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# The role of archives and records management legislation after colonialism in Africa
## Case of Southern Africa

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## Abstract

**Purpose** – This paper aims to analyse the current Southern African countries' archives and records management legislations to identify the gaps and challenges. It is important to assess the role played by National Archives legislations within the preservation of heritage and history; private archives known as liberation archives; the transfer of archives; the disposal and retention of records, access, copyright management and skills; and development of staff.

**Design/methodology/approach** – The study used a qualitative methodology through document analysis, interviews and observation. The sampling of the study comprised representatives from the selected Southern African National Archives (South Africa, Mozambique, Botswana and Namibia).

**Findings** – The key findings revealed gaps of the archives and records management legislations in terms of definitions, transfer, disposal and transfer of records and accessibility. Some of the Southern African countries failed to use archives and records management legislation to promote accountability and governance.

**Research limitations/implication** – The research is limited to the following countries: Botswana, Mozambique, Namibia and South Africa.

**Practical implications** – Archive and records management legislation which has gaps creates problems in terms of effective implementation of archives and records management programmes.

**Social implications** – The failure by Southern African countries to revise their National Archives legislations and clarify the role of National Archives will lead to loss of archival materials if not addressed.

**Originality/value** – Updated archives legislation contributes to the development of effective archives and records management programme.

**Keywords** Heritage, Archives, Colonialism, Institutional memory, National Archives act

**Paper type** Research paper

## Introduction

This article aims to analyse the current selected Southern African countries (SAC) archives and records management legislation (ARML) to identify the gaps and challenges to make recommendations based on the findings. The enactment and implementation of comprehensive, up–to date ARML is a prerequisite for the establishment of an effective, integrated system for managing archives and records. Effective archives and records management are guided by sound legislative frameworks which define records to avoid ambiguity about the scope of the responsibilities of National Archives. ARML provides exclusive authority to carry out archives and records management functions such as acquiring private archives, appraisal and disposal of records, rights of inspection, access to records and transfer of archives. The ARML provides a basis for detailed regulations on the recruitment, appointment, promotion, professional qualification and training of archives staff. The effective ARML can enhance governance and accountability. Effectiveness and

efficiency of government systems are the core feature of good governance. This is alluded to by Yusuf and Chelle (2005: 129) who said that ARML is acknowledged as a tool which has an impact on the development of a nation. This meant that ARML can support human rights and improve financial management. ARML can also be utilised as a form of anti-corruption strategy. The land reform in Africa can be enhanced through effective ARML.

## Problem statement

According to Lihoma (2008: 06), Ngulube and Tafor (2006: 58) and Okello–Obura, (2011), most African countries lack effective legal frameworks to support archives and records management programmes. This means that weak institutional capacity and the absence of ARML is the cause of lack of governance and accountability. Even though most of Southern Africa has ARML, most of their legislations were not reviewed and updated to clarify the role of National Archives (Ngoepe and Keakopa, 2011). Therefore, a gap in the ARML has led to the gap in the implementation of effective archives and records management programmes.

## Purpose and objectives

The main research aim of this article was to assess the role of ARML to promote accountability and transparency. The following were specific research objectives:

- analysis of the current selected Southern African ARML to identify the gaps and challenges; and
- to make recommendation based on the findings.

## A brief historical background of archives and records management legislation in the selected Southern African countries

The attainment of independence by SAC marked the beginning of the relegation of archives as a form of accountability and transparency. After independence had been attained, the SAC shifted their focus to other priorities like reconstruction and development projects. The issue of strengthening ARML was not attended as the priority by some of SAC. This is alluded to by Asogwa (2012: 199) who states that archives and records management in most of SAC declined because of a failure by some States to review and update their ARML.

Preservation of archives is dependent on the development and implementation of ARML. The fundamental development of a country starts with the development and implementation of ARML. Most of the SAC has ARML in place to some degree. However, their ARML have not been revised even though they were inherited during the colonial period. This is asserted by Nsibirwa *et al.* (2014: 55) and Ngoepe (2014: 7) who said that lack of archival and revised legislations leads to loss of memory of the nation and create archival dispute. This is because some of archives and records management elements of ARML have excluded the preservation of the history of African people. Furthermore, other states do not function effectively despite the availability of ARML.

