

Sanitation, Claims, and Repatriation of Records in Pre- and Post-Apartheid South Africa: Implications on Social Memory And Justice

Mpho Ngoepe*

Department of Information Science, University of South Africa, South Africa
ngoepms@unisa.ac.za

and

Maoka Andries Dikotla

Department of Information Science, University of South Africa, South Africa
edikotml@unisa.ac.za

Lesotho, Botswana, Zimbabwe, and Swaziland. It is argued that the destruction and displacement of records has had a severe impact on South Africa's social memory and justice.

Keywords: Disposal, Destruction, Displaced Archives, Records, South Africa

Introduction and Background to the Study

A variety of factors, including the “wind of change” that swept across the African continent in the 1960s, culminating in the end of colonialism, the looting of state records, governments’ failure to manage records properly, and the establishment of offices of liberation movements around the world, have resulted in displaced archives belonging to South Africa and the continent as a whole being scattered all over the world. Some of these materials were deliberately taken out of the country at the end of colonialism by the British government and during the dark days of apartheid, for example, through illegal sales, as was the case with the Percy Yuter files emanating from the Rivonia Trial (Ngoepe and Netshakhuma, 2018). Others were created by organisations that fought and/or supported the fall of apartheid, for example, the South African liberation movements in exile, such as the African National Congress, the Pan African Congress, and the international anti-apartheid movements, including the Dutch Anti-Apartheid and the Irish Anti-Apartheid Movements, to mention but a few. There are individuals who willingly sold their “private” collections to outside organisations for profit, and this practice is still continuing because more and

Abstract

South Africa has been both a colony and colonial master from the time of the Dutch East Indian Company (1652-1795) up to the end of the apartheid era in 1989 when South-West Africa obtained independence from South Africa. This paper aims to examine sanitation, claims, and repatriation of records in pre- and post-colonial South Africa, as well as the implications for social memory and justice. Qualitative data were collected through interviews with archivists from South Africa, Namibia, and Botswana to investigate the sanitation, claims, and repatriation of records in pre- and post-colonial South Africa. While records for colonial office were removed from South Africa by the coloniser, the findings further revealed that a chunk of records was destroyed on the eve of democratic South Africa and in the years immediately following 1994 without the written authority of the national archivist. As a coloniser, and as part of a group of societies colonised by the United Kingdom, South Africa holds large archival resources related to the history of Namibia,

more people now understand the value associated with historically important documents; a case in point is the Freedom Charter in London by Leon Levy, former president of the South African Congress of Trade Unions; the autopsy report of Steve Bantu Biko; and the letter written by Nelson Mandela to a University of South Africa lecturer while he was in prison on Robben Island (Ngoepe, 2019). Records generated by church bodies such as the Berlin Missionary Werk and the London Missionary Society are also scattered all over the world, and these records are urgently needed for the land restitution process that is unfolding in South Africa. What is clear is that hundreds of linear metres of records are affected, and the ideal would be to repatriate such records back to the country, or at least digitised and treat them as shared heritage. While other records were displaced, some were destroyed on the eve of democratic South Africa, a process referred to as 'sanitation of state records' as reported in Volume 1 of Chapter 8 of the Truth and Reconciliation Commission regarding the destruction of records from 1978 to 1993 (Ngoepe and Kenosi, 2022). For example, Ngoepe and Kenosi (2022) report on millions of records that implicated the apartheid government and were sentenced to the shredders, making archivists complicit in the manipulation of historical facts and South African historiography. This is also confirmed by Bell and Ntsebeza (2001) that about 44 metric tons of records from the headquarters of the National Intelligence Service (now State Security Agency) alone were destroyed.

There was a need for the development of an approach to ensure that records with archival value were not destroyed, but still, the South African government (state) destroyed some of the records (Maaba, 2013). In this regard, the apartheid government destroyed documents that could implicate many of their functionaries (who feared repercussions for their conduct during apartheid). An investigation by the Truth and Reconciliation Commission (TRC) in South Africa revealed that all the records confiscated by the security police from individuals and organisations opposed to apartheid had been destroyed before the 1994 general election in South Africa (Harris, 2002). This is also highlighted in Chapter 8 of Volume One of the Truth and Reconciliation Commission (TRC) report, which reveals the mass destruction of records. This has severely impacted the country's social memory and justice. This paper reports on the sanitation, claims, and repatriation of records in pre- and post-

apartheid South Africa and the implications for social memory and justice. The scope of the study is limited to South Africa as the focus is on records repatriated from South Africa, claims made by South Africa, and records destroyed in South Africa. It is worth noting that some of the participants were not from South Africa but were included in the study because of their knowledge of claims and repatriation of records from South Africa. For this paper, repatriation refers to a transfer of archives to the country which created them, for example, the transfer of Namibian records from South Africa to Namibia.

