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RELIGIOUS ARCHIVES IN THE EAST AND SOUTHERN AFRICA REGIONAL BRANCH OF THE INTERNATIONAL COUNCIL ON ARCHIVES (ESARBICA)¹ REGION: THEIR IMPORTANCE AND THE NEED FOR A NATIONAL FRAMEWORK

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Abstract

This article discusses the need for private archives to be legislated like their counterparts the public archives. It focuses on the genre of religious archives which constitutes non-governmental or private archives, a field that has been given less attention in archival discourse. Why religious organizations have not been given due attention could be because of the inherent complexities in their work internal processes. Despite this, it is the thesis of this article that archival legislation should be reviewed and modernised for this record to be managed at national level in view of the fact that so much human activity is recorded in the archives of our religious institutions and communities and other related bodies. The article reviews the literature on private archives with particular emphasis on religious archives and analyse the archival legislations of some countries within ESARBICA in an effort to ascertain whether some sections are sympathetic to private records, the religious record being one in many. The findings paint a gloomy picture for private records as the legislation in place is archaic and not accommodative of this record which means this Christian heritage is on the abyss of disintegration hence the urgent need for it to be legislated for the benefit of posterity.

Keywords

Legislation, private records, public records, religious archives, ESARBICA

Introduction

This article discusses the need for religious archives to be legislated as is the case with their public sector counterparts in ESARBICA member states. A definition of what constitutes archives will suffice for clarity matters. Archives are documentary materials created, received, used and kept by a person, family, organisation, government or other public or private entity in the conduct of their daily work and life and preserved because they contain enduring value as evidence of, and information about activities and events (Millar 2010:260). Private archives are those originating from groups, associations, businesses, political parties and are viewed as private because they are created, received and maintained by non-governmental organisations, families or individuals relating to their private and public affairs (International Records Management Trust [IRMT] 1999).

Religious archives are thus private archives as they are one of such genre of records belonging to groups or associations such as missions and denominational institutions. Public archives are records created or received and maintained in any public sector agency and these are legally mandated. This article seeks to address a number of issues pertaining to private archives with

1. The East and Southern African Regional Branch of the International Council on Archives (ESARBICA) was established in 1969, in Kenya. It brings together individuals and institutions concerned with the creation, use, preservation and management of recorded information in Eastern and Southern Africa. It comprises of fourteen member states namely: Angola, Botswana, Kenya, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Uganda, Zambia, Zanzibar and Zimbabwe (ESARBICA 2013). The mission of ESARBICA is the advancement of archives through regional co-operation.

particular regards to their importance, and the need for them to be legislated like public archives. This study therefore sought to investigate if private archives are included in the national archival legislation through the usage of content analysis on the national archival legislation of ESARBICA member countries. In addition, this article, also, reviews the literature on private archives with a particular focus on religious archives published, old and new. It is confined to English-language material and limited to studies done in the United Kingdom, the United States, Australia and the Eastern and Southern African Regional Branch of the International Council on Archives (ESARBICA). Eberhard (2013) has noted that no records are inherently ‘religious’ and an attempt will be made to clarify what religious archives are to eliminate the confusion with regards to this genre of archives.

Genre of archives

The two primary or broad categories for classifying archives are public and private. The International Records Management Trust [RMT] (1999) noted that records created or received and maintained in any public sector agency constitute public archives whilst records originating from groups, associations, businesses, political parties and churches are viewed as private because they are created, received and maintained by non-governmental organisations. Fisher (2009) further reiterated that private archives generally are defined as records created by individuals and corporate entities (including non-profit organizations) outside of the public sphere of governments, governmental agencies, and departments. These non-governmental archives typically include the fonds of persons, families, non-profit organizations and for-profit businesses.

