate the extent to which there was likely to be any movement in this direction in the next few years, the National Archivist confirmed that there are still no specific plans or budgets for the on-going maintenance and preservation of the TRC records or plans to develop a dedicated archival repository, let alone the multiple ‘centres of memory’ envisaged by the TRC, to facilitate access to this important archive.

*“The story of apartheid is, amongst other things, the story of the systematic elimination of thousands of voices that should have been part of the nation’s memory. The elimination of memory took place through censorship, confiscation of materials, bannings, incarceration, assassination and a range of related actions. Any attempt to reconstruct the past must involve the recovery of this memory – much of it contained in countless documentary records. The tragedy is that the former government deliberately and systematically destroyed a huge body of state records and documentation in an attempt to remove incriminating evidence and thereby sanitise the history of oppressive rule.”*

TRC Final Report, Vol.1 p. 201.

It is critical that this archive is opened. South Africans have a right to the truth, to know what happened, so that they can ensure that justice is done. The recommendations made by the TRC about its records and how these should be made accessible to the public have not been implemented, despite the actions taken by organisations like SAHA over more than a decade.

### **Out of sight: the unauthorised destruction of records**

As noted in Chapter Four, the TRC found that from the 1970s state bodies routinely destroyed ‘sensitive records’ to protect state security and that from about 1990 the state sanctioned and promoted the systematic and sustained destruction of its records in order to deny the incoming government access to apartheid secrets. The TRC concluded that while, in the short-term, the destruction of records this hampered its investigations into gross human rights violations, in the long-term, all South Africans had suffered as a result of the apartheid state’s attempted imposition of a selective amnesia.

### **Conclusion**

The work of archivists has become increasingly complicated since the 1990s. Advances in information and communication technologies have transformed

the way in which government communicates and does business, bringing with it new challenges for record-keeping. New demands to set up systems to manage and preserve electronic records and to digitise archival holdings require a sophisticated understanding of information and communication technology and related legislation. The requirement to facilitate access to information as required by PAIA while at the same time working within the bounds of legislation aimed at protecting state and personal information require up to date knowledge of the intricacies of new laws. Archivists, working under difficult circumstances to deliver on their mandates, are over-extended and in need assistance and guidance to deal with these issues.

*“Whilst we acknowledge that we operate in highly regulated environments, we should keep close track of new regulations, which could affect our archives and records management programmes. The PAIA legislation, for example, plays a key role on our public records that may have statute of limitations for accessibility. Thus, be part of the change and do not talk and live in the past ... otherwise watch out for SAHRC on your doorsteps.”*

Sedibeng Archives and Records Management Forum, 2011.

## (Endnotes)

- 1 *National Archives and Records Service Act of South Africa No 43 of 1996*, Section 3 (a).
- 2 *Ibid.*; Section 3 (d).
- 3 *Achivalia*.
- 4 M. Yoruba, *The role of the National Archives and Records Service of South Africa in the young democracy*, Research Report, University of the Witwatersrand, 2013.
- 5 *Ibid.*; p. 46.
- 6 It is accepted internationally that only a small percentage of government records are preserved in perpetuity in archives repositories. Estimates of this vary from country to country. This figure is quoted in V. Harris, “The archival sliver: power, memory, and archives in South Africa.” *Archival Science* 2.1–2, 2002, pp. 63–86.
- 7 The Acting National Archivist has informed the Archival Platform that the appraisal policy was taken to the NAAC for approval prior to publication.
- 8 National Archives and Records Service of South Arica 2006. “Managing Electronic Records in Governmental Bodies: Policy, Principles and Requirements.” *A National Archives and Records Service of South Africa Report – Second Edition*, p. i.
- 9 As images are filed individually this figure does not take into account records with multiple pages. [www.familysearch.org](http://www.familysearch.org), accessed April 2014.
- 10 See <http://www.historicalpapers.wits.ac.za/docs/THEDIGITISATIONCENTRE2014.pdf>, accessed December 2014.
- 11 See <http://digi.nrf.ac.za> and [http://digi.nrf.ac.za/download/audit\\_report.pdf](http://digi.nrf.ac.za/download/audit_report.pdf), accessed December 2014.
- 12 Preamble to the Constitution of the republic of South Africa, 1996, p. 1.
- 13 *Ibid.*
- 14 Bill of Rights, Constitution of the republic of South Africa, 1996, p. 6.
- 15 The role of the Department of Justice and Constitutional Development is spelt out in an amendment to the *Promotion of National Unity and Reconciliation Ac No 34 of 1995*.
- 16 These were investigative hearings where witnesses were called upon to testify, as opposed to the hearings relating to human rights violations where those who came forward to testify did so voluntarily.





## CHAPTER NINE

### DOCUMENTING ASPECTS OF THE NATION'S PAST PREVIOUSLY NEGLECTED BY REPOSITORIES

This chapter covers the mandate of public archives to collect non-public records of enduring value and to document aspects of the past previously neglected by archival repositories.

#### Archivists as shapers of memory and documenters of society

As noted in Chapter Two of this analysis, one of the key elements of the discourse that drove the transformation of archival practice in the 1990s was the concept of archivists as **active shapers of social memory and documenters of society**. This is given expression in the mandate of public archives to “collect non-public records of enduring value and to document aspects of the past previously neglected by archival repositories”.

Implicit in this mandate is the acknowledgement that the inherited archive is not neutral. Colonial and apartheid era archives reflect the values, interests and world-view of those who created them and they are characterised by a particular set of biases and exclusions. Gaps in the inherited archive may include, but are not limited to: records that may tell us about the African past prior to colonial rule, as well as fuller records of the lives of the colonised under British and later colonial rule, the Union of South Africa and apartheid, including anti-colonial and anti-apartheid resistance.

While public archives have a special responsibility to deliver on this mandate, many individuals, organisations and institutions in civil society are addressing the issue of colonial and apartheid bias and exclusions in the archive by: *surfacing* the peripherally present voices of previously marginalised peoples in the inherited archive; *collecting material* in the possession of private individuals and outside organisational purview; *convening*, in digital format, archival material related to aspects of South Africa's past not present in public archives; *documenting* oral materials, rituals, and cultural practices that reflect elements of the past and; *recording* life-stories and experiences that reflect the experiences of the recent past – the struggle for liberation.

Six examples reflect the range of initiatives aiming to address the issue of biases in and exclusions from the inherited archive: *The First Fifty Years – a project collating Cape of Good Hope* records, transcribes and makes available copies of archival records, many of which are held in the Western Cape Archives, that contains information relating to individuals, including slaves, who lived at the Cape during the first decades of the settlement after 1652. *The Five Hundred Year Archive Online Project*<sup>1</sup>, based at the University of Cape Town, aims to develop and promote understandings of the archival possibilities of materials located

*“State archives are not neutral storehouses of source material nor monuments to past ideologies and any attempts to analyse their current situation with a view to changing it, or indeed to understand why some things are preserved in certain forms, others in other forms, and some things not at all, require us to recognise that archives, and other preservatory forms, are artefacts, with linked practices and processes, forged and continually refashioned in the crucible of ongoing social and political life.”*

C. Hamilton, 2013.

*“With the exception of the Boer resistance to British imperialism, the accumulated non-public collections housed by the National Archives poorly document the struggles of indigenous South Africans against colonialism, segregation and later separate development, or apartheid as it is commonly known. The experiences of Black people, who are the majority of South Africans, are poorly documented and, in most cases, seen through White eyes.”*

M. Gilder, 1999.

both within and outside of formal archives. While it does not *physically* collect the records, it gathers them together into a central, accessible online space in order to stimulate interest, research and enquiries into southern Africa’s deep past. *The James Stuart Archive*, published in six volumes thus far and edited by John Wright and Colin Webb, brings into the public domain edited, annotated and translated interviews conducted by colonial official James Stuart with men whom he considered to be experts on the past in their communities in Zululand and Natal of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. The *Apartheid Archive Project*, an international research initiative<sup>2</sup> which aims to examine the nature of the experiences of racism of (particularly ‘ordinary’) South Africans under the old apartheid order and their continuing effects on individual and group functioning in contemporary South Africa, has gathered input from many South Africans who have contributed their experiences to the Project databank. *Historical Papers* at the University of the Witwatersrand, the South African History Archive (SAHA), Gay and Lesbian Archives in Action (GALA) and similar initiatives elsewhere accept deposits from individuals and a wide range of non-governmental organisations covering aspects of the past not generally covered in the collections of public archives. Local community projects such as *Claremont Histories*<sup>3</sup> bring oral testimonies, photographs, letters and documents contributed by residents and ex-residents of the area together on an online platform.

## The mandate

South African public archives have, since their inception, been mandated to acquire non-public records. The 1922 Act allows that the chief archivist may “acquire all such original records, documents and other things as he may deem necessary or desirable”. The 1953 Act similarly makes provision for the acquisition of “material of historical value not forming part of the public archive”.

The 1996 Archives Act, takes this a step further requiring the NARSSA to “collect non-public records with enduring value of national significance which cannot be more appropriately preserved by another institution, with due regard to the need to document aspects of the nation’s experience neglected by archives repositories in the past”.<sup>4</sup> This mandate is listed in the objects and functions in all provincial archives legislation. In the Eastern Cape and in KwaZulu-Natal the objects and functions also include a specific requirement to “initiate and coordinate the collection of oral and audio-visual archival material”.

The inclusion of this mandate in the 1996 Archives Act and in provincial archives legislation marks a clear departure from previous acts because it is aimed specifically at redress and transformation. Firstly, **it addresses the issue of historical bias and exclusion very specifically**. Secondly, **the requirement for archives to ‘document’ rather than simply**

**‘collect’ or ‘preserve’ indicates a shift from the traditional conception of archives as custodians of records, according them a more proactive role in the production of new knowledge and in the process of memory formation.**

The mandate to ‘collect non-public records’ and to ‘document aspects of the past previously neglected by archival repositories’ raises many questions: what has been excluded from the inherited archive; what ‘aspects of the nation’s experience’ should be prioritised; how should decisions be made about this – through what processes and in consultation with which stakeholders; what strategy might be employed strategically for collecting and documenting neglected histories and how this may relate to contemporary life.

### **Powers, duties and other provisions relating to the exercise of this mandate**

The 1996 Archives Act makes provision for:

- The National Archivist to purchase or acquire non-public records of enduring value by donation or loan, provided that these cannot be more appropriately preserved by another institution.<sup>5</sup>
- Non-public records to be deposited in an archives repository determined by the National Archivist.<sup>6</sup>
- Non-public records in the custody of the NARSSA to be made available for public access subject to any conditions agreed upon when it was acquired.<sup>7</sup>

### **Performance indicators**

Indicators used by public archives to measure activity in regard to this function include:

- the number, or extent, of non-public records collected; and
- the number of oral history workshops / training sessions / projects initiated, and / or the number of records collected or added to the National Register of Oral History.

In considering how public archives are delivering on this aspect of their mandate we would also want to know how archives are addressing a number of different but interrelated tasks and what criteria inform their actions in regard to these, namely: identifying gaps and omissions in their current holdings; determining what may be of ‘enduring value’ and what may not; assessing whether the conditions under which records of ‘enduring value’ are kept are ‘appropriate’; collecting non-public records; and documenting particular aspects of the nation’s experience.

*“Oral History has become a crucial part of Archives practice. Most Archival Institutions in South Africa have adopted Oral History Methodology with the purpose of collecting valuable information only existing as memory from the South African people. The most significant aspect of oral history is its ability to create source material where none existed.”*

S. Zulu, 2014.

## **Delivering on the mandate: *collecting* non-public records of enduring significance**

The NARSSA, Eastern Cape, Free State, KwaZulu-Natal and the Western Cape have rich holdings of non-public records inherited from the former SAS. These include letters, diaries, photographs and other documents that offer insight into the daily life experiences of some of the country's citizens, including former officials of the colonial and apartheid governments, and other prominent people.

While the NARSSA does, from time-to-time, acquire collections of non-public records that are deemed to be of national significance and enduring value, this is the exception rather than the rule<sup>8</sup>.

The Western Cape has made it known that it is open to accepting non-public records that cannot be more appropriately preserved elsewhere and has received several important donations from organisations and individuals. Other provinces have not reported any activity in this regard.

A number of arguments have been advanced to explain this. On the one hand officials argue that archives repositories are full, or not functional so there is nowhere that records can be safely kept, that issues of ownership, copyright and conditions of access are sometimes difficult to negotiate and that resources to support this activity are not available. On the other, individuals and organisations having custody of non-public records argue that they are not confident in the competence of public archives to safeguard their precious records and have shown little, if any, interest in acquiring them.

As noted in Chapter Twelve, the 1996 Archives Act does not suggest the criteria by which the 'enduring value' or 'national significance'<sup>9</sup> of records may be assessed or suggest which areas of the past may have been 'previously neglected by archival repositories'. This raises three questions: what records should be accepted for deposit; what records should be prioritised; and what processes should be in place to make decisions about what to acquire and what to reject? In the absence of these, and of clear policies or processes to guide public archives, effective delivery on this aspect of the mandate is unlikely.

## **Delivering on the mandate: *documenting* aspects of the past previously neglected by repositories**

The key mechanisms set up by the NARSSA for delivering on this aspect of the mandate are the National Oral History Programme (NOHP) established in 2001, the Oral History Association of South Africa (OHASA) established in 2003 and the National Register of Oral Sources (NAROS) through which information about oral history sources are made accessible to academics, researchers and the general public.

*"Our department continues to promote oral history as part of our efforts to ensure that our heritage landscape is, indeed, reflective of our national memory and contributes to nation-building and identity. We will promote oral history, especially among marginalised communities whose heritage and history have been ignored for many years. Later this year we will host the Annual Oral History Conference in Cape Town to ensure that we preserve the rich heritage of our nation for posterity."*

Arts and Culture Deputy Minister P. Mashatile, 2009.

On its website<sup>10</sup>, OHASA explains the rationale that informed the establishment and development of the NOHP, stating that it was intended to: **fill gaps created by the omission of information about the experiences of the African majority in archives created under colonial and apartheid rule**; offer alternative narratives, fresh information and new insights into the understanding of the past; and benefit communities by affirming and validating cultural practice and bringing economic benefits arising from “the commercialisation of commodities produced with the help of indigenous knowledge accessed through oral history.” The degree to which these intentions have been met is a matter of debate.

*“The objective of the OHASA is to promote and facilitate the recording, preservation, access, popularisation and study of oral history in South Africa. This includes poetry, music, oral praise, oral performance and oral traditions.”*

Oral History Association of South Africa, 2005.

<b>NATIONAL ARCHIVES</b>	Co-hosted the OHASA conference with the Free State. 3 Oral history projects were undertaken.  Training projects on oral history were implemented in the Free State and North West.
<b>EASTERN CAPE</b>	A provincial structure has been established to coordinate oral history activity.
<b>FREE STATE</b>	Co-hosted the OHASA conference with NARSSA. Conducted 2 oral history programmes.
<b>GAUTENG</b>	Oral histories recorded at Thokoza as part of the Liberation Heritage Sites initiative.
<b>KWAZULU-NATAL</b>	2 oral history programmes were conducted.  An Oral History Unit has been established within the Department of Arts and Culture.  The oral history programme was extended to schools to equip learners to develop their own family trees.
<b>LIMPOPO</b>	2 oral history programmes conducted.
<b>MPUMALANGA</b>	No oral history programmes conducted due to staff constraints.
<b>NORTHERN CAPE</b>	Oral History workshops were conducted in partnership with the Mc Gregor Museum during National Archives Week.
<b>NORTH WEST</b>	2 learners workshops conducted 3 oral history programmes conducted.
<b>WESTERN CAPE</b>	No oral history programmes conducted.

## **Achievements**

The main success of the NOHP has been to create awareness of the need to collect and preserve oral records that capture the voices of African people whose voices historically entered the archive peripherally, through the establishment of OHASA.

## Challenges

Dissatisfaction with archives collections being limited such that they have extensive holdings to which, for instance, predominantly white genealogists can turn in search of their family pasts has led to the 'oral history' being positioned as a panacea to cure archives of their colonial bias. What is clear, however, at annual OHASA conferences is that there is not yet a common understanding of what is meant by oral history. Theoretical thinking on oral history as a methodology does not feature in most papers delivered and the conference attracts few academics working in the field. 'Oral history' appears to be falling into a state where it is available to be invoked in political discourse as a way to heal the ill of previous black exclusion from public life and institutions without any deeper understanding of what oral history research entails. Although there are pockets of excellence, many of those involved in oral history projects appear to be conducting interviews without much consideration of purpose, ethical issues, interview technique, or preservation and use of such interviews.

The NOHP has never been adequately supported in terms of funding and staff. From its inception it managed to fund a few projects with what funds could be allocated from the already strained budget of the NARSSA as a whole. The programme continues to exist in name, but without the resources to develop into a fully functional area of work with dedicated staff in the NFVSA. At the same time, while OHASA remains useful in raising awareness of the need to document aspects of the past that were previously neglected and has political purchase, it is inadequately funded to do its work.

In the same vein, some provincial archives conduct disparate oral history projects each year. In the main these projects are not guided by any national or provincial collections policy. They are often conceptualised to respond to immediate needs for particular versions of the past at moments such as anniversaries of political organisations or of particular events with which political players want to be associated. The current focus on the freedom struggle is understandable but it is worrying that ANC struggle heroes are valorised whilst those aligned with other political organisations tend to be marginalised.

*"At present, plans are underway to establish the Oral History Association of South Africa to make sure that the voices of the unheard are heard and listened to. This body will assist in training oral history practitioners, who will then collect oral histories to be made available to the archives."*

Arts and Culture Minister P. Jordan, 2007.

Hence the challenge to the collection of oral narratives about the *past* to make good certain gaps in the inherited colonial and apartheid archive is twofold: first, the absence of a guiding framework for what is to be collected and for what purpose and, second, the resulting openness of collection processes to dangerous political manipulation to promote single-sided versions of history.

Similar challenges relate to the collection of oral records that document *contemporary life*, the present: first, the absence of a guiding framework for what is to be collected and for what purpose means that oral history researchers engage in seemingly random activity and, second that the openness of

collection processes renders them vulnerable to perpetuating exclusionary practices, albeit on different grounds.

In the absence of clear policies activity will remain unfocused. The key questions that public archives should, when they set out to, address the issues of exclusions and biases in the inherited archive are: how to identify what has been excluded and through what processes decisions about this may be made, what criteria may be used to determine the areas to prioritise and what strategies are most appropriate to acquire material.

### **Out of sight: 'indigenous knowledge'**

Oral history initiatives are built on the premise that oral narratives offer a potentially rich source of evidence that, if collected in a systematic way, can serve us well in filling the many gaps in archival collections resulting from a long history of the marginalisation of knowledge produced by and about Africans. To realise the potential of these forms requires expansive and long-term vision that can bring into view the full spectrum of the knowledge forms and practices through which people previously and yet marginalised live and make sense of the world.

The questions we need to ask are: are public archives best positioned to collect this information; if they are then how do oral history initiatives relate to the work of the DST and the NRF, both of which are mandated to advance and promote research into indigenous knowledge systems and; if they are not, then how can the important work they do feed into what seems to be a separate set of activities; and how can their research findings be linked back to archives?

### **Out of sight: other biases and exclusions**

The colonial and apartheid archive is biased in many ways. It did little to preserve the experience of many groups: women, youth, lesbian, gay, bi-sexual, transgender people (LGBTI), minority groups, emigrants, etc., although these may sometimes be surfaced by 'reading against the grain'. **The national project of social cohesion and nation formation requires the archive to be broadly inclusive, hospitable to and reflective of the diverse groupings that comprise the nation.** This challenges archives to be more proactive in delivering on this aspect of their mandate. This is not a task that should be tackled in isolation. As noted at the start of this Chapter, many civil society organisations are already embracing the challenge of identifying and addressing the biases and the omissions of the inherited archive in various ways, but few engage with the national archival system.