The foundation for South African archives and records management system to preserve records commenced in 1876 in the Cape Colony under the British Colonial Administration. South Africa gained independence from British government authority in 1910. In 1910, the Union of South Africa government was established (Archival Platform, 2014). The Public Archives Act No. 9 of 1922 established the National Archives in South Africa (NARSSA). The Archives Act No. 6 of 1962 extended to public records. The Act was amended in 1964, 1969, 1969, 1977 and 1979 to ensure the protection of public records and was primarily

meant to make adequate provision for the archival records of the national, provisional and municipal administration. The National Party (NP) government came to power in 1948. NP came with the policies of an apartheid system which led to the passing of the legislation known as the Archives Act No. 22 of 1953. The act made a provision to separate the preservation of archives based on race.

Change has been experienced in South Africa, following transition from the apartheid system to the democratic form of government in 1994. Subsequently, in 1996, the National Archives and Records Services (NARSSA) Act 43 of 1996 came into place. Most of South Africa records management policies were established based on NARSSA Act. This is asserted by Keakopa's study (2007) who stated that South Africa has established the policies to guide the management of records based on the NARSSA Act Keakopa, 2007. NARSS Act issued guidelines to assist government bodies to manage their records to improve transparency and accountability. According to Muchaonyerwa and Khayundi, 2(014: 43) all South African governmental bodies are required by NARSSA act to provide for proper management of records in all formats and to give effect to the regulatory instrument namely NARSSA Act, The Public Finance Management Act (No. 1 of 1999), The Promotion of Access to Information Act (No. 2 of 2000), The Promotion of Administrative Justice Act (N0. 3 of 2000), The Electronic Communications and Transactions Act (No. 25 of 2002) and Municipal Finance Management Act (No. 56 of 2003). According to MacNeil and Eastwood (2017: 254), NARSSA act N0.43 of 1996 was revised in 2005 to include preservation of private archives.

Namibia is one of the SAC that experienced a challenge of ARML in terms of definition and role of Namibia National Archives (NNA). Namibia was formerly known as South West Africa and was under German administration from 1883 until 1915 when it was occupied by South Africa. The NNA was established in 1939. The National Archives was known as the Archives Depot of the Territory. Because Namibia was a colony of South Africa, even their archives were under the administration of the South African Director of Archives. The NNA dealt with collection, preservation and organisation use of historical materials. The duty of the NNA was to collect historical materials of state authorities after their retention period in offices had ended and to preserve them. In a nutshell, Namibia gained independence in 1990. Archives legislation of Namibia was enacted in 1992 (Nengomasha and Nyanga, 2015: 89).

Mozambique was a colonial government of Portugal. In 1938, the Portuguese colonial government investigated the organisation of administrative services including books systems for records registration. Mozambique gained independence in 1975. After the end of colonial rule in Mozambique, the first legislation on Mozambique's national archival and records systems was launched on 1992 through Act No.33/92. The implementation of the Mozambican National Archives and Records Management Act was a challenge because of lack of clarity on the definition of records and role of its National Archives. Despite the availability of archival legislation guiding the management of records in Mozambique, archivists and records managers are struggling to comply with the models of legislation (Ngoepe and Saurombe, 2016).

Botswana became independent in 1966 from the British Colonial rule. The 1965 Botswana constitution led to the first general elections and to independence on 30 September 1966. Botswana National Archives (BNA) was established in 1967. In 1978, Archives legislation was formally passed by the Republic of Botswana. According to Ramokate and Moatlhodi (2009) National Archives was viewed as a societal memory which had to play a meaningful role for the preservation of history of Batswana. The BNA is responsible for the management of public records. The BNA also preserves colonial records. Like any National

Archives in SAC, BNA experiences a challenge of unappraised records which create a challenge of lack of space for the preservation of archival records.