South Africa has been both a colony and coloniser from the time of the Dutch East Indian Company (1652–1795) to the British Occupation of the Cape, up until the end of the apartheid era in 1989, when South West Africa gained independence from South Africa to retain its name of Namibia. As a colony, important records, and other archival resources regarding the memory of South Africa have been generated in the colonial masters such as the Netherlands (including the archives in Java) and the United Kingdom. Roehrenbeck (2010) indicates that efforts to reclaim and return stolen or looted artefacts are met with complex issues.

As a colonial society and as part of a group of societies colonised by the United Kingdom, South Africa has extensive archival resources relating to the histories of Namibia, Lesotho, Botswana, Zimbabwe, and Swaziland. Furthermore, archives of the liberation struggle were created and held in neighbouring countries and other parts of the world that harboured freedom fighters during apartheid. In terms of the National Archives and Records Service of South Africa Act (No. 43 of 1996), 'no public records may be transferred to an archives repository, destroyed, erased, or otherwise disposed of without the written authorisation of the national archivist.' In this paper, we report on the sanitation of records, and displacement of archives both within South Africa, and from South Africa, as well as repatriation.

Problem Statement

Many African countries including South Africa suffered a tremendous loss of vital records as a result of colonisation. Records were misplaced, illegally transferred, or destroyed by the colonial masters in an attempt to keep sensitive records from the colonised countries. Leisinger (1982) observed that the history of mankind is full of numerous cases of archives that

have been unjustly transferred from one nation to another. The illegal transfer of archives from African countries meant the loss of valuable records resulting in serious loss of social memory and miscarriage of social justice in the sense that the decolonised states were denied access to valuable records documenting their culture and heritage. Mnjama (2020) laments that “at the present time the developing countries of the Third World have an urgent pressing need for access to the archival sources documenting their history which are located abroad primarily, but not exclusively in the custody of the former metropolis governments.” Attempts to repatriate the migrated archives to their countries of origin have not been very successful because many of these records are still displaced. Therefore, the need for examining sanitation, claims, and repatriation of records in pre- and post-apartheid South Africa for social memory and justice cannot be overemphasised.

Purpose and Objectives of the Study

The purpose of this study is to examine sanitation, claims, and repatriation of records in pre- and post-apartheid South Africa, with the aim of assessing implications on social memory and justice. The specific objectives of the study were to:

- Investigate the sanitation, claims, and repatriation of records in pre- and post-apartheid South Africa
- Analyse archival claims and repatriation of records in South Africa
- Assess the implications of displaced records on South Africa’s social memory and justice.

Literature Review

This section discusses the literature review of the study, and it is organised according to themes from the objectives of the study.

Displaced Archives

Displaced archives refer to archives removed from the place of their creation, and in particular ‘those removals that are arguably not illicit ‘thefts’ but somehow legitimised or defensible by virtue of their being removed by states, regimes, or exiled groups rather than individuals, foregrounding the element of dispute that is a feature of these cases (Lowry, 2017). In the latest edited publication by James Lowry,

Gilliland and Hovhannisyan (2023) several authors identify three general types of disputed archives as the ones falling within the borders of a country. Indeed, such displaced archives exist in reconstructed nations like South Africa, which is recovering from colonialism and apartheid. Examples of such records in the custody of the National Archives of South Africa, which belong to three provinces, that is, Mpumalanga, Gauteng, and Limpopo, as these provinces were previously part of the Transvaal. Yet it is difficult to return such archives to their respective provinces due to pending approval of the national repatriation policy. Furthermore, an argument from some archivists is that the archival bond between some of the materials might be affected if the materials were returned, as the archives now belong to four provinces. Instead, these archivists advocate for the production of digital surrogates for such archives, which can then be shared.