### **Conclusion**

Public archives are battling to fulfil their core mandate, to ensure the proper management of public records, and to preserve them. In the face of this, their

*"In South Africa, oral history has been used as evidence to address the country's past imbalances especially in the absence of written documents. Two cases of this nature come to mind. One is the Land Claims Commission which is central in restoring land of which black people were dispossessed during apartheid. Another is the Truth and Reconciliation Commission which was put in place to uncover apartheid atrocities. The influence and role of oral history in scholarly work and beyond should thus not be downplayed."*

B.B. Maaba, 2009.

*“There can be no transformation of the curriculum, or indeed of knowledge itself, without an interrogation of archive.”*

N.S. Ndebele, undated.

duty of care to non-public records and the manner in which they address the “need to document aspects of the nation’s experience neglected by archives repositories in the past” needs to be carefully, and strategically managed to derive maximum benefit from minimum input.

**The Archival Platform argues that the NARSSA should play a facilitative role by creating an enabling environment and ensuring that records – in all forms – collected by others are adequately preserved and made accessible.** It needs to do this **in partnership and consultation** with those working in the field.

But, **the principle of enabling archives to play an active role as makers and shapers of memory and as agents of transformation in knowledge production rather than simply as custodians is important and should not be lost.** In this regard, archives need long-term investment in intellectual capital to devise the necessary vision working in complementary ways with researchers at institutions such as universities and in communities. Among the tasks of the reshaping of archives should be rethinking how archival holdings are preserved and made accessible.

## (Endnotes)

- 1 <http://www.apc.uct.ac.za/apc/research/projects/five-hundred-year-archive>
- 2 [http://www.apartheidarchive.org/site/index.php?option=com\\_content&view=article&id=4&Itemid=6](http://www.apartheidarchive.org/site/index.php?option=com_content&view=article&id=4&Itemid=6)
- 3 [www.claremonthstories.weebly.com](http://www.claremonthstories.weebly.com)
- 4 *National Archives and Records Service of South Africa Act No 43 of 1996*, as amended, Section 3 (d).
- 5 *Ibid.*; Section 3(d).
- 6 *Ibid.*; Section 14(2).
- 7 *Ibid.*; Section 14(1).
- 8 NARSSA has, for example, recently acquired a substantial accumulation of records (the so-called Yutar Papers) on the Rivonia Trial.
- 9 Section 3 of the *National Heritage Resources Act No 25 of 1999* sets out the criteria by which components of the national estate may be determined to have to have special value or significance.
- 10 [http://www.ohasa.org.za/index.php?option=com\\_content&task=view&id=1](http://www.ohasa.org.za/index.php?option=com_content&task=view&id=1), accessed August 2014.







## CHAPTER TEN

### PROMOTING ACCESS TO, AND USE OF, RECORDS AND ARCHIVES

This chapter considers the national and provincial mandates to make archives accessible to citizens, to raise awareness of archives and promote their use. We identify obstacles that block access to records and conclude that, in the context of a general clampdown on information that signals a shift away from the commitment to a culture of open and transparent government, towards a culture of secrecy, government's failure to facilitate access to public records in public archives is particularly worrying.

#### Access to information

As noted in Chapter Seven, public archives are mandated to “ensure the proper management and care of all public records in the custody of governmental bodies”. While public archives are not mandated to ensure that *these* records are accessible or to promote their use by the state, efficient record-keeping is essential to support the right of citizens to access information held by governmental bodies.

Section 32 of the Constitution enshrines the right of citizens to access “the records of government and other information held by the state, and any information that is held by another person and that is required for the exercise or protection of any rights”. The Constitutional right of access to information is given effect by the *Promotion of Access to Information Act No 2 of 2000* which makes provision for citizens to request information held by public bodies, i.e. those established to perform a public service, like Telkom, whether or not they have been privatised, and privately owned bodies, like cell-phone companies.

The right of access to information held by public bodies is given further effect by the 1996 Archives Act and other legislation that sets out the requirements for the creation, management and care of governmental records and the conditions under which they may be made accessible to the public.

The right of access to information held by governmental bodies is monitored by two of the state institutions established to support constitutional democracy: the Public Protector who is empowered to investigate complaints from people aggrieved by government departments, agencies or officials; and SAHRC that has a specific mandate to promote and monitor the implementation of and compliance with PAIA. The SAHRC is supported in its work by a number of civil society initiatives such as the PAIA Civil Society Network (PAIA CSN) whose members are committed to achieving a culture of openness and accountability through the effective implementation of PAIA. Members of the PAIA CSN include the SAHA, the Khulumani Support Group, the Open

*“ ... the state has been poor at making information available timeously and in a form accessible to all citizens. Government officials are often reluctant to provide information when it is requested. Requests for information are routinely ignored, despite the existence of the Promotion of Access to Information Act. There is endemic lack of compliance. Ineffective implementation of the Promotion of Access to Information Act is due to wilful neglect, lack of appreciation of the importance of the right, an institutional culture of risk aversion and/or secrecy and a lack of training.”*

National Planning Commission, National Development Plan, 2012.

Democracy Advice Centre (ODAC), the Freedom of Expression Institute (FXI), the Right2Know Campaign and the Black Sash, amongst others.

The right of access to information, like other constitutional rights, may be limited by the need to protect personal privacy and important countervailing interests including national security, defence, economic interests and the criminal justice system.

In facilitating access to information archives are bound by the *Protection of Personal Information Act No 4 of 2013* (POPIA). This act is intended to regulate personal information collected by public and private bodies. It also makes provision for the establishment of an Information Regulator to enforce the Act and to arbitrate when conditions for fair and lawful processing are breached.

The right of access to information is also limited by the requirement to protect national security, defence, economic interests or the criminal justice system. Archives and other institutions tasked with the responsibility for the care and custody of records are required to act within the limitations on access to information imposed by legislation such as the *Protection of State Information Bill* (2013) and other security legislation.

*“Massive consignments of records (Civil and Criminal Cases) were received from the High Courts of Grahamstown and Mthatha. This ensured that Provincial and National citizens’ democratic right of access to recorded information was achieved. During the year under review an over achievement to researchers requiring information in different aspects of information was realised, more especially to issues relating to land claims and chieftainship.”*

Eastern Cape Department of Sport, Recreation, Arts and Culture Annual Report 2012/2013.

## **The mandate**

The 1996 Archives Act mandates the NARSSA to:

- make public and non-public “records accessible and to promote their use by the public”<sup>1</sup>;
- “promote an awareness of archives and records management, and encourage archival and records management activities”; and
- “generally promote the preservation and use of a national archival heritage”.

While the 1996 Archives Act details the responsibilities of the NARSSA in respect of access and use of records it does not suggest why this may be crucial for citizens. It does not mention the role of archives in providing the resources needed to reckon with the past or hold government accountable in the present.

Provincial Archivists are mandated to perform these functions in respect in accordance with legislation established by their respective provinces.

## **Powers, duties and other provisions relating to the exercise of this mandate**

The 1996 Archives Act makes provision for access and use, stating that “Subject to any other Act of Parliament which deals with public access to records: (a) a public record in the custody of the National Archives shall be available for public access if a period of 20 years has elapsed since the end

of the year in which the record came into existence; (b) access to a public record in respect of which a period of less than 20 years has elapsed since the end of the year in which the record came into existence may be given by the National Archivist upon request”.<sup>2</sup>

The 1996 Archives Act charges the Minister with responsibility for:

- “Making regulations as to the admission of the public to archives repositories, the making available of records for public access, and the use of equipment for the making of copies of or extracts from records in the custody of the national Archives”.<sup>3</sup>

The Director-General is charged with responsibility for:

- dealing with appeals against the National Archivist’s refusal to grant access to fragile record.

The National Archivist is tasked with responsibility for:

- “with special emphasis on activities designed to reach out to less privileged sectors of society, make known information concerning records by means such as publications, exhibitions and the lending of records”<sup>4</sup>.

The National Archivist is empowered to:

- grant permission for access to records before 20 years have elapsed<sup>5</sup>; and
- refuse access to fragile records.<sup>6</sup>

## Performance indicators

Indicators used to determine the extent to which archives are accessed and used include:

- number of researchers visiting the reading rooms;
- number of written and telephonic enquiries received and attended;
- public programmes; and
- participation in national, provincial and local events.

As noted previously, these performance indicators are quantitative rather than qualitative. In considering how public archives are delivering on this aspect of their mandate we would also want to know: what strategies have been developed and implemented to increase access to and use of archives; what partnerships have been forged to facilitate access and use, and how have these fared; what programmes have been conducted to raise awareness of the value of archives and records, and how have these been received; what research has been undertaken to assess visitors needs, expectations and experience of archives and what plans have been put in place to address issues raised?

*“The fundamental purpose of archives is use. Access service links archives to the public; it determines the information users have about the institution and its holdings; it influences whether the public will trust the custodians of archives institution and the service they provide. Archivists support a culture of openness, but impose restrictions as required by laws and other authorities, ethics, or donor requirements. When restrictions are unavoidable, they must be clear and limited in scope and duration.”*

International Council on Archives, Principles of Access to Archives, 2012.

<b>TABLE 10: ACCESS AND USE REPORTED IN 2012/2013</b>	
<b>NATIONAL ARCHIVES</b>	
Number of visitors	661 visitors 24,303 records copied for visitors 197 audio visual recordings were accessed at the NFVSA 2 sound recordings were accessed at the NFVSA
Number of enquiries	No activity reported
Public programmes and events	5 outreach programmes launched National Archives Week celebrated International Archives Day celebrated Participated in 4 film festivals 5 exhibitions displayed
Other	29 PAIA applications processed
<b>EASTERN CAPE</b>	
Number of visitors	No activity reported
Number of enquiries	113 enquiries processed in the repositories
Public programmes and events	9 awareness programmes and projects conducted The Department initiated awareness campaigns in relation to Archives and Records Management Services during exhibitions on the National day celebrations.  Road-shows were conducted to educate communities and school going pupils to ensure that citizens are well-informed about record-keeping issues.
Other	No other activity reported
<b>FREE STATE</b>	
Number of visitors	1,061 visitors
Number of enquiries	815 enquiries processed
Public programmes and events	3 public programmes Archives Week celebrated
Other	Interns trained in partnership with the University of the Free State (UFS)
<b>GAUTENG</b>	
Number of visitors	No repository
Number of enquiries	No activity reported
Public programmes and events	1 awareness programme implemented
Other	No other activity reported
<b>KWAZULU-NATAL</b>	
Number of visitors	2,005 users accessed repositories
Number of enquiries	1,210 enquiries received and processed

Public programmes and events	14 public awareness programmes 3 events participated in
Other	The “Family Tree” project in schools created opportunities for children to describe and transcribe their heritage and lineage – using software provided by the Genealogical Society of Utah.
<b>LIMPOPO</b>	
Number of visitors	No activity reported
Number of enquiries	No activity reported
Public programmes and events	3 awareness programmes implemented
Other	No other activity reported
<b>MPUMALANGA</b>	
Number of visitors	Repository still under construction.
Number of enquiries	No activity reported
Public programmes and events	7 Awareness programmes rolled out.
Other	Conducted awareness programmes during nationally celebrated day events/
<b>NORTHERN CAPE</b>	
Number of visitors	Repository still under construction.
Number of enquiries	No activity reported
Public programmes and events	Hosted Archives Week activities – described as a ‘huge success’.
Other	No other activity reported
<b>NORTH WEST</b>	
Number of visitors	70 visitors
Number of enquiries	100 enquiries received
Public programmes and events	8 awareness programmes involving 2,290 participants 4 other events
Other	No other activity reported
<b>WESTERN CAPE</b>	
Number of visitors	7,949 visitors 54,413 records consulted
Number of enquiries	1,603 written enquiries processed
Public programmes and events	15 awareness programmes rolled out 1,038 visitors during Archives Week
Other	7 other events

Note: In some instances we have noted that no activity has been reported. This does not always mean that no activities have been undertaken. Archives are not required to report on all activities in their annual reports. This, in our opinion, means that is not possible to get an accurate picture of *actual* activity or to assess the extent to which they may or may not be delivering on their mandates. It is unfortunate that the line items on which they *are* required to report are not more closely aligned with their mandates.

## Delivering on the mandate

The NARSSA and repositories in the Eastern Cape, Free State, and the Western Cape<sup>7</sup> received:

- a total of 14,639 visits in 2012/2013. This shows a slight increase from 13,048 visits recorded in 2008/2009 and 12 980 in 1999/2000; and
- a total of 2,487 written and telephonic queries in 2012/2013. This is a decline from the 2,838 queries received in 2008/2009 and a slight increase in the 1,965 queries recorded in 1999/2000.

These figures indicate that use of the archives in the provinces where repositories were inherited from the former SAS, remains fairly constant. It is neither increasing nor decreasing significantly. The substantial drop in written and telephone queries may be attributable to increased use of the NAAIRS. In 1999/2000 it is reported that 46 041 enquiries were made on the electronic databases accessible in reading rooms. The system has since been available via the Internet. In 2008/2009 the NAAIRS was reported to be handling almost 67,000 queries a month.

*“When I tried to find materials on his [Dag Hammarskjöld] visit in the National Archives in Pretoria I hit a brick wall. We know there was documentation on his visit in the Prime Minister’s files, as well as in the files of what was then the Department of External Affairs ... but none of this could be found in the archives”.*

Chris Saunders, 2011.

How do visitors rate their experience accessing and using archival resources? In a letter to former Minister of Arts and Culture Lulu Xingwana, The President of the Southern African Historical Society noted that, “Archive users frequently encounter public servants who are ill equipped or unmotivated to assist researchers. This problem is only made worse by a lack – or loss – of finding aids and transfer lists.”<sup>8</sup> In the absence of in-depth visitor studies we quote directly from articles that have appeared in the media in recent years. In a piece published in *Business Day* in August 2012 historian Chris Saunders complains bitterly about hitting a “brick wall” in his attempts to access information from NARSSA, explaining how the information he required could simply not be found. In an article published in the *Financial Times* in February 2011 Andrew MacDonald suggests that archives are imperilled and quotes the opinions of three stakeholders, “Historian of SA record-keeping Keith Breckenridge refers to “catastrophic collapse”. Another senior historian at one of South Africa’s universities and author of seminal works on the history of Mpumalanga and Limpopo believes that archives are in ‘a serious mess and on a downward trajectory’. Revisionist historian Shula Marks has warned that the archives are ‘deteriorating alarmingly’.”<sup>9</sup> Not all comments are negative. We have seen favourable comments made by visitors who have made use of the reading room at the Western Cape Archives. We note too that authors and researchers frequently acknowledge and thank public archives in their publications. While some thank particular individuals who have offered them exceptional service, most do not comment on the quality of their engagement with reading room staff.

Public programmes are aimed generally at raising awareness of the role of archives in relation to history, and the resources at hand to support research



or making good on the archives' commitment to documenting previously neglected histories.

The campaign to mark National Archives Week across the country is gaining ground and public archives are drawing increasing numbers of learners and educators into their programmes. This presents an opportunity for archivists to link archives to the diverse elements of the curriculum as a resource for learning about the past and promoting active citizenship.

Public archives implement a range of small-scale outreach programmes, but generally lack the resources to implement large-scale initiatives. As mentioned in Archival Platform meetings with stakeholders, as government departments subject to the provisions of the PFMA it is often difficult for them to access or raise funds from other sources. Some have found that they can respond to this challenge by forming partnerships with civil society organisations to facilitate this. Others have found it fruitful to form partnerships with departments of education or institutions like museums that have a shared interest and the required resources.

In their assessment of the extent to which NARSSA has fulfilled its mandate of taking the archives to the people<sup>10</sup> Mpho Ngoepe and Patrick Ngulube conclude that NARSSA has “sustained a considerable public programming endeavour despite the fact that it lacks adequate resources to realise this objective”<sup>11</sup>. They recommend that NARSSA review public programming activities to assess their impact and that they develop a proactive media strategy to promote the image of NARSSA and address negative public perceptions.

## **Achievements**

The Western Cape Archives receives substantially more visitors and queries than any other in the country. This may be attributable to its extensive use by genealogists, family historians and those interested in pre-19<sup>th</sup> century settlement history. It may also be attributed to the fact that the repository has extended opening hours to include Thursday evenings and the first Saturday of the month.

The Eastern Cape Archives also report an increase in the number of visitors, attributing this to the number of researchers requiring information on issues relating to land claims and chieftain ship.<sup>12</sup>

Initiated in 2012, and run from the NARSSA, the Friends of the Archives has attracted over a thousand supporters across the country. These include archivists, records managers, genealogists, family historians and interested members of the public as well as institutional and corporate members. To date the organisation has organised a few seminars in Pretoria, in partnership with the Genealogical Society of SA and a national rollout of programmes is being planned for 2015.

*“Anecdotal evidence suggests that the archival professions in South Africa are gradually accepting public programming as part and parcel of sound archival management ... There is a growing realisation that outreach and public programming remain some of the major ways of promoting and encouraging the use of archival services by users.”*

M. Ngoepe and P. Ngulube, 2011.

The Western Cape has entered into partnerships with local family history societies to promote the use of archival records. The Western Cape Department of Cultural Affairs and Sport also promotes archives and records management through annual awards for ‘Contribution to Marketing Archival Services and Resources’, which has over the past few years been awarded to a member of one or other of the community-based organisation with which the archives partner. An award is also made to the ‘Most Active Records Manager’.

KwaZulu-Natal has launched Operation *Sukuma Sakhe* (OSS) to ensure the integration and joint delivery of departmental programmes and services. ‘War Rooms’ have been established across the province to offer citizens an opportunity to monitor the speed in the delivery of services as part of the provincial government’s aim to find solutions to local challenges. Located in each of the province’s municipal wards, these ‘one-stop’ centres offer access to information and advice from a number of different provincial departments. The provincial archive is providing ‘War-Rooms’ with personal archive boxes in which community members can store and hold safe personal records. This programme is aimed at raising awareness of the importance of records and the provincial archives in a way that is of immediate relevance to citizens.

*“As a department, we continue to raise awareness on the importance of managing our records properly and preserving the archival records through information sessions in client offices. The National Archives Week, held from 6–10 May 2013 at the McGregor Museum, is annually celebrated to popularize our National Symbols and to raise awareness on the importance of preserving our heritage for future generations.”*

Northern Cape Sport, Arts and Culture MEC  
P. Williams, 2013.

## Challenges

The generally low visitor numbers seem to indicate either that citizens are not aware of archives or that they do not consider their holdings as being of relevance or interest, but there is a further consideration. In most provinces, archives are simply not available. There are a number of reasons for this. In the Eastern Cape, the Mthatha repository is in a poor state of repair; in Limpopo, Mpumalanga and the Northern Cape repositories are not yet operational and in Gauteng there is no repository.

A further impediment to access is that information about what is available in archives is not easily available online because the NAAIRS has not been updated while the system is being upgraded. The revamped NAAIRS is due to be launched in February 2015. If the system works as planned, it will play an important role in facilitating access to information housed in archival repositories.

None of the material in the national or provincial archives is available online unless it has been digitised and made available via the Genealogical Society of Utah website, Family Search or other organisations. In many cases archival records are not accessible because archives lack the capacity to arrange and describe them timeously.

While no detailed visitor statistics are kept, we have been told that the majority of visitors to the Pretoria, Cape Town and Free State reading rooms are white researchers, many of whom are retired and have a special interest in genealogical records.

Finally, implementation of the Promotion of Access to Information Act has been problematic. Researchers and other users complain of long waits for decisions on access requests and of unjustified refusals. In fact, it could be argued that, if anything, in relation to the holdings of many public archives, PAIA may impede rather than enable access.

