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University of the Witwatersrand

Faculty of Commerce Law and Management

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The role of the National Archives and Records Service of South Africa in human rights promotion and protection

by

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A research report submitted to the Faculty of Commerce, Law and Management, University of the Witwatersrand, in fulfilment of the requirements for the degree of Master of Management by Dissertation.

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ABSTRACT

The archival landscape in South Africa is undergoing transformation necessitated by the democratic system prevailing in the country. In light of this, many institutions are positioning themselves to contribute more extensively to the human rights movement. NARS is one such institution that has been assimilated into the democratisation of the country and is instrumental in human rights promotion and protection equipped with the indispensable value of archival materials. However, despite the weight attached to NARS as an important player in the human rights landscape the institution experiences a number of challenges which include absence of a dedicated budget for records and archives operations, low awareness of its role in fostering indigenous people's rights, space constraints, political influence and resistance by citizens to participate in oral history programmes. These challenges result in the impairment of accountability mechanisms, proliferation of corruption and fraud, miscarriage of justice and misrepresentation of corporate and national memory.

The research was premised on the assumption that there are inconsistencies in the core archival functions of acquisition, appraisal and access provision. The research was conducted within a qualitative paradigm, utilising a case study research design. The study contends that because NARS is accorded minimal attention by the government its operations have been crippled to the extent that it has been relegated to the periphery and its contribution to the human rights movement has been reduced.

DECLARATION

I declare that this dissertation is my own, unaided work. It is submitted in fulfilment of the requirements of the degree of Master of Management by Research and Dissertation at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other university.

……

Bernard T Mhlanga

March 2014

DEDICATION

This dissertation is dedicated to my family and many friends.
A special feeling of gratitude goes to my loving parents, Thomas and Salome Mhlanga, for their unwavering support throughout the duration of my studies.

ACKNOWLEDGEMENTS

To my family for the inspiration, support and encouragement throughout the duration of my studies, special mention goes to my brother, Tomuda, and his wife, for staying with me and giving necessary support.

My sincere appreciation goes to my supervisor Dr H. Zandamela for his countless hours of reflecting and encouraging and most of all for his patience throughout the entire process.

I would also like to thank NARS for granting me permission to carry out the research, and the individual respondents for participating in the interview process.

LIST OF ABBREVIATIONS

ANC	African National Congress
DAC	Department of Arts and Culture
ICA	International Council on Archives
NAC	National Archives of Cambodia
NARS	National Archives and Records Service of South Africa
PAIA	Promotion of Access to Information Act
TRC	Truth and Reconciliation Commission
UNHR	Universal Declaration of Human Rights

TABLE OF CONTENTS

ABSTRACT ..... **I**

DECLARATION ..... **II**

DEDICATION ..... **III**

ACKNOWLEDGEMENTS ..... **IV**

LIST OF ABBREVIATIONS ..... **V**

TABLE OF CONTENTS ..... **VI**

LIST OF TABLES ..... **IX**

LIST OF FIGURES ..... **IX**

CHAPTER ONE **1**

INTRODUCTION **1**

1.1 BACKGROUND TO THE STUDY 1
1.2 RECORDS AND ARCHIVES MANAGEMENT IN SOUTH AFRICA 5
1.3 STATUTORY AND REGULATORY FRAMEWORK 6
1.3.1 The NARS Act (No. 43 of 1996) *6*
1.3.2 The Promotion of Access to Information (PAIA) Act (No. 2 of 2000) *7*
1.3.3 The Protected Disclosure Act *7*
1.3.4 Promotion of Administrative Justice Act (No. 3 of 2000) *7*
1.3.5 National Archives and Records Services of South Africa regulations (R158 of 2002) ... *8*
1.3.6 The Universal Declaration of Human Rights *8*
1.4 RESEARCH PROBLEM 9
1.4.1 Problem statement *9*
1.4.2 Research purpose *10*
1.4.3 Research question *10*
1.4.4 Sub-questions *10*
1.5 RESEARCH REPORT OUTLINE 11
1.6 SUMMARY 12

CHAPTER TWO **13**

LITERATURE REVIEW **13**

2.1 INTRODUCTION 13
2.2 DEFINITION OF ARCHIVES 13
2.3 HISTORICAL OVERVIEW OF INTERCONNECTEDNESS BETWEEN ARCHIVES AND HUMAN RIGHTS PROMOTION AND PROTECTION 14
2.3.1 The Cambodian experience *15*
2.3.2 The Armenian genocide *15*
2.3.3 The Rwandan genocide *16*
2.4 THE SOUTH AFRICAN EXPERIENCE: POST-APARTHEID 17
2.5 BRIDGING PROPERTY INEQUALITIES: THE RIGHT TO OWN PROPERTY 18
2.5.1 Chilean experience *19*
2.5.2 Sierra Leone experience *19*
2.6 MEMORIALISATION 20
2.7 ROLE OF ARCHIVES IN HUMAN RIGHTS PROMOTION AND PROTECTION 22
2.7.1 Archives and accountability in fostering equality *22*

2.7.2 Archives and identity construction *24*
2.7.3 Archives and legal redress *25*
2.7.4 Archives in exposing corruption and fraud *26*
2.8 THE GOAL OF ARCHIVAL APPRAISAL IN HUMAN RIGHTS PROMOTION AND PROTECTION 27
2.9 ACQUISITION STRATEGIES IN ARCHIVES 29
2.10 ACCESS ISSUES IN ARCHIVES 30
2.11 FACTORS THAT AFFECT THE ROLE OF ARCHIVES 32
2.11.1 Politics *33*
2.11.2 Power relations *34*
2.11.3 Structuring of Archives *35*
2.11.4 Legislation *36*
2.12 THEORETICAL FRAMEWORK OF THE STUDY 37
2.12.1 Archival science *37*
2.12.2 Linkage of the theoretical framework to the study *41*
2.13 CONCEPTUAL FRAMEWORK 42
2.13.1 The equality concept *44*
2.14 FEATURES OF EQUALITY IN AN IDEAL DEMOCRACY 45
2.14.1 Effective participation *45*
2.14.2 Enlightened understanding *45*
2.15. KEY DIMENSIONS IN EQUALITY 46
2.15.1 Resources *46*
2.15.2 Power *46*
2.16 DIMENSIONS OF EQUALITY PREVALENT IN THE TRANSFORMATIONAL DISCOURSE 47
2.16.1 Equality of opportunity *47*
2.16.2 Equality of outcome *48*
2.17 IMPORTANCE OF EQUALITY IN ARCHIVES: THE HUMAN RIGHTS PERSPECTIVE 49
2.18 SUMMARY 50

CHAPTER THREE 52

RESEARCH METHODOLOGY 52

3.1 INTRODUCTION 52
3.2 RESEARCH PARADIGM: INTERPRETIVISM 52
3.3 RESEARCH APPROACH: QUALITATIVE RESEARCH 53
3.4 MATCH BETWEEN PROBLEM AND APPROACH 54
3.5 STRENGTHS AND WEAKNESSES OF QUALITATIVE RESEARCH 55
3.6 RESEARCH DESIGN 56
3.6.1 Case Study *56*
3.7 DATA COLLECTION METHODS 58
3.7.1 Interviews *58*
3.7.2 Sampling *58*
3.8 DATA ANALYSIS 60
3.8.1 Data analysis approach *61*
3.9 VALIDITY AND RELIABILTY 61
3.9.1 Credibility or internal validity *62*
3.9.2 Transferability or external validity *62*
3.9.3 Dependability or reliability *62*
3.9.4 Confirmability or objectivity *63*

3.10 ETHICAL CONSIDERATIONS 63
3.10.1 Informed consent *63*
3.10.2 Confidentiality *64*
3.10.3 Consequences of interviews *64*
3.11 LIMITATIONS OF THE STUDY 64
3.12. SIGNIFICANCE OF THE STUDY 64
3.13. SUMMARY 65

CHAPTER FOUR 66

DATA PRESENTATION AND ANALYSIS 66

4.1 INTRODUCTION 66
4.1.2Categorisation of respondents *67*
4.2 ANALYSIS STRATEGY 67
4.3 ROLE OF ACQUISITION, APPRAISAL AND ACCESS PROVISION IN PROMOTION AND PROTECTION OF HUMAN RIGHTS 68
4.3.1 Archives as pillars of accountability *68*
4.3.2 Archives for land restitution *71*
4.3.3 Archives for legal redress *73*
4.3.4 Archives for diversity *75*
4.4 CHALLENGES TO ARCHIVISTS IN ACQUISITION, APPRAISAL AND ACCESS 77
4.4.1 Inadequate support from the government *77*
4.4.2 Low awareness of role of archives in promoting rights of indigenous people *80*
4.4.3 Reluctance and resistance to participate in oral history programmes *82*
4.4.4 Space constraints *83*
4.4.5 Political influence *85*
4.5 INCONSISTENCIES IN ACQUISITION, APPRAISAL AND ACCESS AND IMPLICATIONS FOR HUMAN RIGHTS 86
4.5.1 Impairment of accountability mechanisms *87*
4.5.2 Proliferation of corruption and fraud *89*
4.5.3 Miscarriage of justice *91*
4.5.4 Misrepresentation of corporate and national memory *93*
4.6 SUMMARY 95

CHAPTER FIVE 97

CONCLUSIONS AND RECOMMENDATIONS 97

5.1 INTRODUCTION 97
5.2 GENERAL CONCLUSIONS 99
5.2.1 Lack of adequate government support *99*
5.2.2 Low awareness on the role of NARS in fostering indigenous people's rights *100*
5.2.3 Resistance by citizens to participate in oral history programmes *101*
5.2.4 The political influence in archival practice *102*
5.3 ANSWERS TO RESEARCH QUESTIONS 103
5.4 SUMMARY 105
5.5 RECOMMENDATIONS 107
5.6 AREAS FOR FUTURE RESEARCH 109

REFERENCES 111

APPENDICES 122

LIST OF TABLES

Table 1: Interviews with stakeholders 60
Table 2: Breakdown of participants 67

LIST OF FIGURES

Figure 1: The records continuum model 40
Figure 2: Human rights and related concepts 43

CHAPTER ONE

INTRODUCTION

1.1 BACKGROUND TO THE STUDY

Archival institutions play a crucial role in housing the archives of a nation, which in turn form the bedrock of the documentary heritage, social memory and national identity. Schaffer (2009:11) asserts that government archives are the foundation of public accountability, recording the actions of the state, while documenting citizens' rights and duties. The archival terrain in South Africa has long been dominated by apartheid tradition and the significance of archives in that era highlights the power that archives possess. Archives thus have a two-fold power: that is, being evidence of oppression and containing evidence required to gain freedom (Quintanna, 1998; Ketelaar, 2002).

The importance of archives is not only that they throw light on the recent past, but that they have an administrative use in the exercise of individual rights which democracy normally allows; amnesty for those who expressed beliefs contrary to those generally accepted; and indemnity for oppressors and their families (Quintana, 2009:21). To highlight the weight attached to archives, Harris (2002:64) points out that, "in South Africa between 1990 and 1994 huge volumes of public records were destroyed in an attempt to keep the state's darkest secrets hidden". The underlying factor is that those records that were shredded contained evidence of human rights violations and were sanctioned for destruction.

From the foregoing, it can be said that archival institutions play a central role in addressing human rights issues and as such, the role of these archival institutions has been transformed in the wake of growing calls for embracing

equality in archiving and in so doing, promoting the protection of human rights. The National Archives and Records Services of South Africa (NARS) is one such institution that has embraced the various archival practices that are inclined towards the notions of human rights promotion and protection. Archival appraisal and acquisition are the defining practices that are crucial for the development of an archival body and for providing access to the archival materials necessary to human rights protection. However, it is important to note that there are some challenges that archivists face in discharging their duties which impact negatively on the key goals of NARS in light of human rights concerns.

The period from the end of World War II in 1945 to the present has seen many treaties and charters being signed in relation to the need for the promotion and protection of human rights. Many institutions have positioned themselves to play their roles in the protection of human rights. It is against this backdrop that this research sought to investigate the role that archives play in the promotion and protection of human rights with the various mechanisms at their disposal such as acquisition, appraisal and access provision which are crucial for ensuring equality, an important dimension in human rights protection.

Roper (1999:5) defines archives as, “records usually but not necessarily non-current records of enduring value selected for permanent preservation”. Derrida (1996:5), on the other hand, sees the “archive” as the trace of process, of the event, inscribed on an external substrate. In his view the word incorporates and embraces inscriptions as diverse as tattoos, circumcisions, drawings, sculptures and the tracings in the human psychic apparatus. It should be noted that archives do not just occur as noted by Trouillot (1997), who observes that the “making of archives involves a number of selective operations: selection of producers, selection of evidence, selection of themes, selection of procedures – which means at

best the differential ranking, and at worst the exclusion of some producers, some evidence, some themes, some procedures".

The fundamental functions in the building of an archival body include acquisition, which is the process by which archives add to their collections, whether through transfer, collection or creation, depending on the policy framework. Appraisal is the other process involved in the shaping of archives, whereby archivists determine the value of archival materials that merit permanent preservation. Access is also of note because the ultimate goal of all archiving efforts is access. This is of great importance to the subject of study because there is need to access the archives to claim one's rights.

Archives are increasingly playing a crucial role in advocacy, curative justice, historical memory, and struggles against impunity (United Nations High Commissioner for Human Rights, in Teague, 2010). In support of the above view, Jimmerson (2005) is of the opinion that the availability of archives is essential to serve a society's need for the prevalence of justice, and the preservation of rights and values. Thurston (2004:14) concurs with Jimmerson, in that, "the availability of documentary evidence strengthens civil society by helping to protect legal rights and prevent human rights violations". She further asserts that, conversely, the loss of control of records undermines the state's ability to protect the people. Tutu (2008) observes that archives provide a protection against future atrocities possibly being committed.

Maiese (2004) defines human rights as the basic rights and freedoms to which all humans are considered entitled, including the right to life, liberty, freedom of thought and expression, and equal treatment before the law, amongst others. These rights represent entitlements of the individual or groups as well as responsibilities of the individual and the government authorities.

Government activities are documented in the archives and many of the documents that constitute archives are state records which in South Africa documented socio-political elites ignoring the minority and thereby depriving them of their right to be heard (Harris, 2002). Inasmuch as archives try to represent societal memory they are not comprehensive, since the processes of acquisition and appraisal address a small percentage of the total records that are included as archives. Notwithstanding, there is a lot of credence given to archives. Ketelaar (2006) articulates that the violation of human rights is documented in the archives and the citizen who defends himself/herself will appeal to the archives.

Human rights issues are very important for societies, yet many records on human rights are left on the shelves for decades. A proactive approach is required in relation to archives and the protection of human rights. Archives provide the documentation required to uphold individual people's rights by proving their identities, place of birth, ethnic identities and property rights. Such records are necessary as evidence to document the violation of rights in repressive regimes, and must be protected as a basis for possible future reconciliation (Albada, 2003).

The maintenance of comprehensive records and good archiving management practices are necessary if archives are to play any role in the protection of human rights. This is supported by Dzandu (2009) who notes that the ability of a government to protect and respect the rights and entitlements of its citizens is based on the quality of policies, standards and practices employed for the care of the relevant records.

It is against this background that this research has sought to investigate the role of archives in the promotion and protection of human rights with particular reference to the National Archives and Records Services of South Africa (NARS). This research has drawn on works of a similar nature which

examined the role of archives in fighting corruption; fostering democracy; and archival appraisal in democratic societies (Harris, 2002; Eastwood, 2002; Ngulube and Sichwale, 2009). In addition to the above-mentioned works, dissertations from Ngoepe (2008) focused on records management trends in South Africa; from Mat Isa (2009) focused on records management and the accountability of good governance; from Yuba (2013) a dissertation looked at the role of the NARS in the young democracy; and from Josias (2013) a dissertation about methodologies of engagement in locating archives in post-apartheid memory practices. It is important to state that this study offers a human rights perspective to archives management.

1.2 RECORDS AND ARCHIVES MANAGEMENT IN SOUTH AFRICA

The State Archives Services has its origin in the fledgling public archives facilities maintained by the pre-Union Cape, Natal, Orange River and Transvaal colonies. In the decade after the establishment of the Union in 1910, these facilities were fashioned into a National Archives Services positioned in the Department of Union Education, then the Education, Arts and Science Department, and finally to the National Education Department. From the outset its custodial mandate embraced the archives of all local government offices (Harris, 1996:7). Harris states that its functions *vis-à-vis* public records still in the custody of government offices, and its records management functions remained modest and purely advisory until 1953.

After the passing of the 1962 Archives Act, the service developed significant records management capacity sustained by wide-ranging regulatory powers. By 1990 the service had facilities in seven cities across the country including seven repositories and intermediate repositories (Harris, 1996:8).

Harris (1996:8) states that, “between 1990 and 1994, South Africa’s formal transition period, three main tributaries fed into the river of transformation discourse: The State Archives Services, the African National Congress

(ANC), and the South African Society of Archivists (SASA).” Harris goes on to state that the service was reinstated into the International Council on Archives (ICA) in 1991 and this signalled the end of apartheid archives dominance.

1.3 STATUTORY AND REGULATORY FRAMEWORK

There are various pieces of legislation used by the NARS in discharging its duties. For the purposes of this research five Acts will be discussed: National Archives and Records Services of South Africa (NARS) Act No. 43 of 1996, as amended; the National Archives and Records Services of South Africa Regulations (R 158 of 20 November 2002); the Promotion of Access to Information Act No. 3 of 2000; and the Protected Disclosures Act No. 26 of 2000 (Protection of whistle-blowers). The research focused on the role played by NARS in the promotion and protection of human rights. The above-mentioned pieces of legislation were significant to this study as they offered a human rights framework.

1.3.1 The NARS Act (No. 43 of 1996)

The NARS Act is the most important document at the institution as it outlines its mandate of fostering national identity and ensuring the protection of rights (NARS Act of 1996). The document is fundamental to this study largely because it was devised with the intention of ending the apartheid tradition which was subject to human rights violations. This research thus aims to examine the progress that has been made in rectifying these injustices.

1.3.2 The Promotion of Access to Information (PAIA) Act (No. 2 of 2000)

This legislation promotes transparency, accountability and effective government. It was devised to ensure that the post-apartheid state is held accountable to the people of South Africa (Curie and Klaaren, 2002:17). This Act is significant to this study in that it addresses a fundamental component of human rights whereby citizens have access to information that is necessary for them in order to hold the government accountable for its actions.

1.3.3 The Protected Disclosure Act

The overarching purpose of this Act is to make provision for procedures in terms of which employees in both the private and the public sectors may disclose information regarding unlawful or irregular conduct by their employers. This Act is important for archivists as they can disclose information pertaining to the inadvertent destruction of archives.

1.3.4 Promotion of Administrative Justice Act (No. 3 of 2000)

This Act ensures that administrative procedures are executed in a fair manner and affords citizens the opportunity to question administrative actions and have them reviewed by the courts (McQuoid-Mason, 2012). This legislation is important to the NARS as an organisation as it exposes it to public scrutiny and thereby compels the archivists and records managers to execute their duties while taking into account the notion of fairness.

1.3.5 National Archives and Records Services of South Africa regulations (R158 of 2002)

Section 9(b) of the regulations stipulates that a denial of access should be reported in writing as soon as possible to the National Archivist. This section is of importance to the users of the archives since it allows them unrestricted access to archives at NARS, and for the purposes of this research, access is a fundamental component of human rights protection. The above pieces of legislation are important for archivists when they go about various archival practices at their disposal.

