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Factors influencing access to archives at Botswana National Archives and Records services

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Abstract

As the responsibility for governments to account and be transparent evolves, access to information is becoming a significant tool in that regard. As such, most countries prioritised access to archives to uphold accountability and transparency, particularly in democratic states. However, for some institutions, access to archives is still a challenge. In this regard, this paper sought to assess the factors that affect access to archives at the Botswana National Archives and Records services (BNARS) with the aim of finding solutions to improve access to archives in Botswana. The study adopted a qualitative approach to review literature on the factors that affect access to archives. The study found that access to archives at BNARS is impacted by copyright issues; weak and lacking appropriate legislative framework; distance barriers; as well as logistical barriers. Ultimately, the paper reflects that several solutions such as the development and review of the legislative framework regarding access to archives, improvement of logistical and operational standards, and implementation of policies are recommended. These interventions should be implemented in line with the International Council on Archives (ICA) principles of access to archives. This would pave way for improved access to archives and archival repositories in Botswana and the ESARBICA region at large.

Key words: archival institutions, archives, access, Botswana, principles of access to archives

Introduction

Providing access to archival materials continue to be the key function of most, if not all, archival institutions due to pressure on governments to take account and be transparent. As the responsibility for governments to take account and be transparent evolves, access to information becomes a significant tool (Marais, Quayle and Burns, 2017). Globally, national archival repositories make access to information a priority (Chaterera and Rodrigues, 2019). For instance, in the United States of America (USA), the Bentley Historical Library increased library operating hours to extend access periods (Dreyer and Nofziger, 2021:45). In South Africa, the National Archives and Records of South Africa (NARS) began to digitise archival materials in each province to provide online access (Archival Platform, 2015). The prioritisation of access to archival holdings is critical because it gives citizens the opportunity

to exercise their right to access (Mnjama, 2008). On a different note, access information promotes accountability, transparency, and good governance, as suggested by Millar (1999), Sebina (2006), as well as Ndenje-Sichalwe and Ngulube (2009). Similarly, Marais et al. (2017) argue that access to information enhances transparency and public participation. Furthermore, the authors point out that access to information also allows citizens to be informed and socially aware of their surroundings, which is instrumental in a healthy democracy.

Internationally, the United Nations (UN) General Assembly (1996) recognises access to information as a fundamental human right. Consequently, archival institutions are under pressure to fulfil this right, especially in democratic states. A review of literature showed that there is no universal definition of access. However, several authors attempted to define access under different contexts. The International Council on Archives (ICA) (2012:3) defines access as the availability of records for consultation because of legal authorisation and existence of finding aids (tools for locating archives). Loewen (2008:164) observes access to archives as the ability and opportunity to use and understand documentary heritage. Given the above definitions, both authors agree that access involves making use of archival material through the regulation of existing legal documents and statutory requirements. In providing access, ICA (2012) advises that archivists should follow the 1996 Code of Ethics and Universal Declaration on Archives to strike a balance between access and privacy, and act within the boundaries of legislation.

The role of archival institutions in facilitating access to archival repositories is well documented. Several studies have stressed the duty of archival institutions in providing access to archives. For instance, Chaterera (2017) observes that it is the responsibility of archival institutions to facilitate access to archival repositories. In support, Venson, Ngoepe and Ngulube (2014:63), as well as Smart (2011) agree that archival institutions justify their role and function by providing access. With access requests increasing daily, archival institutions have been under intense pressure to re-engineer their service delivery to satisfy user demands (Mnjama, 2008; Ngoepe and Ngulube, 2011). Despite these efforts, literature reveals that most national archival institutions in the African periphery are underutilised (Chaterera, 2017; Ngoepe and Ngulube, 2011; Archival Platform, 2015; Ngoepe, 2019; Mukwevho, 2017). It is argued by Kilasi, Maseko and Abankwah (2011) that archival repositories are failing to grant access, yet it is their role to facilitate access to archival collections. Given the critical role of archives elsewhere and in Botswana, this paper sought to assess the factors that impact access to archives at BNARS with the aim of finding solutions to improve access to archives in the country.