## Conclusion

A more accurate assessment of **public use of archives will not be possible until every province: has a repository where citizens can access records; embraced the potential for digitisation to facilitate access to and preservation of records; and developed the systems needed to manage, preserve and make electronic records accessible. Until then it is fair to say that the national archival system has, with a few notable exceptions, not fulfilled the mandate to make records accessible to the public.** In the context of a general clampdown on information that signals a shift away from the commitment to a culture of open and transparent government, towards a culture of secrecy, government's failure to facilitate access to public records in public archives is particularly worrying.

*“The right to know – to access and share information, to organise, protest and speak out – is the foundation of a just society. Information rights were a driving principle in the struggle against apartheid, and at the centre of the democratic gains achieved in the 1990s. Twenty years into South Africa’s democracy, these gains appear to be facing greater limits. At the heart of this is an emerging trend towards security-statist approaches to governance. An expansive ‘national security’ mentality encroaches on democratic principles by stifling debate, undermining accountability and protecting the powerful from scrutiny.”*

Right2Know Campaign, 2014.

## (Endnotes)

- 1 *National Archives and Records Service of South Africa Act No 43 of 1996*, as amended, Section 3(b).
- 2 *Ibid.*; Section 12(1).
- 3 *Ibid.*; Section 12 (4).
- 4 *Ibid.*; Section 5(c).
- 5 *Ibid.*; Section 12 (1) (a).
- 6 *Ibid.*; Section 12 (3.)
- 7 These are the repositories of the former SAS, operating in 1999. With the exception of the North West province, none of the other repositories were functional or had been established in the years under review.
- 8 Letter from Julie Parle, President of the Southern African Historical Society to Minister Lulu Xingwana, 29 September 2009.
- 9 A. MacDonald, ‘Saving SA’s National Records’ in *Financial Times*, 15 February 2013 see <http://www.financialmail.co.za/life/2013/02/15/saving-sa-s-national-records>, accessed December 2014.
- 10 M. Ngoepe and P. Ngulube, ‘Assessing the Extent to which the National Archives and Records Service of South Africa has fulfilled its Mandate of taking the Archives to the people.’ *Innovation* (42), 2011, pp. 3–22.
- 11 *Ibid.*; p. 10.
- 12 Eastern Cape Department of Sports, Recreation, Arts and Culture 2012/2013, p. 68.



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## CHAPTER ELEVEN

### PROVIDING PROFESSIONAL GUIDANCE AND PROMOTING COLLABORATION

This chapter covers the mandate of public archives to provide support to other archives within the national archival system and to promote collaboration with those outside of it. We conclude that the uncertainty about the relative roles and responsibilities and obligations of public archives to others within the national archival system and the broader archival sector points to the need for a coherent national archival strategy.

#### The uncertain relationship between national and provincial archives

As noted in Chapter Five, the Constitution, which designated archives other than NARSSA as a functional area of exclusive provincial legislative competence, brought about a significant shift in the South African archival landscape, replacing the former SAS with a national archival system comprising the NARSSA with a national mandate and legislation, and nine independent provincial archives, each with its own provincial mandate and legislation. This impacted profoundly on the provision of archives and records management services in two ways: firstly, it fragmented a once coherent structure; and secondly, it established a system that was, from the outset, fundamentally inequitable.

From the start, the institution applied its increasingly thin resources and stretched expertise to assisting the provinces to prepare legislation, take transfer of existing facilities or plan new ones, and build human resource capacity. However the National Archivist noted in his 2004–2005 Annual Report to the Minister, “The capacity to regulate and render services connected to records management has been underdeveloped. This in turn has impacted negatively on the state of accountability and service delivery in the provincial and local government spheres.”<sup>1</sup>

In hindsight, there are some who say that the transition, or handover, could have been better managed. The NARSSA could have been more directly engaged for a longer period and provided a greater degree of support to the ‘new’ provinces. Although it has seldom been articulated in direct terms, the implication underpinning many statements made by officials in provincial departments is that the NARSSA had, after an initial show of support, ‘abandoned’ them in their hour of need.

As one official put it, “They think they are not our mother. Where then must we turn to for help?” To its credit, the NARSSA has developed and published a substantial number of policy guideline documents, but it seems that this is

*“Ultimately, the National Archives will sustain a fourfold responsibility in relation to the provinces: it will assist and support them; set standards for an provide professional guidelines to them; maintain a national automated information retrieval system in which they will participate; and generally promote national co-ordination.”*

Arts, Culture, Science and Technology  
Minister Mtshali, 1997.

not enough. While it is true that some provinces may have expected more assistance than they received, it is fair to say that the extent to which the relationship between national and provincial entities was fundamentally altered the may not have been fully understood. As noted in Chapter three, the policy deliberations of the 1990s were premised on the understanding that archives would be assigned as a functional area of concurrent national and legislative competence in the Constitution. The 1996 Archives Act was based on the understanding that the NARSSA would be positioned to provide support and guidance to the provincial archives and records services and that public archives would collaborate with the custodians of non-public records to promote the care and use of the country's archival heritage. But, the Constitution assigned archives, other than national archives, as a functional area of exclusive provincial competence<sup>2</sup>.

*“Management of the provincialisation process has involved the National Archivist in engagement with the national departments of State Expenditure and Public Service and Administration, the Council of Culture Ministers, the Council’s Technical Committee, and all nine provinces. The period under review has seen the National Archives assisting all the provinces except North West with the drafting of their own archival legislation.”*

Annual Report of the National Archivist, 1999/2000, p. 8.

This means that neither the DAC not the NARSSA have administrative control or authority over provincial archives or the allocation of provincial resources to support archival functions. The NARSSA's role is limited by the Constitution to setting standards and providing guidance and assistance. **The relationship between the public archives envisaged under the Constitution is therefore fundamentally different to that which existed between the SAS head office and its regional branches or the national archival system envisaged by the Consultative Forum when the 1996 Archives Act was drafted.**<sup>3</sup> In practice, this means that NARSSA may not release resources from its budget to assist provincial archives and, while it *may* assist, and often does, it is not obliged or able to offer all the assistance required by provincial archives. Similarly, provincial archives may take guidance and direction from the NARSSA, but are not obliged to take on responsibilities not mandated by their own legislation. **This has happened to a very limited extent and there is not a national policy or strategy to determine how this might be facilitated.**

Mandates implicit in the legislation apply broadly to two areas of engagement: firstly, interaction between public archives services; and secondly, interactions between public archives and non-public archives or other organisations concerned with records and archives.

## The mandate

The division of the former SAS into a national archives service and nine provincial archive services was complicated by the new system of co-operative governance established by the new Constitution. While there appears to be a clear-cut distinction between national and provincial legislation, in reality the situation is more complicated. National government *may not* impose any direct responsibility on provinces but it *can* establish: norms and standards, frameworks, and policies that apply uniformly to the country as a whole. The 1996 Archives Act adheres to these requirements and conditions.

In respect of the provinces, the NARSSA is mandated to:

- “assist, support, set standards for and provide professional guidelines to provincial archives services”<sup>4</sup>; and
- “maintain a national automated archival information retrieval system, in which all the provinces shall participate”<sup>5</sup>.

Archival legislation in force in the Eastern Cape, Gauteng, KwaZulu-Natal and Western Cape mandates the respective provincial archives to participate in the National Automated Archival Retrieval System while that of the Free State, Mpumalanga and the Northern Cape does not make mention of this as an object or function.

In respect of the broader archival sector, NARSSA is mandated to:

- “maintain national registers of non-public records with enduring value and promote co-operation and co-ordination between institutions having custody of such records.”

## **Powers, duties and other provisions relating to the exercise of this mandate**

The National Archivist is empowered to:

- “provide information, consultation, research and other services related to records”.

The same provision applies in the provinces. Although it is not stated, it is inferred that these services may be rendered to both public and non-public institutions and organisations.

## **Performance indicators**

Neither the NARSSA nor the provincial archives services report on how the mandate to guide and assist the provinces or to promote collaborations is being implemented; and how it may be measured.

In considering how public archives are delivering on this aspect of their mandate we would want to know: what steps NARSSA is taking to deliver on the mandate, what has it achieved and what challenges may impede delivery; what strategies provinces may employ to access guidance and assistance in cases where the NARSSA is not able to and how this is negotiated; what steps provincial archives are taking to offer support and guidance to governmental bodies, in respect of records management; which non-public archives have sought assistance, what is the nature of assistance required and how have requests for assistance been handled; whether any detailed research has been conducted by archives to assess the needs and expectations of non-public

*“Two meetings were held with staff of the National Archives to clarify roles and responsibilities between the two different spheres of government. This proved to be very helpful and subsequent to that all file plans and other documents that need to be approved by the National Archives was referred to them for approval.”*

Gauteng Department of Sport, Arts, Culture and Recreation Annual Report 2008/2009, p. 59.

archives within their areas of jurisdiction, what the research findings show, what measure have been put in place to respond to these and how have non-public archives evaluated the assistance rendered.

## **Delivering on the mandate**

The Constitution, which outlines the principles on which co-operative government is founded, recognises that the relationship between the three spheres of government may require regulation. The *Intergovernmental Relations Framework Act 13 of 2005*, which serves this purpose, provides appropriate statutory mechanisms to promote coherence and communication and to facilitate co-ordination in the implementation of policy and legislation – but this legislation was passed eight years after the 1996 Archives Act came into effect.

*“In the absence of approved provincial legislation, the Department continued to refer records management documents of governmental bodies to the National Archives for finalisation. Half-way through the year the staff of the National Archives indicated they no longer had the capacity to assist Gauteng. Therefore the services as required by the governmental bodies will be outsourced in the new financial year.”*

Gauteng Department of Sport, Arts, Culture and Recreation Annual Report 2010/2011, p. 55.

While neither the NARSSA nor provincial archives services report on collaborative endeavours, a number of structures have been established to facilitate communication between them, in accordance with The Constitution and the *Intergovernmental Relations Framework Act 13 of 2005*. Two bodies have been established within the DAC: the Ministers and Members of Executive Councils (MinMEC) which provides a forum for the Minister of Arts and Culture and provincial MECs, whose portfolios include responsibility for arts and culture, to engage with each other; and the Technical Committee for Arts and Culture through which the heads of public departments responsible for arts and culture engage. Two other bodies play a role in facilitating engagement between those concerned specifically with archives: the National and Provincial Heads of Archives Forum brings heads of archives together to confer and consult on matters of common interest; and the NAAC brings members appointed by the Minister together with the chairpersons of the various provincial councils advising on archives to, amongst other responsibilities, advise the national Minister of Arts and Culture, the Director-General of Arts and Culture and the National Archivist.

The NARSSA seeks to deliver on its mandate to “assist, support, set standards for and provide professional guidelines to provincial archives services” largely through the publication of comprehensive guidelines and policies for archivists and records managers.

Information about specific projects on which public archives and non-public archives collaborate is occasionally mentioned in narrative reports, but there are no performance indicators to suggest the extent to which this is or is not happening and no policies to guide such interactions.

## **Achievements**

The formal structures established to facilitate collaboration, mentioned above, meet on a regular basis.



## Challenges

As noted elsewhere in this analysis, public and non-public institutions and organisations all have a role to play in the care and custody of South Africa's archival resources. But, all concerned would like the NARSSA to take the lead in providing guidance, direction and support and facilitating collaboration in a more proactive way. This is not happening for a number of reasons that have to do, on one hand with the chronic under-resourcing of the institution and of its disengagement from the broader archival sector and, on the other with a growing sense of disillusionment of those working with non-public archives, many of whom have lost confidence in the ability of national or provincial archives to offer the support and assistance required. **The challenge is to turn this around and build a culture of collaboration and sustained support.**

The 1996 Archives Act does not provide any clarity on how the national archival system and non-public archives interact. This challenge is dealt with in more detail in Chapter Twelve.

## Conclusion

The apparent confusion about the relative roles and responsibilities and obligations of public archives to institutions within both the national archival system and the broader archival sector points to the need for a coherent national archival strategy that spells out the vision, roles and responsibilities, rights and obligation of all the players, outlines the mechanisms through which they engage and the mandates they are expected to fulfil and puts in place a realistic plan to resource and capacitate implementation.

## (Endnotes)

- 1 Annual Report of the National Archivist, 2004/2005, p. 8.
- 2 Functional areas of concurrent national and provincial competence include agriculture, education, health, housing, language policy, nature conservation etc., i.e. areas, according to the *Interim Constitution Act 2000 of 1993*, "where uniformity is required for a particular function, the legislative power over that function should be allocated predominantly, if not wholly, to the national government". Archives, museums and libraries other than national libraries are listed as functional areas of exclusive provincial legislative competence together with together with abattoirs, ambulance services, liquor licenses and provincial cultural matters, provincial sport, etc.
- 3 This matter was raised in the SASA submission to the Constitutional Court. SASA argued that the 1996 Archives Act was formulated in terms of the *Interim Constitution Act 200 of 1993* which specified archives, as a component of cultural matters, as a functional area of concurrent provincial and national legislative competence. SASA argued that the re-assignment as a functional area of exclusive provincial legislative competence called into question the legislative basis for two of the objects and functions of the National Archives, namely "3 (e) maintain a national automated archival information retrieval system, in which all provinces shall participate" and "(g) assist, support, set standards for and provide professional guidelines to provincial archives services". SASA's appeal against the assignment of archives other than national archives as a functional area of exclusive legislative competence did not succeed.
- 4 *National Archives and Records Service Act No 43 of 1996*, as amended, Section 3(g).
- 5 *Ibid.*; Section 3(e).

*"In August 2013 the archives unit will be holding a seminar of academics, experts, national and provincial archivists and records managers to discuss the challenging task of sharing experiences on the regulatory, legal and constitutional obligations and implications of moving large quantities of records and archival material to new premises. Also in preparation for the operation of the Archives Building, the department has been training government departments including the Provincial Legislature on recording and the whole process of archiving material."*

Mpumalanga Culture, Sport and Recreation  
MEC MNS Manana, 22 May 2013.



## CHAPTER TWELVE

### NON-PUBLIC ARCHIVES AND RECORDS

This chapter considers the wealth of archives and records held in the care of individuals, civil society organisations and institutions such as museums, libraries and universities and points out where these may be at risk. It notes the upsurge in memory projects and initiatives and concludes with some concerns about the long-term sustainability of these.

#### An archival heritage held safe in many hands

Archives that reflect the broad narrative of South Africa history are held in the care of a wide range of organisations, institutions and individuals, within the country and beyond its borders.

A number of South African archival collections have been entered into the UNESCO memory of the World Register. These include: the *Archives of CODESA (Convention for a Democratic South Africa) 1991–1992*, *Archives of the Multi-Party negotiating Process 1993*, *Criminal Court Case No. 253/1963 (State Versus N Mandela and Others)* all held by the NARSSA; the *Archives of the Dutch East India Company*, held in archival repositories in the Netherlands, Indonesia, Sri Lanka India, and in the Western Cape Archive Provincial Archives in South Africa and; the *Liberation Struggle Living Archive Collection* and the *Bleek Collection* held by The University of Cape Town.<sup>1</sup>

The country's largest concentration of non-public records is arguably to be found in the care of university libraries and their associated research institutes and initiatives. Tertiary institutions holding substantial archives include the University of KwaZulu-Natal, Rhodes University, Stellenbosch University and North West University. The University of Cape Town Libraries Special Collections, for example, consists of printed and audio-visual materials on African studies and a wide array of other specialised subjects, as well as over 1,300 sub-collections of unique manuscripts and personal papers. The collection of books and pamphlets exceeds 85,000 items on African studies alone. The collection of African film is among the most extensive in the world, with over 3,000 films available for viewing and research. University collections may also be focused on a particular theme. Examples of these include the Mayibuye-Robben Island Museum Archive, at UWC, which includes the records of the London-based International Defence and Aid Fund (IDAF) as well as over 350 collections of personal and organisational documents. The Archive for Contemporary Affairs (ARCA) at the UFS houses almost a thousand collections of personal papers and documents, a sound archive and a large collection of newspaper clippings and official publications. Historical Papers at the University of the Witwatersrand, the Liberation Archives at the University of Fort Hare and the UNISA hold collections that

*“In the area of national archives, despite the capacity challenges, the available staff continues to do sterling work to deliver service to our country. We have played an active role in the international arena when we registered our documentary heritage in the United Nations Educational, Scientific and Cultural Organisation, Unesco, Memory of the World Register. These documents include, among others, the Bleek Collection, the Vereenigde Oost-Indische Compagnie, VOC, the Rivonia Trial and the DocSA collection.”*

Deputy Minister J Phaala, 2013.

focus on different aspects of struggle history. While these collections are well publicised, those relating to the colonial period are generally less well known. The University of Pretoria preserves and maintains access to records from all sectors of the University, including its museums and collections, among them the Mapungubwe Collection. Collections held by tertiary institutions provide an invaluable resource for research and scholarship.

Faith-based organisations generate and archive records that have to do with births, deaths, marriages and other rites of passage. A large and important set of records is to be found in the collections of various Christian mission and missionary societies including the London Missionary Society, the Wesleyan Methodist Missionary Society, the Berlin Missionary Society, the Rhenish Missionary Society, and the Paris Evangelical Missionary Society and in the collections of the Anglican Church, the Dutch Reformed Churches, and the Roman Catholic Church.<sup>2</sup> The American Methodist Episcopalian Church has also had a presence in South Africa since the 19<sup>th</sup> century. Many of these records remain in the care of the organisations concerned, whether locally or internationally, and may or may not be accessible to the public. Others have been transferred to public and non-public archives and a significant number, of particular interest to genealogists, have been digitised by the Genealogical Society of Utah and made available online, free of charge, on the Family Search website. While these provide information about individuals, they do not offer a narrative or provide the contextual information that ‘tells the story’ of a family or a group, in the way that it may have been passed down from one generation to the next over time. We have been intrigued to find that this is happening increasingly through websites, Facebook pages and other social media platforms to which individuals can contribute and on which they can interact and share information about their pasts.<sup>3</sup>

*“We imagined the objects of traditional collections released from ethnographic classification and liberated from boutique-lit pedestals, and treated as ‘archives’. As archival items they would enter the world laden with potential for telling us about the past, open for invitation into public life, not only by professional and family historians, but researchers, intellectuals and creative producers of all kinds.”*

C. Hamilton and P. Skotnes, 2014, p. 157.

In South Africa, archives have traditionally been associated with institutions having to do with the care and preservation of history, and with libraries. Many of the country’s museums, from the smallest local institutions to the national museums, include collections that may be deemed archival as do institutions such as the National Library of South Africa (NLSA) and the Africana Library in Kimberley, to mention but a few examples. Although the collections of these institutions all include objects, historical documents, photographs, artworks, etc., that form part of the ‘national estate’ as defined in the National Heritage Resources Act No 100 of 1999, archives, libraries and museums operate in isolation from each other. This means that documentary archives may be physically split from the objects of material culture to which they relate. Not only are they physically split, there is a difference in the way they are archived – objects stored according to type for example all figures together, while documentary archives are usually stored according to source. This is the case at the Johannesburg Art Gallery (JAG) where the carved wooden figures from a variety of sources such as the Brenthurst Collection and the Horstmann collection are grouped together in the store. In contrast, the documentation for these

is filed according to source and stored separately in the JAG archive. In another example, artworks forming part of the Community Arts Project are in the care of the UWC, while many of the organisation's documentary records are in the care of the University of Cape Town (UCT). While a degree of overlap between museums, archives and libraries has always existed, as Anthea Josias notes, "a prominent feature of the 'new' memory landscape in South Africa has been the blurring of traditional boundaries between archives, museums, and less institutionalized memory projects"<sup>4</sup>, among these are 'community archives' and a range of other initiatives linked to memory, justice and reconciliation and previously marginalised histories.