After the independence of the above SAC, they were not well prepared to govern. This was caused by the failure of the colonial power to enact strong and credible ARML in their colonies (Asogwa, 2012: 199). This led to the newly established independent SAC to be dependent to the colonial master for the establishment of ARML

After independence, SAC experienced challenges of disputes about the colonial archives (Shepard, 2015: 876). Colonial archives in this study refer to records created during the colonial period in Africa by European countries. According to Ngoepe and Netshakhuma (2018) most disputes relate to archives seised within a colony. The repatriation of archives was associated with a variety of legal, political, ethical and professional disputes. The colonial power in Africa i.e. Britain, France and Portugal transferred records during the colonial period to their countries. After colonialism, a series of archives were removed from colonial states and relocated to a colonial power e.g. Britain, France and Portugal. Colonial powers wanted to inherit archives from the colonial state. Furthermore, colonial powers were not willing to transfer colonial archives to new African Administration states (Williams and Banton, 2014: 43). This led to the conflict between newly formed African states and former colonial powers.

## Why archives and records management legislation?

ARML plays a role on the management of government records as it provides the legal framework under which the National Archives operate (Mnjama, 2005: 464). ARM is the fundamental instrument of accountability of the state. The government is accountable to preserve the societal memory as required by the law.

The establishment and development of National Archives acts in SAC was driven by beliefs, principles and ideals that ARML will contribute to transparency and accountable government. According to MacNeil and Eastwood (2017: 250) archives and records management programmes play a meaningful role in providing accountability, transparency and good governance. Accountability is a component of good governance. Brazys and Kumah (2016: 289) alluded that there is a link between reviewed legislation and accountability. This is because records provide evidence that supports the investigatory phase of the accountability process. Without reliable recordkeeping activities, accountability could not be proven. ARML is a management tool for the African government to ensure the management, preservation and access of a country's national documentary heritage (Okeahalam, 2004).

Governments are expected to be transparent and honest when they engage with their citizens. Up to date ARML are important to promote citizen's trust and commitment to good government. Each and every sovereignty state is governed by legislation. Archives Institutions play a role in the restoration of state, sovereign, democratic and social rights. Archives preservation explains the development of national sovereignty (Shepard, 2015: 870). It is impossible to be accountable to government without proper management of archives and records management. Sovereignty, rights of citizens, is managed in terms of ARML. This means that accountability and transparency of government is dependent on how the public can access information.

There is a link between National Archives and national development. According to Guilder (2016), National Archives contribute to government's programme of action in relation to nation building and social cohesion by ensuring that archives and records are accessible to various users. The freedom of access to information is recognised as a fundamental aspect of the goals for accountability, transparency and openness

(Thurston, 2015:706). Access to information is important to good governance administration. Access to information is also a key variable for accomplishing the objectives of good governance. This is because there is fairness and public responsibility if citizens can access reliable information. According to Khan and Akhter (2017: 151), SAC have recognised the right to information as a basic human right.

ARML support human rights (Guilder, 2016). This means that government is able to support the rights of citizens and to improve the citizen-pubic interaction. This implies that rights and entitlements of citizens are protected through archives and records management. The government can enhance human rights through development and implementation of policies, standards and practices as guided by ARML.

ARML were formulated to enhance the preservation of archival material. According to Mnjama (2005: 463) development of preservation facilities has been disturbed by lack of facilities and a lack of trained staff. ARM provides a framework of management and maintenance of archives and records (Choy, 2006: 11).

Africa experienced land redistribution caused by the colonialism and the apartheid system in South Africa. According to Guilder (2016), land reform and land restitution were the major issues implemented by government in Africa. Effective records management system is a key to understanding the distribution of land in Africa.

## Literature review

The literature was reviewed according to the elements of the ARML, the definition of archives, the role of legislations on National Archives, with the aim of identifying the gaps and challenges.

### Definition of terms

The review of literature showed that most of SAC failed to define electronic records in their existing legislations. According to Dearstyne (2002:32) if electronic records are not fully defined this poses a challenge to the management of electronic records. The issue of defining records is complex because of the introduction of technology and digital platforms Yusuf and Chell (2005: 32). This is alluded to by Marutha (2018: 3) who said that most African countries' scope of ARML covers only basic models of paper together with the most basic records archiving and the archival responsibilities of the institution. The most basic elements of electronic records management were not covered. The electronic records definition needs to consider aspects of medium, content, form, persons, archival bonds and transmissions (Yusuf and Chell, 2005: 116).