1.3.6 The Universal Declaration of Human Rights

Another important declaration that informs this research is the Universal Declaration of Human Rights. This is regarded as a cornerstone document in the realm of human rights promotion and protection as it encompasses basic rights and fundamental freedoms to which all human beings are entitled (Lauren, 2011). The significance of this document is that it is universal, and with increasing calls for archival institutions to contribute to human rights protection it provides a framework for NARS archivists to take into account aspects of rights that enhance humanness, and provide access to archives on the basis of the freedoms that are encompassed in the Declaration. Article 19 in the Declaration of Human rights regulates access to information as a basic human right. Millar (2003:17) explains the weight attached to archives in relation to human rights protection, in that “access, appraisal and acquisition are the areas of archival practice where questions of long term accountability are clearest, and if records are preserved in archival custody but remain withheld from contemporary or historical scrutiny, how can any accountability be possible”. These sentiments imply that archival functions of appraisal and acquisition are important in ensuring

that their by-product, which is effectively the is able to satisfy the notion of equality.

1.4 RESEARCH PROBLEM

1.4.1 Problem statement

The transformational discourse in the realm of archives management challenges archival institutions to be active players in the shaping of the societal memory that is crucial in human rights protection. However, in spite of judicial requirements which prescribe the importance of archives, there is evidence that archival functions such as appraisal, acquisition and access are not being fully utilised, resulting in an archival body that is subject to irregularities that contribute to an inequitable documentary heritage (Harris, 2002; Mnjama, 2004; Duggan, 2012). The availability of documentary evidence strengthens civil society by helping to protect legal rights and prevent human rights violations (Barata, Cain and Thurston, 2002). It was thus necessary to establish whether the National Archives and Records Services of South Africa (NARS) is actively building the documentary heritage that is vital for human rights promotion and protection.

A number of studies have been done on records and archives management and their influence on democracy and accountability (Cook, 2001; Kemoni, Ngulube and Stillwell, 2007; Jimmerson, 2010; Harris, 2011). Some dissertations were also undertaken in the related field of archives management and accountability (Ngoepe, 2008; Mat Isa, 2009; Josias, 2013; Yuba, 2013) but the question of how archives are significant in human rights promotion and protection has been accorded minimal attention. The research covered the period from 1990 to date, because that is when the transformational discourse at NARS began to unfold.

1.4.2 Research purpose

The research sought to explore the role played by the National Archives and Records Service of South Africa in human rights promotion and protection. The study examined the challenges that archivists encounter when undertaking fundamental archival functions, namely acquisition, appraisal and access provision that contribute to the formation of a documentary heritage crucial for human rights promotion and protection while also promoting equality. In addition, this research provides recommendations which will be of benefit in the field of records and archives management with a focus on the areas of acquisition, appraisal and access.

1.4.3 Research question

The research question is, “What is the role of NARS in the promotion and protection of human rights?”

1.4.4 Sub-questions

The research question is broken down further into sub-questions as follows:

1. What role does acquisition, appraisal and access provision play in the promotion and protection of human rights?
2. What challenges do archivists face when undertaking acquisition and appraisal and providing access to archives?
3. Why are there inconsistencies in acquisition, appraisal and access provision of archives and what are the implications in the promotion and protection of human rights?

1.5 RESEARCH REPORT OUTLINE

Chapter one:

This is the introductory chapter that contains the topic and also involves the contextualisation of the study. An outline of the research problem, research questions and the purpose of the study is also provided. The various pieces of legislation are discussed under the statutory and regulatory framework and the historical development of records and archives management in South Africa is provided.

Chapter two:

This chapter provides a detailed review of literature that is pertinent to the study, listing all relevant studies that were consulted. The chapter describes how the literature was used to construct the theoretical and conceptual framework for the study.

Chapter three:

The focus of the chapter is on outlining the research methodology of the study, which was conducted within the qualitative research paradigm. The justification of the choice of methodology is provided. The data collection methods are discussed.

Chapter four:

The chapter focuses on the presentation and analysis of the data that was gathered. A discussion of the findings of the research unfolds in this chapter where the answers to the main questions are presented.

Chapter five:

This is the concluding chapter of the research. The conclusion is built upon the findings of the research. The chapter contains recommendations and

also a brief discussion of the areas that can be considered for future research.

1.6 SUMMARY

The research is explanatory in nature and sought to establish the reasons behind inconsistencies in acquisition, appraisal and access provision. The point of departure was to provide an understanding of the nexus between archives and human rights promotion and protection. The research problem that emerged was identified through challenges which included lack of a dedicated budget to NARS; political influence in the core archival practices; and low levels of awareness about the role of NARS in fostering indigenous people's rights. These were important since the overarching aim of the research was to establish the reasons behind the incoherent nature of core archival practices.

CHAPTER TWO

LITERATURE REVIEW

2.1 INTRODUCTION

This chapter will focus on the review of related literature. This research is rooted in archives with reference to archives processes, namely acquisition, appraisal and access, and the protection of human rights. In conducting the review a number of sources were used, including textbooks, journals and internet, for the provision of information. The chapter provides definitions of archives and elaborates on the various roles of archives in relation to human rights. Ngulube and Tafor (2010:5) note that literature review provides an, "opportunity to explore relevant research, establish the main methodologies and techniques that other researchers used and also identify the theories used to conceptualize the variables that are investigated by the study."

2.2 DEFINITION OF ARCHIVES

The understanding of the term archives is varied among scholars and archives managers and across society. Pickover (2009:45) is of the opinion that:

> *Archives and archiving are therefore not only social constructs but they are also contested sites of power, ideology and memory. As such, archives, as spaces, as records, as theory and as processes, are not impartial. There is no neutrality, no objectivity and no passivity, and interwoven with the meaning of archives and archivists are notions of power: power over identity, memory and evidence-seeking, where specific narratives are privileged and others marginalized and silenced.*

This brings in the various aspects of archives and their formulations, how they come to be, and their power. Jimmerson (2007:251-282) notes that, “archives are more than repositories of historical resources ─ they also protect the rights and benefits of all citizens, even the poorest and most needy.” In addition to protecting the rights and interests of all citizens, archives preserve vital aspects of cultural heritage.

Derrida (2002:5) sees archives as, “the trace of process, of the event, inscribed on an external substrate including varied inscriptions as tattoos, circumcisions, drawings, sculptures.” This expression of archives implies that archives should not be restricted to one form but that they come in various forms and have a support. Harris (2000:18) defines archives as “records preserved because of their value, institution responsible for the managing of such records and also the building or part of a building in which such records are preserved.” Harris captures in his definition the various dimensions of archives as they might be understood by different people. The working definition for this research is the one by Harris which embraces both the records and the institution, and this definition is more flexible. The archives with upper case ‘A’ will be used to denote the institution while the archives with a lower case ‘a’ will refer to the records that have been selected for permanent preservation.

2.3 HISTORICAL OVERVIEW OF INTERCONNECTEDNESS BETWEEN ARCHIVES AND HUMAN RIGHTS PROMOTION AND PROTECTION

To fully understand the significance of the relationship that exists between archives and human rights, both in their present context and their future implications, it is important to understand the historical foundation of archives in post-conflict societies. The following discussion looks into the most notable cases in the context of archives management, which are the Cambodian experience, the Armenian genocide and the Rwandan genocide.

2.3.1 The Cambodian experience

Zupan and Servaes (2007) point out that the experience from Cambodia, which endured decades of conflict, highlights that the demand for information does not diminish over time, despite political opposition to forthright examination of past conflicts. To emphasise the weight attached to archives, the National Archives of Cambodia (NAC) gathered thousands of documents from the 1970s period of the Khmer Rouge which are now the basis for a national genocide archive which has served as a significant source of evidence in various trials (Zupan and Servaes, 2007). Similarly, Caswell (2010) provides a compelling account of the significance of archival institutions in the human rights movement in Cambodia by highlighting that archives have to a greater extent surpassed the influence that tribunals and truth commissions have in relation to the Khmer Rouge. Archives in Cambodia are instrumental for they act as sites where victims of human rights abuse and their families perform memorialising acts (Caswell, 2010). Building on the foregoing, Mamo (2013:50) observes that "Cambodians should appeal to the archives and remember the criminal acts of the perpetrators of human rights as this memorialisation process is instrumental in providing immediacy to historical lessons." The use of archival materials in exacting accountability and tracing past miscarriages of justice in the form of gross human rights violations highlights the importance of archives in a society and as such calls for governments to invest in archival documentation.

2.3.2 The Armenian genocide

Dadrian (2003) explains that during the First World War (1914-1918), the Turkish Ottoman Empire carried out one of the largest genocides in history, whereby huge proportions of its minority population were decimated. The underlying fact in this incident is that the authorities responsible for these

mass killings have to date denied that they carried out this operation. In light of this, it is contested that the absence of documents in the form of archives has meant that the events of that time have not been substantiated and have thus been overlooked in history, gaining the title the “forgotten genocide”. Turkish authorities continue to deny that they were responsible for the massacre (Dadrian, 2003). The significance of archives in the Armenian genocide is evident from the efforts that were made by the oppressors to destroy the archives that contained evidence about this event. Gunter (2013) maintains that the systematic loss and the inadvertent destruction of documents by the Turkish illustrate the attempts to hide any available evidence and in so doing to protect the perpetrators of human rights violations, in this case the military. The implications of the destruction of these records have undoubtedly crippled the attempts to exact accountability and ensure that those responsible for the killings are brought to book and stand trials. However, despite the attempts to hide the evidence it is important to highlight that archives in Turkey and in the neighbouring countries have been consulted in an effort to deconstruct these events. Valigholizadeh, Zaki and Barani (2013) points out that due to international pressures to have the Armenian Genocide closely scrutinised, Turkey has taken steps to open avenues for the Turks and Armenians to have a better understanding of this genocide and reconcile by appealing to the archives. Of importance in this scenario is the fact that in countries where archives have been undermined the authorities that assume leadership in the aftermath of such politically motivated killings struggle to undertake national healing programmes as they would have been deprived of valuable evidence.

2.3.3 The Rwandan genocide

It is estimated that up to one million people were killed within a period of three months in Rwanda in 1994 (Uvin, 2001). By drawing on the archives the Rwandan government is pursuing its stated objective of national unity

and reconciliation. In seeking to contain the divisions of the past, the use of archives has seen the harnessing of collective identity in Rwanda (Uvin, 2001). Clark (2010:36) emphasises that "eradicating the culture of impunity, by punishing those responsible for serious crimes, is therefore seen as vital for restoring stability in post-conflict societies and for replacing a culture of violence with a culture of peace." In light of this, the role of archives becomes evident when, for instance, human rights activists makes use of archives to build a case against those responsible for human rights violations as this facilitates reconciliation. Piggott and McKemmish (2002) posit that archives are of crucial importance as they are involved in structures of remembering and forgetting, and play an key role in successful reconciliation. From the foregoing, it can be established that the availability of archives provides evidence that can be used to protect human rights and also be utilised in promoting human rights.

2.4 THE SOUTH AFRICAN EXPERIENCE: POST-APARTHEID

The history of South Africa differs radically from other countries in the world in the sense that it did not involve genocidal eradication of the indigenous population but is rooted in institutionalised racism. However, it is important to note that despite the differences in historical foundation, archives have played an important role in the democratisation process. The South African experience is significant to this research as it offers insights into how the apartheid regime wanted to undermine the succeeding regime's attempts to identify cases of human rights violations by the previous apartheid government. Ntsebeza (2003:9) observes that, "as the prospect of a democratic transition in South Africa drew close, tons of files, microfilm, audio and computer tapes were shredded and incinerated." This incident highlights the importance of archives in the context of accountability, a value that is crucial in democratisation whereby the availability of evidence in the form of archives can be used by citizens to hold the government accountable for its actions. Harris (2002) describes the state of the

documentary heritage in South Africa as a “sliver of social memory” which implies that the memory of the nation has some loopholes or lacunae; this is explained by the manner in which records were destroyed by the apartheid regime.

In the context of an inaccurate or incomplete documentary heritage, Nieftagodien (2010) argues that a shift in post-apartheid memory frameworks is being witnessed whereby the inclusion of local histories is being spearheaded by memory institutions like NARS which, in his view, signifies the validation of ordinary people’s stories. By highlighting the shift in archival documentation, Nieftagodien (2010) implies that the memory landscape in South Africa is making progress in addressing social and political inequalities imposed by the apartheid regime and moving towards a democracy-induced equality. Building on this, Bickford (2002) suggests that archives can be used as the counter-hegemonic truth and that human rights activists purport that archives help in the construction of the past narratives which in turn give adequate emphasis to the negative experiences of victims of human rights abuses.

2.5 BRIDGING PROPERTY INEQUALITIES: THE RIGHT TO OWN PROPERTY

The issue of property ownership has been contentious in many countries and continues to be debated on the grounds that it is the source of many inequalities. Article 17 of the Universal Declaration of Human Rights clearly states that, (1) everyone has the right to own property alone as well as in association with others; (2) no-one should be deprived of his or her property. Land ownership often precipitates conflicts. In relation to land issues in Chile and Sierra Leone, archives have been instrumental in answering some of the contested questions and also shows how archives are important in avoiding land conflicts and thereby minimising human rights violations.

2.5.1 Chilean experience

Democracy was restored in Chile in 1993 and a law devised that was meant to benefit the indigenous community, whereby those who had evidence that they held land titles in the 19th century but were unfairly dispossessed of their land could become eligible to have their lands returned (Peterson, 2012). The marginalised citizens had to appeal to the National Archives to get hold of records of the titles and had to ensure that these records were authentic. The outcome was that the Mapuche Indians in Chile managed to reclaim their land (Peterson, 2012). Allied to the foregoing, Bickford (2002:3) writes about the role played by archives in strengthening democracy, linking archivists and human rights activists in the Chilean context by highlighting that, "human rights activists subscribe to the notion of truthfulness and argue that a stronger democracy is built by an assertive, organised and concerted effort to remember the past." Bickford is of the opinion that democracy cannot be built on a foundation of lies and that archives in countries affected by genocide can be utilised and be used in building the truth behind the occurrence of such an event. The Chilean experience on land restitution is fundamental in promoting equality which is an important facet of human rights promotion. Reif (2000:13) writes that, "a national rights institution may be able to use international and domestic human rights laws directly or indirectly in exacting equality and in the same breath use them in the investigation of complaints by citizens."

Of importance in this incident is the fact that archival institutions have a mandate of ensuring that they have records that are authentic and can be used in the future to address past miscarriages of justice.

2.5.2 Sierra Leone experience

The case of Sierra Leone indicates that land conflicts occur when records and archives are not properly managed as people were displaced and the

archives destroyed, leaving citizens deprived of their identity (Peterson, 2012). Nkansa (2011:158) writes about efforts taken in Sierra Leone to address property inequalities and connects this to archives by pinpointing that, “restorative justice seeks to restore the dignity of victims by validating their sufferings, addressing their needs with reparation or compensations offered in deserving cases.” The significance of archival institutions in this country resurfaced when corruption related to land allocation could not be traced because the archives had been destroyed. This implies that human rights were violated on the premise that there were no records for human rights activists to defend the vulnerable citizens in the country (Cook, 1997).

The underlying factor in the cases cited above is that archival institutions, when armed with authentic records and archives, provide succeeding governments with information that is vital in redressing past anomalies and archives have been pivotal in aiding in land redistribution exercises which the Universal Human Rights Declaration document outline that property ownership is a very crucial human right. As such the following discussion about memorialisation provides a platform for establishing the interconnectedness between memory and human rights issues and the implications of memory in the transition to democracy.

2.6 MEMORIALISATION

In the realm of human rights promotion and protection, memorialisation is recognised as an important tool that is crucial for transitional justice initiatives. The concept has been used in a number of countries that have experienced human rights violations (Barsalou and Baxter, 2007). The initiatives that define the concept of memorialisation take a variety of forms, including archives, museums and monuments. It is generally held that archival institutions play an important role in the processes of democratisation.

Barsalou and Baxter (2007:2) define memorialisation as being, “a process that satisfies the desire to honour those who suffered or died during conflict and as a means to examine the past and address contemporary issues”. In South Africa the apartheid regime enforced political and social inequalities which saw the indigenous communities being denied a chance to participate in government. Those who opposed this injustice often died and as such memorialisation comes into play in the context of South African history when authorities in government appeal to the National Archives of South Africa in a quest to facilitate national healing. Jimmerson (2007) highlights the importance of memorialisation when he points out that it is a process that can promote social recovery after the end of violent conflict, and also provide a platform for eradicating discrimination, injustice and victimization.

Barsalou and Baxter (2007:4) argue that memorialisation is an incomplete concept without the clarification of two terms: “reconciliation” and “social reconstruction”. Reconciliation has become one of the key components of transitional justice and there exists a symbiotic relationship between reconciliation and human rights promotion and protection. Peterson (2001) advances this by highlighting that the concept of human rights protection was borne out of the need to bring to an end past injustices that could be made possible by reconciliation. Linked to the foregoing, archival institutions undertake various programmes that are crucial in the reconciliation process, such as documenting the histories of the communities that were seriously affected by apartheid processes and using these as a basis for national healing.

Piggott and McKemmish (2002) observe that truth-telling (a full account of the past) is a fundamental vehicle for reconciliation and justice (holding perpetrators accountable for their actions through legal processes) and promotes reconciliation. Norval (1998:250) asserts that, “to do justice to the transitional processes one has to explore the relation between memory and identity and more specifically, memory and national identity, as well as

different modalities and political logics which different forms of commemoration and articulations of national identity may take". Building on Piggott, McKemmish and Norval's assertions, archives thus become instruments of memorialisation as they are custodians of the documentary heritage of the country in which a portion of societal memory is stored and hence archival institutions have a hand in reconciliation.

Biro, Ajdukovic, Corkalo, Djipa, Milin and Weinstein (2004) offers an alternative dimension of the concept of reconciliation as, "social reconstruction" and "reclamation", which they claim are inclined to the interventions to promote economic, political and social progress wherein, unlike reconciliation, there is less emphasis on issues of legal accountability and truth-telling. However, it is important to highlight that in the South African context, national healing attempts have been focused on social reconstruction where there have been fewer cases of those responsible for human rights violations being called to account.

2.7 ROLE OF ARCHIVES IN HUMAN RIGHTS PROMOTION AND PROTECTION

2.7.1 Archives and accountability in fostering equality

O'Toole (2004:12) observes that, "there is no shortage of cases to illustrate the need for, and the processes of, historical accountability". The cases may be grouped into two broad categories: the horrors of totalitarian societies in the 20th century and the parallel violations of human rights in democratic societies. In each of these, records and archives may play an important role in exacting accountability in the present and most notably by providing the evidence to convict individuals and groups of particular crimes (O'Toole, 2004).

In relation to totalitarian regimes like the Armenian genocide; Nazi Germany and the Holocaust; the cultural revolution in China under Mao Tse-Tung; Cambodia under the Khmer Rouge; ethnic cleansing in the former Yugoslavia and in Rwanda; and the gassing of the Kurds in Iraq under Hussein, archives have been used in sustaining these regimes and in their systematic terrorizing of their own and other populations have been widely reported (O'Toole, 2004:13). The preceding discussion highlights that archives can be used by citizens in holding their governments accountable for their actions and also in that regard can be used to correct past injustices.

According to Miller (2003:22), a government that is able to create, manage, protect, disseminate and use archives effectively will create an environment in which:

- citizens can ensure that their human rights are respected and upheld;
- citizens have access to information about government;
- citizens can question decisions in an informed manner;
- governments and citizens can investigate and redress any alleged abuse and mismanagement; and
- governments can demonstrate compliance with international agreement on human rights.