The upsurge in interest in preserving the history of resistance and repression after 1994 created a climate that embraced the idea of a more expansive archive that would support a broader, and more inclusive, historical narrative. This set off a flurry of initiatives aimed at collecting and documenting marginalised histories. Projects initiated by the District Six Museum, Constitutional Hill and the Robben Island Museum put memory work on the map. This together with commitments to transparent and accountable government, 'truth recovery', disclosure and access to information put the issue of archives, record-keeping and records management under the spotlight in the public domain. A handful of activist archives that emerged in the late 1990s in response to the challenges of documenting and or collecting material relating to the liberation struggle continue to push the boundaries of archival activity, social justice and civil rights in different ways. Historical papers at Wits Historical Papers is one of the largest and most comprehensive independent archives in Southern Africa housing over 3 300 collections of historical, political and cultural importance, encompassing the mid 17<sup>th</sup> century to the present including records of human rights NGOs, trade unions, labour federations, political parties, women's organisations, churches and church bodies, and the papers of human rights activists. It is also home to a huge volume of political trials, photographs, press clippings, oral interviews, and material collected by several research institutions and individual researchers. Much of this material is being digitised for ease of access and to support the institution's aim to provide an accessible archive for use by civil society and the academic community. The SAHA goes beyond the collection and preservation of records. Although it has a fine collection it is notable for the sterling work it has done through the two programmes around which its work is centred. The Freedom of Information Programme (FOIP) is dedicated to using PAIA to extend the boundaries of freedom of information and to build an archive of information released under the Act for public use. The Struggle for Justice (SFJ) programme focuses on collecting, preserving and creating access to archival materials held by SAHA and promoting related archival collections across the region. SAHA has succeeded in securing records and making accessible records relating to the flawed Presidential Pardons process, the National Key Points and the records of the TRC. Placing of records like these in the public domain is an uphill battle that depends on the expertise

*"Historical Papers aims to serve the broader community as well as the university and to transform archives into accessible centres for research. Included are the records of many human rights NGOs, trade unions, labour federations, political parties, women's organisations, churches and church bodies, and the papers of human rights activists. We are also home to a huge volume of political trials, photographs, press clippings, oral interviews, and material collected by several research institutions and individual researchers."*

[www.historicalpapers.wits.ac.za](http://www.historicalpapers.wits.ac.za)

*“Archivists handling records with human rights aspects deal with concrete legal issues, questions of broad social policy, and matters of personal professional ethics. In many nations, this is complex but manageable using the best professional practice. However, archivists working in nations with weak or failing political arrangements may find themselves under pressure as they attempt to protect such records.”*

International Council on Archives, 2014.

and vigilance of the SAHA staff and involves expensive and lengthy court battles. In a similar vein, GALA (Gay and Lesbian Memory in Action), works actively to record gay, lesbian, bisexual, transgender and intersex (LGBTI) experiences, and curates the LGBTI archive in the public domain in order to develop senses of self-worth and political purpose in LGBTI communities.

While archives like Wits Historical paper, SAHA and GALA work to collect and preserve archives and to make them accessible, other organisations focus more closely on the record of their own activities. These include, for example, the Black Sash which has developed a web-based portal that facilitates access to Black Sash archival material housed in several South African institutions. This includes documents, press clippings, photographs and publications held at UCT, the University of the Witwatersrand, the Killie Campbell Africana Library and the Alan Paton Centre (UKZN), the Cory Library for Historical Research (Rhodes University) and Unisa. It is available in electronic format at these various repositories as well as on the Black Sash website.

In the last decade or so there has been a sharp increase in memory projects – the establishment of archives, foundations and annual lectures – that mark the life and legacy of individuals involved in the struggle for liberation. Among these is the NMF whose vision for “a society which remembers its pasts, listens to all its voices, and pursues social justice”<sup>5</sup>. A close reading of its various projects and initiatives reveals how it uses the record related to its illustrious founder to leverage larger and wider discussions about the power and politics of archive and memory, to raise difficult matters for discussion, and to support vulnerable causes in the face of overwhelming political pressure. Other initiatives celebrate those who have passed on, like Steve Biko, or those whose work continues, like Ahmed Kathrada.

There are other projects all over the country that preserve and make available materials pertinent to the history of the region. These include activist initiatives like South African History Online (SAHO) which provides materials, many of them of an archival nature, designed to address the biases in South African history; the large institutional commitments made by the universities which accept diverse holdings; a wide range of small, often community-based, projects many of which do not necessarily name themselves as archives, and countless small-scale endeavours by committed family historians. While official failure in relation to the record is substantial, the extent of response within civil society is significant.

The archive and archives sit at the heart of some of the fundamental concerns of South Africa’s fledgling democracy: access to information; accountability and good governance; truth, justice and reconciliation; human rights; historical memories; national identity and social cohesion. This brings the work and concerns of archivists and records managers into alignment with a host of other initiatives, including the SAHRC, the ODAC, the Right2Know

Campaign, the Khulumani Support Group, the Institute for Justice and Reconciliation, the Healing of Memory Project and the Human Rights Media Project. It is important that the record of the work that these and similar organisations do is preserved for the future.

The work of bringing the archives of activist organisations, liberation movements and political parties is fraught with challenges. While institutions including the Mayibuye Centre, ARCA, Historical Papers and SAHA include material pertaining to these, this is usually acquired by donation, often from an individual and may have been ‘filtered’ to exclude material that may be compromising in one way or another if it is made accessible in the public domain. As Brown Maaba’s intense reflection on the processes by which the ANC, Pan Africanist Congress (PAC) and Black Consciousness Movement (BCM) archives were repatriated, preserved and catalogued at the University of Fort Hare, shows, it can be fraught with “intense challenges, controversies, debates and differences of view.”<sup>6</sup> As Maaba argues, the embargo of sensitive material or its free release profoundly shapes the way in which the narrative of the past is written.

Not all archives pertaining to South African history are located within the country. The records of the global anti-apartheid movements are, for example, dispersed across a wide range of institutions across the world. In their study of the topic, Limb, Knight and Reed (2014)<sup>7</sup> consider a number of archival collections and the initiatives that are underway to ensure that the holdings are made accessible. They conclude that, “Building open-access global anti-apartheid archives will facilitate this task and enrich historical studies, reminding historians and activists alike of lessons of the movement, for archives and not just the past”.<sup>8</sup>

Lastly, not all archives and records are housed within archival repositories or institutions. Many are in the hands of individuals and organisations: those that generated them or used them as well as those who acquired them legally or through illicit means. The offering at auction of the Steve Biko and Ahmed Timol<sup>9</sup> autopsy reports created a flurry of interest in South African archives and records and brought the issue of apartheid era record-keeping practices into the public domain. The confiscation of private and organisational records and the massive destruction of incriminating public and non-public records by apartheid authorities is well documented in the Final Report of the TRC and is discussed in Chapters Four and Eight of this analysis. What needs to be added is that many records found their way into private hands. They were either deposited there for safekeeping by individuals or organisations or removed illicitly from governmental bodies or archival repositories by government officials.

For information about South African archival institutions and memory initiatives see the Archival Platform’s online Registry<sup>10</sup>

*“Many researchers know that sensitive records that could reshape aspects of struggle history have been kept in the dungeons ‘of the liberation movements’ headquarters. It remains necessary and important that these documents should be accessed, and that even if they are temporarily embargoed there should be plans for their ultimate release. Lacking such plans, many pertinent questions remain on the embargoed archives. For instance, when exactly will they be made public? Will they ever see the light of day? Could it be that they will disappear forever without trace?”*

B.B Maaba, 2013, p.260.

## Protection of non-public records

The 1996 Archives Act regulates the management and care of *public* records, the records of government, but it does not place any obligations on individuals or organisations who own or have custody of *non-public* records, nor does it place any *obligations* on the National Archives in respect of these collections. This does not mean that the National Archives does not have an important role to play in terms of the protection of the nation's archival heritage and the preservation of non-public records. Amongst the objects and functions of the institution detailed in the Act, and relevant to the topic under discussion here, are the requirements to: preserve public and non-public records with enduring value for use by the public and the state; ensure the proper management and care of all public records and; collect non-public records with enduring value of national significance which cannot be more appropriately preserved by another institution, with due regard to the need to document aspects of the nation's experience neglected by archive repositories in the past. This power has been exercised in recent years, notably in the case of the *Percy Yutar Collection* which was purchased from Yutar, who led the prosecution in the Rivonia Trial, by the Brenthurst Library and subsequently donated to the National Archives, where it has been preserved and made accessible to the public.

*"In their Founding Affidavit to the High Court the Trustees of the Steve Biko Foundation state that the 'Biko autopsy report' is "of great historical importance" and that as a 'part of the nation's heritage' it should be preserved in the interests of all South Africans. Noting that the identity of purchasers may not be disclosed they argue that there is a risk that the Report may be bought by a foreign bidder and removed from the country. Or, if purchased by a local bidder that it might be 'hidden, destroyed, manipulated, defaced, interfered with or resold.'"*

Archival Platform, [www.archivalplatform.org](http://www.archivalplatform.org), accessed February 2015.

The *National Heritage Resources Act No 25 of 1999* (NHRA) makes provision for the protection and management of national heritage resources, including sites and objects, by the SAHRA. While the Act applies to records such as documents, photographs, films, videos and sound recordings, amongst other objects, it specifically *excludes* any of these that are defined as *public* records in terms of the 1996 Archives Act. Section 32 of the NHRA lists categories of objects which may not be exported without a permit from SAHRA. These include *inter alia*: objects that have special significance for the national estate, such as: objects closely connected to the history of South Africa, the export of which would be a loss to the cultural heritage of South Africa; objects of outstanding aesthetic, natural, cultural or religious importance; and objects of outstanding significance in the study of a particular branch of art, science, or education.<sup>11</sup> These are listed on a register and protected by law. In 2010, for example, SAHRA declined an application for the export, for auction, of a rare signed copy of the Freedom Charter. This was subsequently purchased, with the support of the Liliesleaf Foundation and handed over to the South African government.

The NHRA also makes provision for heritage objects, which are considered to be unique or under threat to be specifically declared. Unlike the 1996 Archives Act, the NHRA imposes strict obligations on the owners and custodians of 'heritage objects'. Declared objects, such as the Mapungubwe Collection at the University of Pretoria, must be kept in good condition and in a safe place and may not be damaged, destroyed, disfigured or altered and, collections may not be dispersed without a permit from SAHRA.



As is evident from the above, *non-public* archives and records may be protected from export if they meet certain conditions, but there are no other general protections. While the 1996 Archives Act indicates that the National Archivist *may* offer support or guidance, this is not an obligation, and, as indicated in Chapter Eleven is constrained from doing this by a lack of resources.

## Challenges

As noted above, organisations described above have amassed large collections of non-public records that *significantly* reflect ‘aspects of the nation’s experience neglected by other archives repositories’ but they have done this without any assistance from the state using funds raised for this purpose, generally from international agencies. For many, funding and sustainability remain a constant challenge. There is a constant underlying anxiety and a sense of insecurity that if conditions change, the care of an archival collection or collections will be compromised. This is a concern that was shared with us by museums, corporates, universities, libraries and galleries as well as projects that depend on donor funding. Allied to this is the broader concern that archival resources that lie in private hands are often lost, or placed at risk, when the circumstances of their custodians change or when the significance of the records is no longer appreciated or considered to be of immediate value by those to whom they have been passed on. In many cases, they are left to deteriorate or are simply disposed of. These questions relate to a more generalised anxiety about the future of collections and what might happen if the institution or organisation was no longer willing or able to retain the collection. What then, we were asked, would anyone be able to do to protect it? On a very practical level there are concerns about how to deal with issues of conservation, appropriate storage, digitisation, database management, etc. that require a degree of professional expertise not generally available to or in institutions or organisations that hold non-public records.

A broader challenge relates to issues of access. Most of the collections noted above are *not* included in the NAAIRS. As noted earlier in this analysis, the NAAIRS is intended to provide access to information about South African archives in public and non-public repositories. It will be successful to the extent to which institutions holding archives participate and make information about their collections available to NARSSA. Coupled with this is a concern that records may not be available on open access systems; they may be secured behind a ‘pay wall’ or require a subscription.

## CONCLUSION

While public archives are mandated to preserve public records, and to collect non-public records of national / provincial significance that “cannot be more appropriately preserved by another institution,” other institutions, organisations, groups and individuals have embraced the need to preserve

*“There are several barriers to sustainability that play out at the level of individual organizations, and little doubt that individual organizations have to take responsibility for both their successes and failures. However, we also need to be able to look beyond individual organizations, to coordination, or some kind of robustness, within the sector itself, for an infrastructure that enables reproducibility, and the ability to move forward.”*

A. Josias, undated.

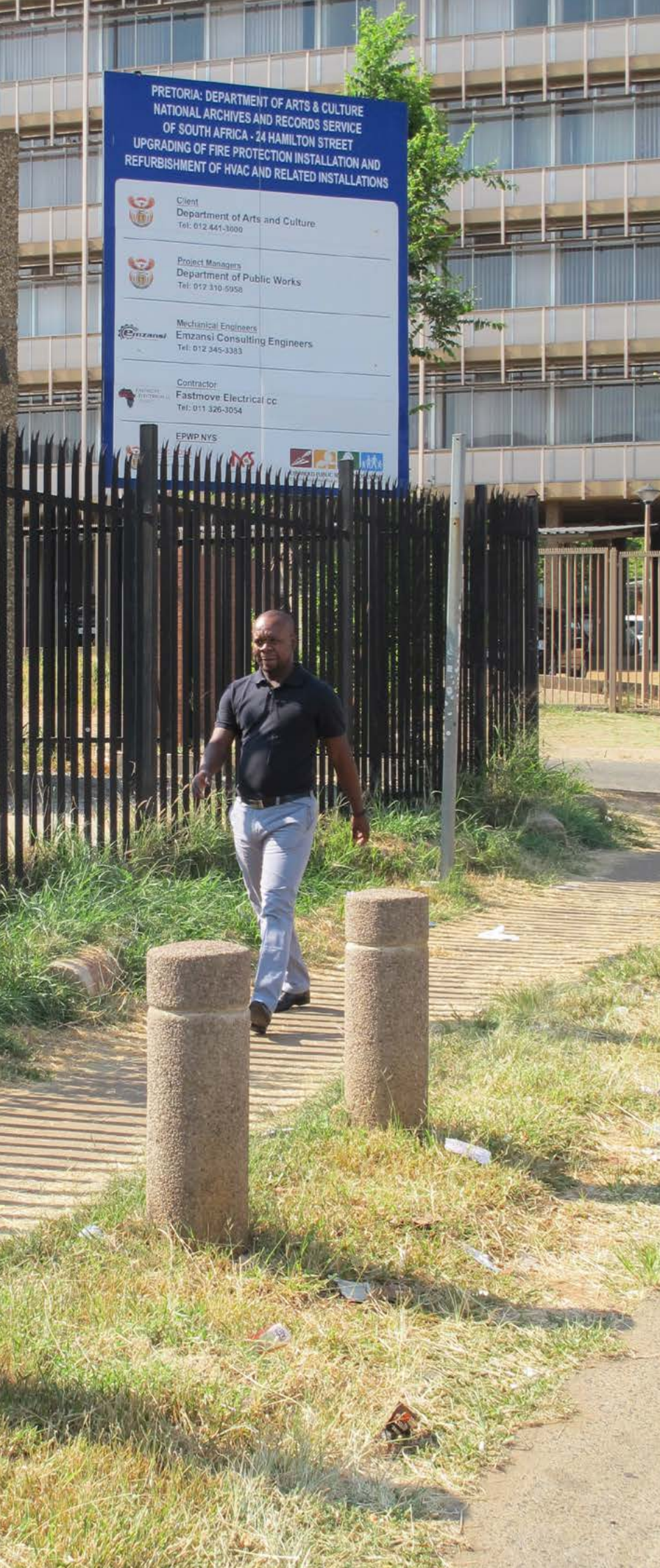
*“Most community organisations that generate potentially historically important records of these communities are unaware of their enduring value ... it is highly recommended that, to alleviate this shortcoming, professionals in the formal archives and heritage sectors should start actively seeking out likely creators of and contributors to the records of these communities.”*

A. Da Silva Rodrigues, 2013, p. 354.

diverse records of the past for the present and the future. **The challenge is to create an enabling environment that will sustain this activity over time and as interest in particular issues waxes and wanes.**

### (Endnotes)

- 1 See <http://www.unesco.org/new/en/communication-and-information/flagship-project-activities/memory-of-the-world/register/access-by-region-and-country/africa/south-africa/>, accessed December 2014, for further information.
- 2 C. Saunders and N. Southey (eds.), *A Dictionary of South African History*, (Ravan Press, Johannesburg, 2001), p. 114.
- 3 Since December 2009, the Archival Platform has been making some of the interest in family and clan histories visible through its Ancestral Stories initiative. See [http://www.archivalplatform.org/blog/list/category/ancestral\\_stories/](http://www.archivalplatform.org/blog/list/category/ancestral_stories/).
- 4 A. Josias, *Methodologies Of Engagement: Locating Archives In Postapartheid Memory Practices*, unpublished DPhil dissertation, Michigan University, 2013, p. 45.
- 5 See Nelson Mandela Foundation website [www.nelsonmandela.org](http://www.nelsonmandela.org), accessed December 2014.
- 6 B. Maaba, *The History and Politics of Liberation Archives at Fort Hare*, unpublished DPhil thesis, University of Cape Town, 2013, p. ii.
- 7 See, P. Limb, R. Knight and C. Root, ‘The Global Antiapartheid Movement: A Critical analysis of Archives and Collections’ in *Radical History Review*, Issue 1999, 2014, pp. 161–177.
- 8 *Ibid.*; pp. 161–173.
- 9 See [http://www.archivalplatform.org/blog/entry/the\\_biko\\_autopsy\\_report\\_whats\\_the\\_right\\_thing\\_to\\_do/](http://www.archivalplatform.org/blog/entry/the_biko_autopsy_report_whats_the_right_thing_to_do/), accessed January 2014.
- 10 <http://archivalplatform.org/registry/>.
- 11 <http://www.sahra.org.za/about/heritage-objects>, accessed December 2014.



## PART THREE

### MOVING FORWARD

Part Three concludes the analysis.

Chapter Thirteen highlights our key findings that, while there are pockets of excellence the national archival system is in trouble, it identifies a number of challenges to be addressed and proposes some strategic interventions.



## CHAPTER THIRTEEN

### THE CHALLENGES TO BE ADDRESSED

In this, the concluding chapter, we offer a concise summary of our assessment of the state of the national archival system and propose that the system needs to be re-imagined to take into account current realities and future expectations. We consider the challenges archives might be called on to address and we identify strategic interventions needed to reduce the structural, resource and capacity obstacles that impede their ability to do this effectively and efficiently.

#### **In summary: the mandate of the national archival system**

The public archives which constitute the national archival system are essentially required to ensure that the records of government are properly managed and that government records of enduring value are transferred to archival repositories where they can be preserved and made accessible for use by the state and the public as well as collect non-public records of enduring value with due regard for the need to document aspects of the nation's past previously neglected by archival repositories.

#### **In summary: the state of the national archival system**

As this analysis has demonstrated, although there are pockets of excellence, the national archival system is in trouble. Simply put, it is not delivering on key elements of its mandate, despite the best efforts of practitioners:

- As has been noted repeatedly by the AGSA<sup>1</sup> and the SAHRC<sup>2</sup>, the state of government record-keeping is woefully inadequate. Public archives are not equipped, resourced and positioned to do the records auditing and records management support work that they are mandated to do.
- Documentary records are being lost. Public archives remain geared to paper-based realities. They lack the technical skill and infrastructure required to ingest and preserve electronic records or to harness the power of digitisation in support of preservation and public access.
- Generally, public archives have been unable to transform themselves into active documenters of society, as their mandates require.
- Apartheid-era patterns of archival use and accessibility have proved resilient. Public archives do very little outreach. Ironically, public access to archives and records seems to have become more restricted in the era of constitutionally protected freedom of information.
- Public and non-public archives act in isolation. The sector is fragmented and uncoordinated and there is little collaboration between institutions and organisations.