The second type of displaced archives is those that are in a different country with a different sovereign representation, and they have their own challenges. In the 1960s, when the ‘wind of change’ swept through the African continent, the empire left behind many Colonial Office records. These records are called by many names, namely migrated archives (Mnjama, 2011), displaced archives (Lowry, 2017), fugitive archives (Garaba, 2011). Whatever name one chooses to use, the meaning remains the same. The common theme is that they are not where they are supposed to be, in their rightful place of custody (Garaba, 2011). The records were displaced due to the instruction issued by the Colonial Office relating to the “disposal of classified records and accountable records” that the colonial administration was not to transfer certain types of records to the successor governments if such records might embarrass Her Majesty’s government, compromise security agencies, or be used by ministers in the successor governments (Rawlings, 2015). As a result, the migration of sensitive records by the colonial powers was a standard practice alongside large-scale record destruction (Shepard, 2017). The concern was about such records being used against the government and its operatives by a new government (Cox, 2017). As such, the material in the archives was not meant to contradict the reinvented image of the country (Paul, 2012). Any material perceived as unfavourable was burned, shredded, or otherwise permanently disposed of. Officers used their own discretion to determine whether a particular record goes to ‘hell or heaven.’ They were somehow guided by subjective words like

‘might’, ‘embarrass and compromise’, by colonial administrators as a basis for destroying migrated archives (Badger, 2012). The destruction of records was not in accordance with the legislative framework governing the management of archives. Ramokate (2004) emphasises that ‘the colonial powers took away some of the records because they were “too sensitive and might cause unrest if left with the natives.”’ Stories about the ‘wanton destruction’ of archives have drawn special attention after it was revealed that “in Uganda, eight months before independence, the departing British regime loaded three Land Rovers full of confidential records and dumped them into Lake Victoria” (Shepard, 2017).

As Banton (2012) noted:

“An important part of the archives of most developing countries presently lies in various repositories in developed countries. The former colonial powers have either taken them or else they were created in the colonial powers by the branch of the government concerned with the administration of the colony. Morally these records belong to the developing countries concerned, they are vitally necessary for reconstructing its history. The developing countries feel strongly and unanimously that these migrated archives must be restored to them”.

Today, despite the availability of international principles such as Article 10 of the Vienna Convention on the Succession of States in Respect of State Property, Archives and Debts (1983), archival displacement is one of the unresolved injustices of colonialism (Mnjama, 2020).

The other type of displaced archives is those that are in the hands of private individuals and journalists. These are what Gilliland and Hovhannisyan (2023) term “the third kind of displaced archives, which may occur when personal and community materials are carried into or created through diaspora by displaced people.” Displaced archives in the hands of individuals are difficult to trace and are often sold on the black market, as was the case with the files of Percy Yutar (state prosecutor at the Rivonia Trial), which ended up on the black market in the United Kingdom (Ngoepe and Netshakhuma, 2018). Nonetheless, some of these records were later brought to South Africa through the intervention of the Oppenheimer family in 2009. Another example is that of a letter written by the former president Nelson Mandela (1918-2013) to a University of South Africa lecturer while he was in prison on Robben Island (Ngoepe, 2019).

In other instances, as observed by Auer (2017), archives may be displaced as a result of administrative reforms and the effects of war. During war, the displacement of archives may occur both for their protection and due to belligerent action. In any case, “States seize, capture, remove, withhold, purchase, steal and hack the records and archives of other states to gain strategic, tactical, technological, political, military, intelligence and/or economic advantages, or to prevent other states from gaining them. At the same time, such records and archives can legitimately constitute irreplaceable national patrimony, and their removal and displacement unquestionably implicate issues of sovereignty, self-determination and national pride” (Cox, 2017). Arguably, these factors may influence the disclosure and return of displaced archives held in secret. Owing to the value attached to archives, Auer (2017) observed that:

Nations and people have suffered throughout history from the removal of their documentary heritage. Records have been removed during war, revolution, and other conflicts for purposes ranging from plunder to propaganda, to intelligence, to documenting of war crimes, to the rescue of archives threatened with destruction. Such ‘displaced archives’ are scattered in institutions across the globe; access to such records and their long-term disposition remain central controversies in international archival affairs.