The essential connection between archives and human rights becomes evident when records created by oppressive regimes can be used in exacting accountability and liberating the victims of oppression. Ketelaar (2002:229) demonstrates this link by asserting that, "records or archives may be instruments of power, but paradoxically, the same records can also become instruments of empowerment and liberation, salvation and freedom." It is important to highlight that Miller (2003) provides a discussion of how crucially archives are in redressing any alleged abuse and mismanagement and Ketelaar (2002) raises the same point in suggesting

that records are instrumental regardless of the fact that they could be generated in the process of oppression, the argument being that the same records can be used as a vehicle of ensuring accountability.

It can thus be said that if archival practices in a democratic society are undertaken consistently and in a proper manner, the notion of accountability can be satisfied and by so doing an archival institution can be instrumental in human rights protection.

2.7.2 Archives and identity construction

Archives provide a forum to recognize and legitimise the role of disenfranchised groups in society. Archives help to create a sense of identity for marginalised groups when they are able to participate in these forms of cultural and symbolic recognition (Jimerson, 2007:143). Building on this, it can be said that archives come into play when citizens make inquiries pertaining to their origins. This is a fundamental facet of human rights where an individual or community has a right to know where they belong. Little (2008:105) subscribes to the notion of identity construction by archives when he articulates that, “while in the past archives helped to establish aristocratic rights, they are now used more and more as a vehicle for understanding yourself, whoever you may be”. It is important to highlight that what is notable in these statements is the issue of the transformational discourse whereby archives are now seen to be significant in emerging issues of human rights like identity construction. The NARS is well located within this category since the apartheid archives were highly selective, implying that many groups were marginalised through archival practices like archival appraisal and acquisition.

Archives, whether a birth certificate, a photograph or a ruined farmstead, can provide information and act as kernels or nodes around which genealogical practitioners can build their own personal narratives (Little,

2008:109). Cunningham (2003) articulates that archives provide a sense of connecting with the depth and richness of human experience in all its complexity and contrariness by preserving and providing access to its documentary residue; the sense of souls of human beings now depleted can yet resonate through the written artefacts of their lives. It is apparent that archives play an important role in issues of genealogy and in such cases where citizens can trace their origins through archival materials the politics of identity would have been resolved since there appears to be a symbiotic relationship between identity and human rights development.

2.7.3 Archives and legal redress

People wrongly convicted under a totalitarian regime for crimes they did not commit may be rehabilitated on the basis of evidence in the archives of the former oppressor (Ketelaar, 2002:231). This assertion highlights the relevance of archives in rectifying past injustices. NARS is no exception in this instance because of apparent miscarriages of justice in the apartheid era. Harris (2011:114) describes the basic tenets of the memory of justice movement in South Africa:

- the work of archives is an integral part of the struggle against apartheid.
- the archivist is not an impartial custodian but rather, the archivist is a memory archivist, either for or against an oppressive system;
- creating space for the voices and the narratives repressed or silenced by apartheid is an ethical imperative;
- as is countering the dominant meta-narratives of the regime and building new ones;
- the work of archives is located within the endgame.

Harris' sentiments are directed towards archivists in the sense that they are the people charged with the responsibility of carrying out archival practices

like archival acquisition and also selecting those records which are kept for posterity. In light of this, if the archives sanctioned for permanent preservation are selected on merit it enhances the chances of legal redress for all citizens when the need arises. This issue of equality can be linked to the Universal Declaration of Human Rights which emphasises equality for all citizens. Miller (2003:5) gives a compelling account on the issue of archives and legal redress when she writes that:

> *Poorly managed court records are particularly a great threat to human rights. Delays and miscarriages of justice occur because of lack of records. Again the poor are more likely to be affected. It has been known, for example, for prisoners on remand to remain in prison for many years because the records of the charges against them have been lost or mislaid and there is no mechanism for their cases to be brought before the courts.*

Miller's sentiments suggest that if archival functions are conducted in a proper manner the notion of equality is satisfied whereby citizens are fairly represented in an archival body of a nation and as such can resort to archives to fight court cases. This demonstrates the power of archives in human rights protection.

2.7.4 Archives in exposing corruption and fraud

The prevalence of inequalities in many countries can be attributed to a large extent to corruption and fraud, and in most cases poor record-keeping provides a platform for these practices to spread. Kim and Lee (2009) observe that in the shift towards averting corruption and fraud, availability of records or archives has been increasingly emphasised as a fundamental driver for transparency. Furthermore, according to Kim and Lee (2009:43), "because the government has more control than citizens over the flow of information, members of the government are prone to corruption and in

order to narrow the distance between government and citizens it is necessary to provide citizens with information about administrative processes." Mnjama (2013:8) reiterates that, "corruption is anti-social justice and it is the hindrance to fairness in access to resources and means of production." It is evident that inappropriate management of archives can lead to inequalities in a country and it is important to highlight that inequalities are a threat to human rights promotion and protection. McLaughlin and Baker (2007) observes that equality of resources involves a distribution of resources in a manner that ensures that every citizen's basic needs are met and beyond that enables people to have roughly equal prospects of well-being. The significance of this is that by making available records and archives that document governmental activities, this affords citizens the opportunity to challenge questionable or unclear activities.

2.8 THE GOAL OF ARCHIVAL APPRAISAL IN HUMAN RIGHTS PROMOTION AND PROTECTION

Archival appraisal is defined as the process of evaluating archival materials for the purpose of continuing preservation (Pearce-Moses, 2009; Yiotis, 2005; University of British Columbia, 2003). It is a fundamental archival function in the sense that it is at this particular juncture that records and/or documents that will form the documentary heritage of a nation are selected. To highlight the weight of this archival function, Harris (2000) offers a tripartite definition of archival appraisal as follows:

- Appraisal is the activity whereby archivists identify societal processes they think are worth remembering and the records that will foster such remembering.
- Appraisal is the telling of a story using records systems and the sites of records creation as the primary raw materials.
- Appraisal is a fever characterised by obsessive remembering and forgetting.

It is noteworthy to highlight that Harris' definition is significant to this study because it embraces notions of remembering and forgetting which were prevalent in the apartheid archives and in the democratisation process, where the concept of appraisal challenges archivists to challenge the "forgetting" aspect and rather ensure that archives are inclusive.

There has been a growing concern in the realm of archival science that appraisal is being carried out haphazardly and inconsistently, resulting in the preservation of archival materials that do not reflect equality. In light of this, Eastwood (2002:62) suggests some facets of democracy, borrowed from political philosophers, that archivists should take cognizance of when appraising records. These are:

- supremacy of the people;
- the consent of the governed as the basis for legitimacy;
- the rule of law and peaceful methods of conflict resolution;
- the existence of a common good or public interest;
- the value of the individual as a national, moral active citizen; and
- equal civil rights for all citizens.

Eastwood (2002:63) further articulates that:

> *Appraisal of archival documents in a democratic society must somehow serve the need of citizens to know how they have ruled themselves and to allow them to build understanding of their place in the communities to which they consider themselves to belong, including, of course, national community.*

Eastwood's sentiments imply that archival appraisal has to be a flexible activity, where for instance archivists at NARS should strive to protect the integrity of archives and resist pressure from any source to manipulate

evidence so as to conceal and distort facts as this will impact negatively on the neutrality of the archival body.

2.9 ACQUISITION STRATEGIES IN ARCHIVES

Archives are acquired by various means, including statutes, donations, purchases, bequests and creation through oral history programmes. It is through the process of acquisition that archives find themselves in Archives. For many Archives, the power to acquire is in the Archives Act which gives broad guidelines of what will be acquired. The acquisition is affected by various issues which include the acquisition policy and the Archives Acts. Compensation is not enough for individuals whose rights were violated, especially in cases where there is insufficient documentation, since it is likely that the justice done will be shallow as long as its history remains untold and invisible. Where a history is unrecognized by society there will be a need to embrace the victimized, the marginalized and “the other” (Valderhaug, 2006). The embracing of “the other” will include recording their memories and preserved orality. In this way, archivists will be giving voice to the voiceless and fulfilling their right to be heard and have their sense of identity protected.

Valderhaug (2006:47) urges Archives to, “adopt an active, not passive, approach: seek out material rather than just wait for it, an active acquisitions programme and high-profile archives will generate interest and involvement from the community, encouraging donations and other assistance.” This calls for Archives to not only rely on the more obvious means of acquisitions like transfer but to actively look for materials that complement their collection. This will make the archives more comprehensive in that archives from sources other than government are likely to capture aspects that might not be covered in public archives for one reason or another.

Valderhaug (2005:42) is of the opinion that, “archives are an inscription, a symbol and expression of power, a domain of contesting and conflicting memories, marginalization and forgetting.” Such marginalization deprives people of their rights and entitlements. Many National Archives comprise mainly written records, of the state or other organs of government, while her kinds of archives have been neglected, such as oral archives and private records made by individuals, organizations and businesses (Valderhaug, 2005). This may be attributed to the fact that, “key archival thinkers of the 20th century – almost without exception – have been employed by national or public archival institutions, and this has obviously influenced their professional interests and priorities.” This suggests that their archives will represent and safeguard the interest of those who employ them.

This necessitates the need for inclusive acquisition policies that cater for all citizens and interests and not only the socio-political and economic elites. This is supported by Petersen (2001:15) who posits that, “if National Archives have broad responsibilities for documenting the history of the nation, they must adopt a strategy to ensure that the blind spots in their collecting area are, as much as possible, eliminated.” He concedes that adopting such a strategy is difficult to achieve.

2.10 ACCESS ISSUES IN ARCHIVES

Access is a fundamental aspect of archives. This is so because without access the archives will have no meaning. Peterson (2012) states that archivists should promote the widest possible access to archival materials and provide an impartial service to all users; and that archivists should respect both access and privacy and act within the boundaries of relevant legislation. The international trend is towards liberalized access to records and archives to promote good governance, accountability, transparency and the protection of human rights (Ngulube and Sichalwe, 2009:4-19). The preceding sentiments are congruent with one important piece of legislation

in South Africa: The Promotion of Access to Information (PAIA) Act (No.2 of 2000) which emphasises the importance of open access. Despite this global trend towards liberalization of access and increasing recognition that the right to information is a key to open the door to the fulfilment of other rights, governments in Africa have not taken action in making access to information a basic right for their citizens (Ngulube and Sichalwe, 2009:4-19). This affects the operation of Archives and access provision. Knowing that archives exist is the crucial first step to using them for any purpose whatsoever, from legal research on horrific crimes to research on family history. Archives ensure the preservation of, and access to, records that provide evidence needed to assert human rights and to document violations of human rights (Peterson, 2012:86).

With regard to principles of impunity, the United Nations High Commission on Human Rights (2005:4-11) established the following categories of persons seeking access to archives bearing witness to human rights violations:

1. Victims, their families and relatives have the imprescriptible right to know the truth about the circumstances in which violations took place and, in the event of death or disappearance, the victim's fate. (Principle 4)
2. Access to archives shall be facilitated in order to enable victims and persons related to claim their rights. (Principle 15)
3. Access should be facilitated, as necessary, for persons implicated in perpetrating human rights violations who request it for defence. (Principle 15)
4. Access to archives should be facilitated in the interests of historical research, subject to reasonable restrictions aimed at safeguarding the privacy and security of victims and other individuals.

5. Formal requirements governing access should not be used for purposes of censorship. (Principle 15)

These principles are of paramount importance to this study since they compel archival institutions to embrace the notion of openness in light of human rights issues.

In South Africa access to information is informed by the Promotion of Access to Information (PAIA) Act 2 of 2000. According to the Act, the core aim is to give effect to the constitutional right of access to any 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; and to provide for matters connected therewith. Of particular interest to this research is that, according the PAIA Act 2 of 2000, the Act exists in order to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information and actively promoting a society in which the people of South Africa have assured access to information to enable them to more fully exercise and protect all of their rights. This is a fundamental area for this study as it informs the research on the South African government position on provision of access to information to the public.

2.11 FACTORS THAT AFFECT THE ROLE OF ARCHIVES

Inasmuch as Archives can have a significant role in the protection of human rights through the provision of documentary evidence and giving voice to the voiceless, this role is not a smooth flow. Pickover (2009:15) observes that, “ideological agendas and battles frame the contested archival terrain and notions of ownership, access, rights, control, privilege, monopolies, acquisitiveness, propaganda, lies and fabrication that underpin and influence archival policies and processes.” These forces at work on the

Archives influence what is finally preserved and presented as the final societal memory.

Valderhaug (2006:7) postulates that “archiving is not a “natural” process; it is a societal process influenced by political and economic power, by bureaucratic, legal, cultural and technological preconditions, and by the record creator’s social position, intentions and purposes.” This implies that there will be checks and balances in the execution of the Archives’ role in the protection of human rights.

2.11.1 Politics

Politics is a factor which affects almost every aspect of human subsistence and socio-economic interaction. Pickover (2009:6) points out that, “political expediency can dominate what is collected and party political agendas can have repercussions on the archival institution’s collection policy”. The ramifications of political influence in archival processes result in compromised archives, that is, an archival body that is not inclusive of all societal processes. Wallace (2011) provides a connection between archives, memory, politics and justice and situates archivists in political processes of building their own versions of the past. Harris (2002:63-86) gives an account of the South African situation as follows:

> *The South African Archives Services was in the early 1990s forced by the political authorities to withdraw unrestricted access to certain records in its custody; this led to South African Archives Services being labelled a willing associate in the state-imposed public loss of memory. This erodes public confidence in the Archives system and citizens might start doubting the integrity of the archives and this may also affect the flow of donations of private archives. Disassociating from politics will result in more inclusive archives collection that represents*

all extremes, that is political and social elites as well as the less known and the disenfranchised groups.

2.11.2 Power relations

Harris (2002) observes that power struggles in society escalate to all facets of society from the economy, health, education and documentation among others, and dictates how societies operate and how citizens interact with one another. In circumstances where the power struggles are intense, oppression and suppression will be the order, and may be a violation of human rights. Archives and the archiving process are not spared in these power struggles as they are seen as symbols of power.

The above sentiments are supported by Valderhaug (2006:16) who notes that, "regardless of legislation, records will be made by people for certain purposes, reflecting the dominant social and cultural values, and reproducing the existing power relations". This implies that the power minorities will not be documented if they fail to document themselves; however, where these power struggles exist there is a tendency of destroying voices of the opposition to maintain the dominant forces. In archiving there is a need to look at the societal functions, needs and aspirations. Valderhaug (2005) articulates that such societal needs, functions and uses will never correspond to society at large; they will be influenced by the existing power relations and represent the interests of the economic, political and intellectual elites.

Harris (2002:63-86) comments that, "the Archive can never be a quiet retreat for professionals and scholars and crafts persons; it is a crucible of human experience, a battleground for meaning and significance, a Babel of stories, a place and a space of complex and ever-shifting power plays, where one cannot keep one's hands clean and attempt to be impartial". This

is mainly so because the archives themselves are not impartial but reflect the power plays.

Derrida (2002:7) also notes this: “There is no political power without control of the Archive.” Le Goff in Cook (1997) refers to this as,

> *The politics of archival memory: since ancient times, those in power decided who was allowed to speak and who was forced into silence, both in public life and in archival records. Indeed, archives had their institutional origins in the ancient world as agents for legitimizing such power and for marginalizing those without power.*

With the above sentiments by Derrida and Le Goff in mind, it can thus be said that Archives can be double-edged in that they can be the vanguard of human rights while at the other extreme they can be instruments of marginalization, oppression and the silencing of minorities.

2.11.3 Structuring of Archives

The centralization of Archives around the locus of power needs to be noted. This results in archives that are biased towards those in power. Valderhaug (2005) writes that,

> *Archival thinkers have generally dealt with written records, created by the state or other organs of government, and neglected other kinds of archives, such as oral archives, photographs, but also private records made by individuals, organizations and businesses. One reason for this is that the key archival thinkers of the 20th century – almost without exception – have been employed by national or public archival institutions, and this has obviously influenced their professional interests and priorities.*

Many Archives are public entities financed through taxpayers' money and with the government in control. This makes Archives simultaneously societal institutions and governmental institutions, which gives rise to the question of who Archives should be accountable to. The answer will be somewhere in between, since they have societal responsibility and are accountable to the government that establishes the institution. The location is also of note, since many archives in Africa are close to the administrative and political capitals thereby reinforcing the notion that they are symbols of power. For example, in South Africa, Zimbabwe, Zambia, Malawi, Botswana and Tanzania, the Archives are in the capital cities which are also the home of the socio-political and economic elites.

2.11.4 Legislation

This is a mechanism that can be used by states and state institutions to support the protection of human rights via legislation, but some legislation may become an instrument of oppression if interpretation of such legislation is not clear. Quintanna (2009:68) points out that, "legislation and archives should work hand in hand during the process of political transition in which the legislator needs to take the fundamental role of archives into account in order that legislation is effective." This signifies that there is a symbiotic relationship between archives and legislation in the sense that if legislation is ideal for democratic processes to take effect, archival institutions are offered the opportunity to discharge their duties effectively and efficiently, this would be significant in human rights promotion and protection a field which is highly contested. Clirkwood, in Matangira (2003) points out that, "freedom of information legislation in any country should aim to foster a culture of transparency and accountability, by giving the right to information and enabling the full exercising and protection of people's rights". This empowers people in relation to access and makes it an obligation for Archives to provide access to all.

Kenosi (2000:16) observes with some concern that, “despite a wealth of archival legislation in all International Council on Archives countries not specifying otherwise, the records of the military, the police and correctional services still fall outside the ambit and jurisdictions of most archival repositories”. This makes such records inaccessible to the general public and in many cases such records will end up being destroyed arbitrarily in the event of a change of government so as to cover previous regimes’ wrongs. The argument by security organizations of limited access and the doctrine of secrecy is counter to archival theory (Kenosi, 2000).

Following this discussion about the crucial themes that are related to this research, which explained the reason why archives can be of value to the society and their significance in human rights protection, the researcher will adopt the theoretical framework of archival science as one that underpins this research.

2.12 THEORETICAL FRAMEWORK OF THE STUDY

The study used archival science as the theoretical framework; this is largely because archives and archival institutions are guided by this discipline. As the discussion develops the researcher incorporates notions of transformation discourse and post-modernism which were crucial for this inquiry as they embrace human rights elements within them which are the overarching concept of this study.

2.12.1 Archival science

Ketelaar (2004:2) observes that, “archival science studies the characteristics of records in their social and cultural contexts and how they are created, used, selected through time”. On the other hand, Bucci in Cook (2001) views archival science as the conceptual and systematic construction of archival knowledge into disciplinary integrity. He adds that

in performing its task of theoretical elaboration, archival science works to channel, to structure, to organise systematically, and to establish order in the subject matter of archival knowledge (Bucci, 2001). Duranti (2002:45) views archival science as, "the body of knowledge about the nature and characteristics of archives and archival work systematically organised into theory, methodology and practice". These definitions all embrace the notion of archival knowledge which is fundamental to this research, largely because archival practices like appraisal, acquisition and access are ingrained in archival knowledge.

Building on the foregoing, it is worth noting that embedded in contemporary archival science is the concept of transformation discourse that is evolving in the realm of archives management. This is significant to this study in the sense that NARS is going through this phase. Harris (1997:138) articulates that, "transformation discourse places particular emphasis on the need for archives to reach out to the society, to create rather than serve users and to document societal processes more fully, with special emphasis on endeavours to give voice to the voiceless". Harris's sentiments are directed towards the South African archival landscape where he challenges archivists to take cognisance of the notion of equality when building the archival body or societal memory.