*“Challenges which must be addressed in archives are: low profile of records management in institutions resulting in poor practices and loss of institutional memory and records, security risks posed by electronic records management and the need for effective back-up systems, and archival collections which are not fully representative of the diverse heritage of all Free State communities.”*

Free State Department of Sport, Arts, Culture and Recreation, Annual Performance Plan 2014/2015.

- An impressive number of institutions and organisations have taken it upon themselves to document neglected or marginalised aspects of the past and to protect, preserve and make accessible records that might otherwise have been lost or rendered inaccessible to citizens. But many of these initiatives are unsustainable and at risk.

The vision of the 1990s has evaporated. There is no overarching policy framework for archives beyond that implicit in public legislation. The political will required to change things is largely absent and chronic underfunding and lack of resources is ubiquitous.

## Moving forward: taking action

In considering the many challenges facing the national archival system and how these may be addressed we consider four sets of interventions.

The first set of interventions is based on the premise that the national archival system is insufficiently resourced and inadequately capacitated and that a **substantial investment or capital injection** will enable the system to deliver on the mandates set out in the 1996 Archives Act and provincial legislation. The following actions are suggested to ensure that the system is sufficiently resourced and capacitated:

- audit national and provincial archival repositories, preservation facilities, equipment and systems;
- plan strategically to build capacity and retain skilled staff;
- address inequities in the provision of archives and records management services in the provinces; and
- recalculate budget allocations.

The second set of interventions is based on the premise that some of the work being done within the national archival system could be done more effectively if particular systemic or structural issues that currently limit delivery are addressed. The following actions are suggested to assist the system to deliver more effectively on its mandate:

- position public archives to perform an effective transversal function;
- strengthen leadership at all levels;
- conduct a comprehensive review of the state of record-keeping in governmental bodies; and
- update national and provincial archives legislation.

The third set of interventions is based on the premise that, in order to serve a truly national or provincial function, public archives need to engage more fully with citizens, public institutions of memory and civil society institutions and organisations in order to:

*“In August 2013 the archives unit will be holding a seminar of academics, experts, national and provincial archivists and records managers to discuss the challenging task of sharing experiences on the regulatory, legal and constitutional obligations and implications of moving large quantities of records and archival material to new premises. Also in preparation for the operation of the Archives Building, the department has been training government departments including the Provincial Legislature on recording and the whole process of archiving material.”*

Mpumalanga Culture, Sport and Recreation MEC MNS Manana, 2013.

- promote access and use;
- address biases in and exclusions from the inherited archive;
- establish partnerships to build an inclusive archive; and
- address the challenge of records at risk.

The fourth set of interventions is based on the premise that the system needs more than help, it needs to be reviewed fundamentally to address the deep systemic flaws and structural challenges. The following actions are suggested to address this issue:

- reimagine the vision; and
- draft a coherent national strategy.

## INTERVENTIONS: ADDRESSING RESOURCE AND CAPACITY CHALLENGES

The interventions detailed below are based on the premise that the national archival system is insufficiently resourced and inadequately capacitated and that a **substantial investment or capital injection** will enable the system to deliver on the mandates set out in the 1996 Archives Act and provincial legislation.

### Audit archival repositories, preservation facilities, equipment and systems

#### Problem statement

Records are a primary asset and resource. It is essential that those deemed to be of enduring significance are kept in safe custody in suitably equipped archive repositories and made accessible for use by the state and citizens.

As mentioned elsewhere in this analysis: the NARSSA repository is full and the institution will not be able to accept transfers from governmental bodies until renovations have been completed. Even then, they will only be able to take transfer of a limited number of records; the Eastern Cape, Free State, KwaZulu-Natal and the Western Cape inherited repositories from the SAS, but these are also running short of space and some repositories are in need of renovation; four of the provinces that did not inherit archival infrastructure from the SAS – Limpopo, Mpumalanga, Northern Cape and North West – have newly constructed repositories but none of these are fully functional either because they have not been suitably furnished and equipped or because of staff constraints; and Gauteng does not have a repository at all, although plans have been drawn up and construction has begun. While the provinces have made a commendable investment in infrastructure,<sup>3</sup> some concerns have

*“Work is underway to ensure that we build a state of the art Archives Centre for our province. To date we have already concluded a feasibility study for the centre. We are currently working with municipalities to secure suitable land for the construction of the centre. It is estimated that the construction of the centre will cost no less than R312 million. We are now engaging with Treasury to secure funding for the centre.”*

Gauteng Sport, Arts, Culture and Recreation MEC L. Maile, 2013.

been raised about the suitability of facilities and whether or not they have been constructed in accordance with internationally accepted best practice standards. While the NARSSA has provided a check-list for off-site storage<sup>4</sup> no standards have been developed for archival repositories.

None of the institutions within the national archival system have the capacity required to ingest electronic records. The preservation of these, so that they remain accessible and processable over time, presents different challenges. Electronic records are fragile and are vulnerable to loss if neglected or badly managed.

Hardware and software becomes obsolete as technologies change and develop, rendering records inaccessible. Unlike paper records that may survive a degree of benign neglect “electronic records should be actively managed across their entire lifespan by making regular backup copies on portable media, and by migrating records to new software platform”.<sup>5</sup> As we have noted elsewhere, swathes of documentary memory are being lost, especially in electronic formats.

The preservation of audio-visual records requires similar maintenance to prevent records being rendered inaccessible because of obsolete technologies. The NFVSA is best equipped to preserve audio-visual archives but it lacks certain vital equipment. One of the ways in which NARSSA is seeking to address this problem is to enter into partnerships with better-resourced and equipped institutions. As mentioned earlier, a case in point is the proceedings of the Rivonia Trial, recorded in a format that is now obsolete and which cannot be read without special equipment. NARSSA has forged a partnership with INA, to digitise these so that they will be accessible. None of the provincial repositories are adequately equipped to preserve audio-visual archives.

### **Strategic intervention**

A national audit of archival repositories, facilities and systems is required to establish the precise state and status of archival infrastructure and to cost the construction of establishing new facilities or taking remedial action to address inadequacies. This audit may also inform the development of strategies to share or centralise specialised equipment, skills and expertise so that they are available and accessible to institutions within the national archival system and those that fall outside of it.

## **Plan strategically to build capacity and retain skilled staff**

### **Problem statement**

As demonstrated in Chapters Six to Eleven of this analysis, most public archives are radically under-capacitated. Drastic staff shortages, and the inability to

*“Despite the fact that electronic formats are proliferating throughout government, electronic records management did not feature prominently in the annual reports of most archival institutions in the ESARBICA region. The tendency of the report has been to concentrate on automation initiatives while ignoring the implication of digital formats for staff competencies needed to manage them, and long term access to, and availability, of the digital heritage.”*

P. Ngulube and V.F. Tafor, 2007, p. 69.



attract and retain skilled staff cripples service-delivery: the shortages of staff in records management offices and registries means that records are not kept efficiently; the shortage of skilled staff in archival repositories results in delays in appraising records for transfer to the archive; the shortage of skilled staff in archives results in delays in the arrangement and description of records for retrieval. Each of these delays hinders the accessibility of records to government and the public.

Urgent interventions are required to address the human resource capacity within public archives:

- Staff establishments are determined by departments in accordance with the resources they have at hand to fund posts rather than by the functional needs of archives. This relates to the need to cost the function accurately, described above.
- Even when there are sufficient funds to employ archivists, posts cannot be filled because suitably qualified and experienced archivists cannot be found.
- There is a high turnover, especially of new entrants into the profession, of staff. Archivists are attracted by better paying positions elsewhere in the public service or in the private sector. There are no strategies in place to retain experienced archivists.
- There is an absence of clear career paths and few incentives to reward archivists for a job well done.

Notwithstanding the above, public archives will not be sufficiently capacitated unless shortcomings in the training and education of archivists and records managers are addressed:

- There are no clear educational qualification requirements for entrants into the profession, no professional accreditation body and no strong professional associations to set standards or advocate for improved conditions.
- While a handful of universities offer professional training or provide opportunities for scholars to pursue deeper questions about the nature of archives and archival activity, most available opportunities for training and professional development are not appropriately geared to the needs of archives or practitioners.
- As noted in this report the rapid transition from paper-based to electronic records presents huge challenges. Those involved in training need to pay serious consideration to competencies needed by archivists and records managers to address the realities of the 21<sup>st</sup> century and to provide curricula that prepare new entrants into the profession and extend the skills of those already engaged in professional activity.

A study commissioned by the DAC and published in 2010<sup>6</sup> recommended a number of interventions to improve the skills situation in public archives.

*“A severe shortage of experienced archival skills is currently being experienced.*

*According to employers from the archival services, changed legislation has resulted in an increase in the collections that have to be managed and preserved ... the archival function needs to be re-established in some of the provinces where it has collapsed. Employers also reported an increased awareness of South Africa’s archival heritage among the public. These factors will stimulate a demand for archivists – especially people with the leadership and managerial skills to establish and develop a new function.”*

Report prepared for the Department of Arts and Culture by Research Focus / Content at Work, 2010, p. 102.

These include promoting the service and the profession, introducing bursary schemes for postgraduate studies, developing new training programmes and re-introducing the educational qualification requirement for archivists. This strategy needs to be activated.

### **Strategic interventions**

We urge the Minister of Arts and Culture and the DAC to draw these issues to the attention of national and provincial government treasuries, the Public Service Commission, the Department of Higher Education and Training, tertiary institutions and professional bodies, to: determine staffing needs realistically; reassess post levels; create clear career paths; develop strategies to retain skilled staff; identify and increase opportunities for training and professional development; and find ways to make creative use of other resources available within government to establish bursaries, support internships or access EPWP participants.

### **Address inequities in the provision of archives and records management services in the provinces**

#### **Problem statement**

The Constitutional devolution of archives as a functional area of exclusive provincial legislative competence coupled with the demarcation of the country into nine provinces and the reincorporation of the ‘homelands’ into South Africa impacted significantly on the provision of archives and records management services to the state and to the public. It has resulted in huge inequities in the provision of archives and records management services to the state and to the public.

In a submission to the Constitutional Court, at the time the Constitution was being drafted, SASA argued that the 1996 Archives Act was formulated in terms of the *Interim Constitution Act 200 of 1993*, which incorporated archives under ‘cultural matters’ designated as a functional area of concurrent provincial and national legislative competence. SASA argued further that the re-assignment as a functional area of exclusive provincial legislative competence called into question the legislative basis for two of the objects and functions of the NARSSA, namely, “3 (e) maintain a national automated archival information retrieval system, in which all provinces shall participate” and “(g) assist, support, set standards for and provide professional guidelines to provincial archives services”. SASA’s appeal against the assignment of archives other than national archives as a functional area of exclusive provincial legislative competence did not succeed.

The NARSSA was arguably the least affected by the new Constitutional dispensation. Its establishing legislation came into effect at the beginning of 1997 but its processes, procedures and systems had already been honed

*“The Archives and Records Services constitutionally became a provincial competence with the advent of the post apartheid democratic government. Schedule 5 of the 1996 Constitution of S.A specifically heralded the devolution of archival services to the nine provinces. This brought an immense task relating to the establishment and development of efficient archival systems. The sub-programme: Archive Services is developing records management enabling policies to assist client Governmental Bodies e.g. the North West Archives and Records Bursary Scheme Policy aimed at capacity building in this field in the Province.”*

Estimate of Provincial Expenditure, North West Vote 4, 2005/2006, Department of Sport, Arts and Culture, p. 106.

by years of experience. It had an existing and reasonably satisfactory staff complement and it was settled comfortably in the recently constructed SAS headquarters building in Pretoria.

The provinces fared differently. Establishing new archival services, or transferring existing resources to provincial governments, created enormous practical and logistical problems. The Eastern Cape, Free State, KwaZulu-Natal and the Western Cape inherited substantial holdings, some infrastructure and staff from the former SAS, providing a solid foundation for the establishment of provincial archives and records management services. Gauteng, Limpopo, Mpumalanga, the Northern Cape and North West did not inherit capacity or facilities and were required to start from scratch. This sparked fierce dispute over the funding of new infrastructural needs.<sup>7</sup> This together with disagreements over the funding of the transfer of the function from national to provincial government substantially delayed the development of new services and the construction of new facilities. In some provinces – the Eastern Cape, Free State, KwaZulu-Natal, Limpopo, Mpumalanga and North West – the situation was further complicated by the need to incorporate the holdings, makeshift repositories and a few staff members inherited from the archives services of the former ‘homelands’, into provincial archives. In a presentation to the Parliamentary Portfolio Committee in 2008 the National Archivist, Dr Graham Dominy is reported to have mentioned that while the assignment of archives to the provinces was logical from a heritage perspective, it posed serious problems. Amongst these were disputes over infrastructure which jeopardised the safety of collections. Dominy is also reported to have mentioned that none of the provincial archives had the capacity to render a full records management service to local authorities.<sup>8</sup>

The challenge of setting up provincial archives and records management services was exacerbated by a number of other factors: newly formed provincial governments were battling to come to grips with the requirements of the new system of governance and getting their administrations up and running; there was little understanding of the role of archives and records in supporting democratic governance and accountability; and stiff competition for funding and a lack of political will meant that officials faced a bitter battle for recognition and resources. It is to their credit that they continue to struggle against seemingly insurmountable odds, and in the face of on-going indifference, to deliver on their mandates.

The unequal distribution of resources has impacted negatively on the delivery of archival and records management services in the ‘new’ provinces. Gauteng, Limpopo, Mpumalanga, North West and the Northern Cape are still battling to establish fully functional archives and records management services, putting their citizens at a disadvantage. While all, with the exception of Gauteng, have newly constructed repositories, these have not been adequately equipped or staffed to be able to function yet. The staff complement of the archives and records services in these ‘new’ provinces is considerably smaller than in

*“The Eastern Cape MEC initiated the process of archivalia relocation (i.e. relocating documents) through negotiations with the Western Cape MEC. However, this project has not been done due to the fact that certain processes are still to be effected at national level by National Archives. However relocation of archivalia from Western Cape will be pursued in the coming financial year.”*

Estimate of Provincial Expenditure, Eastern Cape Vote 14, Sport, Arts, Culture and Recreation, 2009/2010, p. 514.

the other provinces. The Northern Cape, Gauteng and Mpumalanga employ three people each in contrast to the Western Cape or KwaZulu-Natal, where the staff component is in excess of 40 people.

### **Strategic intervention**

We welcome the news that the DAC and NARSSA are investigating the feasibility of applying for a conditional grant for archival services. Many archivists with whom we spoke pointed to the boost given to library services in communities across the country through the massive investment of resources made possible through a conditional grant. We urge the DAC and the NARSSA to pursue this option with the utmost vigour and to ensure that any funds forthcoming from the treasury are well spent.

### **Recalculate budget allocations**

#### **Problem statement**

As noted in Chapter Eleven, the 1996 Archives Act extended the mandate of NARSSA to include:

- Responsibility for the proper management and care of **all** public records: imposing the obligation to monitoring government record-keeping.
- The management of electronic records. This coincided with the massive shift in information and communication technologies from paper-based systems to electronic systems, requiring the development of entirely new kinds of records management systems.
- A more proactive role in documenting aspects of the nation's past previously neglected by archives repositories and in collecting non-public records of enduring value.

As mentioned in Chapter Seven, the 1996 Act was never costed<sup>9</sup> and the financial implications of the extended mandate were not fully understood or taken into account. This omission, coupled with a failure of political will to address the problems evident in the national archival system, has critically undermined the potential for public archives to deliver on their legislated mandate.

The failure of government to allocate sufficient funds to implement archives and records management legislation demonstrates a worrying disregard for the role that public archives play in upholding democracy, the long-term consequences are dire. When public archives and records management services are dysfunctional, government loses the resource it needs to work effectively and efficiently and to be accountable. Corruption thrives when accountability is compromised and service-delivery falters when information is not readily at hand to inform planning. In the short-term, citizens lose the resource they need to call government to account

*“The Provincial Archives building which has been recently completed is partially functional. The building is not cabled and networked due to financial constraints and communication becomes a serious issue for archivists operating in that building. Although the expectation is to service 70 Government institutions free of charge, the Provincial Archives has never been funded appropriately for them to carry their Provincial Legislative mandate which result in amongst other, backlogs in terms of collection and classification of records from various government institutions, which seriously need to be addressed before records are destroyed. Departments have serious audit queries because of their records management status, and they are all striving to get clean audit by 2014. With limited resources at hand, it becomes difficult to achieve the goal. The Provincial Archivists are not delivering as per expected by the legislation because of budget constraints.”*

Limpopo Department of Sport, Arts and Culture, Annual Performance Plan 2014-2015, p.9.

and to act on the basis of sound and reliable information. In the long-term, historical memory is lost.

### **Strategic intervention**

The DAC, and its counterparts in the provinces, need to cost the legislation and to address the adjustment of budgetary allocations with national and provincial treasuries.

## **INTERVENTIONS: IMPROVING EFFECTIVE DELIVERY IN ARCHIVES AND RECORDS MANAGEMENT SERVICES**

The second set of interventions is based on the premise that some of the work being done within the national archival system could be done more effectively if particular systemic or structural issues that inhibit delivery are addressed.

### **Position public archives to perform an effective transversal function**

#### **Problem statement**

Public archives have an important transversal mandate in respect of the management of public records. As Chapters Six to Twelve has shown, with a few notable exceptions, they are not delivering effectively on this mandate, despite the best efforts and the commitment of the officials charged with this duty. It is our opinion that the reason for this is, to a large extent, structural: archives are not accorded the authority or the resources required to exercise their oversight function effectively because of their status and location in government.<sup>10</sup>

Our discussions with stakeholders brought two questions into play:

- Is it appropriate for public archives, given their transversal responsibilities and important oversight function, to be situated *within* a government department or should they be accorded a different status and a greater degree of autonomy?
- If the public archives are to be located within government, are they best placed within departments that deal with arts, culture, heritage, sports and recreation?

In response to the first question our colleagues noted that, if public archives are merely administrative units of the public service they need to be positioned firmly within government. If they are to perform their mandated oversight function in the broader public interest, they need to have a greater degree of autonomy. Support for the latter position is found in the recommendations made in the ACTAG *Report on Archives in South Africa*,<sup>11</sup> in the SASA Submission

*“The ministerial placement of national archives [in Africa] is varied, but the vast majority of the national archives are in the ministries of home affairs, education/sports/art and culture, and the president’s office. In a few countries advisory boards or committees have been created to assist the national archives.”*

P.Mazikana, 1998, p. 145.

on the 1996 *Draft White Paper on Arts, Culture and Heritage*,<sup>12</sup> and in the *Final Report of the Truth and Reconciliation Commission of South Africa*.<sup>13</sup>

While the NARSSA was established as a “branch of the public service” under the DAC institutional arrangements within the DAC are inconsistent. SAHRA, which plays a similar oversight role in respect of the management of the national estate<sup>14</sup>, operates at ‘arm’s length’ from government, under an executive council and reports directly to the Minister of Arts and Culture as do the ‘national museums’<sup>15</sup>. The affairs of the National Library, which is charged with “collecting, recording, preserving and making available the national documentary heritage”<sup>16</sup> are controlled by a Board with a significant degree of autonomy. Beyond the DAC, the Public Service Commission is an independent statutory body established by Chapter Ten of the Constitution and regulated by national legislation, to investigate, monitor and evaluate the organisation of the Public Service and report directly to the National Assembly. Many of those we consulted are of the opinion that public archives should be granted the same degree of autonomy as the ‘Chapter Nine’ institutions including the AGSA, the Public Protector and the SAHRC, which are all charged with supporting constitutional democracy through the important oversight functions that they perform and report directly to the National Assembly. In our discussions with stakeholders it has also been suggested that public archives may be declared as ‘government components’ as listed in Schedule 3 of the PFMA. Government components listed in Schedule 3 Part A include: the National Library, the national museums which like national archives are listed as ‘functional areas of exclusive provincial legislative competence’ in terms of the Constitution. Schedule 3 Part C lists Provincial Public Entities. The assignment of public archives as ‘government components’ may grant them a measure of operational autonomy, while ensuring that they are linked to a government department for policy purposes.