Contextual background

Similar to other countries in Southern Africa such as Zimbabwe, Zambia and South Africa, in Botswana, the responsibility to manage all records created in the public sector solely lies with the national archives (Ngoepe and Keakopa, 2011). The Botswana National Archives and Records Services (BNARS) was set up in 1967 within the Ministry of Home Affairs and later Ministry of Youth, Sports and Culture which is responsible for driving policy directions in all government departments (Ngoepe and Keakopa, 2011). Its mandate is to screen and guarantee the creation, management and preservation of public records (Keakopa, 2018; Government of Botswana, 1978). It is fair to highlight that BNARS was instrumental in the success of a decent record-keeping programme in Botswana. BNARS has two local repositories in Gaborone, with two other regional repositories – one in Francistown in the North of the country and one in Kanye in the South of the country. Current writings disclose

that archival institutions are formed and shaped by national archival laws which mirror the basic capacity that is the duty of public archival institutions. These are present in South Africa, Zambia and Zimbabwe, to mention just a few, which have national archival laws that regulate all records management programmes. Botswana is no exception because public records are subject to the National Archives Act of 1978, (revised in 2007) (Ngoepe and Keakopa, 2011; Mosweu and Simon, 2018; International Records Management Trust (IRMT), 2008). The NARS Act of 1978 was amended to strengthen the work done on the management of active records, including electronic records (IRMT, 2008). It is through the NARS Act that access is controlled. Despite its crucial role of providing records management guidelines, the NARS Act has been criticised heavily for its inability to include electronic records management and meet the modern record-changing environments as well as long archival retention periods. In addition, the NARS Act does not have clear prescriptions that guide access to archival collections (Mosweu and Simon, 2018).

Statement of the problem

Recent works by several authors still show that archival repositories are underutilised (Dreyer and Nofziger, 2021; Ngoepe, 2019; Chaterera, 2017; Mukwevho, 2017). The situation is not peculiar to Botswana, as Nengomasha (1998) and Mazikana (1999) also reported backlogs of unprocessed archival materials, making customers unable to access them. In a recent study, Motlhasedi and Mosweu (2020) report various constraints hindering access to archives at BNARS. These include inadequate funding, inappropriate infrastructure, and shortage of skilled personnel. This problem continues to be of concern to archival institutions, as existing archival systems have failed to yield the expected access benefits (Archival Platform, 2015). Consequently, this deters the key principles of good governance and healthy democracy, which are realised through accountability and transparency which are facilitated by access to information (Sebina, 2006; Mukwevho, 2017). Hence, this paper sought to assess the factors that affect access to archives at BNARS using the ICA principles of access with the aim to find solutions to improve access to archives in the country.

Overview of access to archives

Ngulube (2002) provides a detailed description of the concept access to archives. In his paper titled *Nature and accessibility of public archives in the custody of selected national archival institutions in Africa*, he points out that there are three categories of access to archives, which are physical access where one physically visits an archival institution to request materials, bibliographic access where users use bibliographic or reference aids to locate information and intellectual access which involves the ability to understand and be able to locate archival collections (Ngulube, 2002).

Notably, access to information, and not just archives, is a global problem. In other countries, several authors have added to the literature on access to archives. For example, Senturk (2014) surveyed 53 archivists to analyse the challenges affecting access to archives. The author's findings revealed that security, legal requirements, and copyright agreements affect access to archives. A similar survey by Duchein (1983) reflected the same challenges found by Senturk (2014). In a recent study by Dreyer and Nofziger (2021), it was indicated that low access to archival holdings results from physical barriers, institutional barriers (legal and statutory requirements), logistical barriers (limited collection use, restricted public hours) and policy barriers. To add to this, Michalko's (2015) survey of Special Collections and Archives in the United Kingdom and Ireland revealed that half of archival collections were not digitised, which made online access impractical.

Regrettably, literature has proven that similar problems existed in the Eastern and Southern African Regional Branch of the International Council on Archives (ESARBICA). Several scholars have documented the accessibility of archives in the region (Mazikana, 1999; Kemoni, Wamukoya and Kiplang'at, 2003; Ngulube, 2002; 2006; Mnjama, 2008; Ngulube and Sichelwe, 2009; Ngoepe and Ngulube, 2011; Murambiwa and Ngulube, 2011; Kalsi, Maseko and Abankwah, 2011). In their research, issues such as backlogs of uncatalogued records, poor records appraisal and classification, underutilisation of technology, lack of capacity building, poor infrastructure, lack of policing, standards, legislations, low budgets, lack of reading rooms, and others as familiar challenges that affected access to archival repositories in the region.

Furthermore, Archival Platform (2015) reports that access to archival institutions in South Africa is low because citizens are not aware of archives and their relevance to them. Ngoepe (2019) who agrees that archives are only used by a few elite members of the society while other, ordinary people are not aware of their existence. Apart from the above, Ngoepe (2019) and Archival Platform (2015) argue that a lack of strategies for managing and preserving digital records is also an impediment to access, as archives are not easily available online. Chaterera and Rodrigues (2019:86) authored an article *The physical barriers to accessing the documentary heritage at the National Archives of Zimbabwe*, which reports that the National archives of Zimbabwe (NAZ) does not have facilities to assist physically challenged people. In their writings, they also recognise a lack of intellectual and infrastructure as an access barrier to archival holdings.