Cook (2001:29) offers another important dimension that is closely related to transformation discourse which challenges archivists to think anew in their archival practices. He posits:

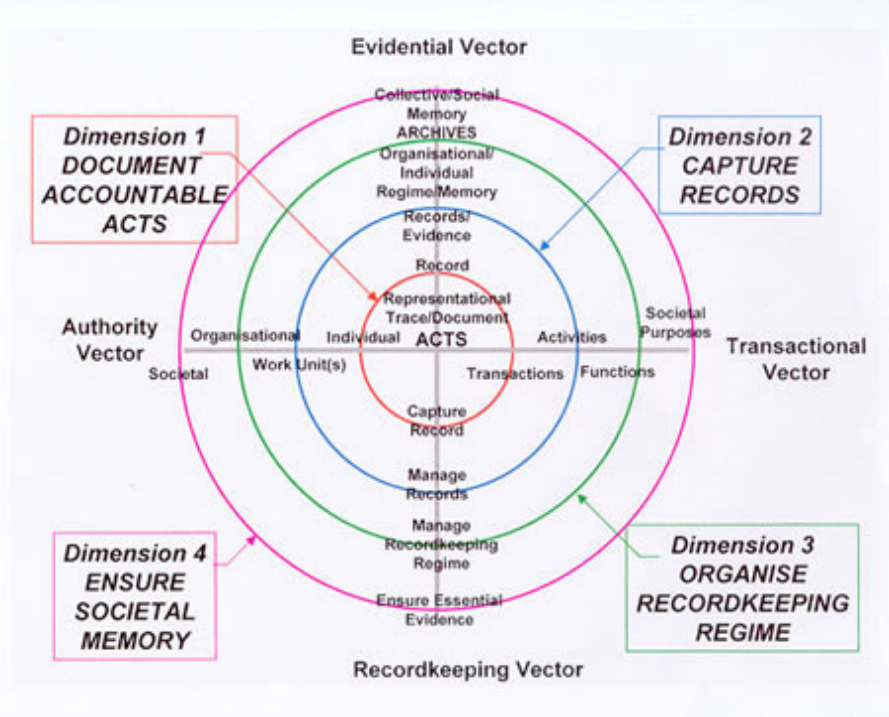
> *Postmodernism encourages a shift away from viewing records as static objects and towards understanding them as dynamic and even virtual concepts, for archivists themselves, the postmodern shift requires moving away from identifying themselves as passive guardians of an inherited legacy to celebrating their role in actively shaping.*

Merging these authors' sentiments places archival institutions and archivists on shifting ground, which is, moving from the classical archival science of documenting powerful elements in society to contemporary archival science of building a documentary heritage that is fully inclusive and embraces notions of equality as a fundamental component of human rights.

Archival science as the theoretical framework of this study has conceived an important model in the realm of archives management which is the records continuum. The Australian Society (2010) defines the records continuum as a consistent and coherent regime of management processes from the time of creation of records (and before creation, in the design of record-keeping systems) through to the preservation and use of records as archives. The International Council on Archives (2009) defines the records continuum concept as a consistent and coherent process of records management throughout the life of records, from the development of records, to their retention and use as archives. The preceding definitions suggest an integrated approach whereby archivists are involved in the creation stage of records and this has positive implications on the quality of archives, and is particularly important when the notions of archives and human rights are being discussed.

In the continuum approach there are no notable boundaries between archives and records management responsibilities as current records can also become archives from the outset instead of waiting for final disposal to determine this. The diagrammatic representation of the records continuum is presented in Figure 1 below.

Figure 1: The records continuum model



Source: Upward, 2000

Having established that the records continuum is a useful model in archival science, it is important to identify those dimensions in the model that link up acquisition, appraisal and access provision to the notion of equality that is a deep-seated concept in human rights protection. McKemmish (1997) articulates that the first and second dimensions encompass the capture of records at specified points in societal processes and also focus on delivering records for use through time according to relevant access permissions and user views. The significance of the first and second dimensions to the current study is that they offer guidelines to archivists when undertaking acquisition and access provision and emphasise fair representation in the archival body. This satisfies the notion of equality in archiving whereby archivists are urged to avoid discrimination when selecting records for permanent preservation. McKemmish (1997) and Gilliland (2007) explain the fourth dimension as being concerned with identifying or inventing social and cultural mandates for essential evidence to function as collective memory and also developing access strategies that

manage access to jurisdictions. The fourth dimension places much emphasis on appraisal where the main responsibility of archivists is to select or identify archives that are to be kept for posterity as collective memory. The significance of this dimension is that the availability of societal memory points to the aspect of identity construction where citizens can refer to archives to trace their origins and in so doing, the notion of equality in human rights protection is addressed when the archival body is not skewed.

The continuum approach provides dimensions useful for incorporating human rights elements in archiving and is significant to this study. McKemmish (2001) and Atherton (1985) identify the ultimate goals of the continuum concept as follows:

1. Organise the records and analyse their content and significance to facilitate their availability.
2. Ensure the creation of the right records, containing the right information, in the right format.
3. Make the records available promptly to the citizens who have the right and requirement to see them.

The continuum model is significant to this study as it embraces the notions of access, appraisal and acquisition that have been identified by the researcher as the problematic areas that need to be closely scrutinised to ensure that Archives make headway in human rights protection.

2.12.2 Linkage of the theoretical framework to the study

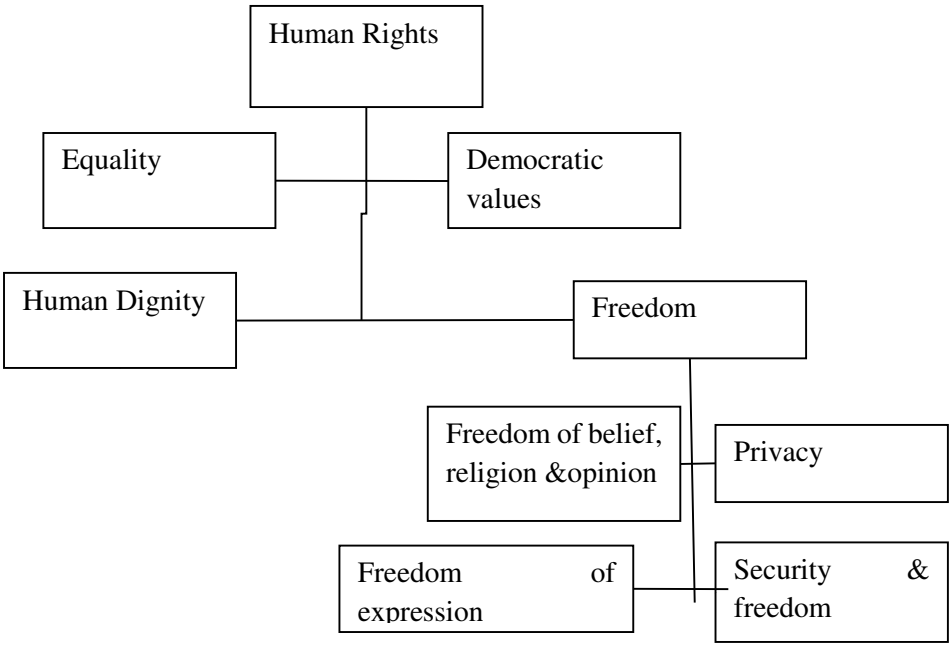
Archival science provides extensive information that is significant to the study since it encompasses archival practices that are fundamental in the building of documentary heritage. The archival functions of acquisition, appraisal and access provision are embedded in archival science and with the growing calls for Archives to be shapers of societal memory that take

into account the notion of equality in archiving processes, archival science provides a theoretical foundation from which records and archives practitioners build their archival functions in light of human rights imperatives.

2.13 CONCEPTUAL FRAMEWORK

There are several possible concepts related to human rights and these will be discussed to enable the researcher to delineate the conceptual framework suitable for this research. The primary concepts that emerge in the realm of human rights include equality, human dignity, democratic values and freedom (Beitz, 2009; Turner, 2010; Freeman, 2011). In addition to the four main concepts associated with human rights, there are seven additional concepts which are derivations of the main concepts mentioned above: non-racialism; non-sexism (embedded in the equality concept); freedom of belief, religion and opinion; freedom of expression; privacy; freedom; and security of the person (Pojman and Westmoreland, 1997; Turner, 2010; Freeman, 2011; Gauri and Glopper, 2012). The above-mentioned concepts can be presented diagrammatically to show their inter-relatedness as depicted in Figure 2 below.

Figure 2: Human rights and related concepts



Source: Adapted from Freeman (2011)

Having presented these broader considerations on concepts that can be related to human rights and archives, the researcher decided to focus on the concept of equality. This choice was informed by the research problem which was concerned with the inconsistencies in archival functions of acquisition, appraisal and access which in light of the democratic dispensation in South Africa should be undertaken to achieve equality in the documentary heritage. The expectation is that the archival body will include all races in the country and also provide access without any restrictions aligned to race. The archiving processes in the twenty-first century challenge archivists to approach their archival functions with a fresh perspective and embrace the integral notion of equality which is fundamental in human rights promotion and protection. As such, processes like acquisition, appraisal and access should be undertaken with the view of achieving equality (Cook, 2001; Harris, 2002; Jimerson, 2007). Further to this, the following discussion looks into the concept of equality and its importance in the archival processes.

2.13.1 The equality concept

In the human rights regime, equality is one of the main and underlying facets of contemporary moral and political theories which assert that humans are essentially equal, of equal worth and that ideal should be reflected in the economic, social and political structures of society (Pojman and Westmoreland, 1997:1). Equality can be regarded as the state of creating a fairer society whereby citizens can participate and have the opportunity to realize or fulfill their potential, and which embraces notions of evenness and uniformity (Welsh, 2012; Care, 2010; Blackstone, 1968). Rabe (2001:20) articulates that, "the constitutional principle of equality has to be applied to social reality where the rich, the poor, the healthy, the sick and all other different categories of people are all bearers of this right". From an archival standpoint, the notion of equality is fundamental when archivists through archival appraisal and acquisition identify archives that merit permanent preservation, whereby the need to represent all citizens should be reflected in the documentary heritage. Access becomes fundamental when the resultant documentary heritage is made available to citizens for either research or genealogical purposes.

In the context of democracy, the notion of equality is crucial in overturning anomalies that are prevalent in those countries where an autocratic type of leadership is practised. Knight and Johnson (1997:28) point out that "democratic deliberation requires equal opportunity of access to political influence whereby persons ought to be treated equally insofar as they are autonomous participants in the process of self-government". Of importance in Knight and Johnson's articulation of the notion of equality is the push for representativeness, whereby citizens are encouraged to contribute significantly in relation to governance. In this context, archival institutions as custodians of the documentary heritage enter into the democratic fray as they engage in documenting the marginalised citizens for them to be visible and be afforded the opportunity to participate in governance. In so doing,

archival institutions assume the role of national human rights institutions, as Reif (2000:13) explains: "… a national rights institution may be able to use international and domestic human rights laws directly or indirectly in exacting equality and in the same breath use them in the investigation of complaints by citizens."

2.14 FEATURES OF EQUALITY IN AN IDEAL DEMOCRACY

2.14.1 Effective participation

Dahl (2006) contends that in the democratisation process the important notion of equality gains momentum when all the citizens have equal and effective opportunities for making known to each other their views about what the policies implemented by the government should be. Allied to the foregoing, archives as remnants of governmental activities offer a platform for citizens to have a picture of how governments devise and implement policies, and this is made possible when archival institutions promote a culture of transparency by making their holdings available to the citizens. Peterson (2012:86) explains this by asserting that, "archives should promote the widest possible access to archival materials and provide an impartial service to all users." It is important to emphasise that if such an environment is created it promotes an enlightened citizenry which is capable of making informed decisions and becoming political players which is the foundation of political equality.

2.14.2 Enlightened understanding

Knight and Johnson (1997) raises a crucial point in relation to effective participation when they highlight that accessing information is an important human right. They contend that citizens should, within a reasonable amount of time, have equal and effective opportunities for learning about governmental activities. Henceforth, an archival institution should be

accessible to the citizenry and the citizenry should have public knowledge of the institution that it is designed to protect them (Reif, 2000). Ideally, there should be both effective participation and enlightened understanding citizens in a democratic country in order to satisfy the element of inclusivity whereby every member would be entitled to participate freely and in an informed manner; this in turn is an important facet of equality (Dahl, 2006).

2.15. KEY DIMENSIONS IN EQUALITY

2.15.1 Resources

McLaughlin and Baker (2007) suggest that equality of resources involves a distribution of resources in a manner that ensures that every citizen's basic needs are met and beyond that enables people to have roughly equal prospects of well-being. Przeworski (2007:27) also subscribes to the notion of equality of resources when he states that, "in a society that is equal, political equality, if is effective, opens up the possibility that the majority would by law equalize property or the benefits of its use". The equality of resources dimension can then be linked to archival institutions when they strive to document or bring to the fore those disenfranchised groups that would have been deprived of basic public goods and/or utilities like water and electricity, and in so doing archival institutions would be playing an influential role in governance.

2.15.2 Power

The central aim of equality of condition in the realm of power concerns itself with reducing power inequalities and this involves liberal civil and political rights, involves supporting certain group related rights which include among other things, right of groups to political representation in appropriate fora (McLaughlin and Baker, 2007; Dahl, 2006).

2.15.2.1 Respect and recognition

Beitz (1989) articulates that this is an important element of the idea that all citizens are entitled to equal rights and privileges of citizenship in their respective countries. McLaughlin and Baker (2007:64) suggest that, "the notion of respect and recognition would involve more egalitarian, participatory politics and the extension of democratic principles to all areas of society, particularly the economy and the family." It is important to note that respect and recognition can also be harnessed by archival institutions when they undertake various activities like public programming and also when capturing oral histories where they enhance a sense of identity within citizens. This gives an added impetus for citizens to be involved actively in matters of governance.

2.16 DIMENSIONS OF EQUALITY PREVALENT IN THE TRANSFORMATIONAL DISCOURSE

2.16.1 Equality of opportunity

This principle prescribes that citizens may not be discriminated against on the basis of race, gender or national background (Baker, 2006; Cogneau and Naudet, 2007). The concept of equality is significant in the realm of archiving as it puts archival institutions on the human rights map especially regarding the function of archival appraisal and acquisition. Where the documentary heritage of a country is bound to be reflective of all elements of the society, the archival discourse of the apartheid regime was dominated by the "politics" of appraisal which stimulated selective remembrance (Harris, 1997; 2000; 2002). Equality therefore becomes an integral vehicle of human rights promotion and protection in the field of records and archives management as it compels archivists to embrace notions of equality and freedom.

2.16.2 Equality of outcome

This is the principle that equality is realized if results are comparable for all citizens regardless of race, gender, social position and that all groups are fairly represented in measures of success in life (Philips, 2004; Saito, 2008; Rile, 1990). Allied to the equality of outcome is the notion of social justice that archival institutions are compelled to address in order to be active players in the human rights context. Archivists must commit themselves to ensuring that their records adequately document the lives and experiences of all groups in society and should not restrict themselves to documenting solely the political, economic, social and intellectual elite. In short, archives should document society and protect the rights of citizens (Jimerson, 2010).

2.16.3 Archival activism in fostering equality

Having established that the indispensable role of archives on the human rights arena hinges largely on the concept of equality, a notion that many developing countries are grappling with, it is important to note that archivists have assumed the role of human rights activists. Flinn (2008:110) postulates that, “the responsibility of archivists requires that they ensure their collections more fully represent all within society, including those from the periphery and the margins and those with alternative or unorthodox opinions and not just dominant and institutional elements.” This assertion implies that archival institutions in countries undergoing democratization are challenged to be active agents of social memory and avoid being passive recipients of documents that strictly focus on powerful elements in society but rather shift attention to the marginalized citizens. Jimerson (2010) also subscribes to this notion of archival activism when he says that archivists should adopt a social conscience for the profession whereby they use the power of archives to promote accountability, open government, diversity and social justice.

Ketelaar (2002) also sees the connection between archives and human rights activism when he points out that despite archives being used as instruments of power to suppress other elements of the society, they can also be used in countervailing that power which is the basic human veneration of human rights: the right to life, liberty and security of the person and property, freedom from slavery, torture, inhuman or degrading treatment or punishment; and freedom from any kind of discrimination. As such, the archival activism dimension compels archival institutions to be deeply involved in addressing inequalities prevalent in the society. Henry (1998:5) notes that, "in the realms of human rights promotion and protection the value of archives tends to be cultural and humanistic." Of significance on the humanistic aspect is the need for archival institutions to advocate for the equality dimension which views all human beings as equal before the law.

2.17 IMPORTANCE OF EQUALITY IN ARCHIVES: THE HUMAN RIGHTS PERSPECTIVE

Cook and Schwartz (2002:2) observe that, "archives wield power over the administrative, legal and fiscal accountability of governments, corporations and individuals and engage in powerful public policy debates around the right to know, freedom of information, protection of privacy, copyright and intellectual property." Building on these sentiments, archival institutions are seen to be spaces where notions of equality and freedom are addressed in the sense that citizens are accorded the opportunity to know and question government activities. This is made possible when people obtain access to records or archives that record government activities and scrutinize these; by so doing Archives assume the role of human rights protectors.

In the transition to democracy, archives provide means of enforcing collective and individual rights and the success of methods of reparation, while the removal of those responsible in the former regime is largely

informed by the documents of repressive institutions (Quintanna, 1998). In South Africa, for example, the archival terrain of the apartheid era was dominated by inequalities where there was fragmentation of races, implying that archiving only embraced the dominant elements in South Africa and in so doing stimulated marginalization where black people were not represented in archives, contributing to crises of identity (Harris, 2000; Jimerson, 2007). The concept of equality comes into play when Archives seek to document activities of all citizens regardless of race, gender and/or national background. In the apartheid archival discourse, this notion was disregarded and documentation was inclined to reflect powerful elements in society; the negative consequences of this were evident in marginalization of other groups where black people, for example, were rarely considered in the archival body, contributing to human rights violations.

The abovementioned concept is important when scrutinizing the practices of archivists, as they are encouraged to maintain equality in order to build a societal memory that is devoid of archival silences. In a way, failure to take note of these human rights results in marginalized groups, and such a scenario was prevalent in the apartheid regime. Harris (2002:73) notes that, “a more fundamental skewing of memory is evident in the apartheid era where black experiences were poorly documented; similarly the voices of women, the disabled and other marginalized people were seldom heard”.

2.18 SUMMARY

The intention of this chapter has been to review the literature that underpins the research. The research sought to establish the role of the NARS in human rights promotion and protection. This is followed by the analysis of the theoretical framework that is critical to this research: archival science which provides important guidelines on acquisition, appraisal and access provision and merges these archival functions with the notion of equality. These aspects are embodied in the records continuum model.

A discussion of the concept of equality was presented as an entrenched component of human rights and which forms the core of the research. The literature review provided insights into the research problem and also into the research questions.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 INTRODUCTION

The discussion that follows describes the methodology of the study where the main focus was to explore the role of NARS in human rights promotion and protection. In designing the study, the focus was on exploring the understanding that archivists and records managers at NARS have about the role their institution plays in human rights promotion and protection. In order to explore this understanding it was necessary to adopt a research approach that allowed the researcher to become close to the participants and gain an insider's perspective on how they assign meaning to the concepts being studied.