For the purpose of this paper, displaced archives are concerned with archives created in Africa and removed to Europe or moved from one African country to another as in the case of Namibia and South Africa. There are cases of known and unknown ‘displaced archives’ all over the world. It should be noted that displaced archives also happened among countries on the African continent. In Africa, Namibia had its records repatriated to Germany at the end of the First World War. Other Namibian records created under South African colonial rule were also repatriated to Pretoria on the eve of independence (Namhila, 2003). A Zimbabwean newspaper also reported that the papers of records, mainly Cabinet minutes and security reports, that were unlawfully removed from public offices and exported to South Africa by former Rhodesian prime minister Ian Douglas Smith towards independence in 1980 (The Herald, 2018), have since been repatriated back to Zimbabwe in 2018. Mount (2011) affirms that 1,500 documents relating to the Mau were removed from Kenya to Britain due to their politically damaging content. Nsibandze (1996)

believes that “some of Southern Africa’s archives are still in exile, not only abroad, that is, in the custody of former metropole governments, but also within the region or the continent itself. Displaced archives should be identified and repatriated.”

Sanitation and Concealment of Archives

As if it was not enough that the colonial office took away the archival heritage of South Africa, the apartheid government perpetuated the displacement of archives, but this time through illegal destruction. For example, Harris (2007) blew the whistle on the destruction of records in government before 1994; ARMSCOR was one of the state entities where shredders worked day and night to destroy documents before South Africa’s first democratically elected government came into power. Between 1960 and 1994, the Director of Archives in South Africa issued over 4,000 record disposal authorities to state offices in South Africa (Harris, 2007), destroying tonnes of files, microfilm, audio, and computer tapes and discs. Furthermore, Bell and Ntsebeza (2001) point out in their book, entitled “Unfinished Business: South Africa, Apartheid and Truth,” that in little more than six months in 1993, 44 metric tonnes of records from the Headquarters of the National Intelligence Service (now the State Security Agency) alone were destroyed. This is also reported in Volume 1 of Chapter 8 of the Truth and Reconciliation Commission regarding the sanitation of records that date from 1978 to 1993.

Another destruction of archives was evidenced in 1991 at the Convention for a Democratic South Africa (CODESA) forum, where it emerged that the NIS destroyed 1988 taped talks between President P.W. Botha and Nelson Mandela (Bell and Ntsebeza, 2001). Other records that were destroyed in 1989 included those of “The Civil Co-operation Bureau,” a special unit established to deal with persons construed to be enemies of the state. Ngoepe and Netshakhuma (2018) add that some of the records created by liberation movements in the trenches were also destroyed because of the fear that they would fall into the hands of the apartheid government. The destroyed records documented human rights violations, arbitrary arrests, extrajudicial killings, mass deportations, indefinite detention, and torture committed (Rawlings, 2015), to name just a few. The destruction of these archives has resulted in lost heritage and forced amnesia. As a result, there are gaps in archival repositories due to the absence of these records.

Archival Claims and Repatriation

In the 1980s, many national archival institutions visited the United Kingdom (UK) in an attempt to locate records held at the Public Records Office and other records offices (Mnjama, 2011). Mnjama (2011) posits that archival claims do not only pertain to records that have been removed from their countries of origin by colonising powers but may also exist regionally. Cases of archival claims within the Southern and Eastern African region exist between Zimbabwe, Zambia, and Malawi. Moreover, countries such as Botswana, Lesotho, and Swaziland also had archival claims against South Africa, and some of their records are still held there (Mnjama, 2011). Other countries, for a variety of reasons, refuse to repatriate displaced archives. Italy is one such host nation that has disputed the return of archival claims to South Africa, particularly the liberation archives (Ngoepe and Netshakhuma, 2018).

Categories of Archival Claims

Mnjama (2011) created a list of eight categories of ‘archival claims’ that are meant to frame the desire of ex-colonial states to recover records related to their colonial history. The first category entails records originally created and maintained by various government bodies of colonial powers in their home countries. The second category relates to records of colonial administration created in colonies but transferred to Europe at the dawn of independence. The third category includes records that were created in one territory but somehow found their way to another territory in the region. The fourth category comprises the archives of regional bodies that collapsed either during the colonial period or soon after independence. The fifth category of records relates to private papers of individuals and various organisations that had contact with the Africans. The sixth category relates to records created by the various liberation movements. The seventh category concerns records of various non-governmental organisations based in Europe during the colonial period. The last category of archival claims consists of audio-visual materials such as photographs, films, and audiotapes, which are often held in specialised repositories.