Although access problems continue within archival institutions, literature shows that countries in the ESARBICA region, such as South Africa, have been an example for other countries in the implementation of measures to improve access. Ngoepe wrote much about improving access in South Africa. For example, Ngoepe and Ngulube (2011) advise archival institutions to embrace public programming initiatives as a way a raising awareness about archives. To add to this, Chaterera and Rodrigues (2019) suggest that archival institutions should decentralise to remote areas to facilitate access and curb the distance access barrier.

Conceptual framework

The provision of access to archives is clearly spelt out in the ICA statutory document. According to the ICA (2011:3) document, ICA is an international body concerned with the question of access to archives. It is an extension of the 1996 Code of ethics that stipulate that archivist should promote the wildest possible access to archives and, in the process, respect access and privacy by acting within the boundaries of legislation (ICA, 2011:3). In 2010, the ICA committee drafted a document (covering 10 principles) that provides archivists with a baseline to measure their existing access and policy practices (ICA, 2011). These principles include the right of access, access regulations and requirements, application, copyrights issues. This paper is framed around the ICA principles of access to archives. The framework has been informed by the key research variables that were identified in the research literature. The principles are adopted in line studies by authors such as Ngulube, Sibanda and Makoni (2013) and Motlhasedi and Mosweu (2020). The ICA principles advocate for access to archives by making sure that archives are widely known and used. This paper adopted five ICA principles of access to archives that fit within the context of this study as follows:

Principle 1: The public should have the right of access to archives of public bodies. Both public and private entities should open their archives to the greatest extent possible

Principle 3: Institutions holding archives should adopt a proactive approach to access.

Principle 4: Institutions holding archives should ensure that restrictions on access are clear and of stated duration, are based on pertinent legislation, acknowledge the right of privacy, and respect the rights of owners of private materials.

Principle 8: Institutions holding archives should ensure that operational constraints do not impact access to archives.

Methodology

The study adopted a qualitative approach to collect data through a review of the literature. Literature reviews entail scanning through content that already exists from published or written sources (Walliman, 2011). Creswell (2014) adds that literature review is meant to share the results of other studies on the same phenomenon under study, provides a framework to establish the importance of the study as well as serves as a benchmark for comparing results with findings of other studies. Relevant content on access to archives, ICA principles of access to archives, archival policies and legislation was reviewed in this paper. The documents and scholarly publications on access to archives in the form of journals, books, reports, and articles were retrieved from academic databases, websites, and the library collection. The information gained from the review was used in interpretation and drawing of conclusions. This method was in line with other studies such as a study by Kemoni, Akoya and Kiplang'at (2003) which reviewed literature on the obstacles that hinder the use of archival institutions.

Findings of the study

This paper presents the findings on the factors that impact on access to archives at BNARS and recommendations to improve access in Botswana. The findings are presented in line with the study objectives.

Factors that impact access to archives at BNARS

This study identified copyright issues, legislation, archival policies, distance, and logistics as factors that impact access to archives at BNARS. These factors are discussed in the following sub-sections.

Copyright issues

The main objective sought to identify and analyse the factors that impact access to archives at BNARS. The findings revealed that BNARS has an obligation to receive archival materials from private individuals through a legal deposit and donations (Botswana Government, 1978). However, there are standards and copyright issues that they should abide to. This implies that access to some deposits cannot be controlled by the archival institution as it is controlled by the depositing institution, or an individual as stipulated in section 14(1) of the NARS Act. Additionally, the depositor has control of the type of work eligible for reproduction or manipulation and revision. These provisions are stipulated in the Botswana Copyright and Neighbouring Rights Act of 2006, section (35), which spells out that the owner of any work has an obligation to grant or restrict access to their material (Botswana Government, 2006). Section 10 of this Act also indicates that individual works or joint works

are protected for a period of 50 years after death of the author(s). The same applies for work produced anonymously. The NARS Act supports this in sections 19 which spell out that no person may publish or reproduce the whole or any part of content of any public archives or records at BNARS except in the case of identified public archives. This infers that archival material can only be accessed under certain conditions as the national archives do not have the power to waive any form of restrictions imposed on records by individuals (donors) or private depositors. This then hinders access because the donor's restrictions and copyright decisions act as barriers to access to archival information. In addressing this problem, BNARS need to be aware of all these restrictions on archival access to provide access to the widest extent possible as advised by the ICA Principles on access to archives while respecting the privacy and rights of the donors.