The investigator's epistemological and ontological beliefs required an interpretivist position to gain an understanding of how people make meaning of phenomena. The researcher thus employed a qualitative research approach as being the most suitable.

3.2 RESEARCH PARADIGM: INTERPRETIVISM

Blaikie (2009) notes that interpretivism is deeply rooted in classical hermeneutics traditions, which articulates that meaning is hidden and must be brought to the surface through deep reflection (Schwandt, 2000; Cresswell, 1994). The notion of reflectivity is the central tenet of the interpretivist paradigm and can be induced by the researcher-participant relationship and by so doing they become social agents (Ponterotto, 2005; Mustafa, 2011). Building on this, this researcher by engaging archivists and records managers at NARS attempted to examine the deeper meaning of

archival practices at the institution's disposal and their bearing on human rights promotion and protection.

A social science investigator does not focus strictly on the physical behaviour and events taking place in the social space, but also delves into how the participants in the study make sense of these and how their understandings influence their behavior (Bicklam and Rog, 1998:75). The understanding that archivists and records managers have and the meaning they attach to human rights and its associated concepts influences their behaviour towards the archival functions like appraisal and acquisition and also their behaviour in providing access to archives. This focus on meaning is central to what is known as the interpretive approach to social science (Bicklam and Rog, 1998:75). Having discussed the central tenets of the interpretivism paradigm, the researcher noted that its potential could be realized by adopting a qualitative approach.

3.3 RESEARCH APPROACH: QUALITATIVE RESEARCH

Hesse-Biber and Leavy (2004:1) define qualitative research as, "a distinct field of inquiry that encompasses both micro- and macro-analysis, drawing on historical, comparative, structural, observational, interactional ways of knowing." Creswell (1994:21) sees it as an approach in which the inquirer often makes knowledge claims based primarily on constructivist perspectives; that is, the multiple meanings socially and historically constructed, with the intention of developing theory or pattern. The above definitions all embrace the notion of interactionism which the researcher sought to adopt by entering into dialogue with practitioners at NARS to construct meaning from the archival practices they undertake in the process of building the documentary heritage of the country.

Bryman (2000), as cited in Miller and Brewer (2003:239) discusses three characteristics that are prevalent in the qualitative tradition:

1. An inductive view of the relationship between theory and research, in which theory is built up from the bottom through data.
2. An epistemological position, which sees knowledge as obtained through understanding how the social world is interpreted by its participants.
3. An ontological position which sees social phenomena as outcomes of the interactions of people.

On this basis, the research conformed to the abovementioned description because the researcher would construct and interpret information from the NARS staff and documents in order to explore the role played by the institution in the protection of human rights. It is important to highlight that the phenomena under interrogation was difficult to measure quantitatively since it involved the exploration of archivists' lived experiences and perceptions towards human rights and hence suited a qualitative inquiry. Complex phenomena such as organizational processes, change processes over time, and social interactions underlying specific outcomes may be difficult to measure quantitatively (Patton, 2002; Ritchie and Lewis, 2003).

3.4 Match between problem and approach

Cresswell (2013:11) points out that certain types of social research problems call for specific approaches. In cases where the problem seeks to identify factors that influence an outcome, the utility of an intervention or understanding the best predictors of outcomes, then a quantitative approach is best. On the other hand, if a concept or phenomenon needs to be understood because little research has been done on it, then it merits a qualitative approach (Strauss, 1998; Patton, 2002; Cresswell, 2013). As highlighted in the problem statement, little research has been done on archives and their role in human rights protection, hence the research fitted

well into the qualitative tradition since the overarching concept of human rights protection is borne out of archival practices undertaken at the NARS.

3.5 STRENGTHS AND WEAKNESSES OF QUALITATIVE RESEARCH

One of the main strengths of qualitative research is that it facilitates the researcher's understanding of the meaning assigned to the phenomena by those being studied since in-depth interviews can provide detailed data on individuals' experiences, views and feelings (Buston, Parry-Jones, Livingstone, Bogan and Wood, 1998:197). Due to largely open-ended questions, the researcher had sufficient opportunity for exploring answers with the archivists and this increased the participants' ability to respond.

The other strength of this approach is that it does not require large samples. Qualitative samples are usually small in size, and this is explained by the fact that if the data are properly analyzed, a point will be reached where very little new evidence is derived from each additional field work unit. This is because phenomena has to appear once in order for it to be represented on the analytical map (Ritchie and Lewis, 2003:84). This implies that a point of diminishing returns emerges whereby increasing the size of the sample does not add value to evidence.

Keegan (2006:607) sums up the strengths of the qualitative research approach by reiterating that the prevalence of rigor, reflection, reflexivity, intuitivity and contextualized subjectivity in qualitative research is the approach's greatest strength.

Despite its strengths, qualitative enquiry is not immune to criticism. Bryman (2008:391) notes that qualitative research is often labeled as being too impressionistic and subjective. However, the qualitative tradition sees subjectivity as a resource for the qualitative researcher, in that it stimulates critical self-awareness whereby the inquirer needs to state and examine his

or her location in the research (Daymon and Holloway, 2010:10). As a result, the researcher paid attention to the notions of authenticity and trustworthiness (or validity and reliability) to overcome this charge.

Another setback of qualitative research is the argument against its lack of reproducibility. Bryan (2008:391) articulates that qualitative investigation by virtue of being the main research instrument, makes it difficult to replicate a study. In view of this limitation, Daymon and Holloway (2010:11) counter this accusation by explaining that qualitative researchers are not associated with an interest in replication but that their interest lies in specific settings.

Lastly, another weakness associated with qualitative research is that of lack of transparency. Bryman (2008) argues that qualitative researchers are often criticized on the grounds of not clearly articulating the procedures they followed to select samples, and collect and analyse the data. However, the researcher maintained an audit trail and properly described the processes so that readers could easily follow these.

3.6 RESEARCH DESIGN

Grounded theory, ethnography, case study and phenomenology are some of the primary qualitative strategies utilised by qualitative researchers (Patton, 2002; Cresswell, 2003). These strategies function distinctively in relation to various investigations and hence the choice of design is determined largely by the aim of the study (Crabtree and Miller, 1999; Edmundson and MacManus, 2007). The discussion that follows clarifies the researcher's choice of the research design.

3.6.1 Case Study

Bailey (1978:42) defines a case study as, "an in-depth study (usually longitudinal) of one or a few cases, in contrast to a more superficial cross-

sectional study of a larger sample". Creswell (2007) says that a case study can be viewed as an in-depth analysis of a bounded system (bounded by time and/or place) or single or multiple cases, over a period of time. The investigator focuses on a single entity or phenomenon bounded by time and/or activity (a programme, event, process, institution or social group) and collects information using a variety of data collection techniques (Yin, 1994; 2003). For the purposes of this inquiry, the researcher selected NARS as a case in order to gather information from records managers and archivists as they are the professionals involved in archival practices that build the documentary heritage of South Africa.

There are three types of case studies with different purposes (Schram, 2006):

1. The intrinsic case study enables the inquirer to gain a better understanding of a particular case.
2. The instrumental case study provides insights into a theory, as well as gaining a better understanding of a social issue. It enables the investigator to gain knowledge about a social issue.
3. The multiple or collective case study involves a number of cases. In this scenario the investigator focuses on furthering his or her understanding about a general phenomenon.

From the aforementioned, the researcher selected the instrumental case study solely because the impetus for the study was to gain knowledge about a social issue, in this instance the "human rights" and how the concept is shaped by records managers and archivists as they engage in various archival practices. For this research, the case study method afforded the researcher an opportunity to understand the inner perspectives of archives practitioners as these help to define and give meaning to South Africa's complex human rights landscape. Using the NARS as a case study also

provided a wealth of data for reflecting on the placement of Archives within the human rights landscape.

3.7 DATA COLLECTION METHODS

3.7.1 Interviews

Interviewing is a data gathering technique that allows the researcher to gain knowledge from individuals. Interviewing in qualitative research involves face-to-face verbal interchange between social agents (inquirer and informant) whereby the researcher attempts to obtain information, expressions or views from the informant (King and Harrocks, 2010; Kvale, 1996). Kvale (1996) notes that this interchange occurs where there is a topic of mutual interest and emphasises the social location of research data. This research made use of semi-structured interviews. DiCicco-Bloom and Crabtree (2006) reiterate that semi-structured in-depth interviews are widely used in qualitative research and occur either with an individual or in groups. The researcher selected this format because of its flexibility whereby the order of the questions could be compromised and altered depending on the direction of the interview.

Based on the above, the researcher adopted the semi-structured interview technique largely because of its flexible nature as it allowed the researcher to prompt and probe deeper into the questions surrounding archival practices and their bearing on human rights promotion and protection. Patton (2002:343) suggests, “exploring, probing and asking questions that will elucidate and illuminate that particular subject area.”

3.7.2 Sampling

Devers and Frankel (2000) explain that the overarching aim of qualitative research as being largely concerned with gaining insight into the inner

perspectives of participants merits purposive sampling. They go on to say that purposive sampling enhances the understanding of selected individuals or groups' lived experience(s) and is instrumental in developing theories and concepts. Rice and Ezzy (1999) concur with this by suggesting that qualitative sampling is regarded as purposeful when it focuses on choosing informants in order to explore meanings and is theoretical when participants are selected on theoretical grounds in order to explore emerging ideas and build theory. Building on these sentiments, this research adopted a non-random sampling technique based on the premise that the research problem sought to examine the archival practices at NARS; hence archivists being the professionals involved in this discipline merited inclusion into the sample. Qualitative sampling is concerned with information richness for which two considerations should guide the sampling methods: appropriateness and adequacy. In other words, qualitative sampling requires identification of appropriate participants, being those who can best inform the study (Popay, Rodgers and William, 1998).

The researcher interviewed three Records Managers and three Records Management Assistants from the records management section; two Archivists and three Archiving Assistants from the public archives repository; and an academic who is a former National Archivist. Preliminary contact had been made with archivists and records managers prior to interviewing and they agreed to contribute to this research as did the academic. The above personnel were selected because they have in-depth knowledge about acquisition, appraisal and access provision and have knowledge about the archival materials at NARS and how the archival body has been built, taking into account the notion of equality and the overarching concept of human rights promotion and protection. The following diagram clarifies the rationale behind targeting the aforementioned participants.

Table 1: Interview stakeholders

Research Participants	Interview	Rationale
Records Managers and Records Management Assistants	Semi-structured interviews (6)	This is the group that is charged with the responsibility of managing records received from various government departments and are involved in the three core archival functions of acquisition, appraisal and access and hence have the in-depth knowledge of the aforementioned archival functions.
Archivists and archiving assistants	Semi-structured interviews **(5)**	This is the group that deals with the records that have been selected for permanent preservation; they manage the archival body which is entirely the nation's societal memory and have the information about the requests made by the citizens that is the types of archives that are frequently requested.
Academic	Semi-structured interviews **(1)**	This academic was selected in order to obtain information about the changes he witnessed in archival practices when the transformational discourse began to unfold at NARS as he was involved in the implementation of new policies that were designed to end the apartheid-driven archival practices.

3.8 DATA ANALYSIS

Data analysis is described as the process of assigning meaning to raw data (collected information), and involves analytic and logic reasoning in the pursuit of obtaining constructive meaning. It is performed by the investigator to determine the conclusions, significance and implications of the findings (Silverman, 2011; Grbich, 2012; Merriam, 2009; Miles and Huberman, 1994). Qualitative data analysis occurs concurrently with data collection in a way that enable investigators to generate an emerging understanding about research questions (DiCicco-Bloom and Crabtree, 2006; Merriam, 2009).

3.8.1 Data analysis approach

The researcher adopted a data analysis approach as devised by Miles and Huberman (1994). The approach provides a framework for the processes of coding and data display and involves three components that occur concurrently throughout analysis. Miles and Huberman (1994) explain the analysis processes as follows;

1. Data reduction: this involves the way the data (transcript) is analytically coded (reduced).
2. Data display: this entails the use of displays in the form of charts, diagrams and models.
3. Drawing conclusions: this occurs continuously throughout the analytical process.

This approach was instrumental in providing answers to the research questions and the researcher adhered to its principles of constantly comparing old data and emerging data.

3.9 VALIDITY AND RELIABILTY

Law and MacDermid (2008:362) explain that, “the overarching concept when considering rigour is trustworthiness.” They further articulate that trustworthiness ensures the quality of the findings and increases the readers’ confidence in the findings. This requires that there be logical connections among the various steps in the research process from the purpose of the study through to the analysis and interpretations (Letts, *et al.,* 2007). There are four components of trustworthiness that are crucial for ensuring rigour in qualitative study, namely, credibility, transferability, dependability and confirmability (Sandelowski, 1986; Morse, 2008; Merriam, 2008).

3.9.1 Credibility or internal validity

Letts, *et al.,* (2007) point out that credibility is related to the true picture of the phenomenon. The researcher made use of triangulation as a strategy to enhance trustworthiness and this was achieved through the use of multiple sources and perspectives to reduce researcher bias. Flick (2007:42-44) suggests that, “researchers using the case studies strategy could therefore systematically triangulate more than one case (the collective case study); investigator; paradigms (mixed methods); theory and methods of data gathering; and analyses with the aim of enhancing the scientific rigour of their studies”. To ensure rigour in this study the researcher made use of member checks. Member checks are performed by testing the data, analytic categories, interpretations and conclusions with members of those groups from whom the data was originally obtained (Cohen and Crabtree, 2008).

3.9.2 Transferability or external validity

Transferability is related to whether the findings can be transferred to other situations and is analogous to external validity. This notion was satisfied by providing adequate description and detailed presentation of the setting and findings of the study (Merriam, 2009; Letts, *et al.,* 2007).

3.9.3 Dependability or reliability

This relates to the consistency between the data and findings. The researcher ensured that this notion was satisfied by making clear explanations of the process of research including methods of data collection, analysis and interpretation and this was indicated by evidence of an audit trail or peer review (Merriam, 2008: 216).

3.9.4 Confirmability or objectivity

Merriam (2008) observes that this encompasses strategies used to overcome the charge of subjectivity in research and is concerned with the neutrality of the data rather than the researcher. This was enhanced by the researcher being reflective and engaging in peer debriefing such as asking colleagues to audit the decision points throughout the process and consulting expert colleagues about ideas and interpretation of data, as well as engaging participants about ideas and interpretation of data (Letts, *et al.,* 2007).

3.10 ETHICAL CONSIDERATIONS

The South African Medical Research Council (2006) explains that ethics embrace notions of criteria, norms and values for human action and conduct. Yawson (2010) notes that it is engaged in reflection and analysis of morals concerning whether an act is good or bad and how it influences the basic quest for meaning, the search for humanity and attempts to create a humane society. The Medical Research Council (2006:13) posits that, “the overarching aim of ethical considerations is to safeguard human dignity and to promote justice, equality, truth and trust.” Ethical issues are prevalent in almost all research projects and this researcher identified informed consent, confidentiality and anonymity.

3.10.1 Informed consent

Informed consent is an essential step to any research project. It is a process by which a participant consents to participate in a research project after being informed of its procedures, risks and benefits (Escobedo, Guerrero, Lujan, Ramirez and Serrano, 2007). As such, the researcher satisfied this principle by obtaining consent from the NARS staff and the academic who participated in this research.

3.10.2 Confidentiality

The records managers and archivists were given the assurances of strict confidentiality. The researcher ensured that the names of individuals would not be mentioned in the final report without their approval.

3.10.3 Consequences of interviews

There are no negative consequences associated with the interviews which the researcher made the participants aware of, or that may be harmful to the participants or, in this particular case, the NARS community.

3.11 LIMITATIONS OF THE STUDY

The study made the NARS the focal point, as the institution operates at national level and it is important to highlight that its archival body is only a small component of the national memory. The research would have benefited from also exploring the state of provincial archives which are located around the country as these also play a part in human rights protection but due to limitations of time and resources this was not practicable.

3.12. SIGNIFICANCE OF THE STUDY

Archives have long been treated as instruments of power in many countries. However, the burgeoning advocacy for democratisation has seen a renewed role of archives in human endeavours whereby archives as the documentary heritage of a nation are linked to notions of the human rights movement. This research is thus useful as there is limited information about the contribution of archives in human rights promotion and protection, and the study has the potential of assisting stakeholders and policy makers in

identifying the possible strengths and/or opportunities for improving archives management. The research has the capability of fostering strong ties between archivists and human rights activists in the movement for human rights promotion and protection.

3.13. SUMMARY

The research was exploratory and descriptive in nature and was concerned with archival practices undertaken at NARS and their implications for human rights. The identification of the problem was based on the inconsistencies of archival practices like archival appraisal, access and acquisition strategies.

The research adopted the qualitative approach in order to examine the human lived experiences of practitioners at NARS and the perceptions they attach to human rights protection. The research was a case study of NARS where in-depth interviews were conducted and the overarching aim of the inquiry was to explore the role played by the institution in human rights promotion and protection.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

4.1 INTRODUCTION

The previous chapter involved a discussion of the choice of the research methodology and the data collection tools utilised in this study. It is important to highlight that the purpose of this chapter is two-fold as it incorporates data presentation and data analysis, where the former involves the description of the data that was gathered, whilst the latter is concerned with the construction of themes from the gathered data which are ideally the answers to the research questions.

The prime purpose of this research was to gain an understanding of the role played by NARS in human rights promotion and protection. To explore this role it was necessary to scrutinise the three defining archival functions of acquisition, appraisal and access which are instrumental in the building of a nation's documentary heritage.

The target population for the research included four records managers and four records management assistants, two archiving managers and three archiving assistant managers and two academics. The researcher eventually managed to interview six records management personnel as opposed to the targeted eight, in the archival department all the targeted interviewees participated, and only one academic was interviewed.

In categorising the interviewees the researcher devised a strategy that identifies the NARS employees in such a way that the records management section and the archiving section are viewed as stand-alone sections, taking into consideration that the activities carried out in those sections are not uniform. It is also important to highlight that the academic interviewed is a

former employee of NARS and has in-depth knowledge about the archival functions undertaken at NARS.

4.1.2Categorisation of respondents

To ensure anonymity the respondents were numbered as follows:

- National Archives records management personnel: **RM1 to RM6**
- National Archives public archives section: **AS1 to AS5**
- An academic in the field of records and archives management: **A**

Table 2: Breakdown of participants

NARS	RM1-6	Records Management section
NARS	AS1-5	Public Archives section
Academic	A	Philanthropic foundation

If the researcher would like to quote what the research participants said, an example would be that of the academic who will be referred to as A in the discussion. In the succeeding discussion the researcher will make use of the aforementioned categories to identify the responses given by the interviewees so as to ensure anonymity of the participants.

4.2 ANALYSIS STRATEGY

As explained in the previous chapter, the researcher adopted a data analysis technique as devised by Miles and Huberman (1994). The researcher selected this analysis strategy as it was best suited to the construction of major concepts and themes that emerged from the interview transcripts. Miles and Huberman (1994) explains that the approach provides a framework for the process of coding and data display and involves three

components that occur concurrently throughout analysis, namely data reduction, data display and drawing and verifying conclusions.

The succeeding discussion involves the presentation of the results, showing the major themes that emerged from the interviews conducted. It is important to note that the themes are ideally the answers to the research questions presented in chapter one.