*“The placement of the NARS in the DAC is also a reason behind the neglect of the NARS, because the DAC is a cultural organisation, and the NARS is highly administrative. Hence the NARS has been misunderstood in the DAC, leaving them toothless and unable to enforce compliance.”*

M. Yuba, 2013, p. 131.

In response to the second question, many of the officials with whom we spoke ascribe the lamentable lack of political will and support for archives to their placement within what is perceived to be a ‘minor’ ministry. These officials are of the view that this limits their capacity to monitor government record-keeping effectively. No one takes them seriously, they claim, because of the departments in which they are placed deal with ‘soft’ issues: arts, sports and recreation. The comments of these officials echo a problem identified by the ANC’s CMMH which noted that the “low bureaucratic status of the State Archives Service as a Directorate within the Department of National Education impairs its ability to function as an effective ‘watchdog’ over records in powerful government departments”.<sup>17</sup> Many practitioners are of the opinion that public archives might be better positioned to discharge their oversight function if they were placed within a more powerful ministry, possibly the Presidency, as recommended by the TRC – within the Department of Monitoring and Evaluation, which keeps a watchful eye on institutional performance.

The placement of public archives within a ‘minor’ ministry is compounded by the status of public archives as sub-directorates within national and provincial directorates responsible for both archives and libraries. The elevation of provincial archives to directorates in some provinces (KwaZulu-Natal, the Western Cape and the Free State) is encouraging. This will go a long way towards addressing the concerns of officials who bemoan the impact of the lowly status on resource allocation, explaining that as deputy directors heading sub-directorates they are excluded from senior management meetings and other decision-making forums. This means that they are dependent on senior officials, generally directors of library services, to fight their cause, a difficult task for someone who is not acquainted with the complexities of archival practice and the immediate needs of the service, or has to attend to the competing demands of two or more sub-directorates.

It must be noted that the debate around the appropriate location or placement of National Archives is not unique to South Africa. It has been a matter of concern across the world and one to which organisations including the International Council on Archives (ICA), East and Southern Africa Regional Branch of the International Council on Archives (ESARBICA), Unesco and the International Records Management Trust (IRMT) and others have applied their collective expertise.

There are no easy answers to this dilemma. On the one hand there are those like James Lowry, the deputy-director of International Records Management Trust<sup>18</sup>, who in a presentation on *Government Recordkeeping*<sup>19</sup> argues that, “The location of national archives in ministries with responsibilities for cultural programmes in some countries diminishes the potential impact that national archives can have in influencing or overseeing records management government-wide and reduces the possibility that it will be close to the development planning process” and concludes that, “the administrative role must be emphasised over the cultural and historical role if the national archives is to lead government record-keeping”. On the other, there are those who argue in favour of archives as cultural institutions. In the Unesco World Information Report 1997/1998, Peter Mazikana, a records management specialist<sup>20</sup> notes that, “The placement of many African national archives under ministries with responsibility for culture has of necessity created close ties between archives and culture. Archives in Africa have long been viewed as cultural heritage. The national archival institutions have also perpetuated this linkage and many of them continue to carry within their collections items depicting cultural heritage. There are many instances where there has been conflict with museums who do not favourably view the retention by national archives of museum artefacts. Archivists hold the view that these constitute an integral component of archives collections bestowed on them”. These positions point to a need for a fundamental review of the national archival system and the need to explore the possibility of an entirely new model, appropriate to the South African context.

*“Respondents indicated that the NARS would have more power if it is placed either under the Auditor-General of South Africa or the Office of Presidency. Others felt that the NARS should be independent from the Department of Arts and Culture and report directly to Parliament with the nine provincial archives services reporting directly to the NARS rather than to the provincial departments.”*

M. Ngoepe and S.M. Keakopa, 2011, p. 153.

## Strategic intervention

Public archives must be positioned to deliver effectively on their mandates: the current placement and status of archives must be reviewed as a matter of urgency. A review of the powers and functions of the NAAC should form part of this process..

## Strengthen leadership at all levels

### Problem statement

The national archival system requires strong leadership and direction from: political principals, the national and provincial departments leading delivery in this field, the advisory bodies established to guide and direct their activities, chief executives, and professional bodies. Sadly, archives have been badly served by leadership at all levels.

*“The situation is compounded by archival associations and professionals not working together in an integrated way. The associations are fragmented and pulling in different directions, e.g. SASA, SARMAF, Archival Platform, corporate archives forum, provincial forums, not speaking in one voice. United we stand, divided we fall. Who is going to take us seriously if we are polarised? Nobody!”*

M. Ngoepe, 2011, p. 3.

According to the officials with whom we engaged, the biggest challenge they face in delivering on their mandates is the lack of political will and support for archives. Some ascribe this to the fact that their political principals do not fully appreciate the critical role that archives play in upholding democracy and promoting transparent and accountable government. Others, to the fact that archives are perceived to be tainted storehouses of colonial and apartheid records, with no value in the present. A close examination of the speeches, debates and questions in the *Hansard*<sup>21</sup> reveals a great deal about politicians' thinking on the matter of archives and records. Archives get barely a mention. When they do, it is evident that their significance is completely underrated. More often than not, references to public archives demonstrate a lamentable lack of understanding – and some very odd assumptions – about the nature of the records in their custody or the functions they perform. This is also evidenced in the omission of the DAC from MTSF outcomes having to do with effective and accountable government.

The lack of leadership is apparent too within the DAC. In our opinion, the DAC has quite simply failed to get to grips with the role and function of the NARSSA in particular and the broader archival sector in general. This may be because archives do not sit comfortably within the broader arts, culture and heritage sectors or within the library sector and because they have an important transversal mandate, more closely aligned with the activity of other monitoring bodies including the AGSA. This apparent misfit means that archives have been virtually excluded from the DAC's policy documents – a situation that has prevailed from the early 1990s. It is evident in the omission of any substantive reference to archives in a number of policy documents including: the 1996 *White Paper on Arts, Culture and Heritage*; the 2006 *Report of the Cultural Policy Review Committee*; the 2007 *Background Document on Arts, Culture and Heritage Review Processes in South Africa* and the muddled references to the archives in the 2013 *Revised White Paper*. The low priority accorded NARSSA



within the DAC is evidenced too in: the low levels of funding which have limited the NARSSA's potential to deliver effectively on its legislated mandate and in the unacceptable delay in finalising the appointments of the NAAC and the National Archivist.

The disengaged leadership within the DAC has been further exacerbated by the suspension of the National Archivist in 2010.<sup>22</sup> A consequence of this is that leadership of NARSSA has been in the hands of an Acting National Archivist since 2011. Although the post was advertised in September 2013 it has not, to date, been filled. This is an untenable situation for the institution and for the individual concerned. The Minister, when questioned on this matter in Parliament in August 2014 responded by saying that “no appointment made due to the scarcity of skills in this niche part of the arts, culture and heritage sector”, adding that “I have instructed the officials of my Department to restart and speed up the process of selection and final appointment”.<sup>23</sup> When questioned again in September 2014, he replied that, “This is a rare skill in the country and as such the National Archivist has not been appointed as yet, the post has been advertised. ... The Department is now busy with the selection process”<sup>24</sup>. At the time of writing no appointment had been made.

The leadership vacuum has extended too to the NAAC, the body established to advise and assist the NARSSA and the National Archivist<sup>25</sup>. Three factors have compromised the potential for the NAAC to play an active leadership role. Firstly, as we noted in Chapter Three, as an advisory body it has limited powers. Public archives have an important oversight mandate to ensure that records are well managed, preserved and made accessible. As we have noted on several occasions, the extent to which they succeed or fail to meet this mandate impacts on government's ability to deliver services and citizens' ability to exercise their rights actively, to plan for the future and to reckon with the past. It is our contention that the burden of responsibility for guiding and monitoring the activity of public archives should be shared by the state and civil society.

Secondly, the term of office of the NAAC, appointed in July 2004, came to an end in June 2008. Although nominations were called for in 2009 appointments to the NAAC were not made by the Minister until late in 2012. At a stage when the NARSSA would have benefited immeasurably from the focused attention, direction and guidance of the broad range of knowledgeable people envisioned in the 1996 Archives Act, it was left to flounder. The current members of the NAAC were appointed by the Minister in late 2012, four years after the term of office of the previous incumbents ended, but the absence of sufficient provincial representatives meant that it was not quorate until May 2013 (see below). It is not clear whether the term of office of the current NAAC is deemed to be effective from the date on which members were appointed by the Minister, or the date from which it became quorate. This means that the term of office will expire either at the end of 2015 or in 2016.

*“The National Archives of South Africa Act introduced several mechanisms to ensure high levels of transparency and accountability. Of critical importance in this respect is the Act's provision for the appointment, through a process of public nomination, of a National Archives Commission to be society's watchdog over the activities of the National Archives.”*

Arts, Culture, Science and Technology  
Minister L. Mtshali, 1997.

*In response to a question about whether a National Archivist had been appointed the Minister replied, "No, the National Archivist has not been appointed as yet, however there is an Acting National Archivist appointed since 27th of September 2010, the post was advertised on the 8th of September 2013 in the Sunday Times newspaper with the closing date of 20th September 2013. However no appointment was made due to the scarcity of skills in this niche part of the arts, culture and heritage sector. I have instructed the officials of my Department to restart and speed up the process of selection and final appointment."*

Parliamentary Question Paper No 12, 2014.

Thirdly, the work of the NAAC has been compromised by the situation in the provinces. The 1996 Archives Act makes provision for the NAAC to include not more than six members appointed by the Minister from among persons who are knowledgeable and have an interest in archival matters" and "every chairperson of the various provincial councils advising on archives, or in the absence of such a provincial council, a representative of the province elected through a public and transparent process".<sup>26</sup> The effective functioning of the NAAC has been compromised by the failure of many provinces to establish advisory councils or, in their absence, by the reluctance of provincial MECs to appoint representatives. To date advisory councils have only been established in three provinces (Eastern Cape, Free State and Western Cape) delays in the establishment of advisory councils in other provinces have, to some extent, been created because provincial legislation that would have enabled this has not been enacted in all the provinces. MEC's in four provinces, where advisory councils have not been established, have appointed representatives (Northern Cape, Limpopo, Gauteng and Mpumalanga). Two provinces have not established advisory councils nor appointed representatives (KwaZulu-Natal and North West). The failure of provinces to appoint representatives means not only that they are excluded from discussions but also that they put the work of the NAAC at risk.

As noted in Chapter Five, SASA disintegrated after 2000. The lack of a strong professional organisation committed and empowered to engage proactively on the matter of archives further exacerbated the general failure of leadership. The organisation has been resuscitated and together with UNISA and the NARSSA has, since 2009, organised annual conferences and published three editions of the *Journal of the South African Society of Archivists*. It is still not clear whether the SASA has the capacity or support to become the powerful, broadly representative and credible professional organisation that the sector needs.

The growth of a strong contingent of records management bodies is noted as a positive feature of provincial activity, bridging the traditional gap between archivists and records managers.

## **Strategic interventions**

### **The challenges detailed above require a number of strategic interventions:**

- The Minister of Arts and Culture and counterparts in the provinces, as the political principals responsible for archives and record-keeping, have the power to deepen democratic government by promoting accountability through the rigorous management of records and to ensure that the present is remembered in the future. We call on them to champion the cause of archives across government.
- The DAC must address the appointment of a National Archivist as a matter of urgency.

- The important oversight role that the public archives are mandated to perform requires an adequately resourced and capacitated high-level executive council with the power to make decisions, take responsibility and act in the public interest. The status, constitution, powers and functions of the NAAC should be reviewed. This should form part of a broader consideration of the location and status of public archives.
- SASA and other professional organisations, associations or forums representing archivists and records managers must strengthen their advocacy work by putting archives and records under the spotlight, exerting pressure on decision makers and empowering them with information.

## **Conduct a comprehensive review of the state of record-keeping in governmental bodies**

### **Problem statement**

Public records provide evidence of government activity. If they are well managed, preserved and made accessible, as the 1996 Archives Act requires,<sup>27</sup> citizens will have access to information about what government is doing, has done or plans to do. Government will have the strategic resource it needs to support decision-making and service-delivery, ensure continuity of operations, demonstrate its commitment to accountability and leave a legacy of its actions for future generations. Good record-keeping also plays an important role in facilitating access to information held both by governmental bodies and public archives. As we have noted throughout this analysis records are difficult to access, despite the right of access to information enshrined in the Constitution, the provisions of the 1996 Archives Act and the PAIA, the legal instrument designed to facilitate this. By all accounts, the records of national, provincial and local government, and statutory bodies, are by and large in a state of disarray. While there are pockets of excellence, the delivery on the mandate of public archives to ensure the proper care and management of all public records is fraught with challenges.

The power of records as a strategic resource for service-delivery is insufficiently understood. As one of the records managers with whom the Archival Platform engaged explained, in the region in which she works problems with the supply of water to certain areas could not be addressed for the simple reason that the local authority had ‘lost’ the plans which showed the layout of pipes, and had to engage in a costly exercise to recreate these before being able to address the urgent provision of services. This anecdote correlates with the findings of the SAHRC report into challenges affecting land restitution published in 2014<sup>28</sup>. Among the challenges identified by the SAHRC are several that have to do directly with records and record-keeping. In some cases, such as Sophiatown, the records of valuations conducted at the time of the dispossessions could not be traced. This means that the Commission for Restitution of Land Rights has had to devise an alternative method of calculating loss and compensation.

*“The Premier of the Northern Cape prioritised Records Management as a priority in her administration during her budget speech in 2004. This hard-won recognition of a critical behind-the-scenes function of government was driven by the realization that certain core Acts and policies simply could not be effectively implemented without sound Records Management in governmental bodies: PAIA, AJA, PFMA, MISS, strategic planning and monitoring mechanisms, amongst others. In short, government’s transparency and accountability mechanisms could not work without properly managed and retrievable evidence of its actions.”*

Northern Cape Department of Sport, Arts and Culture, Strategic Plan 2005–2010, p. 13.

*“The right to access of information is only as good as the quality and availability of information or records to which it provides access. The right to access of information means precious little if records are non-existent or chaotic or cannot be found and accessed expeditiously. If there is no proper records, there is no useful information and if there is no useful information all those laudable fundamental rights enshrined in our Constitution provide cold comfort indeed.”*

KwaZulu-Natal Director General N. Ngidi, 2010.

In many cases where land has been claimed by communities, rather than individuals, there is no record of who the members of the community might have been at the time of the dispossession. The Department of Public Works (DPW) is not entirely certain about which land belongs to the State, because there is not a complete record of the State’s assets. Conflicting claims are difficult to resolve because individuals and communities draw on contradictory records. Access to active records is difficult. Claims lodged with the Commission have been recorded and captured in different ways over time and documents and files have been lost. The challenges affecting land restitution are symptomatic of broader concerns about the impact of poor records management and serve to demonstrate the many ways in which this impacts on service-delivery. The SAHRC Report raises another related concern. Facilitating access to information should go beyond simply ensuring that information is available. It should include programmes to educate citizens on the value of public information, how it may be accessed and used. The Report notes that “Based on the scale of funding requests for expert assistance (such as research, valuation and surveying) in restitution cases, even with additional experts with appropriate skills and experience, their access to information in government archives and active records would need to be facilitated much more actively than is currently the case.”<sup>29</sup>

Compliance with public archives and records management legislation is low. This has been confirmed by the AGSA who has repeatedly cited poor record-keeping as a reason for issuing qualified audits or audit opinions. The issue of poor record-keeping has also been highlighted in reports issued by the SAHRC<sup>30</sup> and the PAIA CSN who concur that compliance with PAIA is declining. According to the PAIA CSN, the most common ground for refusal of requests for information, cited by public bodies, is that the records do not exist or cannot be found.<sup>31</sup>

Consider these statistics, from the PAIA CSN Shadow Report 2013. Between 1 August 2012 and 30 July 2013, the PAIA CSN submitted 236 requests for information to 95 public bodies. Of these only 22 per cent of the requests were responded to within the statutory time frames and 16 per cent are still pending. 65 per cent of the requests were refused, with the most common ground for refusal being that the records do not exist or cannot be found. During the same period, the PAIA CSN also checked each national government website to see whether a PAIA manual had been made accessible. Of the 45 national government departments assessed, only 53 per cent had a PAIA manual available – a decade after this became mandatory. Furthermore, only three of the national departments had complied with the requirement to submit to the Minister of Justice a description of records that are automatically available without having to request access in terms of PAIA.<sup>32</sup>

It seems that officials routinely use PAIA as a mechanism for withholding rather than making information accessible, choosing to err on the side of caution, rather than risk draconian penalties. We fear that the implementation

of Protection of State Information Bills (POSIB) will have a similar effect. The impending Protection of State Information Act has already fostered new cultures of secrecy within public archives and revived that old apartheid oppressive tool – the classified record. These laws signify a worrying culture of opacity – the secrets, taboos, disavowals and lies that hamper the work of archives and memory. Already researchers are reporting that they have been denied access to information held by public institutions on the grounds that it may compromise security.<sup>33</sup> How can citizens make sense of the past, or the present or plan for the future, when the information they need is limited or sequestered from view?

The PAIA CSN report concludes that “What is most worrying about the trends evinced in this report is that the right to access to information seems to be more at risk in South Africa today than ever before”.<sup>34</sup> It is of particular concern that public access to archives has become *more* restricted in the era of a constitutionally protected freedom of information. The 1990s vision of ‘open democracy’, which saw archives opened in ways that had been impossible under apartheid, has been lost in the onslaught of legislation that signifies a clampdown on access to information.

The culture of poor record-keeping extends to a deplorable lack of concern for the provision of appropriate storage conditions for paper records and the information and communication technologies required to preserve electronic records. In terms of the 1996 Archives Act large quantities of records – paper-based, electronic and audio-visual – must be retained in their offices of origin for a period of 20 years, before being transferred to archival repositories. This presents challenges for individual governmental bodies as well as for public archives.

Storage space for physical records is expensive and government departments that are required to hold their records for 20 years or longer face huge challenges in this regard. We have been told repeatedly about records that have been dumped in basements and outside storage spaces where they have been destroyed by leaking water and or eaten by rats.<sup>35</sup> Inadequate provision for storage means that records no longer required for administrative purposes are either kept off-site on government premises or in commercial storage facilities where they are almost inaccessible, or they are being disposed of without proper authorisation. Either way it is problematic. There is a further problem associated with the use of commercial storage facilities. Some of the companies that operate these do not use the approved file plans preferring to develop their own systems. This means that it is extremely difficult for governmental bodies to locate these records should they be required in the short-term. In the long-term, if records are transferred to archival repositories, this will present problems for archivists. If records are piling up, will the poorly resourced provinces ever have sufficient capacity to catch up the backlog? If they are being disposed of without proper authorisation it means that records are irretrievably lost.

*“The Eastern Cape Province was serviced by only 3 repositories. These were not sufficient considering the vastness of the Province and the high volume of records generated. A critical issue was the absence of a proper archives building for Mthatha Archives Repository. For the past ten years Mthatha had been unable to engage in any kind of collection development due to space constraint.”*

Eastern Cape Department of Sport, Recreation, Arts, Strategic Plan 2010–2014, p. 47.