Legislative framework

Literature reveals that the NARS Act of 1978, as amended in 2007, is weak and vague, hence this limits access to archives (Mosweu and Simon, 2018; Ngoepe and Keakopa, 2011; Sebina, 2006). This is because the Act stipulates that those archival materials can only be accessed by the public after a 20-year period. According to section 12(3), "The Minister may delegate to the Director his powers "to afford, restrict or withhold access to public archives". The implications of the Act are that all citizens must wait for 20 years to get access to information. Therefore, this Act is subject to review because it is out-dated as has been lamented as one of the factors hindering access to archival materials. This legislative problem is common in the ESARBICA region in countries such as South Africa and Zimbabwe as stated by Khumalo, Bhebhe and Mosweu (2017).

Other laws that inhibit access to information in Botswana have been identified by Sebina (2006). These include the Public Service Act of 1968 (section 34), the Printed Publications Act of 1968 (section 5) and the Botswana Telecommunications Act of 1994 (section 44). To add to this, other laws that restrict access to information include the National Security Act, No. 11 of 1986 and No. 14 of 2005 and the recently enacted Botswana Data Protection Act of 2018 which regulates access to personal data. Even though Botswana has been well complimented for its effective democracy, the culture of secrecy still prevails because of the above legislation. The rejection of the FOI bill in 2011 by the Botswana parliament signals that the government does not have any plans to allow access to personal records and archives, but rather wants to be more secretive.

Furthermore, the study also found that poor access to archival materials in Botswana was result of a lack of clear access laws such as the Freedom of information Act (FOI) (Mosweu and Simon, 2018; Khumalo et al., 2017). The FOI gives all citizens the right to access information. Although Botswana has constitutional guarantees that grant citizens the 'right to access information' under section 12(1), the provision only grants a passive right to information (Balule and Dambe, 2019). When compared to other countries in the ESARBICA region such as South Africa and Zimbabwe, Botswana is still far from reaching the Promised Land regarding access laws. South Africa, for example, has the Promotion of Access to Information Act of 2000, which allows access to information, thus promoting the culture of transparency and accountability by both the public and private bodies (Archival Platform, 2015). Nevertheless, Botswana is still reluctant to enact an access law and does not consider it a priority even though it deters the key principles of democracy and good governance. For improved access to archival collections in Botswana, there is need to recognise the role of access laws, statutes and policies to promote access to information at the national archives.

There is also a need for the Freedom of Information Act, which will ensure free access and use of archival materials. However, it is important to note that the establishment of access laws does not necessarily imply all archival materials will be accessible as the ICA Principles of access to archives recognize, under Principle 4 that archival institutions should ensure that that restrictions on access are clear and of stated duration, are based on pertinent legislation.

Archival policies

Literature reveals that BNARS does not have well-established archival policies such as a preservation policy and an access policy because the NARS Act of 1978. However, Mosweu (2021) is of the view that policies, together with standards and guidelines serve as a training tool and a reference source for archivists. On the other hand, Moloji (2021) admits that digital preservation in Botswana is still in its infancy, as there is no nation-wide strategy for long-term preservation of records, with reference to audio-visual archives. Porogo and Kalusopa (2021) assert that most of the digital records in government ministries are not preserved due to a lack of preservation guidelines and strategies. In contradiction to the above, Motlhasedi and Mosweu (2020) add that although the legislative and policy frameworks for digital preservation are present at BNARS, they are weak as far as implementation is concerned. The lack of well-defined policies results in poor preservation of archives, which hinders the future accessibility of archives. The ICA Principles of access to archives emphasises the need for archivists to use modern technologies to promote the knowledge of archives under Principle 3.

Distance barriers

The issue of distance is one of the factors that affect access to archival documents at BNARS repositories. The challenge is that access to physical collections is only available mainly at the BNARS headquarters in Gaborone, and on a smaller scale at the Kanye and Francistown records centres, which are satellite offices. This means that users who are not close to the said areas are forced to travel long distances, taking to account the vast expanse of the country, to access archival repositories. This is one of the most common factors across the ESARBICA region that affects access to archives. Chaterera and Rodrigues (2017) identified the same challenge when mapping access to archives in Zimbabwe. Potential users who want to physically visit BNARS are reluctant to visit the archival institution because of its location, hence distance function as a barrier to accessibility of archival holdings. Correspondingly, Mosweu (2019:182) points out that BNARS does not have a website of its own yet and consumers of archival services must physically visit the archives to get service.