4.3 ROLE OF ACQUISITION, APPRAISAL AND ACCESS PROVISION IN PROMOTION AND PROTECTION OF HUMAN RIGHTS

The question provided a blueprint for establishing the nexus between archives and human right promotion and protection. There was a need to interrogate the NARS employees on the meaning that they attach to the notions of human rights promotion and protection and their linkage to archives. Obtaining an insider perspective from the archivists, records managers and an academic on this relationship was crucial to measure the input of archives on the human rights platform. The underlying factor is that archival functions of appraisal, acquisition and access provision are the records managers' and archivists' defining activities that form the foundation of the national documentary heritage and this prompted the researcher to direct the aforementioned question to records managers and archivists at NARS. The answers that emerged from the conversations include archives as pillars of accountability, archives for land restitution, archives in legal redress, and archives for diversity, as in preserving a wider spectrum of experiences of people across the economic, political and social spectrum and not just the powerful elements in society.

4.3.1 Archives as pillars of accountability

The notion of accountability emerged as one of the fundamental roles played by archives in the context of growing calls for memory institutions to

be active players in the human rights arena. It is important to explain that all the interviewees stated that all records management and archiving efforts are inclined towards exacting accountability on governmental activities. Establishing the link between archives and human rights promotion and protection required the researcher to firstly direct this question to the records management section since it is from this part of the institution that the records and archives regime starts. Interview RM1 (interview, 5 December 2013) gave a compelling insight into the matter of archives and accountability by saying that the emergence of archiving worldwide was as a result of the need to have an accountability framework that was championed by evidence in the form of records and archives. The interviewee added that, "…the establishment of NARS then was necessitated by this clarion call of having a governmental structure that provides means to citizens of monitoring the actions of government officials and in simpler terms the work of government departments". The link between the core archival functions of appraisal, acquisition and access and human rights promotion and protection was emphasised by interviewee RM3 (Interview, 12 December 2013) who explained that the linkage is not between the three archival functions as such but is on the final product, that is, "records and archives". The interviewee further developed this assertion by explaining that the availability of archives at NARS offers traces of the actions of the government and hence when citizens are given access to this evidence they are in a better position to examine various governmental activities.

Allied to the foregoing sentiments about accountability, O'Toole (2004) maintains that records and archives play an important role in exacting accountability in the present and most notably by providing the evidence to convict individuals and groups of particular crimes. This implies that for accountability to be exacted, there should be an element of professionalism in records management and archiving, whereby the three core archival functions are carried out consistently and efficiently to ensure integrity of the

archives. Interestingly, Interviewee A (Interview, 7 February 2014) offered another dimension of recordkeeping when he highlighted that, "…the best record keepers in the world are dictators where impeccable record-keeping systems were witnessed, for instance in Germany, and it could be argued that good recordkeeping secures fundamental power for those who control the records, and oppressors." Interviewee A is of the opinion that if those records generated by the oppressors are properly managed and if they can find their way to the archival institutions they would then be used as cornerstones of accountability. However, interviewee AS4 (Interview, 22 January 2014) raised a crucial point about the chief impediment that cripples effective recordkeeping, which is the inadvertent destruction of records to wipe away evidence as a stumbling block in which the worst case scenario sees archives documenting remnants of records that cannot be referred to when accountability calls emerge. Harris (2000) categorically states that in 1993 no records of the Kwa-Zulu Intelligence Services (KWAZINT) survived as they were destroyed to conceal the apartheid state's darkest secrets. In light of this,

interviewee RM2 (Interview, 10 December 2013) pointed out that the role of appraisal, acquisition and access provision in human rights promotion and protection can be realised if records managers and archivists begin to identify themselves as human rights activists and strive to document even the most sensitive records so that they may be used in the future rather than merely being passive recipients of inherited documents. This suggests that there is transformation taking place in archiving whereby NARS employees in light of emerging democratic issues should be seen as active players, monitoring records management systems closely right from the creation stage up to their disposal stage.

4.3.2 Archives for land restitution

The participants also raised an important aspect of land restitution as an element that is crucial for establishing the nexus between Archives and human rights promotion and protection.

Interviewee A (Interview, 7 February 2014) points out that the apartheid recordkeeping regime was inclined towards capturing only records of the social and economic elites and as such with respect to land ownership records, the documentation strategy necessitated human rights violations in the sense that black people who were marginalised could not claim to be owners of land without tangible evidence in the form of records. Interviewee A then constructs an argument to reveal the connection between archives and human rights in the post-apartheid era by stating that:

> *Having been exposed to the apartheid system and its irregularities where blacks were relegated to second class citizens in their motherland, the challenge for archivists now is to ensure that functions like acquisition, appraisal and access are conducted in a way that those who are land or property owners are at all costs included into the archival body.*

These sentiments, according to Interviewee A, imply that if there are incidents of land grievances they can be resolved by appealing to the archives and have evidence that is trustworthy that can be confidently used even in the courts. Similarly, participant AS5 (Interview, 24 January 2014) reveals that acquisition, appraisal and access are crucial in the realm of archiving largely because of the evidentiality element that the accumulated documents possess. The participant says that, “the flaws of the apartheid regime can be normalised by the post-apartheid recordkeeping system if we involve ourselves actively in land reform programmes as that would be a priceless exercise that promotes the rights of the citizens.” In chapter two

the significance of archives in land restitution was mentioned as it emerged that the marginalised citizens in Chile had to appeal to the National Archives to obtain records of the titles and had to ensure that these records were authentic. As a result of this the Mapuche Indians in Chile were able to reclaim their land (Peterson, 2012).

Interviewee AS3 (Interview, 10 January 2014) commented on the role of acquisition, appraisal and access, noting that the most important goal in any archival institution is to make the archives available in a timely manner or to provide unfettered access to archives. Interviewee AS3 notes that, “access is vital when we talk about human rights as this affords citizens the opportunity to make use of the archives to defend themselves and in the case of land ownership records, making such archives readily available to the users can enable them to practice their rights and repossess their land in cases of land ownership wrangles.” Interestingly, this participant also mentioned that not all archives are available for public inspection and this is clearly stated in the NARS Act (Number 43 of 1996), which notes that archives are not accessible before a period of twenty years. In relation to this, it emerged from the interview that it is evident that NARS champions the human rights movement because this embargo on access to archives does not apply to estate files and also items documenting court cases as these are crucial in the promotion and protection of human rights.

Interviewee RM3 (Interview, 12 December 2013) also discusses the role of archives in land restitution, explaining that,

> *This institution plays an important part in human rights promotion and protection in the sense that if you look at how we have participated in land ownership issues, the record speaks for itself, for instance we have worked in conjunction with the Department of Land Affairs in the investigation of land claims and also offering advice on arrangement*

and description of extant records which are required for settlement of claims.

Evidently, the institution has positioned itself on championing land restitution efforts and this shows the institution's commitment to human rights promotion and protection.

4.3.3 Archives for legal redress

The interview process also revealed that in relation to the human rights landscape in South Africa, NARS plays a crucial part in legal redress. The participants confirmed that it is the mandate of the institution to ensure that historical injustices which were brought about by the apartheid regime are examined and the information made available.

In explaining the significance of NARS in this respect, Interviewee RM2 (Interview, 10 December 2013) says that NARS has established ties with several institutions which are charged with the responsibility of championing democracy. Asked to clarify further, the respondent elaborated that, "…for instance NARS has been working closely with the Truth and Reconciliation Commission (TRC), a body that was formed to initiate national healing, and a notable example was between the period of 1995 and 2002 when we were involved in a project of investigating the purveyors of apartheid and this was meant to facilitate national healing."

The need for reconciliation in human rights promotion and protection was mentioned in chapter two by Piggott and McKemmish (2002) who observe that truth-telling (a full account of the past) is a fundamental vehicle for reconciliation and justice (holding perpetrators accountable for their actions through legal processes) and promotes reconciliation.

It is important to highlight that the concept of legal redress emerged as a fundamental role of NARS as the respondents clearly mentioned the institution's role in addressing past injustices. Some of the responses from the interview process are mentioned; RM4 (interview, 12 December, 2013) said that, "…the NARS has adopted the transformational discourse meant to address the imbalances of the apartheid regime in line with new national interests." RM1 concurred that, "…the institution is focused on restitution for historical injustices." AS1 pointed out that, "…there is a need to redress historical injustices which were caused by ruthless government policies." AS4 revealed that, "…the institution's participation in the public inquiry which was focused on investigating the abuses which facilitated insights into the need for reparations, amnesty and so forth."

It is important to note that the aforementioned respondents raised an important notion of transformation that has been embraced by NARS; the significance of transformational discourse has received burgeoning interests in the realm of records and archives management in the wake of democratisation. Cook (2001) provides a link between transformation discourse and postmodernism when he posits that,

> *Postmodernism encourages a shift away from viewing records as static objects and towards understanding them as dynamic and even virtual concepts; for archivists themselves, the postmodern shift requires moving away from identifying themselves as passive guardians of an inherited legacy to celebrating their role in actively shaping.*

It can thus be argued that the implication of adopting a transformation discourse at NARS has a two-fold effect; firstly, it enables the assimilation of the institution into the democratisation process; and secondly, it informs archivists on the human rights concepts to take cognizance of when discharging their duties.

Remarkably, the aforementioned sentiments reveal that legal redress is one fundamental role that is instrumental in democratisation and is simultaneously significant in human rights issues. Interestingly, the participants concurred that with regard to the core archival functions of acquisition, appraisal and access, the institution's responsibility is to ensure that they are carried out consistently and in an appropriate manner so that those records that are selected for permanent preservation can also be used by future generations in redressing the imbalances that they would have inherited consciously or unconsciously.

4.3.4 Archives for diversity

As archives have been used traditionally as instruments of power to enhance the interests of influential elements in repressive regimes, another fundamental role of archives that emerged from the interviews was that archives are now instrumental in promoting diversity. The archivists and records managers confirmed that archival practices at NARS were now focused on filling the gaps left by the apartheid regime by embracing all elements in the society. It is important to note that interviewees from the public archives section contributed significantly to the information on diversity.

In relation to this concept of diversity, Interviewee AS3 (Interview, 10 January 2014) reveals that it could be argued that in the apartheid era the black community experienced poverty largely because their voices were silenced and they were not in a position to challenge the actions of authorities. Participant AS3 further developed this by stating that, "…apparently without evidence the citizens cannot build a case against the government." The point that was raised by this participant was that NARS is now being compelled by human rights ideals to be inclusive in its documentation strategies and to ensure that all voices are included in the documentary heritage as this facilitates participatory governance. It could

then be argued that such a mechanism will eliminate an environment that is conducive to human rights abuses. The notion of diversity in relation to participatory governance was discussed in chapter 2 as being pivotal in promoting equality which is an essential component of human rights. The central aim of equality of condition in the realm of power concerns itself with reducing power inequalities and this involves liberal civil and political rights, and supporting certain group-related rights which includes, among other things, the right of groups to political representation in appropriate fora (McLaughlin and Baker, 2007; Dahl, 2006).

Interviewee AS5 (interview, 24 January 2014) explains that acquisition, appraisal and access are necessary in the post-apartheid era because these processes, as clearly stated in the NARS Act, compel archivists to be active participants in human rights issues. Interviewee AS5 categorically states that, “first and foremost we are shapers of identity and this challenges us to embrace all elements in the society and our actions should not be prompted by aspects like race, power relations and probably the position of people in society.” Evidently, these sentiments relate to diversity in the sense that the participant mentions that NARS is focused on embracing all elements in the society, which implies that there is elimination of the marginalisation that archivists take into account when undertaking acquisition, appraisal and access. The element of marginalisation emerged in chapter two as being detrimental to the efforts of human rights promotion. Petersen (2001:15) observes that, “if National Archives have broad responsibilities for documenting the history of the nation, they must adopt a strategy to ensure that the blind spots in their collecting area are, as much as possible, eliminated.”

4.4 CHALLENGES TO ARCHIVISTS IN ACQUISITION, APPRAISAL AND ACCESS

The preceding discussion was inclined towards examining the perceptions that archivists have in relation to the linkages between archival functions and human rights promotion and protection. The first question was meant to sensitise the issue of archiving and discover the meaning that records managers and archivists attach to the notion of human rights and determine if their archiving activities are informed by the growing call for national archival institutions to be actively involved in democratisation processes. The presentation that follows involves the analysis of the challenges that archivists encounter when discharging their duties, particularly in relation to the three core archival functions of acquisition, appraisal and access provision.

The themes that emerged from the responses include inadequate support from the government, space constraints, reluctance and resistance by citizens to participate in oral history programmes, and low awareness of the role of archival institutions in fostering indigenous human rights and accountability.

4.4.1 Absence of a dedicated budget for records and archives operations

In discharging their duties, NARS employees expressed discontent about the support they are receiving from the government, explaining that this has proved to have far-reaching consequences on the crucial archival functions. Interviewee RM4 (Interview, 12 December 2013) was concerned that despite the weight attached to archival institutions as repositories of democratic accountability and custodians of the documentary heritage the government has shifted attention to those areas which it regards as critical

to the livelihoods of citizens. Asked to elaborate further on this issue, the respondent explained that,

> *It is saddening to note that little attention is now being paid to this institution and as a result this is crippling specifically the acquisition and appraisal activities and the consequences are basically seen on the poor quality of archival materials and as such the issue of accountability is threatened whereby even government officials cannot be held accountable for their actions.*

It is worthwhile to note that the sentiments echoed by Interviewee RM4 can be linked to the research problem where it was seen that archival functions like appraisal and acquisition are not being fully utilised. Furthermore, Miller (2003:5) states that poorly managed court records are a particular threat to human rights. Ideally, such a situation in an archival institution like NARS implies that the flow of archival work is seriously affected and this impacts negatively on the concerted efforts by archivists and records managers to be active participants on the human rights platform. Interviewee AS4 (Interview, 22 January 2014) from the archiving section advanced the issue of lack of government support and said that inadequate support implies that there is an absence of a dedicated budget for the records and archives practitioners to discharge their duties efficiently. According to Interviewee AS4, this has resulted in limited oral history programmes whereby the archivists are supposed to undertake the documentation of the previously marginalised elements in society. It can then be argued that there is presently a gap in the acquisition process in the sense that the process is characterised by inconsistencies and thus has a bearing on the quality of archives housed at the NARS.

Interviewees RM6 (Interview, 31 January 2014), RM2 (Interview, 10 December 2013) and AS2 (Interview, 5 December, 2013) raised an important point with regard to the main challenge they are facing specifically

in the records management section in which they deplored the inadequate support they are receiving from the government, explaining that this is detrimental in conducting records surveys in government departments. Interviewee RM2, for instance, observed that records surveys which are of utmost importance in ensuring that records management units in government departments adhere to proper records management principles are rarely being carried out and this results in bottlenecks especially when it comes to appraising records.

In explaining the difficulties that archivists face, Interviewee A expressed a concern regarding the lack of government support as being a stumbling block to the work of records managers and archivists, pointing out that in the early 1990s when the apartheid regime was slowly being displaced by the democratic dispensation, archival institutions were highly regarded and received support from the government in such a way that they could carry out various activities inclined towards ensuring inclusiveness in documentation. Asked to clarify further on the issue, he stated that:

> *The budget for archival projects has shrunk as compared to the one that is being availed now as the government now tends to concentrate on what is termed as high priority areas like water provision and projects like rural electrification and as such you will realise that minimal attention is now being accorded to archives.*

The implications of minimal support from the government can have far reaching consequences on the operations of the institution. Pickover (2009) writes about the impact of political expediency on archival processes and the overall impact on the institution's collection policy whereby, due to a limited budget, the archivists would be forced to be biased when undertaking archival appraisal and this results in a compromise in the quality of archives.

4.4.2 Low awareness of role of archives in promoting rights of indigenous people

Closely linked to the previously mentioned challenge of inadequate support from the government is a phenomenon that also emerged as an impediment to archiving efforts. The respondents concurred that they find it difficult to maintain a robust recordkeeping regime that can be supportive of human rights endeavours.

Interviewee A (Interview, 7 February 2014) stated that stemming from the absence of a dedicated budget for NARS staff to conduct their duties effectively and efficiently, is a condition that is further crippling the core archival functions of acquisition, appraisal and access provision in which the NARS cannot even market itself and be in a position to build a strong case for its relevance on the human rights landscape. Interviewee A explained that,

> *Just for the record there are so many organisations out there that do not value records and archives management at all and in such instances you will discover that employee records are not properly managed resulting in cases where employees can be fired from their respective employers and cannot sue these companies for breach of contract.*

It is important to recognise that it is the duty of an institution like NARS to carry out awareness campaigns to enlighten public institutions about the benefits of good recordkeeping and also the potential use of archives in the promotion and protection of human rights.

In relation to the issue of low awareness, Interviewee RM5 (Interview, 10 January 2014) observed that a cursory view at the state of records

management systems in various government departments reveals that agencies are not aware of the importance of archives in business operations and how the corporate memory later translates into the documentary heritage of the country. The researcher asked the respondent to disclose how this state of records management in government departments then impacts their work at NARS, and the interviewee explained that, "…the challenge emerges when we then appraise and acquire records from these agencies because in some instances we will be inheriting poorly managed records which are of poor quality and as such, researchers and historians will be accessing records which do not possess enduring value at all." In contrast to this occurrence, Peterson (2001) states that since national archives have broad responsibilities for documenting the history of the nation, they should ensure that blind spots in their collecting areas are as far as possible eliminated. This implies that there is a compromise on the quality of archives that reach to the NARS and the negative impact of this on human rights promotion and protection becomes evident when human rights activists appeal to the archive, requesting documents at the institution and being told that such documents are not available.

Interviewee AS2 (Interview, 9 December 2013) of the archiving section explained that the quality of archives in the recordkeeping regime is shaped at the creation stage and hence if the government departments which ideally are the creators of the records are not aware of the importance of records and archives, then the entire nation runs the risk of having a skewed documentary heritage. This respondent is aware of the consequences of a poor recordkeeping system and noted that,

> *Low quality archives as a result of irregularities at the creation stage paralyses the whole system and is analogous to memory loss in human beings whereby the nation operates without proper national memory and this affects the future generations since they would be dependent upon inadequate information resources.*

Mathiesen (2009:3) states that, “access to information is indeed a resource necessary for living a minimally good life”, and explains that access to information is indeed a human right and that the right to access information about one’s economic, social and cultural rights is a precondition for their realisation.

4.4.3 Reluctance and resistance to participate in oral history programmes

To supplement written evidence at NARS, the institution conducts oral history programmes meant to capture the living testimonies of various groups of people in the country. This documentation strategy is an indispensable element of ensuring inclusivity in archival institutions whereby efforts are made to document previously marginalised elements in the society.

Despite being a vital documentation strategy, participants concurred that the main challenge in making oral history programmes a success is the reluctance of some targeted groups to be included in the societal memory of the nation. The respondents in the archiving section gave the following responses: AS1 (interview, 5 December, 2013) says that “…some ethnic groups just resist participating in these programmes.” AS4 (interview, 22 January, 2014) points out that “…in some instances when capturing information some participants refuse to disclose some information.” AS5 (interview, 24 January, 2014) says that “…other people do not see the benefits or value of being interviewed and hence do not show interest.”

From these sentiments it can thus be argued that despite the efforts made by NARS to achieve equality, whereby the institution strives to include in their archives those social groups previously under-represented by the apartheid record-keeping regime, they encounter resistance from the

groups they would have otherwise targeted as marginalised elements that merit inclusion in the documentary heritage of the country. Cunningham (2003) notes that archives are significant in human rights promotion and protection as they provide the sense of connecting with the wonderful depth and richness of human experience in all its complexity and contrariness by preserving and providing access to its documentary residue in which the sense of souls of human beings now depleted can yet resonate through the interviews they would have participated in as part of the documentation of their lives. Interestingly, Ketelaar (2002) highlights that archives having been used as instruments of power to suppress other elements of the society, could also be used in countervailing that power and this is the basic human veneration of human rights. The argument raised by Ketelaar may provide an explanation as to why some groups in society do not find it beneficial to participate in oral history programmes.