*“The meticulous governance score cards provided by the Office of the Auditor-General, revealing the dire straits of public sector record keeping and information technology challenges in the local government sector, require urgent interventions from records managers and public archivists. Governance can only be determined through available information. The end result of poor record-keeping in the local government sector results in unreliable information to provide evidence of accountability and transparency, particularly evident during the auditing process.”*

I. Schellnack-Kelly, 2013, p. 204.

Electronic records keeping and the long-term preservation of electronic records so that they remain accessible and processable over time presents different challenges. Electronic records are fragile and are vulnerable to loss if neglected or badly managed. Hardware and software becomes obsolete as technologies change and develop, rendering records inaccessible. Unlike paper records that may survive a degree of benign neglect “electronic records must be actively managed across their entire lifespan by making regular backup copies on portable media, and by migrating records to new software platforms”.<sup>36</sup>

While the NARSSA has published guidelines that outline the principles and requirements for managing electronic records,<sup>37</sup> many national and provincial governments have not set in place the Integrated Document and Records Management Systems to do this effectively and to enable the transfer of records in electronic format to archival repositories. It is of even greater concern that none of the public archives have the capacity or systems required to ingest electronic records for long-term preservation.

The failure to provide appropriate resources, facilities, and systems for the proper management of records, points to a worrying dereliction of duty. In the short-term it compromises the right of access to information and demonstrates a flagrant disregard for citizens’ rights to transparent and accountable governance. In the long-term, it impoverishes the historical record.

### **Strategic intervention**

The Minister, as the political head of the department is tasked with ensuring the proper management and care of all public records, should seize the opportunity to demonstrate proactive leadership in this field by initiating: a national review of the state of government records and record-keeping practices; and a campaign to inculcate good record-keeping across government. This should include *all* governmental bodies that are subject to the provisions of the 1996 Archives Act.

The Minister may begin this process by conferring with the provincial MEC’s responsible for archives, colleagues in the ministries of Co-operative Governance and Traditional Affairs, Public Service and Administration and the Ministry in the Presidency responsible for Monitoring and Evaluation, their counterparts in the provinces, the AGSA, the SAHRC and the various records management bodies established in many of the provinces, and academic stakeholders who have conducted excellent research in this field.

On the matter of electronic records, the Minister should consult with the DPSA, responsible for the development and coordination of government’s overall e-government strategy, the SITA and the Government Information

Technology Officers Council (GITO). We note the success with which SARS has turned around its operations through the implementation of an effective electronic tax administration system. There is an opportunity for the Minister of Arts and Culture to drive a similarly game-changing initiative across governmental bodies.

Public archives need to work closely with the SAHRC to ensure that archivists and records managers are fully equipped to respond to PAIA requests in support of open, accountable and transparent government. It may also be worth considering asking archives to play a more proactive role in making information about current activity available, re-casting themselves as centres of information about the present, as well as the past and initiating programmes to educate people of all ages about the value of information and how it may be used in the exercise of active citizenship.

## Update archives legislation

### Problem statement

As discussed in Chapter Three, the 1996 Archives Act has not been amended since 2001. Out-dated legislation puts archives at risk of non-compliance in regard to institutional practice and it compromises their ability to deliver effectively on their mandates.

The DAC Heritage, Archives and Libraries Legislation Review Report of 2008 notes a number of urgently required amendments: Review of Heritage Legislation Procedures for appeals and the dissolution of the NAAC, detailed in the 1996 Archives Act, do not, for example, satisfy the requirements for fair administration outlined in the *Promotion of Administrative Justice Act No 3 of 2000*. The 1996 Archives Act also needs to be harmonised with the *Inter-governmental Relations Framework Act No 13 of 2005*, which was created to ensure that the principles of the Constitution on co-operative government are implemented and with the *Promotion of Access to Information Act No 2 of 2000* and the *Protection of Personal Information Act No 4 of 2013*, amongst others. Understandably, conscientious officials tend to err on the side of caution, when in doubt about the provisions of the legislation and withhold records rather than risk possible censure. Archives legislation also needs to take into account issues to do with working with records in electronic and digital format.

### Strategic intervention

A review of this Act is long overdue. We urge the DAC to attend to this as a matter of urgency but caution that this may have to be done in two stages: firstly to harmonise the Act with newer legislation and secondly to take account of issues that arise through processes to reimagine or reaffirm the vision and to develop a coherent national strategy.<sup>38</sup>

*“The unique and fragile nature of electronic data demands a re-evaluation of the way governmental bodies manage records. Processes and procedures created to meet the needs of record-keeping in the paper environment do not apply equally to electronic records. A reassessment of records management programmes is therefore required.”*

Department of Arts and Culture, 2006, p. 1.

## **INTERVENTION: STEPPING UP ENGAGEMENT WITH CITIZENS, MEMORY INSTITUTIONS AND ORGANISATIONS**

The third set of interventions is based on the premise that, in order to serve a truly national or provincial function, public archives need to engage more fully with citizens, public institutions of memory and civil society institutions and organisations in order to:

- promote access and use;
- address biases in and exclusions from the inherited archive;
- establish partnerships to build an inclusive archive; and
- address the challenge of records at risk.

### **Facilitate access to archives when and where people need them**

#### **Problem statement**

Systemic problems limit the capacity of public archives to provide access to information. As noted earlier, in several provinces repositories are not yet functional, others are unable to take transfer of records from governmental bodies because they do not have sufficient space and none are equipped to ingest electronic records. This means that millions of records have not been transferred into the custody of archives but remain in the care of their offices of origin, or in off-site storage where they are difficult to access. Where paper records have been transferred to repositories, the lack of capacity or staff shortages, and the chaotic state in which they have been transferred means that they may be hidden from view for prolonged periods.

Information about records held in the collections of the NARSSA and several other participating institutions may be accessed online through the NAAIRS. But, the NAAIRS has not been updated for several years while a new system is in development. This means that information about records held in repositories is often outdated and information about newer holdings is not available, unless visitors are able to consult hard copies of finding aids lodged in reading rooms within repositories. As we have noted before, many repositories are not yet functional and those that are functional are located in city centres.

Developments in technology enable users to access information when and where they need it through cell phones and other devices. This has fundamentally altered the way in which people receive and use information. In many schools, for example, learners of all ages are being issued with tablets that offer them access to information formerly only available in printed textbooks and they are encouraged to use the world-wide-web as a resource for research projects. Unfortunately, while South African citizens may access information about records in other parts of the world, only a small fraction

*“The commitment to provide prompt, easy, and secure access to the holdings and to serve our customers as effectively and efficiently as possible necessitates the implementation of modern technology. In particular, customers’ information technology requirements must be taken into account by ensuring that technical infrastructure is optimised to support their needs.”*

Western Cape Department of Sport and Cultural Affairs Annual Performance Plan 2013/2014, p. 19.



of the material held by South African public archives is available online, and then only if it has been digitised and made available on a partner website, like Family Search, for example.<sup>39</sup> While a National Policy on the Digitisation of Heritage Resources was reportedly finalised in 2011, it will not be published until it Cabinet has approved it.<sup>40</sup> The National Archives Digitisation Strategy has been approved. We have been told that this policy will be made available when the new NARSSA website goes online in 2015.<sup>41</sup> In the absence of a national policy or strategy, digitisation of public records by public archives has been limited and, as a consequence, access to these records has been constrained.

## Intervention

It is critical that archives embrace digitisation as a tool for preservation and access. The DAC needs to ensure that national policies and guidelines are finalised and that public archives are equipped and resourced to implement them without further delay. While public archives are largely geared to paper-based realities, the truth is that more and more people of all ages access information electronically. If archives are to be sustainable they need to be accessible to all users, public archives need to shift their thinking from catering for researchers who have the means to visit reading rooms and focus instead on poor urban and rural communities, and youths in particular, who access information via cheap cell phones. Youths are the users of the future and generating an archival culture is vital for proper record-keeping and access to information.<sup>7</sup>

It is also important to affirm the role of the NAAIRS in centralising information about what records that are accessible and for public archives to urge their civil society institutions and organisations to make their collections known through this important channel.

## Address biases in an exclusions from the inherited archive

### Problem statement

As noted in Chapter Ten of this analysis, public archives are not well used by the public because: people may not understand their significance; or because they do not consider archival holdings to be of relevance to them because of biases in and exclusions from the inherited archive.

Recommendations advanced for the transformation of public archives in the 1990s resulted in the initiation of oral history projects through which archives staff attempted to fulfil the mandate of collecting aspects of the nation's history previously neglected by archives repositories.

In Chapter Nine of this analysis we raise concerns that the NOHP, set up to drive this process, has not yielded the desired outcomes. Research in oral

*“Colonial and apartheid administrations recognised that the knowledge tools that operated amongst those whom they sought to rule were powerful resources that could be yoked to their own project of domination. They assiduously collected, and archived, information about the subject peoples, and brought that information, reshaped in all sorts of ways, into play in the practice of rule and into the knowledge system that underpinned that rule. Abundant and potent materials from and about the past were thus not annihilated, but insidiously saved, lodged in the colonial and apartheid archives, where they yet lie, many still awaiting recuperation and rehabilitation in the service of postcolonial projects.”*

Archives at the Crossroads, 2007, p. 10.

narrative requires an expansive vision that recognises the potential this area offers: among others, access to the pre-colonial past; knowledge about anti-colonial and anti-apartheid struggles; information on land ownership and dispossession in the past; and material to interpret knowledge forms that fall under the rubric of indigenous knowledge systems.

To realise this potential requires long-term investment in, first, intellectual capital to give shape to a national programme in which archives are one among several institutional players; second, rigorous training of sufficient numbers of people in history (including oral history methodologies) and contemporary methods of archiving – including digital archiving; third, devising appropriate career paths for people thus trained; and finally, on-going investment in state-of-the-art equipment and continuing professional development of archivists who use the equipment.

*“An important imperative to nation building is inclusivity and/or a sense of belonging. The narration and recording of our history is currently biased and not inclusive of the events involving groups that were marginalised by the apartheid system. The National Oral History Project partly serves as a vehicle to fulfil the aforesaid disparities and close gaps and/or omissions in our history. Through this project, the Department enables the study of recording, preservation, accessing and popularisation of oral history of South Africa.”*

Department of Arts and Culture Annual Report 2013/2014, p. 40.

At present, public archives do not have the capacity to conduct such projects in a meaningful way: there are no budgets in any of the archives for appropriate equipment; the staff is poorly trained in oral history methodologies; and repositories are neither equipped to preserve oral and video recordings appropriately nor have the funds to acquire the requisite equipment or to make oral records accessible. In the light of this, it is important to consider the role of public archives in relation to oral history: should they bear responsibility for *conducting* oral history, or could they play a different kind of role?

### **Strategic intervention**

DAC and the NARSSA should initiate a comprehensive review and audit of oral history initiatives to assess what is working and what is not and how best limited resources may be utilised effectively to enable public archives to make a significant and sustainable contribution to collecting and making oral history materials accessible.

This review should consider, amongst other issues, the processes through which areas of bias and exclusion are identified; the way in which decisions are made about what aspect of ‘neglected histories’ public archives should prioritise; the methodology through which oral history projects are implemented; and the strategies set in place to ensure that collected material is preserved and made accessible.

While it is appropriate for provincial and local archives to implement oral history projects the Archival Platform argues that the NARSSA, rather than implementing oral history projects, should play a high-level oversight role, providing guidance and direction in partnership with others who have demonstrated their excellence in this field, and, importantly, facilitate the development of an enabling environment to ensure that the oral records collected by others are adequately preserved and made accessible.

## Establish partnerships to build an inclusive archive

### Problem statement

As noted above, public archives have employed oral history projects as a strategy to build a more inclusive archive. What else could they do?

Chapter Nine of this analysis points to the way in which the issue of colonial and apartheid bias in and exclusions from the archive are being addressed **by civil society institutions and organisations** through a number of different strategies: *surfacing* the voices of previously marginalised peoples; *collecting material* in the possession of private individuals and outside organisational purview; *convening*, in digital format, archival material related to aspects of South Africa's past not present in public archives; *documenting* oral materials, rituals, and cultural practices that reflect elements of the past and; *recording* life-stories and experiences that reflect the experiences of the recent past. These are all strategies that may be usefully employed by public archives **but they are contingent on working in partnership with individuals, organisations and other institutions of memory, including museums.**

No comprehensive information is available about who uses archives or for what purposes. A survey of this nature would assist archives to gear their strategies appropriately. We welcome the news that NARSSA and provincial archives are deliberating this as they work with the Unisa Department of Information Science to develop a strategy to 'take archives to the people'. Public archives need to take cognisance of what people want to find in archives!

### Strategic interventions

The interventions listed below, drawn from local and international best practice, suggest a number of ways in which public archives can work in partnership with other institutions and organisations to build a more inclusive archive and, by so doing, encourage access and use.

Intensify public programmes aimed at raising awareness about the role of *records* and record-keeping in upholding democratic and accountable governance and promoting active citizenship by offering programmes of this kind in every school and community. This is an initiative that may be undertaken in partnership with initiatives aimed at promoting access to information or deepening democracy or by groups with a special interest in using records – such as land claim committees and heritage societies, educators and curriculum planners.

Engage proactively with organisations promoting family and other collective histories. While genealogists researching predominantly white family history arguably make up the largest group of archival users, there is a blossoming

*“Past collecting policies of mainstream institutions in South Africa have skewed the collection of non-public records in such a way that the experiences of a number of communities were poorly documented. Participation of certain groups – such as religious and ethnic minority groups, indigenous black communities, and so on – has been limited in South Africa’s archival collections, and therefore the historic picture presented by archival repositories understates the diversity of the nation’s actual heritage. However, in the context of a newly formed democracy based on equality, there needs to be an effort within the archives and heritage sectors to incorporate all these underrepresented voices.”*

A. Rodriguez Da Silva, 2013, p. 378.

interest in this topic across South Africa's diverse populations. Public archives may enter into partnerships with multiple grouping to: surface records that complement and extend oral sources in relation to family, community and other collective histories and to create a national register of family and other collective histories.

Refocus attention on one of the ideals of the 1990s that seems to have slipped from view namely, the vision of a national archival system that embraces indigenous ways of knowing or archiving the deep pre-colonial past. Engage with the National Research Foundation (NRF), the Department of Science and Technology (DST), scholars and communities to unpack this idea and consider how contemporary archival practice can be rethought.

Create a 'citizen's archive'. The surge of interest in the past, particularly in personal and collective pasts is demonstrated in: the number of online projects including South African History Online, Claremont Histories, the Ulwazi Project and the Apartheid Archives Project which are designed to enable individuals to contribute to the creation of an online archive; the high level of activity on social media platforms that bring people together to explore family or collective pasts; the number of active 'heritage societies' that exist in communities across the country; the increasing number of projects aimed at commemorating the legacy of particular, high profile individuals. What these projects have in common is firstly; a desire to share about the past that is *not* accessible in public archives but which *does* contribute to an understanding of South African pasts and; secondly, an interest in exploring the opportunities offered new information and communication technologies. The interest in, and high levels of participation in these projects, points to a new opportunity for public archives: the creation of an online archive into which citizens can deposit information about their personal and collective pasts, creating a memory bank on which they, and others can draw. A number of international precedents exist which might provide useful models to inform this. Implementing a project of this nature would require firstly, the development of an appropriate electronic platform, using open source software and secondly, local awareness campaigns – which could be led by public archives, in partnership with other stakeholders, to encourage participation at local level.

*"In light of the primary motivations for each of the projects [community archives] – redressing historical imbalances, social justice, supporting external democratic processes such as land claims, new forms and new actors in historical production, influencing public discourse, promoting reconciliation – I would argue that each of the cases have an archival responsibility to either engage with the official archival establishment, or take full responsibility for developing an archive outside of this framework."*

A. Josias, 2013, p. 234.

## **Create an enabling environment, embrace and nurture non-public archives**

### **Problem statement**

As noted in Chapter Twelve of this analysis responsibility for the care and custody of South Africa's diverse archive is shared to varying degrees by private individuals, civil society institutions and organisations, and the state. The broader archival sector is fragmented and those who hold custody of non-public records operate largely in isolation with little guidance or support from the institutions that comprise the national archival system.

As noted in Chapter Nine the mandate to collect non-public records that cannot be 'more appropriately preserved by other institutions' has to a large extent been neglected. A number of arguments have been advanced to explain this: archive's repositories are full, or not functional so there is nowhere that records can be safely kept; public archives are not receptive to non-public records; individuals who have records in their possession are not confident that public archives will care for their precious records and make them accessible or; do not realise the value of records they hold.

There is no doubt that public archives are the appropriate custodians of the records of state. But the custodianship of non-public records is another matter. While some countries have a tradition of separating the care of public and private records, in South Africa the distinction is blurred: public archives have always been mandated to collect non-public records. But this is conditional. Firstly, records must be "of enduring national significance."<sup>42</sup> Secondly, records should be collected only if they "cannot be more appropriately preserved by another institution"<sup>43</sup>. Thirdly, the collection of non-public records must be done with "due regard to the need to document aspects of the nation's experience neglected by archives repositories in the past"<sup>44</sup>.

Unlike the *National Heritage Resources Act No 100 of 1999* which sets out the duty of care of the state and citizens in respect of the national estate, the 1996 Archives Act does not place any obligations on individuals or organisations who own or have custody of non-public records, nor does it place any obligations on the state in respect of these collections. Neither the 1996 Archives Act nor the Regulations offer any guidance on what criteria may be applied to assess 'enduring national significance'. The looseness of this definition, as it stands, leaves decisions open to interpretation but it also opens up the possibility of abuse. As we have seen with monuments, memorials and even street names, the criteria by which significance is assessed by today's decision makers may not be the criteria of those in power tomorrow.

Determining the duty of care and identifying criteria may require a degree of negotiation. The challenge arises when these are applied to protect records that are held in non-public or private collections. We have heard pleas from many who feel the burden of caring for records that they feel are of immense national significance, without guidance or even acknowledgement, and look to public institutions for support and assistance. This is an issue that requires careful consideration. Other countries have sought and found appropriate solutions. We may, for example look to local institutions such as the District Six Museum, and the British Library's Endangered Archives Programme and a host of others for inspiration and best-practice guidelines.<sup>45</sup>

One of the central questions to address in the proposed national strategy for archives is how *public* archives interact with civil society and *non-public* custodians of collections to ensure that the nation's archival heritage is well preserved, managed and accessible.

*"The Archive is interested in correspondence, minutes, speeches, circulars, reports, memoranda, notes, diaries, pamphlets, photographs and newspaper cuttings.*

*In fact, we prefer to receive a donor's complete collection ... The donor maintains control over the accessibility of the collection for research purposes.*

*Confidential documents may be withdrawn from the collection for any period of time and instructions in this respect are painstakingly obeyed. A donor can also make additions to the collection at any time and as often as it suits him or her. It must be emphasised that the Archive does not purchase any documents and that donors receive no financial compensation."*

Archive for Contemporary Affairs (Arca),  
University of the Free State, 2014.

*“The original copy of the Freedom Charter, signed by all the leaders of the elements of the Congress Alliance who gathered at Kliptown in 1955, is now back in the hands of the people of South Africa. This follows intervention and support which enabled the National Archives and the Liliesleaf Trust to prevent this precious object from going on auction in London and for ensuring its return to South Africa.”*

Department of Arts and Culture, Media release, 2010.