On the other hand, records of national and provincial government and those belonging to statutory bodies fall under public archives as these are publicly funded from taxpayers’ money. The International Records Management Trust (1999) noted that it is the primary responsibility of government to take care of its own records hence the various legislative instruments in place to oversee this. Parer (2000) observed that governments therefore, often protect their records more rigorously than private organizations or business entities do. Governments use legislation to ensure that its records and archives are appropriately managed and preserved over time for accountability and historical reasons. Hamooya, Mulauzi and Njobvu (2011) concurred and noted that governments all over the world require comprehensive archival legislation to ensure that records and archives are managed accordingly for effective running of the current operations of organizations as well as for posterity.

On the contrary, private archives exist without the benefit of legislation that mandates their creation, preservation and use and it can thus be argued that genuine archives within ESARBICA are those that are legally mandated in view of the fact that the authority of archivists is mandated under law? Eberhard (2008) observed that non-government archives, a category into which almost all ‘small’ or in-house archives fall, operate without the benefit of supporting recordkeeping legislation. As pointed out earlier on, private archives or historical manuscripts originate from unofficial or non-governmental sources such as individuals, business organizations, missionary societies, political groups, trade union organizations and so on. Religious archives are thus private archives as they are one of such genre of records belonging to groups or associations such as missions and denominational institutions.

According to Dahlin (2007:9), private archives are necessary complements to the records in public archives. Of late, scholars have been arguing for comprehensive and co-ordinated information policies to cater for information generated by public and private institutions in various countries. According to Chachage and Ngulube (2006:2), the passing of “FOI laws” in

some countries underscored the need for private and public records to be managed so that they will be available when citizens request to have access to them in terms of the law. Mnjama (2005:468) also noted that the private sector is yet to fully participate in the collection and preservation of records and archives.

Defining religious archives

A concise definition of what constitutes religious archives is a subject of contention within the archival fraternity. To add to the confusion, the terminology in use is used interchangeably, with some using the terms faith-based, religion-oriented, ecclesiastical, church or religious archives. In an effort to promote inclusivity to the diversity of faith traditions around the world and to refresh and rebrand, the International Council on Archives (ICA) recently changed the name of the Section for Archives of Churches and Religious Denominations (SKRICA) to Section for Archives of Faith-based Traditions (SAFT) (SKRICA Newsletter 2012). This change, noble as it might seem, only adds complexity to this subject of documenting not only the intangible as noted by O'Toole (1985-86) but the tangible as well.

Writing from a post-modernist perspective, Presutti (2010) argued that religious archives are different from other types of archives because they are generated from a metaphysical understanding. This view is disputed by Eberhard (2013), who noted that no records are inherently 'religious' but should be more properly called records of faith-based activity. Broadly speaking, 'religious' archives encompass those of recognised Churches (mostly of the Christian faiths) and religious orders (mostly Catholic). As many non-government archives, 'religious' archives include items that may not conform to an orthodox definition of 'record': they hold furniture, textiles, books, ceramics, metal objects, sacred relics, etc (Eberhard 2013). This explanation was also echoed by Karotemprel (2001) who noted that:

Our spiritual and cultural ancestors have left behind monuments, carvings, paintings in caves and frescoes, on stones, tablets, in epics and stories, in oral and written traditions, and they serve as signposts of your (God's) hidden presence in creation and historical revelation.

In a situation where records keeping professionals are unlikely to agree on common terminology, guidance provided by international bodies such as the ICA or the International Standards Organization (ISO) may provide a way out. Accordingly, the ICA (1997) noted that "records" may be in the form of tangible objects hence Eberhard's (2013) definition is encompassing. Suelflow (1980) concurred and noted that religious archives may be legitimately used in the broad sense to include published literature and artifacts. Suelflow (1980:11) further noted that:

The manner in which information is recorded does not make it more or less desirable for historical documentation, nor is the medium of recorded history exclusively manuscript, printed, mimeographed, photoduplicated or any other type of writing. The artist's conception, the hastily drawn sketches of an eyewitness, articles of clothing, personal effects, oral and visual resources and museum artifacts all help patrons understand the context and environment in which decisions were made and services performed. Let them hear music, look at photographs, watch film clips and video tape, read the reports, scan the letters and if it were possible, even sniff the midnight oil.