There is an indication in the literature and information obtained through interviews that there are relatively few cases of successful archival claims. Lowry (2019) opines that the success of the transfers

between nations depends on bilateral negotiations on other issues, often economic and political imperatives such as trade or military cooperation. Therefore, it is recommended that archival claims be treated as gestures of friendship and goodwill rather than the object of negotiations aimed at righting past wrongs or correcting illegalities (Van Beurden, 2017). Many countries in East and Southern Africa had some of their records repatriated to the United Kingdom on the eve of independence (Mnjama, 2011).

Methodology

In this qualitative study, interviews were conducted with archivists from South Africa, Botswana, and Namibia to investigate the sanitation, claims, and repatriation of records in pre- and post-apartheid South Africa, as well as the implications for social memory and justice. The study targeted mostly former archivists with knowledge of record repatriation, claims, and sanitation in South Africa. In this regard, three South African archivists, two Namibian archivists, and one Botswana archivist were identified through snowball sampling and interviewed. Furthermore, as there are internally displaced archives within the borders of South Africa that belong to provinces, three provincial archivists were also targeted. All in all, nine archivists were interviewed. Other identified archivists could not be interviewed as they either declined to be interviewed, or they were not available for the interview, or they had no knowledge of the repatriation of records between the two countries. It is worth noting that metadata records relating to expatriation could not be retrieved from the Western Cape Archives Repository, the National Archives of South Africa, or the National Archives of Namibia. The interview data were augmented with content analysis of documents such as annual reports, and the repatriation policy of the National Archives and Records Service of South Africa. It should be noted that the policy is limited in terms of jurisdiction as it is only applicable to South Africa. Notes were taken during interviews. As a result, the study utilised a narrative analysis to make sense of interview participants' individual stories. This type of qualitative data analysis highlights important aspects of their stories and data is presented verbatim. To present data, participants were assigned codes as follows: former archivists in Namibia (N1 and N2), former archivists in South Africa (SA1, SA2 and SA3), former archivist in Botswana (B1), provincial

archivists in South Africa (PSA1, PSA2 and PSA3).

Results and Discussions

As South Africa was both a colony and a coloniser, as well as previously consisting of four provinces that are now expanded into nine, the three general types of disputed archives applicable to the country, that is, internally displaced archives within the borders of a country, displaced archives for other sovereign countries (e.g., Namibia), and displaced archives are in the hands of private individuals and journalists.

It was established through literature and interviews that some Namibian records held in the custody of the Republic of South Africa were repatriated back to Namibia soon after its independence. Furthermore, Botswana, Lesotho, and Swaziland, as countries that had their High Commissioners based in South Africa, had archival claims against South Africa, and some of their records are still held there (Mnjama, 2011). Participant N1 indicated that there were some rather straightforward cases of displaced archives that have been resolved by the repatriation of the originals in two batches around 2002, at no cost to Namibia:

- The records of the Administrator-General which had been illegally removed before independence
- The records of the administration of the Caprivi Strip from the time when this was done directly by Pretoria
- The records of the Magistrate and the Town Clerk of Walvis Bay plus some smaller groups which I'll have to look up. South Africa kept microfilms.

Participants SA1 and SA2 indicated that as part of the 10 years of democracy in South Africa, the government repatriated colonial administration records of former South West Africa back to Namibia. In this regard, surrogates in the form of microfilmed copies were returned, while the originals remained in the National Archives of South Africa. Some manuscripts in South West Africa were also repatriated by the National Library of South Africa. At the same time, South Africa received the audio-visual collection of the proceedings of a conference with the theme "Culture in an Alternative SA"—CASA, held in Amsterdam, the Netherlands, in 1985. This was a donation from the Dutch Anti-Apartheid Movement.

Participant N2 revealed that another straightforward case concerns the SWATF records, which were also removed before independence but are

not yet repatriated and remain at the Military Archives in Pretoria. Most military records on the Namibian war, according to the interviewee, are dispersed in the records of the many units that were sent on temporary duty to the “border war.” That is difficult to deal with. Some pre-independence Namibian publications that were sent on legal deposit to South African libraries have been repatriated to the National Library.