Logistical barriers

The findings also revealed that logistical barriers affect accessibility of archives at BNARS. These barriers include restricted opening hours and limited staff time to devote to remote reference services (Motlhasedi and Mosweu, 2020). Regarding the above, BNARS is open to the public from 07:30 to 12:45 and from 13:45 to 16:30, Mondays to Fridays, and Saturdays from 09:00 to 12:00, except on Sundays and Public Holidays. The operating hours indicate that BNARS is not open until late, for instance from 5 pm until midnight. This makes it impossible for individuals who prefer to access archival information outside normal hours of work. These restrictions are linked to operational standards and staff shortages (Dreyer and Nofziger, 2021; Chaterera, 2017). Staff shortages are also common at BNARS as indicated by Motlhasedi and Mosweu (2020) and Moatlhodi and Ramokate (2009). Poor access to

archival collections at BNARS is partly attributed to a shortage of staff to provide a service to users and potential users. Apart from that, Mloi (2021) argues that there is a lack of skilled personnel for digital curation and provision of access services. In addition, Motlhasedi and Mosweu (2020) argue that a shortage of skilled personnel impacts wider access to archives and records. The outlined barriers are against the spirit of the ICA Principle 8 which states that archival institutions should ensure that operational constraints do not inhibit access to archives.

Recommendations with the guidance of the ICA Principles of access to archives

Given the factors that upon access to archives at BNARS, the study provides recommendations with the guidance of the ICA principles to curb the identified factors and improve access.

- **Weak legislations, lack of access legislations and copyright issues**

In addressing this factor, the government of Botswana, through the national archives, should consider a review the BNARS Act of 1978 considering that Botswana does not have FOI legislation to close the existing gap on access. Some scholars such as Sebina (2006); Khumalo et al., (2017) and Mosweu and Simon, (2018) have lamented on the issue of weak legislation for some time. To add to this, this paper recommends the reduction of access restriction periods to promote access to archives. In addition, BNARS must inform users about access restrictions so they understand the reasons behind denial of access to archival collections, including those from donations, and for how long they would not be able to access such collections. This is in line ICA principle number 4 which states that “Institutions holding archives ensure that restrictions on access are clear and of stated duration, are based on pertinent legislation, acknowledge the right of privacy and respect the rights of owners of private materials.” (ICA 2011). Furthermore, the enactment of the FOI legislation is imminent in Botswana, more so because the Data Protection Act (DPA) was promulgated in 2018 in Botswana. The DPA is meant to protect access to personal information. The enactment of the FOI alongside the DPA is imperative to keep a balance between access and privacy. Keakopa and Mosweu (2020) argue that FOI and the DPA are effective when used together because they complement each other. Subsequently, the implementation of a combination of these laws would promote a wider access to archival information.

- **Policy development**

The study recommends that BNARS embrace ICA principle 3, which states that “Institutions holding archives should adopt an initiative-taking approach to access”. This is achievable through the establishment of policies that guide access and acquisition of archives, as well as digital curation. The policies should align with the NARS Act of 1978, NARS regulations and other related acts.

- **Improve logistics and operations**

In addressing this, the study recommends BNARS should implement ICA Principle 3 which spells that “Institutions holding archives adopt a pro-active approach to access”, ICA principle 8 which states that “Archives ensure that operational

constraints do not impact access to archives” and ICA Principle 1 which clearly emphasise access to records as a public right, and that archival institutions should be open for longer periods (ICA 2011). As such, BNARS must adjust their operating times to cater for people who prefer late access to archives or on Sundays. In addition, the provision of archival services off-site through a website or a database of linked networks should be a major shift for the national archives to ensure they meet their function of access to archives. Additionally, BNARS must decentralise archival services to other regions in the country.

Conclusion

This paper sought to identify and assess some of the factors that impact on access to archives at BNARS. The argument surrounding legal and statutory requirements indicates that access to BNARS restricts access to archives not only for them, but also for the public, based on respecting donor restrictions and agreements as well as copyright issues. It should be emphasised that everyone in Botswana can access the national archives, provided archival institutions abide by the regulations and restrictions set out. In addition, other factors that impact physical access to archives include distance and logistical barriers. As a result, a comprehensive approach is needed to address all these factors. Furthermore, the national archives must review their technical, operational, and policing standards to help improve access to archives as regulated by the NARS act and promoted by the ICA Principles of access to archives. In promoting the widest possible access to archives, BNARS would help the country to uphold democratic principles of accountability, transparency, and the protection of citizen’s rights.

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