For the purpose of this article, religious archives are thus defined as material that exhibits humanity's long history of God's interaction with the world be it paper, digital or commemorative medallions used during worship like coins, medals, vestments, drums, furniture and other paraphernalia.

Importance of religious archives

A number of authors, notably Hedenskog (1987), Stewart (1990), Ray (2009), Chartress (2010) and Ebehard (2013) have touched on the importance of religious archives. Hedenskog (1987:1) pointed out that the archives of mission societies and churches have information which is important from an historical, ethnological, sociological and theological point of view. Stewart (1990) also noted that Church members have sought property documentation, historical information on the roots of their congregation, and information on the evolution of various theological and social stances of the Church. In a nutshell as Stewart (1990) observed, they want to know the legal, historical, and religious ground on which they stand.

From a medical point of view, Ray (2009) and Patzwald and Wildt (2004) posited that religious records are rich sources of community history—useful for celebrating heritage and pride—and the records of ascetic communities in service to God have value for medical research into late-life cognitive and physical function and postmortem brain neuropathology. On a similar note, Chartres (2010) noted that much of our national heritage is recorded in the archives of our religious institutions and communities and other related bodies. Ebehard (2013) outlined a number of reasons why ‘religious’ archives have significance and these include:

- Church records created across different parishes and dioceses are amongst the nation’s earliest records of identity: Church registers record baptisms, marriages and deaths;
- Local parish statistics, collected as part of the Church’s efforts to know its constituents, can be viewed as an early form of census data; and
- Parish (and diocesan) records are also a source of local history, especially where parish committees may have been established to oversee new community developments such as schools and halls.

Ebehard (2013) concludes by noting that collectively, these records hold evidence of land ownership and use, building developments and demographic composition and changes over time. In a nutshell, as noted by Dearstyne (1993), these operational records provide enlightenment on theological and religious tenets pertaining to Church participants.

Review of related literature

Kufa (1983) gave a narrative account of private archives in terms of their location, collection and accessibility with reference to Zimbabwe. He observed that many Zimbabwe-related private archives belonging to black politicians, trade unionists, political organizations and even missionaries were located in numerous United Kingdom depositories. Seton (1984) undertook a survey of the situation in selected member states of United Nations Educational, Scientific and Cultural Organization (UNESCO), regarding the acquisition, preservation, arrangement, description and access to the principal categories of private archives, including those of business and labour organisations, universities and colleges, religious organisations, cultural and scientific institutions, estates and families. The findings of the survey were analysed to determine trends, needs and problems, with special reference to the needs of developing countries.

Seton (1984) used a questionnaire to gather data from both developed and developing countries. Her findings revealed that paper was the media of most manuscripts and private archives held in responding institutions. Of great relevance was the revelation that private archives were a matter of concern to archivists in developing countries as these were not actively acquired, but were simply taken or came to be located abroad due to various circumstantial factors. Seton’s (1984) study concluded with recommendations for action at the international level to assist in ensuring comprehensive and effective preservation and administration of private archives. Amongst the list of recommendations, suggested was the fact that the time had come to give legal protection

to private archives where desirable and practical. Measures suggested included registration and classification of private archives, prohibition of the sale and destruction of classified archives and requirements that private owners make adequate provision for the preservation and availability of their archives (Seton 1984).

Mnjama and Sebina (2001) examined the role of records management in private organizations, and central in their thesis was that a sound records management programme was a prerequisite for quality management system programme. They argued that records were the lifeblood of the organization, and failure to manage records was evidence of bad management. Mnjama (2005) further examined some of the issues that confronted public and private organizations in their efforts to manage records and information. He suggested that to a large extent many of these problems were due to a lack of policies and procedures, inadequate storage facilities and a lack of well trained and competent staff.