Birth, marriage, and death records that were sent to Home Affairs in South Africa from Namibia have been repatriated. It seems there were considerable difficulties in locating this material, and it is not quite sure whether everything has been found. Also, it seems that South Africa even removed the birth, marriage, and death records from the German colonial period in Namibia. Some of them have been repatriated to the National Archives of Namibia, but former archivists in Namibia think that a lot more may be spread out in different places.

Participant N1 indicated that *there is a considerable amount of what could be termed “shared archives.”* For example, the Odendaal Commission, the Deputy Minister for South West Africa, or the records of the Terrorism Trial against Tuhadeleni, Toivo, and others. Of some of these, the National Archives of Namibia received only microfilms or photocopies (at their expense). Other important shared archives concern the departments that were transferred from the South West Africa Administration to the direct responsibility of the South African departments in the later 1960s (most prominently, Water Affairs). There was also a transfer of files from Windhoek to Pretoria at the time, of which there is a record at the National Archives of Namibia. This matter has not been followed up and would be very work-intensive to deal with.

Furthermore, Namibia seemed to have no consistent record of circulars issued by South African departments, as there are gaps in the holdings. One of the archivists mentioned that they discovered this for Justice and Native/Bantu Affairs before leaving the National Archives of Namibia. Such a record is, of course, very important for following administrative developments. Participant N1 indicated that “with regard to legislation, the National Archives of Namibia has a complete set of the Gazettes, even from the time of the South African government.” Lastly, there are substantial Namibian records in private accessions as well as in private and university archives and museums. For example, the private papers of Namibian politicians (Dirk Mudge and

Percy Niehaus at the University of South Africa, a whole lot at Bloemfontein), Anglican Church records at the University of Witwatersrand, and a large photo collection from Ovamboland at the Iziko Museum in Cape Town. It was clear that the Namibia National Archives has extensive, although certainly not complete, information on those, but very little in terms of copies. According to one of the former archivists (Participant N2), they cannot recall any repatriation of private sources from such repositories, despite receiving some material directly from the concerned families (Hahn, Andersson). One touching and emotional issue is the mention of the Namibian human remains in anthropological collections in South Africa, although that is not a conventional archival issue. This overview is certainly not complete but should give an idea about Namibian records in South Africa and those that have been repatriated.

High Commission Territories Records

Participant B1 indicated that “a Migrated Archives Project for Botswana was undertaken from October-December 1984. In this UNESCO-sponsored project, the aim was to research and list Botswana-related colonial records, including Blue Books, and then to recommend for their repatriation, through microfilming. The list was to be compiled after researching the catalogues of the Public Records Office in Kew in the main, the University College London, and other places such as the University of Oxford, amongst others. The draft cost of microfilming the said records was to be made for consideration by the Botswana Government.”

The records of the High Commission Territories [HCTs], which include Bechuanaland Protectorate, Basotholand, Swaziland (now Eswatini), and, in many cases, South Africa, are another interesting archival group. In the catalogues available at the institutions visited by the first author in the UK, records detailing how these former HCTs ended up seeking protectorate status from Britain were plentiful. The three former HCTs sought protectorate status because they felt threatened by the 1910 plan to incorporate them into the Union of South Africa. In the case of Bechuanaland Protectorate, it took the efforts of the three paramount chiefs of the three main tribes of Bangwato, Bagwaketse, and Bakwena to travel to Britain and protest the planned inclusion of Bechuanaland in the Union of South Africa. Botswana today holds these three paramount chiefs

in high regard because, if they had not taken the actions they did, Botswana would not be what it is today... a shining example of a working democracy in Africa, if not the world. The Botswana National Archives and Records Service intends to nominate the HCT and Paramount Chiefs collection to UNESCO's Memory of the World Programme. It should be noted that the migrated records of the HCTs have not yet been repatriated to Botswana, Lesotho, or Eswatini (including South Africa).

According to Participant SA3, *a list of Botswana-related colonial records, including Blue Books, was compiled in October-December 1984 under the sponsorship of UNESCO, which also recommended their repatriation to Botswana through microfilming.* The list was compiled after conducting research at the Public Records Office in Kew, University College London, and other institutions such as the University of Oxford, among others. The Botswana Government was to be given a cost estimate for microfilming the said records.