4.4.4 Space constraints

A further challenge that emerged as an obstacle to the operations of NARS was that of space. Undertaking rigorous acquisition and appraisal requires sufficient space to accommodate records and archives that would be finding their way to the institution.

Interviewee A (Interview, 7 February 2014) reveals that,

> *Archiving efforts at NARS are crippled by the unavailability of space at the institution and I believe the powers that be assume that the institution has to resort to digitising records to overcome space constraints. However, the process of digitising records comes at a cost and it presents a set of different problems. Digitisation requires skills and equipment and not only that but it is a time-consuming task.*

It can be argued that the implications of space shortages at the institution have far-reaching effects on the operations of NARS, because the lack of space can demotivate archivists in executing their duties effectively since they know that even if records or archives are transferred to the institution they would not be accommodated or else they would contribute to the overload of repositories.

Similarly, Interviewee AS3 (Interview, 10 January 2014) explains that space shortages at NARS undermines the transfer of records from the government agencies to the institution and this impacts negatively on the quality of archives as the archival body then experiences limitations in relation to information which may contribute to poor administration and inadequate service delivery. It can thus be argued that the issue of space at NARS leads to inconsistencies in acquisition and appraisal which all amounts to poor recordkeeping. Space shortages impact negatively on the flow of records or archives as explained in chapter two on the significance of the records continuum. In the continuum approach there are no notable boundaries between archives and records management responsibilities as current records can also become archives right from their inception, rather than waiting for final disposal to determine this. The continuum approach provides dimensions useful for incorporating human rights elements in archiving and is thus significant to this study. McKemmish (2001) and Atherton (1985) identify the ultimate goals of the continuum concept as being to:

1. Organise the records and analyse their content and significance to facilitate their availability.
2. Ensure the creation of the right records, containing the right information, in the right format.
3. Make records available promptly to the citizens who have right and requirement to see them.

If a recordkeeping regime does not fully embrace the abovementioned elements it runs the risk of having gaps in memory which in turn adversely affect its role in the promotion and protection of human rights.

4.4.5 Political influence

It emerged from the interviews that inasmuch as records managers and archivists endeavour to be active participants in the human rights landscape, the major challenge emanates from the fact that they are public servants and hence cannot dissociate themselves from politics. The role of politics in archiving also emerged in chapter two as a hindrance to the activities of records managers and archivists. Pickover (2009:6) points out that, "that political expediency can dominate what is collected and party political agendas can have repercussions on the archival institution's collection policy."

Interviewee AS4 (Interview, 22 January 2014) states that the institution's acquisition strategies have undergone transformation when compared to the apartheid archival system which strictly focused on documenting the experiences of the powerful elements in the society. However, this participant mentions that the idea of Archives as being instruments of power is still prevalent even in healthy democracies. Interviewee AS4 disclosed that, "…democracy has become a buzzword in South Africa and one could easily conclude that our appraisal activities are not shaped by politics which is basically not true." The above sentiments indicate that the challenge encountered when acquiring and appraising records or archives is that of ensuring that the powerful elements do not dominate the archival body.

Interviewee A (interview, 7 February 2014) who is an advocate of activists-archivists, that is archivists who strive for justice in their archival practices, expressed a concern about the adverse effects of bureaucracy in relation to records and archives management. The interviewee was previously

employed at NARS and is well aware of the influence of political pressure on the core archival functions. Interviewee A explained that, "…during my time at the institution we made frantic efforts to at least disassociate ourselves from politics but we came to the realisation that the notion of objectivity and impartiality in public funded archives is something that is not achievable." These sentiments highlight that political pressure is one challenge that challenges the NARS in attempting to contribute on the human rights platform. This can be linked to the culture of transparency that the institution strives to cultivate when efforts are made to make available the records or archives that contain evidence of governmental activities in a bid to foster public participation in governance. In chapter two the issue of a political hand was revealed by Pickover (2009) who explained that political expediency can dominate and influence an archival institution's appraisal and acquisition policies.

4.5 INCONSISTENCIES IN ACQUISITION, APPRAISAL AND ACCESS AND IMPLICATIONS FOR HUMAN RIGHTS

Having established the challenges that records managers and archivists face in the discharge of their duties, it was relevant to establish the implications of these inconsistencies on the promotion and protection of human rights. The NARS employees having previously established the nexus between archives and human rights promotion and protection, appeared to have witnessed the consequences of poor recordkeeping and contributed keenly to this main question. The themes that emerged in relation to the implications of the inconsistencies in core archival functions include impairment of accountability mechanisms, persistence of corruption and fraud, loss of evidence of the rights of people as citizens, and erosion of national memory.

4.5.1 Impairment of accountability mechanisms

The notion of accountability emerged as a fundamental role of archives in the aim of archival institutions to actively participate in the promotion and protection of human rights. However, inconsistencies in acquisition, appraisal and access imply that the functioning of archives is affected negatively, resulting in shortcomings in the operations of the government.

In light of this, Interviewee RM1 (Interview, 5 December 2013) gives an account of how inconsistencies in the core archival functions have a bearing on accountability by pointing out that, "…records and archives are the life-blood of democracy in the sense that if they are properly managed they avert tendencies of arrogance by the government as the governmental activities can be traced by referring to the evidence contained in the records." Interviewee RM1 emphasises that archival functions are not being carried out properly and consistently and citizens cannot inspect the activities of the government. This deprives citizens of important information which may present a violation of human rights. In chapter two the importance of coherent recordkeeping is viewed by Eastwood (2002) as being of paramount importance to a healthy democracy in which human rights promotion and protection is prioritised. Eastwood (2002) observes that the archival functions of acquisition and appraisal of archival documents in a democratic society must somehow serve the need of citizens to know how they have ruled themselves. However, this is in sharp contrast with what is happening at NARS as duties are not being carried out consistently, resulting in irregularities in governance.

It is important to highlight that interviewees in the records management section confirmed that inconsistencies in core archival functions have adverse effects on the notion of accountability. The respondents in this section gave the following responses in relation to the impairment of

accountability. RM3 points out that, "…an inconsistent record-keeping system comes at a heavy cost as accountability is compromised." RM5 reveals that, "…improperly managed records and archives make it difficult for a contemporary democratic government to be held fully accountable to the public for its activities."

Building on the above sentiments, it implies that loopholes in the core archival functions of acquisition, appraisal and access impacts negatively on the quest for human rights promotion and protection. As highlighted in Chapter 2 on the significances of archives in fostering accountability, Miller (2003) is of the opinion that a government that is able to create, manage, protect, disseminate and use archives effectively will create an environment in which citizens can ensure that their human rights are respected and upheld, as they have access to government information and can therefore question decisions in an informed manner.

On the other hand, A (interview, 7 February, 2014) builds a case against poor record-keeping by highlighting that, "a classic demonstration of record-keeping failure in South Africa was when the records of the proceedings of the Truth and Reconciliation Commission (TRC) were destroyed and details of this historic event have been lost forever". Allied to this opinion were the sentiments echoed by AS3 (interview, 10 January, 2014) who laments the inadvertent destruction of records as adversely affecting the pursuit of NARS in fostering accountability and that, "if records or archives are destroyed unprocedurally it implies that NARS would have missed out on documenting equally important events". A particularly noteworthy element on this aspect of accountability is that inconsistencies in core archival functions have far-reaching implications on the mission of NARS in the pursuance of its obligations of capturing national memory.

O'Toole (2004) in relation to historical accountability posits that records and archives play an important role in exacting accountability in the present and

most notably by providing evidence to convict individuals and groups of particular crimes. As such, inconsistencies in acquisition, appraisal and access provision at NARS may cripple attempts in the future by citizens to hold the government accountable for its actions which might have been detrimental to human rights.

4.5.2 Proliferation of corruption and fraud

Closely linked to the lack of public accountability is another theme that was raised by the participants, namely corruption and fraud, a phenomenon that also arises as a result of inconsistencies in the discharge of duties by records and archives practitioners.

The respondents concurred that inadequate recordkeeping that can be traced from the records agencies in the government departments creates an environment conducive for corruption and fraud. Interviewee RM4 (Interview, 12 December 2013) explained that, “you will realise that offences like corruption and bribery in the government have been linked to inaccurate recordkeeping in the country and such incidents are borne out of our failure to conduct records surveys in government departments”. Interviewee RM4 provides a link between corruption incidents and their bearing on human rights by observing that in cases where there is embezzlement of funds, it is the citizens in general who suffer since the money meant for development would have been misused. Interviewee RM4 brings to the fore the issue of poverty that emanates from such corrupt activities.

Interviewee AS5 (Interview, 24 January 2014) emphasises that proper records and archives management act as a deterrent to corruption in that evidence contained in records or archives provides a trail for investigators to trace the origins of corrupt activities. Interviewee AS5 notes the difficulties that archivists face when trying to acquire, appraise and provide access to records and archives: “…sometimes officials in government where

corruption is rampant have a tendency of being complacent and lock up records in their offices and make them unavailable for public scrutiny. This simply poses a problem since it makes it difficult to track the root of corruption." Interviewee AS5's sentiments show that such occurrences impact the acquisition strategies negatively and simultaneously hamper archival efforts meant to benefit the society at large.

To highlight the impact of inconsistencies in archival functions, Interviewee A (Interview, 7 February 2014) observes that, "…improper recordkeeping can bring the nation to the brink of being ungovernable and the challenge that is there is that the powers that be do not seem to appreciate the value of archives in governance." Furthermore, Interviewee A revealed that in cases where the records are disorganised, missing or lost, decision-makers are likely to make poor decisions which implies that citizens are denied the benefit of quality decisions, which in turn translates into services of poor quality. Ideally, derived from this respondent's remarks, poor record-keeping is detrimental to service delivery which contributes to inequalities in the society whereby poor decision-making by government officials exacerbates situations of poverty. It must be noted that archiving efforts in the post-apartheid era have been devised with the intention of achieving equality in service delivery and this categorically amounts to the promotion of human rights.

Kim and Lee (2009) observe that the prevalence of inequalities in many countries can be attributed to cases of corruption and fraud, and in most cases poor recordkeeping provides a platform for these practices to spread. This aligns with what was raised by the respondents in relation to inadequate or improper recordkeeping and its implications for service delivery in the country.

4.5.3 Miscarriage of justice

The apartheid regime was characterised by institutionalised racism which includes the judicial system experiencing irregularities. Embedded in this system was a recordkeeping system that contributed to social injustice. Post-1994, there were concerted efforts by records and archives practitioners at archival institutions in the country to review recordkeeping practices to end apartheid inconsistencies. On the implications of inconsistencies on core archival functions namely acquisition, appraisal and access, the respondents concurred that injustices are still prevalent and are attributed to negligence in records and archives management.

Interviewee AS2 (Interview, 9 December 2013) noted that improper recordkeeping arising from inconsistencies in acquisition, appraisal and access can result in the violation of human rights most notably in court cases where citizens appeal to Archives to obtain information needed to defend themselves in courts. Interviewee RM6 (Interview, 31 January 2014) raised the point of miscarriage of justice as a result of poor recordkeeping: "…a case in point when there are missing records resulting in court delays, for example in 2009, 440 prisoners were denied justice in the Gauteng province simply because they could not access their transcripts and were told that their records had been lost or that they were inaccessible."

However, Interviewee AS3 (Interview, 10 January 2014) gives another dimension of human rights violations with regard to improper recordkeeping, which is closely linked to injustices in the case of health care. Interviewee AS3 revealed that the duty of the NARS is to lay down records management standards and set a benchmark for other recordkeeping units to follow, but failure to discharge such duties effectively and efficiently implies that there would be problems in these agencies. Interviewee AS3 explained that,

> *One would realise that there are incidents whereby the absence of records at the time of medical examination, patients are given inappropriate treatments and/or even tests and such a predicament signifies that healthcare is undoubtedly another area where improper recordkeeping can pose a threat or can have adverse effects on the lives of citizens or their well-being.*

Evidently, these sentiments show that if the NARS does not properly execute its responsibilities the effects are felt by citizens in the form of poor service delivery which constitutes a threat to human rights.

It emerged from the interviews that with regard to archives and human rights promotion and protection, records managers and archivists in a democratic country strive to ensure that justice prevails as a result of proper recordkeeping practices. Interviewee A (Interview, 7 February 2014) mentions that the Promotion of Access to Information Act (PAIA) of 2000 gives the public the right to access public information. However, the inconsistencies prevalent in executing core archival functions affect the realisation of the goal of PAIA in the sense that when citizens resort to archives seeking information they sometimes do not find it due to irregularities in acquisition, appraisal and access. Interviewee RM1 (Interview, 5 December 2013) provides a link between irregularities in archival functions and the human rights threat of social injustice by stating that, "…for instance if an innocent person is convicted due to faulty reconstruction of records or archives that simply amounts to miscarriage of justice." Of interest in the preceding analysis, the participants placed great emphasis on the implications of defective records and archives management to the notion of justice. Harris (2011) notes that the basic tenets of the memory of justice movement in South Africa revolves around archives as an integral part of the struggle against apartheid where the archivist is not an impartial custodian but rather, the archivist is a memory archivist, either for or against the oppressive system.

In relation to miscarriage of justice, Interviewee RM4 (Interview, 12 December 2013) stated that a vibrant recordkeeping regime not only contributes to the judicial system but can be essential in averting human rights violations in the future. Asked to clarify further, the respondent revealed that, “apparently because of flaws in specifically acquisition and appraisal the effects can be felt by future generations where for instance the absence of documentation instigated by the current problems can lead to poor decisions that can be detrimental to human rights.” Comparably, Interviewee AS1 (Interview, 5 December 2013) explained implications of defective recordkeeping and how they affect future generations: “in the early 1990s when the apartheid system began to fade there were cases when people came to the Archives to inquire about the availability of records that could help them reclaim land dispossessed in the apartheid era.” This respondent claimed that because the apartheid recordkeeping system was linked to oppression, people who appealed to the Archives to settle land disputes were not able to find relevant documents and this simply meant that justice was denied as they could not repossess their land. In relation to this, Article 17 of the Universal Declaration of Human Rights states that (1) everyone has the right to own property alone as well as in association with others; (2) No-one should be deprived of his property. This implies that faulty archiving is counter-productive to the endeavours of human rights promotion and protection as justice can be denied because of the unavailability of records and archives.

4.5.4 Misrepresentation of corporate and national memory

It emerged from the interviews that flaws in acquisition, appraisal and access have serious implications on memory at both organisational and national level, where the combined effect amounts to human rights violations. It was established in chapter two that the apartheid archival landscape laid a foundation for a skewed documentary heritage, a societal

memory that was devoid of black people's experiences in which the under-represented groups were excluded from the history of the nation. However, the participants confirmed that despite the transformational discourse taking place at the NARS, the incoherent nature of core archival functions meant that gaps in the documentary heritage (or national memory) are still visible. As such this question on the implications of defective recordkeeping revealed that while transformation at the NARS is undoubtedly taking place, the challenges in the institution have had adverse effects on the goal of being an important player in human rights promotion and protection.

According to Interviewee A (Interview, 7 February 2014) the post-apartheid archival system has made significant progress in building a societal memory that is inclusive in nature although bias cannot be ruled out. Asked to clarify further, it was explained that, "…apparently not all previously marginalised groups have been incorporated into the archival system and that translates to gaps in societal memory, and one can then argue that some elements in society are embedded in the politics of identity." These sentiments can be linked to a discussion in chapter two on the role of archives in identity construction, whereby the gaps in the societal memory pose a threat to a crucial human right, in this case the right to know about one's genealogical history.

Interviewee RM2 (Interview, 10 December 2013) gives a compelling account of the consequences of defective archiving which conceives a skewed organisational memory that impacts negatively on the decisions to be made in the future:

> *In the case of corporate memory, the main challenge is that a flawed recordkeeping system implies that those records to be kept for posterity because of their enduring value could be misleading and what this means is that the future generation which inherits these records is bound to make misinformed decisions which can be detrimental to*

employees. A case in point relates to employee records which are crucial in human rights issues, if today's employee rights are being violated chances of future employees facing such a predicament are also likely to be high.

The above sentiments expose the long term effects of inconsistencies in the three core archival functions and how this contributes to human rights failure and subsequently undermines the efforts of NARS as being instrumental in the promotion and protection of human rights.

Interviewee AS5 (Interview, 24 January 2014) emphasised access and stated that, "…as archivists we tend to devote too much energy to perfecting acquisition and appraisal, striving to have high quality archives which is commendable but the burning issue is on access, if we do not provide access to archives we deal a blow to the citizens." On the matter of access to archives, there are calls by the supporters of democracy who claim that information is necessary for human rights protection in the sense that if citizens are well informed they will be better positioned to fight for their rights. However, based on the claims made by Interviewee AS5, access provision at NARS experiences irregularities and it can be argued that in some instances citizens are denied access to archival materials which is a threat to human rights. In chapter two, Ngulube and Sichalwe (2009:7) observe that the state of access provision in Africa presents a concern, in that, "despite the global trend towards liberalization of access and increasing recognition that the right to information is a key to open the door to the fulfilment of other rights, governments in Africa have not taken action in making access to information a basic right for their citizens."

4.6 SUMMARY

The chapter presents the findings of the research. The research questions raised at the inception of the research were answered, particularly the

overarching question of the claims of inconsistencies in acquisition, appraisal and access provision. The first question sought to establish what the role of the core archival functions are and revealed the perceptions that records managers and archivists have regarding the nexus between archives and human rights promotion and protection. It also allowed the researcher to measure the progress that NARS has made since the attainment of independence in 1994. It emerged from the interview process that the institution contributes to human rights ideals.

Having interrogated the connectedness of archives to human rights, it was necessary to examine the challenges that confront the institution when undertaking the core archival issues. Interrogating the challenges would expose where the challenges lie and how the institution has responded to these challenges. Lastly, the interview process sought to bring to the surface the implications of inconsistencies in acquisition, appraisal and access and how these undermine democratic imperatives.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

The democratic dispensation unfolding in South Africa has seen memory institutions being assimilated into the democratic system to contribute to the ideals of democracy, and the NARS is one institution that has been identified as an important player in the realm of human rights. The placement of Archives on the human rights landscape as the custodians of national memory and societal memory challenges them to be instrumental in enhancing the ideals of democracy in which human rights issues are embedded.

The NARS undertakes various activities and practices in the construction of the documentary heritage but there are three archival functions which contribute particularly to this cause, namely acquisition, appraisal and access provision. Having been instrumental in the transition from the apartheid regime to democracy, the NARS has had strong support to pursue its obligations. However, as the democratisation process gathers momentum there are challenges which appear to undermine the operations at NARS and impact on its obligations of fostering human rights.

The problematic areas that emerged from the interviews include the absence of a dedicated budget to enable NARS to discharge its duties effectively and efficiently, low awareness on the role of NARS in fostering indigenous rights, resistance by citizens to participate in oral history programmes, and undue political influence.

The study was based on the premise that inconsistencies in acquisition, appraisal and access provision were the main challenges to the mission of

the NARS. The aim was to establish the extent to which the nature of these archival functions impeded the promotion and protection of human rights. The research was conducted within a qualitative paradigm where twelve people volunteered to participate and contribute to this research. The interviews conducted were semi-structured and this enabled the researcher to elicit a conversation with the respondents.