### Role of national archives

According to Garaba (2007, P. 61), ARML is to define the roles of National Archives and various governmental departments for appraisal and destruction of records. Appraisal of records is the process of determining value for records which in turn determines what records are to be retained and what records are to be disposed of Yusuf and Chell (2005: 92). The SAC National Archives are due to adjust their ARML to ensure that there is systematic disposal of records. The disposal of records is a process of destroying ephemeral records and selecting records with an archival value (Yusuf and Chell, 2005: 92)

The ARML is to make a provision for the public to access archives. The review of literature showed that most of National Archives in SAC restrict its citizen access to information. On a positive note, in South Africa, NARSSA Act was reviewed in 2001 to include ERM (MacNeil and Eastwood, 2017: 255).

The ARML is to determine what records should be preserved by their National Archives. Baker *et al.* (2016: 21) alluded to the fact that the role of ARML is the archival collection preservation. Preservation leads organisations to retain records with historical, cultural and scientific significance. The determination of value of records can be achieved through the process of appraisal and the development of retention schedules. According to Garaba (2007: 59), archival appraisal remains a challenge in Africa. This is because most of SAC did not embark on a process to appraise records as a result of lack of appraisal skills and knowledge. The retention schedule determines the value of records in relation to operational, regulatory and legal requirements to define retention periods for records under each of the categories of requirements and determining a maximum retention Period (Yusuf and Chell, 2005: 79).

National value archives are to be preserved in the National Archives repositories. Archives repositories play a role in safeguarding national archival resources as national properties, societal memories and public assets and providing the public with knowledge based archives services. (An, Bai, Deng, Sun, Zhong, Dong, 2017: 20). However, the review of literature found that there was less archiving of the history of Africa. The researcher assumed that when Britain and Portugal colonised SAC, they never took initiatives to document the history of local people. This is because of the limited archival collection of local history in the archives.

As a result, archives were regarded as the most important past, memory and information play an important in the culture and society of African (Oliver and Konsa, 2012: 99).

What is covered by ARML and what is acquired and preserved are public archives. ARML were to be utilised as indicators to determine role played by national archival institutions in the management of public archives and records management (Ngulube and Tafor, 2006: 61). It is the role of National Archives to preserve public and non- public records in their repositories. This means that ARML is to stipulate preservation of private records with historical and cultural significance. According to Garaba (2012: 139), ARML that govern National Archives of SAC are inadequate on the management of private records of national importance.

ARML is not being enforced in most of the SAC (Abbot, 2007: 7). Enforcement of legislations requires standardisation of archives and records management programme. Effective ARML provide basis for the development of standardization of archives and records management which is lacking in most of SAC. This is acknowledged by Ngulube and Tafor (2006) who said that archives and records management processes of National Archives in Southern Africa were neither governed by standards nor guided by a professional code of ethics. Standardisation of records management practices can be realised in the SAC if ARML is enacted. The review of literature showed lack of maintaining records management standards. The absence of standards and guidelines for the management of records in SAC has been reported (Nemgomasha, 2009; Ngulube and Tafor, 2006; Mnjama, 2005 and Ngulube and Tafor, 2006).

### Review of archives and records management legislation
The legislative framework in most of the SAC has not been updated. According to Marutha (2018:3), legislative prescripts need to be updated and improved on a regular basis. This is also alluded to by Ngulube and Tafor, 2006: 63) Khumala and Baloyi (2017: 6) who said that most of ARML in Southern Africa are outdated. For example, the National Archives of Zambia Act of 1969 and the National Archives of Malawi Act were not yet updated since the end of British colonial rule. As a result of being out of date, most of these legislations are not linked to present archives and records management programmes.

The review of literature also showed that SAC have legislative framework in place that may be used for management of records (Marutha, 2018: 2). However, the challenges lie in the implementation delivery to ensure that records are managed. The existing ARML in SAC does not address archives and records management issues comprehensively (Asogwa, 2012).

## Methodological/Approaches issues

Following an extensive literature review, a qualitative research method in the form of case study was adopted to explore the issue of archival legislation in Southern Africa. Potential interview participants were identified. Initially, it was envisaged that ten interviews would be conducted with the National Archivists of selected Southern Africa countries.