Other Cases of Archival Repatriations

Other cases of archival repatriations include returns from the Netherlands to Suriname and Indonesia, and returns from France to Korea (Cox, 2017). In general, former colonial governments have not initiated bilateral discussions or instituted measures to return records to their places of origin (Lowry, 2017). However, various organisations have banded together to facilitate the process of repatriating records.

Some efforts by these organisations include the creation of the Displacements and Diasporas project, which has led to Displaced Archives, an edited book of essays with the stated aim of reviving international discussions on this topic (Lowry, 2017). This also includes the work of the Displacements and Diasporas project, which prompted the Association of Commonwealth Archivists and Records Managers (ACARM) to adopt a position paper calling for the repatriation of the Migrated Archive, a series of records held in Britain but comprising papers removed from 37 former colonies (ACARM, 2017). The International Council on Archives (ICA) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) also play a critical role in facilitating the resolution of archival disputes. Another case of development is evidenced by ICA's 2018 conference, which was held in Yaounde, Cameroon,

whereby the Chair of the Forum of National Archivists (FAN) discussed displaced archives, which included cases about South Africa and Namibia and the Netherlands and Suriname (Lowry, 2019).

The issue of displaced archives was addressed in the East and Southern African region during a meeting of government ministers responsible for records and archives on October 20, 2003, in Cape Town. It was recommended at that meeting that "the African Union, through the New Partnership for Africa's Development (NEPAD), approve the formation of an archival steering committee to promote archival cooperation." This includes ensuring that all archival material taken from or within Africa in any form is returned to its respective countries of origin (Mnjama and Lowry, 2017). Despite these efforts, resolving disputed archival claims remains difficult. According to Ngoepe and Netshakhuma (2018), some archives have not been returned due to destruction or refusal by other countries to return some of the materials. The costs of maintaining migrated archives can be prohibitively expensive. According to Ngoepe and Netshakhuma (2018), the costs of locating and copying displaced archives have been and continue to be a critical factor contributing to the slow progress in resolving problems related to displaced archives. The repatriation process is fraught with legal, political, ethical, and professional quandaries (Wurl, 2005). According to Ngulube (2002), a lack of policies following colonialism hampered archival record repatriation programmes in Africa. "The successful repatriation of migrated archives necessitates government support, adequate planning and preparation, an understanding of legal and ethical issues regarding access to archives and records, costs, networking with institutions holding migrated archives, records of interest to more than one state, and collaboration with local researchers, research institutes, and national archives" (Mnjama, 2011). Winn (2015) suggests that, if repatriation is not possible, claimants may turn to digitisation to gain access to displaced archives. Mnjama (2011), on the other hand, cautions that digitisation should not be used to avoid resolving archival claims.

Repatriation of Mozambique's records documenting how the country's sewerage system was designed. On the eve of Mozambique's independence, these records were taken to Portugal. Mozambique is prone to flooding, and there are no records to determine where the problem is or how to address it. We in the ESARBICA region believe that Mozambique should

receive support as soon as possible in repatriating their records from Portugal.

Botswana and Namibia have been at odds over ownership of the Caprivi Strip for a long time. To resolve the matter amicably once and for all, research must be conducted in all relevant countries' archives, including Botswana, Namibia, South Africa, and Germany. Records on the subject should be digitised in order to be shared and repatriated to relevant countries, namely Botswana and Namibia.

In 2018, it was reported that South Africa returned Rhodesian Cabinet files and other State papers dating back to 1927 that Ian Douglas Smith had taken to that country following the collapse of his regime. Furthermore, records of the Lancaster House Negotiations located in the United Kingdom should be digitised for repatriation to Zimbabwe. Records relevant to the history of Swaziland, now Eswatini, located in Grahamstown [the Eastern Cape Province], Killie Campbell Collections in Durban, and the National Archives Repository in Pretoria, must be digitised for repatriation to Eswatini as soon as possible.

It should be noted that in South Africa, both the national archives and the Western Cape Provincial Archives contain archives of other provinces. This is revealed in inventories of these repositories, as well as interviews with some provincial archivists. For example, Participant PSA1 indicated that the Western Cape Provincial Archives has in its custody, records of the Northern Cape and Eastern Cape. Participants PSA2 and PSA3 further indicated that the National Archives and Records Service of South Africa has records of Limpopo, Gauteng, and Mpumalanga.