The preceding chapter on data presentation and analysis highlighted that, in general records managers and archivists are well aware of the nexus between archives and human rights promotion and protection. The implications of information practitioners at NARS having this in-depth knowledge about this relationship implies that their activities take into account the principle of equality and concerted efforts are made to have an archival body that is representative of the society, shifting from the apartheid tendencies of documenting only powerful elements in the society. In relation to the inter-connectedness between archives and human rights, the participants concurred that in a democracy, satisfying the notion of accountability is the first responsibility of archivists and that human rights ideals can be realised from this fundamental component.

The second question sought to establish the challenges encountered by NARS employees when executing their duties. From the conversations it emerged that the main challenge in NARS operations is the lack of a dedicated budget to enable the institution to operate efficiently and effectively, and this has crippled the functioning of NARS, resulting in gaps in the documentary heritage of the nation. The occurrence of gaps in memory can impact negatively to human rights as this impedes societal functions like identity construction, and under-representation of other groups in the history of the country, which in turn acts as a catalyst to inequalities.

The third question focused on establishing the implications borne out of inconsistencies in acquisition, appraisal and access provision and it emerged that there would be loss of public confidence in issues of governance which is detrimental to accountability mechanisms. The participants confirmed that when accountability is impaired it results in poor service delivery which amounts to human rights violations.

5.2 GENERAL CONCLUSIONS

The main issues that emerged from the research process are closely linked to the research problem which focused on the inconsistencies in acquisition, appraisal and access provision. The major issues that emerged include lack of adequate government support, low level of awareness on the role of NARS in fostering indigenous rights, resistance by other citizens to participate in oral history programmes, space constraints, and the undue influence of politics. These have negatively impacted the operations of NARS in its efforts to contribute to the promotion of human rights.

5.2.1 Lack of adequate government support

This emerged as the major stumbling block crippling the operations of the institution especially in the areas of acquisition, appraisal and also making access to the archival holdings difficult. The placement of the institution within the Department of Arts and Culture (DAC) appears to have further complicated the issue and this stems from the fact that the department is seen as being less influential in the circles of government decision-making. The lack of a dedicated budget allocated to NARS further compounds the problems, relegating the institution to the periphery.

The implication of this treatment from the government implies that the core archival practices are no longer being fully executed, leaving gaps in corporate and societal memory. A skewed documentary heritage emanates

from the failure of the institution to conduct records surveys, oral history programmes and outreach activities which are crucial in the construction of a vibrant recordkeeping system. The adverse effects of such a situation are firstly felt by the NARS employees themselves as they feel demotivated by this neglect and they transfer this frustration to their work which results in archives of poor quality.

It is important to highlight that the consequences of inadequate government support to NARS also pose a threat to the democratic ideals which the government is striving to develop as part of a culture of democracy. It is in this democracy that notions of human rights are embedded and hence from an archival standpoint, accountability failures and failure to capture the narratives of groups previously marginalised amount to human rights violations.

5.2.2 Low awareness on the role of NARS in fostering indigenous people's rights

The fact that NARS has been accorded minimal attention by the government, the importance of archives in the promotion and protection of human rights has not been fully embraced by citizens and also other potential users, including the research community. The issue of low awareness can be attributed to the failure by NARS to market itself to the public, or to enlighten them about the significance of archives for their own well-being.

Various government departments which also create records that eventually find their way to the NARS have not embraced records and archives management and its usefulness to their immediate employees, and most importantly to the whole nation. This implies that in instances where the creators of records, that is offices of origin, do not place value on recordkeeping there are high chances of negligence in recordkeeping

practices. If the recordkeeping system is fraught with irregularities it implies that employees' rights are prone to violations. The general public will also not have access to the necessary documentation to enable them to inspect governmental activities which contributes to an environment conducive to corruption and fraud.

It can thus be argued that if the public is not enlightened on the significance of archives their rights can be easily manipulated without them knowing. A case in point is that of records like land ownership records or title deeds which in most cases are kept at NARS. In land disputes where, for instance, an individual is dispossessed of his or her piece of land, that particular person can appeal to the Archives and obtain important documents to be used in settling the dispute. However, given that there is low awareness on the role of archives in the promotion and protection of human rights, it can be argued that a large number of citizens' rights are threatened without them knowing how to defend themselves.

5.2.3 Resistance by citizens to participate in oral history programmes

The research process also brought to light another aspect that undermines the institution's collection development efforts. Because of limited awareness, the institution's important oral history programme meant to document the experiences of previously marginalised voices has been adversely affected.

The importance of this exercise can be seen by revisiting the apartheid recordkeeping system which had gaps in societal memory and documentation strategies that promoted inequalities. NARS has attempted to correct this anomaly by engaging various communities capturing their lifestyles and this is crucial for identity construction. However, it emerged that the institution in some instances encounters resistance from the groups that would have been included in the country's documentary heritage. Of

importance on this acquisition strategy is that it is a human rights promotion strategy that fosters cultural identity and hence failure by the institution to effectively undertake the oral history programme results in gaps in the societal memory.

It can thus be argued that there appears to be a number of challenges that emanate from the government's stance of offering minimal support to the operations of NARS. For instance, this aspect of resistance is induced by lack of awareness where citizens are unaware of the potential of archives in human rights and thus do not find it worthwhile to participate in these programmes initiated by NARS. This further relegates the institution to the periphery of government and public interest.

5.2.4 The political influence in archival practice

The archival landscape worldwide has undergone transformation with key archival thinkers challenging archivists to be influential in human rights activism and working tirelessly to foster social justice. In so doing, they aim to ensure that equality prevails in democratic governance. It is important to note that with regard to these calls, the South African archival terrain has excellent pieces of legislation to make archivists champions of human rights activism. However, it emerged from the research process that by virtue of the institution being funded by the ruling party, this has led to a compromise on the core archival functions.

The institution receives inadequate funding from the government yet is expected to be largely biased in its acquisition and appraisal strategies whereby consciously or unconsciously, archivists add to their holdings records or archives of powerful elements in the government. The implication of this is that focus is diverted from capturing or documenting the other groups in the society which merit inclusion in the national memory. Similarly, providing access to the archival materials at the institution can also be

controlled by the same powerful elements in the country and this cripples the mechanisms of proper recordkeeping.

The political influence in archival practices emerges as a threat to human rights particularly on the core archival practices of acquisition, appraisal and access provision. This contributes to irregularities in issues of governance and undermines the efforts of NARS in the promotion and protection of human rights. It also contributes to a biased documentary heritage that affects future generations.

5.3 ANSWERS TO RESEARCH QUESTIONS

Question 1: What is the role of acquisition, appraisal and access provision in human rights promotion and protection?

The question sought to establish the perceptions that records managers and archivists hold about the roles that NARS plays in promoting human rights. It emerged from the interviews that there is a nexus between archives and the promotion of human rights and the participants clearly pointed out that the three core archival functions of acquisition, appraisal and access provision are crucial in enabling the institution to contribute on the human rights platform.

The archivists concurred that first and foremost the post-apartheid recordkeeping mechanisms are focused on correcting the anomalies put in place by the apartheid regime, where black people could not hold the government accountable for its actions, and where marginalisation was acute to the extent that black people were excluded in the national memory and also where corruption was rife. The underlying factor is that the recordkeeping regime in the democratic South Africa is devised in such a way that archivists have positioned themselves to ensure that archives are seen as pillars of accountability; archives are used for land restitution;

archives are crucial in legal redress; and archives are used as tools by human rights activists in defending the rights of citizens.

The participants confirmed that archives contribute significantly to fostering democracy and most importantly, embedded in democratic principles is the human rights movement that is inclined towards achieving equality. It can thus be argued that Archives in a democratic country are instrumental in fostering a culture of transparency in which citizens, through the use of archives, can participate effectively in governance and thereby increase the chances of having a society that takes full cognizance of the notion of equality.

Question 2: What challenges do archivists face when undertaking acquisition, appraisal and providing access to archives?

Having established the indispensable role played by archives in human rights promotion and protection, it was important to examine the challenges that archivists encounter when discharging their duties, as these have implications for the overall performance of the institution on the human rights platform.

It emerged from the research process that despite the weight attached to NARS as an important player in human rights, the institution faces a number of challenges that undermine the important archival activities. The major challenge that emerged was that of the minimal attention being accorded to NARS by the government, evident in the lack of a dedicated budget to finance the essential operations of the institution. The participants complained about inadequate support from the government which has led to further challenges which include low awareness of the role played by the institution in fostering indigenous people's rights. This is exacerbated by the inability of the institution to inform citizens about the importance of Archives,

and people's rights have been violated without them knowing that they can make use of archives to defend themselves.

It also emerged that the issue of political influence in acquisition, appraisal and access provision meant that the archival process is to a certain degree compromised, which further undermines public confidence in both the work of the Archives and the government.

These challenges have undermined the operations of the institution making it difficult for NARS to make its presence felt on the human rights platform. As a result of these challenges, there are implications which are also detrimental to human rights, as explained below.

Question 3: Why are there inconsistencies in acquisition, appraisal and access provision of archives and what are the implications in the promotion and protection of human rights?

This question sought to establish the implications that emerge as a result of inconsistencies in the core archival practices and how these affect the human rights movement. These include the impairment of accountability, the proliferation of corruption and fraud, miscarriage of justice, and misrepresentation of corporate and national memory. It is important to highlight that these implications all amount to human rights violations and the participants concurred that the impairment of accountability is ideally the first concern that emanates from inconsistencies in acquisition, appraisal and access provision. This also contributes to social inequalities and human rights violations.

5.4 SUMMARY

The overarching aim of this research was to explore the state of the core archival functions undertaken at NARS, namely acquisition, appraisal and

access provision. This was triggered by the claims that the practices are being undertaken in an inconsistent manner resulting in a skewed documentary heritage. It was necessary to establish the extent to which these practices were not being fully utilised as this would provide a foundation for assessing the role that NARS should play in human rights promotion and protection.

An authoritative argument can now be constructed based on the findings that indeed the core archival practices of acquisition, appraisal and access provision are not being fully executed. The underlying factor is that Archives are of paramount importance in the human rights movement but the question that emerges is why the fundamental practices which are crucial in the formation of records of enduring value are not being executed efficiently and effectively. National memory is an indispensable asset of any country and as such a vibrant recordkeeping system in which the core archival functions are undertaken consistently and in an appropriate manner results in an accumulation of records or archives that are inclusive, that is, a body of archives that are representative of the society as these can be used in the human rights movement.

The NARS is an institution that formulates and sets recordkeeping standards in the country and in a way oversees the management of public records and also has influence over private archives. However, despite the weight attached to NARS as an institution that is crucial in human rights, it receives inadequate support to pursue this mandate. The underlying premise of the study to understand the reasons behind inconsistencies in core archival functions was necessary in order to identify where the NARS falls short in supporting the human rights movement. As such, two broader issues emerged from the research process as being particular challenges for the institution to be effective in its role of supporting human rights.

Firstly, it emerged from the research process that the institution does not receive adequate support from the government. This is substantiated by the lack of a dedicated budget to fund the various projects that the institution undertakes. However, it is important to note that while the government recognises the contribution of NARS to the broader society, attention has been shifted to address what government officials refer to as strategic areas which are those that are regarded as critical. This means that the department that NARS falls under, the DAC, may be viewed as being of lesser importance, and this has adversely affected the operations of NARS.

Closely linked to this has been the issue of low awareness of the role of NARS on the human rights platform. This has been influenced by the failure of the institution to market its services to the public, and to enlighten the public on the importance of archives in human rights promotion and protection. The implication of this has been evident in the resistance by citizens in some instances to participate in NARS projects like national oral history programmes that are intended to contribute towards the promotion of greater equality in the society.

In summary, the implication of inconsistencies in acquisition, appraisal and access provision have contributed to deep-seated social problems like corruption and fraud. This has been exacerbated by the impairment of accountability which has contributed to miscarriages of justice, and the misrepresentation of corporate and collective memory. Such ongoing social challenges effectively equate to human rights violations.

5.5 RECOMMENDATIONS

This study was undertaken to investigate the role that the NARS plays in human rights promotion and protection. It is important to highlight that even though the study revealed that the NARS has been instrumental in the human rights movement in South Africa, the findings of this research

demonstrates that greater commitment is needed to make the institution's presence felt in relation to human rights implementation.

One of the purposes of the research was to make recommendations on how the NARS's core archival functions of acquisition, appraisal and access can be fully utilised and also how the NARS can reinvent itself and better contribute to democratisation, including around issues pertaining to human rights promotion and protection.

Firstly, the government needs to revise its position on NARS support and provide the institution with material support or resources. The institution is propelled by significant pieces of legislation but these have to be supplemented by resources for them to be effective. The NARS is undoubtedly the watchdog of governmental accountability as it has the power to inspect government departments, but this has proved to be unworkable in the absence of adequate resources to carry out those inspections. There is evidence of the lack of a dedicated budget being allocated to the NARS and this has relegated the institution to the periphery of archival oversight.

It also emerged from the research process that certain categories of records, such as records of security establishments which are regarded as sensitive records, are sometimes not lodged with the Archives. This is a concern in that such records during the apartheid era were also not properly provided and that refusing to disclose such information had served to support the human rights abuses of the apartheid government. As such, mechanisms should be put in place to ensure that those categories of records remain under the supervision of NARS so as to enhance transparency and by so doing promote human rights.

The government should also review the position of the NARS taking into account its role as an auditor of government. The current positioning of

NARS within the DAC is of great concern considering the non-centrality of the department; this undermines the operations of the institution as it lacks the status quo and the self-determination which is imperative to perform the oversight role. This also explains the challenge that emerged from the interviews, namely that there is low awareness of the role of archives in fostering individual people's rights.

The NARS should also be given sufficient material support to facilitate the filling of gaps in societal memory, that is, the resources to initiate a vibrant collection strategy of non-public records and also resources to enable the institution to market its services to the public. This would improve the institution's mandate and capacity to undertake oral history projects.

The institution should also adopt a communications strategy that may involve workshops and meetings with top management, sensitising them on the benefits and risks associated with records and management as this would serve to improve NARS's status and contribute to it receiving the attention it deserves.

5.6 AREAS FOR FUTURE RESEARCH

The research conducted for this study explored the role of the NARS in human rights promotion and protection. It is important to note that it concentrated to a large extent on the national level but of equal importance is the potential of provincial archives in identity construction and the potential contributions to national memory. This is a possible area of further research to be considered.

Furthermore, it emerged from the findings that there is a low level of awareness of the role of archives in indigenous people's rights. This provides possibilities for future research on the marketing strategies that

can be adopted by Archives to receive the attention this area of study requires and may also generate revenue to fund its projects.

Another area that may be considered for future research is exploring the role that can be played by Archives in conflict resolution, bearing in mind that archives contain evidence that can be instrumental in resolving conflicts that arise as a result of differences of opinion. This can also be complemented by interrogating the impact of the destruction of the TRC documents in South Africa.

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APPENDICES

Appendix 1: Individual participant information sheet

Research topic: The role of the National Archives and Records Service of South Africa human rights promotion and protection.

Dear research participant

The researcher at the Graduate School of Public and Development Management of the University of Witwatersrand is appealing for your assistance by making yourself available for an individual interview.

I am currently conducting a research study with the aim of understanding the occurrence of inconsistencies in acquisition, appraisal and access provision at the institution and how these are impacting the institution's role in the promotion and protection of human rights.

You are kindly asked to respond to a set of questions by the researcher. The researcher will ask you questions in relation to the topic and you are required to provide detailed answers to these questions. The researcher may also ask for clarity to get more information. Your answers will be recorded only with your permission.

Your rights as a participant, including the right to withdraw at any time without penalty are ensured. You can leave the study or ask for a break at any time, at any stage.

Your are requested not to disclose any instances of corruption that you know of, as the information you provide is not protected from any legal process that might occur.

The researcher may publish the findings of the research in peer reviewed journals or present them at conferences. Your anonymity is guaranteed and your confidential information cannot be disclosed

For further information please do not hesitate to contact Bernard T Mhlanga on: 078 298 2083.

If you would like to participate in the research please sign the attached consent form.

Yours Sincerely

Bernard T Mhlanga: Witwatersrand University student

Horacio Zandamela: Student leader, University of Witwatersrand

Appendix 2: Participant Consent form: Individual interviews

Title of the research project: The role of the National Archives and Records Service of South Africa in human rights promotion and protection.

Researcher: Bernard T Mhlanga

Researcher's contact details: Cell: 0782982083
Student number 754496

Dear research participant

If you agree to be interviewed, please sign the consent below,

Consent:

I agree to participate in the research project. I have read the participant information sheet, which is attached to this form. I understand what my role will be in this research and all my questions have been answered to satisfaction.

I am satisfied with the instructions I have been given so far and I may request further information at any given stage of the research project.

I understand that I am free to withdraw from the research interview at any time, for my own reasons and without prejudice.

I understand that I have the right to be recorded if I so wish.

I have been informed that anonymity will be used in the research report, confidentiality of the information I provide will not be guaranteed if I provide full details.

I am free to ask any questions at any time before, during and after the study.
I have been provided with a copy of this form and the participant information sheet.

I have not been coerced in any way to participate in this study.

Data protection: I agree to the researcher and the University of Witwatersrand and processing personal data that I have supplied. I agree to the processing of such data for any purposes connected with the research project as outlined to me.

Name of participant (print)……Signed……Date……..
Name of witness (print)……....Signed……Date……..

Appendix 3: Tape recording consent

Dear Research Participant

If you agree to be recorded, please sign the consent below,

Consent:

I agree to participate in the above research project. I have read the participant information sheet and signed the participant consent form, which are attached to this form. I understand what my role will be in this research, and all my questions have been answered to my satisfaction.

I am satisfied with instructions I have been given so far and I may request further information at any stage of the research project.

I have been informed that anonymity will be used in the research report, but confidentiality of the information I provide will not be guaranteed if I provide my full names. I am free to ask any questions at any time before, during and after the interview.

I agree to be audio recorded by the researcher.

I have not been coerced in any way to be tape recorded.

I understand that I am free to ask the researcher to stop the tape recording of the interviews at any time, for any reason without prejudice.

Data protection: I agree to the researcher and the University of Witwatersrand processing personal data that I have supplied. I agree to the processing of such data for any purposes connected with the research project as outlined to me.

Name of participant (print)……Signed……Date……..
Name of witness (print)……....Signed……...Date……..

Appendix 4: Individual interview questions

A. What role does acquisition, appraisal and access provision play in the promotion and protection of human rights?

1. What criteria does the institution use when appraising records?
2. What are the existing access policies at the institution?
3. What are the institution's acquisition strategies?
4. What organizational strategies to ensure that the core archival functions are done consistently and appropriately?
5. What steps have been taken to document previously marginalized elements in society?
6. Are there any policies that cater for the promotion and protection of human rights?
7. What linkages are there between archives and human rights promotion and protection?
8. What is the connection between Archives and human rights organizations?

B. What challenges do archivists face when undertaking acquisition, appraisal and access to archives?

1. What would you say are factors that affect the role of archives in the post-apartheid era?
2. What are the challenges faced by archivists when discharging their duties?
3. What steps have been taken to counter the challenges cited above?
4. How successful have the attempts been?
5. Has the government been supportive in helping the institution achieve its goals?

C. Why are there inconsistencies in acquisition, appraisal, access provision and what are the implications in the promotion and protection of human rights?

1. What explains the inconsistencies in the core archival functions?
2. What would you say are the effects of irregularities in the core archival functions?

3. What notable differences are there between the apartheid record keeping system and the post-apartheid record keeping system?
4. Any other comments on the role of archives in human rights promotion and protection?