Hinfelaar and Macola (2004:8) stated that the decision to compile their First Guide to non-governmental archives in Zambia originated from a deep concern for the state of the country's nongovernmental documentary materials. These private archives were underutilized, inaccessible and often in danger of decay or destruction owing to lack of resources and informed support. Garaba (2010) pointed out that the reason why liberation struggle archives were in poor state with regard to their management was because of the archaic piece of legislation used in many ESARBICA member states. In agreement with Chachage and Ngulube (2006), Garaba (2010) noted that the laws that govern the national archives of countries within ESARBICA were wholly inadequate when it comes to the management of the private record.

National legislation on private archives or non-governmental records

In his foreword address, Shikapwasha (2004:4) pertinently remarked that it is fundamental to promote the growth of a culture of record-keeping outside government circles. Eastwood (2006:17) concurred and observed that private archives need to be given due attention as to that accorded to public records. Any efforts in this realm require a planned, documented and systematically pursued approach to ensure that there is an adequate documentary heritage of all generations. There is also a need to have legislation to support the acquisition and preservation mandate.

The following discussion highlights components of legislation applying to private records within ESARBICA for seven member states, namely Zimbabwe, Botswana, Zambia, Kenya, Namibia, Tanzania and South Africa. The archival legislations for the seven other members could not be accessed due to unavailability and language challenges. The nearest the National Archives Act (1986) of Zimbabwe gets to assisting in the collection of private archives is in Section 2(b) which refers to any record or other material acquired by the Director of National Archives in terms of paragraph (c) of Section 5 of that Act. Therefore the Director (Zimbabwe 1986):

...may acquire by purchase, donation, bequest or otherwise any record or other material which in his/her opinion is or is likely to be of enduring or historical value.

Section 5 (h) gives the Director of the National Archives of Botswana the possibility of acquiring private archives that s/he may deem of historical significance and the Act states that (Botswana 1978):

...may, on behalf of the Government, acquire by purchase, donation, bequest or otherwise any private archive which in the opinion of the Director is or likely to be of enduring or historical value.

Similarly, but rather obscurely, Section 3 (h) of the National Archives Act of Zambia states that (Zambia 1995):

...may acquire by purchase, donation, bequest or otherwise any document, book or other material which in the opinion of the Director is or is likely to be of enduring or historical value.

A similar situation is witnessed in the Public Archives and Documentation Service Act of Kenya (1991). With the powers vested in the Director, s/he may (Kenya 1991):

...approve any institution, whether private or otherwise, as a place wherein may be deposited, housed or preserved either permanently or temporarily any public archives, records or records which have been declared historical records, under Section 9.

The National Archives of Namibia Act (1992), the National Archives of South Africa Act (1996) and the National Archives of Tanzania Act (2002) are explicit with regard to the management of private archives in their respective countries. The vision of the National Archives of Namibia (1997) as enshrined in its archival legislation is to:

...acquire, conserve and provide access to private and public records in all formats and media of national significance - - - and co-operate closely ... with the National Library as well as other information centres.

The National Archives of South Africa Act (1996) provides in its preamble a catalogue of terms in which the definition of a non-public record is spelt out for the sake of clarity. The Act goes further to define the objects and functions of National Archives with regard to non-public records as being to:

- i. Preserve non-public records with enduring value for use by the public and the State;
- ii. Make such records accessible and promote their use by the public;
- iii. Collect non-public records with enduring value of national significance which cannot be more appropriately preserved by another institution ...; and
- iv. Maintain national registers of non-public records with enduring value and promote co-operation and co-ordination between institutions having custody of such records.