Unstructured interviewing was the main data collection method. Interview was conducted with the representative of National Archivist of Botswana, who is now working at the University of Botswana and representative from the NARSSA, Archivist from Namibia and Mozambique during the South Africa Society of Archivists conference held in East London, South Africa on 03 to 05 July 2018. The participants were selected and interviewed because they were aware of trends and developments of ARML in their countries. They were also responsible for the management of the archives repositories in their home countries. They all have background information on the legislations governing ARML.

An interview guide was developed before conducting the interviews to ensure that relevant themes of the research would be covered. Interviews questions centred on the following; asking the participants the aspects covered on the definition, usage of archives in their archives repositories, challenges experience by their National Archives, preservation of archives, access to archives materials and the role of archives in the development of state.

## Data analysis

Data were analysed according to the objectives of the research in terms of assessing the role of ARML to promote accountability and transparency. Analysis was also based on the definition of electronic terms, role of National Archives and review of the National Archives of South Africa, Namibia, Mozambique and Botswana legislations.

## Definition of archival and records terms

The participants for the interviews were asked as to whether their ARML define electronic records clearly. Participants from the National Archives of Namibia, Mozambique and Botswana acknowledged that their National Archives legislations never define electronic records and other aspects like public records in a clear manner. This means that there is ambiguity when the law makers try to define the electronic records. The participants from the NARSSA stated that the definition of electronic records is well defined to include all formats of records preserved in the archives. Both participants agreed that definition of electronic records is to be included in the preparation of policy of every organisation.

## The role of national archives

The participants were asked if their national ARML provides the role of archives with regard to appraisal, disposal, preservation, access of records and implementation of the National Archives and records services.

The participants from NARSSA, Botswana stated that their ARML make a provision for a proper programme to implement appraisal and disposal of records. This means that

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records were regularly appraised and disposed on a regular basis to identify records with historical and archival value.

The participants from Namibia and Botswana said that although their ARML make a provision for access to public records, access to information is always denied to member of public. The participants from South Africa stated the Promotion of Access to Information Act No. 2 of 2000, NARSSA Act make provision for the public to access information.

Participants stated that ARML were not enforced within public institutions because of lack of capacity in their National Archives. Lack of enforcement of the legislation led to the lack of compliance with the legislation which compromises the value of records.

The participants from NARSSA stated that their National Archives adopted various standards to manage records of different kind. These standards include International Organisation Standards (ISO) 15489. Other participants from other National Archives acknowledged the importance of standards but such standards were not effectively implemented in their National Archives.

Some participants indicated that archives management and administration was very new to the African states after colonialism. During the first year of independence in SAC, National Archives was prepared to seek the social and economic roots for history and to preserve African history.

### Review of the archives and records management legislation
The review of the SAC ARML showed that most of their legislations were not reviewed Ngoepe and Keakopa (2011). Even the legislation which was reviewed, such as the Botswana National Archives and Records Service Act (Act 3, 1978)., still had no clarity about the definition of electronic records.

Table I shows the name of the countries, name of the legislature and date of which the act was reviewed.

### Findings
The findings were organised around the research objective under the following section:

- Analysis of the currently Southern Africa ARML to identify the gaps and challenges.

### Definition of terms
The researcher found that on the selected countries, only the NARSSA Act defines concepts of management of ERM. NARSSA act made provision regarding management of ERM in their environment. In 2000, NARSSA developed a comprehensive guide to the management of electronic records in government bodies. While other countries archive legislations did

| Selected Southern Africa countries | Legislation and date of enactment | Date for the review |
|---|---|---|
| South Africa | NARSSA Act (No.43 of 1996) | 2001 |
| Namibia | The Archives Act of 1992 | Not yet reviewed |
| Mozambique | Mozambican National Archives and Records Management Act | Not yet reviewed |
| Botswana | Botswana National Archives and Records Service Act (Act 37, 1978) | 2007 |

**Table I.**

not address aspects of the definition of electronic records. This statement is alluded to by Khumala and Baloyi (2017: 6) who said that most of the ARML of Southern Africa did not address the issue relating to electronic records management. Most of the National Archives has no proper, written and clear policy on electronic records Management.