Looking to local precedent, SAHRA, as a national agency of the DAC, is mandated to *coordinate the management* of the national estate, which includes objects and sites across all three spheres of government. **As a national body, it provides the frameworks that guide the management of heritage resources over which national, provincial and local government have oversight. The criteria and regulations in this Act apply to all heritage resources, whether they are publicly or privately owned.** It may be appropriate to accord the NARSSA a similar mandate in respect of archives. At present its responsibility is only to offer advice and guidance to the *provinces*, though the National Archivist is empowered to “provide information, consultation, research and other services related to records”.<sup>46</sup>

Looking further afield, and more broadly at the remit of other ‘national archives’ the concept of ‘total archives’ espoused by the Canadian government accords the state, through its archives, responsibility for the preservation of a wide range of archival materials in order to ensure a ‘balanced’ record, i.e. one that the late Terry Cook, a leading archival theorist and thinker, defines as the combination of “recorded evidence of both the private and the public, the institutional and the personal”.<sup>47</sup> Essentially this approach requires public archives to be sufficiently resourced to acquire, preserve and make non-public records available.

Given the huge challenges that South Africa faces, this would simply not be feasible, but creative ways *must* be found to make the national archival system more hospitable to non-public initiatives. There is a danger that if things are allowed to unfold without any intervention, those that have the resources and the power will come to dominate the conversation about the past. Those that hold contesting positions might be silenced because they do not have the means to sustain their work. We have lessons to learn in this regard from the heritage sector, where ‘flagship’ projects that are aligned with the dominant narrative are well resourced and supported, while those that have attempted to offer a less popular reading of the past have sunk into oblivion.

### **Strategic intervention**

In considering the care and custody of non-public records there is an important principle to bear in mind: it is better to empower communities and organisations to care for their own records and archives rather than to insist or plan on taking these into safe-keeping in public repositories.

The key is to create an enabling environment and to offer the support and guidance necessary to support them in their endeavours. The Archival Platform argues that this is an area of activity which requires a strategy which takes into account the need for public archives to identify non-public archives in the areas under their jurisdiction: to provide professional, technical

guidance and financial or other support to those who require it and; to make provision for to take custody of identified records of enduring value, that cannot be more appropriately preserved by another institution.

The challenge lies in bringing a degree of coherence to the existing diverse and fragmented sector and creating an enabling environment with appropriate mechanisms to offer a measure of support when this is needed to protect significant records. This should be incorporated into the proposed national archival strategy.

## **Address the problem of records at risk**

### **Problem statement**

Allied to the above is the need for urgent measures to be set in place to address the problem of records at risk. As noted in Chapter Twelve, invaluable collections of records that would add immeasurably to the broader narrative story of the struggle for liberation, and begin to fill some of the silences created by the massive destruction of incriminating public records in the 1980s and 1990s, are held in private hands. Gaps in the heritage and archives legislation means that non-public records of enduring value are not adequately protected in law.

The 1996 Archives Act regulates the management and care of *public* records, the records of government, but it does not place any obligations on individuals or organisations who own or have custody of *non-public* records, nor does it place any *obligations* on the National Archives in respect of these collections.

Non-public records may, under certain circumstances be protected by the provisions of the NHRA. Section 32 of the NHRA which deals with ‘heritage objects’ lists categories of objects, including records, which may not be exported without a permit from SAHRA. It makes provision for certain types of unique or threatened objects or collections to be declared as ‘heritage objects’, listed on a register and protected by law from alienation or export but it does not offer any ‘general protection’ for archival material.

Records at risk include personal and organisational documents: retained by the individuals or organisations or communities who created them; documents that were kept safely or secreted away to prevent their confiscation and destruction by security forces; and public records removed illicitly from governmental bodies by bureaucrats. A number of factors put these records in danger: the current custodians are aging and there are concerns that when they pass on, or are no longer in a position to care for their records, they will be disposed of, sold or exported; and records kept in unsatisfactory conditions may be damaged or destroyed or damaged beyond repair.

*“If the [autopsy] Report is sold to an overseas purchaser there is a real and substantial risk that the applicants will not be able to recover the Report and secure its return to South Africa. Furthermore, even if the Report is sold to a local purchaser and remains in the country, it may be hidden, destroyed, manipulated, defaced, interfered with or resold.”*

Steve Biko Foundation, 2014, p. 9.

## Strategic interventions

The 1996 Archives Act and the NHRA need to be more closely aligned in a way that addresses gaps that leave non-public records of enduring significance at risk. This is an area that requires close engagement with heritage authorities, especially SAHRA. The NAAC is mandated to do this and we urge them to attend to the issue as a matter of urgency.

The DAC should bring together those tasked with the care and custody of the country's archival heritage and the national estate – NARSSA, the NAAC, provincial archives and SAHRA to set in process a national project to gather records that are outside organisational purview and in possession of private individuals so as to make good on the recommendation of the TRC that “the National Archives be enabled to fill the gaps in official memory through the collection of non-public records”.

*“South Africa is living a post-Mandela reality. Equally, it is living a post-‘New South Africa’ reality. In terms of legacy, I would argue, the most pressing need is to find a means of turning memory into a resource for building a future in which social justice and cohesion are prioritised. The challenge is not one of preserving legacy as a catalyst for reviving the dream of a ‘rainbow nation’. Rather, it is one of making and remaking legacy as a potent energy in the work of renewal. It is one of dealing with the past – both the long past of colonialism and apartheid, and the short past of the ‘New South Africa’ – as a means to reimagine the future. It is one of finding a new dream.”*

V. Harris, 2008.

This may be done through a process that involves:

- identifying and closing gaps in the legislation that puts *non-public* records at risk;
- offering support and guidance<sup>48</sup> to the many institutions, including universities, that safeguard elements of South Africa's archival heritage without financial or technical assistance or acknowledgement;
- establishing a mechanism<sup>49</sup> to provide emergency funding to ‘rescue’ endangered records;
- offering individuals, including former state officials who removed public records illicitly, an opportunity to return these without fear of censure;
- initiating a campaign to collect non-public records of enduring value that might be at risk and resourcing public archives to implement this; and
- establishing a virtual archive<sup>50</sup> in which citizens can deposit records that may otherwise be at risk.

The success of the initiatives listed above is contingent on the state accepting a measure of responsibility for increasing its investment in the care of non-public records by taking the lead in developing processes and strategies to identify, prioritise, collect and safeguard material and creating an enabling environment to support this.

## INTERVENTION: REVIEW, REIMAGINE, RETHINK

The final intervention is based on the premise that the national archival system is in deep trouble. **What we are suggesting is that while it is drastically under-resourced and under-capacitated it requires more than capital investment: it needs to be reviewed and reimagined to address the deep systemic flaws and structural challenges facing it.**



After two decades its time to ask whether the way in which the national archival system is envisioned, constituted, resourced and regulated is appropriate for the 21<sup>st</sup> century. As noted in this analysis, the conceptualisation of the national archival system was driven by the values and principles that informed sweeping changes across every sphere of social, political and economic activity in the 1990s. The 1996 Archives Act carried the promise of a national archival system that would match and give support the ideals of the new democracy and transform archival practice. As demonstrated in this analysis, this promise has not been realised. In the face of other priorities, imperatives and agendas and in the absence of a clear understanding of the role of archives and records in driving service-delivery, fostering democratic governance, reckoning with the past and producing history, the national archival system has been marginalised and, to all intents and purposes, left to flounder.

*“The report calls on the Minister of Arts and Culture, whose department is responsible for archives and record-keeping, to act decisively and review the current system. It needs fundamental changes in order to provide the basis for democratic governance in South Africa and a decent historical record for its people.”*

Archival Platform, 2015.

This analysis points to some of the reasons for neglect and indicates some of the consequences. It also suggests how and where interventions may be made to ensure that the national archival system is adequately resourced and capacitated, points to structural issues that could be addressed to enable the system to deliver more effectively on its mandate and considers how public archives could engage more proactively with other public institutions of memory and civil society institutions and organisations in order to better serve the needs of the state and the public. **While any and all of these may play a role in making the national archival system work better, they do not address two fundamental questions: what do we want the national archival system do in the 21<sup>st</sup> century and; how can it be constituted and resourced to do this?**

What we are calling for is a fundamental review and reimagining of the national archival system and the development of a coherent national archival strategy that spells out the vision, roles and responsibilities, rights and obligations of all the players in the broad archival sector, outlines the mechanisms through which they engage and the mandates they are expected to fulfil and puts in place a realistic plan to resource and capacitate implementation. The formulation of national policy and strategy is the preserve of government. We urge the Minister of Arts and Culture to meet the challenge by acting decisively to avert what could become a national disgrace.

This formulation of a national strategy is not a task that the DAC should be expected to tackle alone. Democracy creates opportunities for the exercise of active citizenships. Having engaged productively with stakeholders in the preparation of this analysis and presented the initial findings to key officials, the Archival Platform will, over the next four months, convene a series of Dialogue Forums as a contribution to kick-starting this process. These Dialogue Forums will bring archivists and records managers, tertiary institutions and civil society organisations to consider the broad questions posed above: **what do we want the national archival system do in**

*“The Archival Platform cannot resolve the deep-seated problems facing the archival sector. What we can, and are doing, is work with the sector to identify and articulate challenges, analyse the underlying causes and point out areas in which interventions are required and share these with the academy. Similarly it can serve as a bridge to share the thinking and ideas held in the universities with practitioners in archival institutions and records managers in governmental departments.”*

Archival Platform, 2014.

**the 21<sup>st</sup> century and; how can it be constituted and resourced to do this?** They will also open up discussion on one of the pressing issues raised in this analysis, the placement of archives within government, and begin to unpack what might be needed to create an enabling environment in which archives, public and non-public, might flourish.

## (Endnotes)

- 1 See for example Auditor General of South Africa, *PFHA Consolidated general report 2013/2014* and other reports accessible on <http://www.agsa.co.za/Documents/Auditreports/PFMAgeneralreportsnational.aspx>, accessed December 2014.
- 2 See for example SAHRC, *The Promotion of Access to Information Act (PAIA) and Records Management: Consolidated Audit Report*, 2012.
- 3 While exact figures are difficult to come by Gauteng has budgeted R312 million for the construction of a repository; North West has reportedly spent in excess of R60 million on the construction of a new building to house provincial archives and libraries; a new archives building in Mpumalanga is reported to have cost in excess of R150 million, and in Limpopo, in excess of R40 million. The Eastern Cape, Western Cape and KwaZulu Natal have budgeted varying amounts for the renovation of existing facilities.
- 4 See Appendix to the Department of Arts and Culture, *Records Management Policy Manual*, National Archives and Records Service of South Africa, 2007.
- 5 P. Ngulube, “Ghosts in our machines”: Preserving public digital information for the sustenance of electronic government in sub-Saharan Africa, in *Mousaion* 30 (2) 2012, p. 130.
- 6 Department of Arts and Culture, *The Demand for and Supply of Skills in Library and Information Services, Archival Services and Records Management*. Final Report for the Department of Arts and Culture. Research Conducted by Research Focus (Pty) Ltd, 2010.
- 7 Annual Report of the National Archivist, 1999–2000.
- 8 See <https://pmg.org.za/committee-meeting/9384/>
- 9 National Archives and Records Service of South Africa, *Status Report on the National Archives and Records Service of SA*, presented to the Parliamentary Portfolio Committee, 4 November 2014. Bills are generally costed before they are brought into law. This is done to ensure that adequate budgetary provision is made for their implementation. See for example the Project Report on ‘Costing the South African Library and Information Services Bill, 2013’ <https://www.dac.gov.za/sites/default/files/Legislations%20Files/South%20African%20public%20library%20and%20information%20service%20bill.pdf>.
- 10 The dilemma over where to place archives in or in relation to government is not unique to South Africa. The placement, and institutional status, of archives differs from country to country, depending on context and history. In some countries, archives, like museums and monuments, are seen as having to do primarily with culture and are located in ministries dealing broadly with heritage and the arts. In others, archives are considered to have more to do with public education, or even justice, and are located accordingly. Countries that see records as having to do primarily with public administration tend to situate archives within ministries with overarching powers: the office of the prime minister, president, or the interior. Countries with strong centralised governments tend to centralise archives while those with a federal or regional government systems tend to de-centralise control. In Africa, archives in Francophone countries or the former French colonies tend to be aligned with administration, in Anglophone Africa, where the British system held sway, with history and heritage.
- 11 Callinicos and Odendaal contend that public archives should be positioned within government structures that might “facilitate rather than hamper”. They recommend that, “Ideally, in order to empower the State Archives Service to work efficiently, it should have independent agency status and be directly answerable to parliament; but if this is not feasible, the Service should be positioned as centrally as possible and be given full status to enforce legislation.” Callinicos, L. & Odendaal, A. *Report by the Convenors of the Archives Sub-committee of the Arts and Culture Task Group (ACTAG): Archives in South Africa*, Section 5.10, 1995.
- 12 In this submission the Chairperson, in considering why archives were barely mentioned in the Draft White Paper on Arts, Culture and Heritage suggests that this may be because “the transversal nature of the records management function of the national archives, involving a supra-departmental monitoring role, archives do not logically belong within the structures for

- culture and heritage". South African Society of Archivists, 'Submission on Draft White Paper on Arts, Culture and Heritage: Archives', 24 June 1996.
- 13 Truth and Reconciliation Commission of South Africa Final Report, Volume 5 Chapter 8, pp. 343–349.
  - 14 The *National Heritage Resources Act No 25 of 1999*, Section 3.
  - 15 These are governed in terms of the *Cultural Institutions Act No 19 of 1998*.
  - 16 The *National Library of South Africa Act No 92 of 1998*.
  - 17 See G. Dominy, 'Archives in a democratic South Africa: The proposals of the ANC: An evaluation' in S.A. *Archives Journal*, Volume 35, 1993, p. 72.
  - 18 For information about the International Records Management Trust (IRMT) see <http://www.irmt.org/about>
  - 19 See [http://www2.arkib.gov.my/sarbitca/images/government\\_record-keeping.pdf](http://www2.arkib.gov.my/sarbitca/images/government_record-keeping.pdf), accessed December 2014.
  - 20 Unesco World Information Report, Chapter 11, p. 151 see <http://www.unesco.org/webworld/wirerpt/wirenglish/chap11.pdf> accessed December 2014
  - 21 See "What are our parliamentarians saying and hearing about archives", [http://www.archivalplatform.org/blog/entry/what\\_are\\_our\\_parliamentarians/](http://www.archivalplatform.org/blog/entry/what_are_our_parliamentarians/), accessed September 2014.
  - 22 The National Archivist, Dr Graham Dominy, who was appointed to the position in March 2001 was suspended in September 2010. Although briefly reinstated in October 2010, he suspended again and dismissed in July 2011. Dominy appealed and the Arbitrator of the General Public Service Sectoral Bargaining Council (GPSSBC) found the dismissal to have been substantively unfair and ordered his retrospective reinstatement without loss of benefits. The Department refused to reinstate him and the matter went before the Labour Court. In June 2013 Dominy reached a settlement with the Department of Arts and Culture which was made an Order of the Labour Court. In terms thereof he received all his back pay and retired with effect from 31 March 2014 on a full pension (as though he were sixty-five), with a certificate of Good Conduct and all references to misconduct, suspension and dismissal expunged from the record.
  - 23 Question dated 22 August 2014, raised by the honourable GA Grootboom, (DA), reply received on 2 September 2014.
  - 24 Question dated 20 August 2014, raised by the honourable XS Tom (ANC), replied received on 16 September 2014.
  - 25 From 1996, the National Archives Commission and, from 2001, when the Act was amended, the National Archives Advisory Council.
  - 26 *National Archives and Records Service of South Africa Act No 43 of 1996*, as amended in 2001, Section 6 (2).
  - 27 L. Millar, *The Right to Information – The Right to Records: The Relationship Between Record-keeping, Access to Information and Government Accountability*, 2003, p. 22 [http://www.humanrightsinitiative.org/lgbt-interactive-map/img/flags/sym/root/home/chri/public\\_html/programs/ai/rti/articles/record\\_keeping\\_ai.pdf](http://www.humanrightsinitiative.org/lgbt-interactive-map/img/flags/sym/root/home/chri/public_html/programs/ai/rti/articles/record_keeping_ai.pdf), accessed September 2014.
  - 28 SAHRC, *Report on the SAHRC Investigative Hearing: Monitoring and investigating the systemic challenges affecting the land restitution process in South Africa*, 2014. <http://www.SAHRC.org.za/home/21/files/Report%20-%20Investigative%20Hearing%20on%20Issues%20and%20Challenges%20Affecting%20the%20Land%20Restitution%20Process%20in%20South%20Africa%20December%202013.pdf> accessed December 2014.
  - 29 *Ibid.*, p. 46.
  - 30 SAHRC, *The Promotion of Access to Information Act (PAIA) and Records Management: Consolidated Audit Report*, 2012. Note: The SAHRC has a specific mandate set out by PAIA to promote the right to access information and monitor compliance with the legislation. It offers training and assistance to Deputy Information Officers in governmental bodies and hosts a National Information Officers Forum in partnership with the ODAC to provide a platform for Deputy Information Officers and implementers of PAIA to interact with experts, share the challenges of implementation and exchange best practice tools. It recognises best practice in the implementation of PAIA, and acknowledges entities and organisations which model openness, responsiveness and information sharing through an annual Golden Key Award.
  - 31 *PAIA Civil Society Network Shadow Report, 2013*.
  - 32 While some of this material is distributed to libraries or made available online, this is not done with any great degree of consistency. It may be that there is a new role for archives to play as sources of current and recent information. This might make the link between records management, archives and accountability more visible to citizens and officials. It may also provide citizens and the state with a resource that they need in the present, and address the

- perception that archives are not relevant in contemporary life and attract additional users.
- 33 Personal communication, Catherine Kennedy.
  - 34 *PAIA Civil Society Network Shadow Report*, 2013.
  - 35 See also Isabel Schellnack-Kelly, "The Role of Records Management in Governance-Based Evidence, Service-delivery and Development in South African Communities", unpublished PhD dissertation, Unisa, 2013, p. 205.
  - 36 P. Ngulube, "Ghosts in our machines": Preserving public digital information for the sustenance of electronic government in sub-Saharan Africa, in *Mousaion* 30 (2) 2012, p. 130.
  - 37 National Archives and Records Service of South Africa, *Managing Electronic Records in Governmental Bodies: Policy, principles and requirements*, 2006.
  - 38 Amendments need to be made urgently, but a thorough review of the national archival system may lead to further amendments.
  - 39 In December 2014 [www.familysearch.org](http://www.familysearch.org) had records from 14 South African collections covering the period 1660–2013 available online. This includes 1,063,927 indexed records and 19,830,075 images – records that have been scanned but not indexed to date.
  - 40 This policy was presented for comment at consultative workshops in 2011. At a meeting of the Parliamentary Portfolio Committee on 26 February 2014 the DAC reported that this policy had been finalised.
  - 41 Personal communication: email from National Archivist Many Gilder to Jo-Anne Duggan, 6 November 2014.
  - 42 *National Archives and Records Service of South Africa Act No 43 of 1996*, as amended, Section 3(d)
  - 43 *Ibid.*
  - 44 *Ibid.*
  - 45 For a detailed study of this see A da S Rodrigues, "An archival collecting framework for the records generated by South Africa's Portuguese community-based organisations in Gauteng", PhD, 2013, University of South Africa.
  - 46 *National Archives and Records Service Act of South Africa No 43 of 1996*, as amended, Section 5 (1) (a).
  - 47 For a detailed study of this see A da S Rodrigues, "An archival collecting framework for the records generated by South Africa's Portuguese community-based organisations in Gauteng", PhD, 2013, University of South Africa, p. 88.
  - 48 See for example the role of the 'archives advisor' in Canadian institutions <http://current.ischool.utoronto.ca/jobsite/2013/archives-advisor-0>
  - 49 Consider, for example set by the British Library's Endangered Archives Programme, <http://eap.bl.uk> or the Prince Claus Fund <http://www.princeclausfund.org>.
  - 50 See for example, the Citizens Archive of Pakistan <http://www.citizensarchive.org>, the Hurricane Digital Memory Bank <http://hurricanearchive.org/about>