As for South Africa, a site visit to the MAN database for records of non-public provenance located on the National Archives Automated Information retrieval System (NAAIRS) confirmed the listing of non-public records and this is in conformity with the requirements of the National Archives of South Africa Act (1996) (National Archives of South Africa 2014). This register includes non-public records held in some repositories in South Africa. To access it, one needs to go to NAAIRS and choose the MAN database under the search option

In addition, in view of the fact that FOI and archival legislation are complementary (Jeremy, Kupke and Woodley 2008), South Africa has the Promotion of Access to Information Act, No. 2 of 2000, which requires private institutions to present a manual with the narration of records' holdings, which is a laudable move to promote access to information. The National Archives of Tanzania Act (2002) and the National Archives and Records Services of Botswana (1978) similarly define private archives in their interpretation sections for clarity's sake. Section 13 (2e) of the National Archives of Tanzania Act (2002) states that the Director may do all such things as appear to him necessary or expedient for maintaining the utility of the National Archives and any other archival repository under his control, and may in particular: ...accept private records for safekeeping and acquire private records by gift, bequest or deposit". The Minister is also empowered by Section 26 (1) of the Act to acquire private records. Thus, provided:

... [they] are of national importance, and that it is in the public interest that they be acquired, s/he may, after consultation with the owner of the private records and subject to the following provisions of this section, acquire them, or any part of them, and declare them to be public.

In section 26 (1), for instance, the Act indicates an interest in only acquiring private records of national importance and public interest. The question is: How would the National Archives identify private records of national interest if there was no law regarding their management and a clear mandate for National Archives to identify and manage them?

In summary then, an analysis of these snippets of archival legislation reveals in some cases the inherent semantic ambiguity which also suggests that a revisiting of these issues is needed. A survey conducted by Seton (1984) observed that in recent years in the developed world there has been an increasing tendency to regard private archives as part of the national archival heritage, and to legislate accordingly. This status quo contrasts markedly with what is happening in the developing countries where giving legal protection to deserving cases is desirable and practical, as recommended by Seton (1984), is long overdue. Within ESARBICA, a content analysis of the existing legislation in some respective countries revealed that it was a seesaw affair as there was lack of precision with regard to the management of private archives whereas in some instances this was clearly spelt out as the preceding discussion demonstrated. It was in this context that Chachage and Ngulube (2006), following their dissection of national archival legislation in east and southern Africa, concluded that the framework to deal with records of private organizations was inadequate.

Recommendations

The legislative instruments dealing with the management of private archives within ESARBICA are outdated, lack clarity and are punctuated by latent passivity. Hamooya, Mulauzi and Njobvu (2011) concurred and noted the urgent need to review archival legislation in Zambia to bring it to acceptable international standards. Okello-Obura (2011) and Dube (2011), also observed that many countries in developing countries have either weak laws or inactive legislative provisions to promote good records and archives management. A study conducted by Kemoni and Ngulube (2007) on records and archives legislation in Kenya discovered that it does not address private records/archives which has implications for society. Jonker (2009:67) rightly pointed out that archival legislation, which still focuses on public records, cannot ignore the growing importance of private records in the fabric of society's archival memory. The need for greater state involvement in the management of private archives cannot be overstated and commenting on the need for greater state involvement in the management of private archives Parer (2000) stated that:

The National Archives should be entitled by law to acquire private archives. Legislation should be considered making the National Archives responsible for the compilation and maintenance of a register of all archives of non-public provenance and all documentary collections with research value. The law should oblige owners and custodians of such "registered" archives to preserve them in the best available conditions. Any change in the place of the deposit should be reported; and any proposal to sell or otherwise dispose of them should be referred to the appropriate authority. Export of such archives should be forbidden, or should be subject to the approval of the competent archives authority. The State may be given a right to preferential purchase of private archives.

The foregoing views by Parer (2000) depict what is happening within ESARBICA with regard to legislation on private archives. In recent years there has been an increasing tendency to regard private archives as part of the national archival heritage, and to legislate accordingly as noted by Seton (1984). Therefore, the first instrument for controlling and locating private papers is legislation and Kufa (1993:27) pointed out that it is heartening to note that there is a worldwide awareness of the importance of private papers with the resultant effect that efforts are being made in many countries to improve the collection and control of private archives. Consequently,

the National Archives of Namibia Act (1992), the National Archives of South Africa Act (1996) and the National Archives of Tanzania Act (2002) are explicit with regard to the management of private archives in their respective countries which is a commendable development but more needs to be done with regards to empowering the National Archives to inspect private records, give instructions or advice on their preservation and management.