The incorporation of ERM system requires NARSSA to collaborate with the Sate Information Technology Agency (SITA) in a proposed project to formulate SITA in a proposed standard for records management in governmental bodies in a proposed project to formulate standards for records management in governmental bodies in the electronic environment. The standards address the issue of definitions, metadata, migration strategy, retention and disposal, filing systems, long-term preservation format, storage standards, vital records, security and encryption. However, the NARSSA lacks the expertise to manage electronic records management system

The challenges of the SAC have been concerned with adopting the new technologies without clear strategy for managing the information created with them. The introduction of Information Communication technology in Africa posed a challenge to an archival institution in Africa. Most of the National Archives legislations in Africa were formulated without consideration of ERM systems. The failure of archival legislation to tackle the issues associated with ERM was a concern in Southern Africa (Mnjama, 2005: 465). According to Brendan (2013: 796), African countries did not consider the aspects of information technology competence, system design competence, legal and organisational competence when introducing records management.

### The role of national archives

The study found that most of the Southern Africa ARML is outdated. The regulatory framework dealing with the management of archives are outdated. The amendments of outdate ARML which have been cited as reasons for lack of implementation of records management programme.

Most of archival materials preserved in National Archives are not accessible to the public. This has happened despite the establishment of ARML to provide access to society (An, Bai, Deng, Sun, Zhong, Dong, 2017: 26). A few archival institutions, namely, the National Archives of South Africa, Botswana and Botswana, have provided online access to the archives resources that they manage. However, this is only limited to a few archival repositories. Most of the Southern Africa countries do not have policies for open access to archives resources. Furthermore, there is lack of standards for sharing archival collections in African countries. According to Nengomasha and Nyanga (2015), Namibia has not enacted Freedom of information or data protection laws yet.

There are few SAC who enact Access to Information Act. The Protection of Information Act of 1982 from Namibia forbids disclosure of state secrets and information implicating national security. South Africa passed the Promotion of Access to Information Act in 2000. In other countries, e.g. Botswana. according to Khan and Akhter (2017: 156).

The finding also revealed lack of awareness on the value of ARML. This means that archives had been neglected through poor funding. According to Ngoepe and Saurombe (2016), lack of implementation is partially because of the fact that most archival legislation in SAC is not budgeted. There is less scope for allocating resources, services or archives facilities based on political considerations when programmes are administered (Hugue, 2013: 398). Most of the budget allocated for archival programme was used for war purposes. A pattern of inadequate archives management systems has been found common among African countries (Yusuf and Chell, 2005: 133).

Amended legislations will empower archival institutions to carry out their mandate of managing records throughout their lifecycle. National Archives can implement records management systems which would ensure the physical and intellectual controls of records for retrieval, transfer and general management purposes

There was proven poor archives management for both government and citizens and affect a government ability to manage resources effectively and to comply with international conventions (Thrson and Cain, 1996). The development of human resources is the strategy to improve performance (Yusuf and Chell, 2005: 134). Most of the African archivists had no access to adequate and qualitative local and international training.

No digitisation programme had been put in all National Archives in SAC which attempted to implement digitisation programme experience challenges of shortage of skills and lack of collaboration. Studies conducted about Zimbabwe National Archives by Sigauke and Chabikwa (2012) found that the National Archives digitisation project experience a challenge of preserving the authenticity and integrity of electronic records, some digital materials were lost, inaccessible because of the original software being outdated or incompatible with modern operating systems. There was no donation from national and international organisations. There were also challenges of technological obsolescence when they implement ERM system. This demonstrates that there was a lack of proper planning on development and implementation of digital programmes in the National Archives of Zimbabwe. According to Mnjama (2005: 463), digitisation project in Africa failed because most governments adopts ICTs strategy without consulting the National Archives on how best to develop and implement ERM systems.

On a positive note, most of National Archives in Africa adopted ERM system to market their collection (Mnjama, 2005: 463). Archives which adopted ERMS include BNA, NNA, Mozambique National Archives, South Africa National Archives and others.

Despite that most of SAC has archives legislation in place, they have no policies on handling archival materials. This was caused by a low priority and the supporting legislation in archives and records management. This challenge contributes to lack of infrastructure, i.e. archival buildings. According to Mnjama (2005: 465), inadequate records storage facilities is one of the challenges which hinder development of archive in Africa.

Most of archival material preserved in the Southern Africa National Archives states is not accessible by researchers. This statement is acknowledged by Ngoepe and Ngulube (2011), Mneni Saurombe and Mosweu (2013), Ngulube and Tafor (2006) who said that access to archival materials in Africa is a major challenge. The inaccessibility of the archival materials is also influence by lack of arranged and described archives to enhance accessibility to archival materials.

Archives and Records Management profession in SAC is a scarce skill. According to Yusuf and Chell (2005:135), the development of human resources is the strategy to improve performance of organisations. National Archives in SAC faced challenges to retain national archivist because of the low salary and low benefits. Hence, the private sector lured them at higher salary. According to Mnjama (2005:464), trained staff resigned from national archival institutions to take up private sector positions where they were well paid. The resignation of senior archivists' impact on the unappraised records within organisations (Ramokate and Moatlhodi, (2009). A higher level of professionalism and expertise and administrative and managerial skills is necessary to strong archival organisation.

Most of the National Archives in SAC have no control over the management of private archives held by private institutions. Private institutions have a tendency to preserve their own collection e.g. church archives and political organisation archives like the African

National Congress (ANC) Archives. Mnjama (2005: 468) said that there is lack of awareness to preserve both private and public archives in Southern Africa.

It is the responsibility of National Archives to preserve any records created by organisations. This means that it is still the responsibility of National Archives to preserve records like audio visual material. The review of literature found that most of the audio visual materials in SAC were neglected. Lack of management of audio visual materials may be influence by lack of skilled professional archivist to manage archives. According to Mnjama (2005: 46), National Archives have done little to develop their audio-visual archiving programmes. Namibia has collections of audio visuals. However, these collections are poorly managed. In South Africa, audio visual division which is tasked to collect all audio visual materials about South Africa are still preserved.

### Review of the archives and records management legislation
The researcher found that most of South African legislations were not revised. This posed a challenge on because of the excluded archives from the national system. This includes liberation archives which occurred mostly in SAC Jonker (2009) indicating that archival legislation which focuses on public records cannot ignore the importance of private records to underpin the fabric of society's archival memory. Most of the former liberation archives in the SAC were not incorporated into the National Archives because of a lack of provision in the ARML to preserve private collection. This is alluded to by Garaba (2014: 30) who indicated that National Archives do not have records of former liberation movements in its custody. The liberation movements included ANC of South Africa, Pan Africanist Congress of Azania (PAC) of South Africa, ZANU PF of Zimbabwe, The Liberation Front of Mozambique (FRELIM0), Popular Movement for the Liberation of Angola (MPLA), South West African People's Organization (SWAPO), Zimbabwe African National Union Patriotic Front (ZANU PF), and the Zimbabwe People Revolutionary Army (ZIPRA). Records created by the above mentioned liberation movements represent an important history of their countries which deserve to be included in their ARML. Records created by the liberation movements are unique and there is a need to document the history. Only NARSSA Act of South Africa made provision in their legislation to preserve private collection which includes liberation archives.

### Recommendation
- National Archives should be established within the main stream of public administration under a minister.
- There should be periodic reviews of ARML as a results of the emergence of ICT
- ARML is to direct National Archives to develop, approve and review advisory and mandatory standards and regulations for adequate and accurate recordkeeping in organisations and audit their records management.
- ARML to enforce organisations to transfer public and private archival records of public interest to the National Archives repository.
- ARML is to be considered as a cornerstone of democratic governance, accountability and the promotion of human rights.
- ARML to identify the responsibility of the National Archives for the acquisition and care of liberation archives that warrant permanent preservation in the National Archives of SAC.

- There is a need for the allocation of resources to archives and records management programme to enhance implementation of ARML
- National Archives of SAC to collaborate and partner with former liberation movements to incorporate liberation archives into the national systems.
- SAC to embark on oral history project to close gap of undocumented history of previously disadvantages African caused by colonial powers.

## Conclusion

In conclusion, it can be stated that ARML elements define the terms, role of archives and review of legislation were taken into consideration by Southern Africa countries. Further empowerment and review of the ARML is required to meet the demands of current records and archives management situation of digital management to enhance accountability and transparency. Based on the finding of the study, there is a need for a state to allocate resources (funding, human resources and technology) to amend ARML to enhance, appraisal, disposal and access training.

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