Lacovino (1998) observed that all aspects of records keeping have a legal ramification and the State Records of New South Wales's "pyramid model" as noted by Wickman (2011) sees legislation as one layer only of a range of strategies that must operate together to influence recordkeeping behaviour. Wickman (2011) further cited Roberts (1999) who remarked that underneath legislation lie standards, codes of best practice, guidelines and manuals, and training, services and support. Legislation therefore gives legality to archival operations and Millar (2003) stated that a nation's Public Records Act or Public Archives Act must define the record-keeping process and confirm that this process must be supervised by a body separate from those responsible for executing the duties of government. The National Archives is the key agency responsible for the care of records held within any location. This agency serves as an information auditor, responsible for protecting documentary evidence. The foregoing view by Millar (2003) is seductive and gives onetime authorization to a body statutorily appointed to oversee record keeping. This is not to suggest that private archives be part of the state archival funds as is the trend in socialist countries.

Rather, Millar's (2003) view is that there should in every nation be a body that is entrusted by statute laws to manage this record for the benefit of the country's heritage wealth. Such an arrangement will not only give legal protection to private archives but will also go a long way in preventing their dispersal and destruction. It is therefore recommended that legislation pertaining to the administration of private archives be reviewed or modernized in order for it to have a national scope and not be orientated towards individual organizations as is currently the case.

Legislation needs revisiting so as to give onetime authorization and responsibility to a body nationally in charge of archival administration. Such endorsement will go a long way in addressing the need to manage private archives like their public counterparts. The total archives approach is could be the solution (Fisher 2009; Ngulube 2012). Fisher (2009) noted that the prevailing tradition of "total archives" in Canada brought together government records and private manuscripts in the same institution under the broad rubric of archives. A similar situation is witnessed in the United Kingdom whereby both public and private organizations are required to comply with the Data Protection Act in conformity with FOI legislation.

The Data Protection Act (1998) enables access to personal information in public authorities and private organizations of which the applicant is the subject. Williams (2006) submitted that the Parochial Registers and Records Measure of 1978 passed by the General Synod of the Church of England amended 1992, provides for statutory access to registers of baptisms, marriages and burials in diocesan record offices and for the provision of certified copies. Williams (2006) further noted that in Wales, an agreement between the Representative Body of the Church in Wales and the Welsh County Councils in 1976 enabled ecclesiastical parish records to be deposited and accessible in county offices in addition to the National Library of Wales. Such arrangements provide better care for the management of private archives unlike the situation we have within ESARBICA. Compiling registers of private records as is happening within ESARBICA is cosmetic, testimony to the abdication of responsibility and only serves to compound an already precarious situation that needs to be confronted head-on.

Conclusion

This article has attempted to highlight the importance of private archives with a focus on religious archives. Religious archives have long been overshadowed by public archives for the simple reason that they are not properly legislated for, and can thus be said to exist outside the ambit of national legislation. If private archives were to be legislated like what has happened in the United Kingdom due to FOI laws, they would be more prominently recognised and their stewardship prioritised. Private archives are in a sorry state and this Christian heritage is on the abyss of disintegration if practical steps to modernise the legislative instruments within ESARBICA so as to incorporate religious archives like their public records counterparts are not urgently taken. Some might argue that National archival institutions have their plate full in terms of what they are presently administering and are battling to survive due to the tight purse, but the earlier this is done to redress the present status quo, the better it will be for the benefit of posterity. One has to critically look at the importance of registers of baptisms, marriages and deaths within our religious communities for instance, to be able to appreciate how valuable this heritage is.

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