Two very important policies commissioned by the Department of Sports, Arts, and Culture have been finalised, that is, the policy on internal repatriation and digitisation. The current policy position of the National Archives and Records Service of South Africa only applies to records of the national government that are in various provinces. The policy states that custody of such records should be the responsibility of the provincial archival service because the records will be maintained in the context in which they were created and used functionally and will be more accessible to the communities on which they have a direct bearing and to records creators who might occasionally require them for functional purposes.

In one province, the central provincial repository took records of traditional leaders which were highly used in a district to the head office with the view of

digitising them. However, the sharing of these records by provinces is still a challenge. Researchers have to travel many km to access the records. Ideally, archival materials must be easily accessible to users without many barriers like distance.

Participant SA3 provided personal views and examples on how digitisation can be utilised in repatriation programmes as follows:

"Displaced records should be repatriated through digitisation as soon as possible. For South Africa this is very important because Parliament building, including the Library of Parliament, went up in flames in January 2022. It was reported in the media that general colonial administration records such as the Blue Books; House of Assembly; Commission reports; Hansard debates; Senate debates; Minutes of Proceedings, and the like could have been damaged in the fire."

Participant SA2 also indicated that:

"It is a known fact the missionaries recorded everything ranging from birth; deaths; hut taxes; ownership of land, and so forth. South Africa has been going through a process of land redistribution since the dawn of democracy in 1994. Without the full picture of those who were forcefully removed from the land due to the policies of colonialism and apartheid, the land question continues to be a heated and highly contested issue. The full repatriation of church records to SA will enhance and enrich the "Appropriation of Land Without Compensation" debate that is unfolding in the country."

Destruction of Records

Compounding the displaced archives is the issue of unauthorised destruction of records. Participant SA3 detailed the illegal destruction of records in South Africa as follows:

"The destruction of records started in the late 1970s. For example, in 1978, the then prime minister authorised government-wide guidelines for the routine destruction of records. The tape recordings of a meeting between Nelson Mandela and PW Botha were also destroyed in 1991. The South African Cabinet approved guidelines for government offices to destroy sensitive state records in 1993, on the eve of the democratic elections. I think the destruction is continuing to this day as the National Archives do not have capacity in terms of infrastructure and skills. So, it is possible that governmental bodies are destroying records without disposal authority issued by the national archivist."

Conclusion and Implications of Cultural Memory

There is no doubt that mass record destruction, as well as displacement, has had a substantial impact on South Africa's social memory. Much of it is contained in countless documentary records, which are still scattered. Therefore, any attempt to reconstruct the past must include the retrieval of this memory. Massive amounts of official documentation have been destroyed, particularly concerning the inner workings of the state's security apparatus. Moreover, the apparent complete destruction of all records confiscated from individuals and organisations by the security branch has removed from South Africa's heritage valuable documentation of extra-parliamentary opposition to apartheid.

This has implications for the country's cultural memory and social justice. If repatriated records are not accessible, citizens' right to information is violated, and we may not know the full story about sanitation, claims, and record repatriation in pre- and post-apartheid South Africa.

Since the dawn of democracy in 1994, South Africa has been undergoing a land redistribution process. Without a complete picture of those who were forcibly removed from the land as a result of colonialism and apartheid policies, the land question remains a contentious and divisive issue that benefits certain groups or individuals with economic clout. This implies that without the repatriation of these records, social justice and/or the country's efforts toward nation-building may fall short. In this regard, the full repatriation of church records to South Africa will enhance and enrich the country's "Appropriation of Land Without Compensation" debate.

What is at stake in disputed archives is more than just cultural property or access to information. For countries like South Africa, displaced archives are necessary for healing. Without the full picture of those who were forcefully removed from the land due to the policies of colonialism and apartheid, the land question will continue to be a heated and highly contested issue. In this regard, repatriation of missionary records and other displaced archives could help enrich the current debate in South Africa on "Expropriation of Land Without Compensation."

Although there is no simple solution to the problem of migrated archives, we believe that archival institutions should be mandated to investigate

which documents are of historical and cultural significance and may be held elsewhere. Once the location of documentation has been determined, it should be repatriated. This can be accomplished by encouraging individuals and/or countries with files to donate them to the state. Kenya, for example, is one of the few African countries to have conducted extensive research on migrated archives in the UK. The same country has begun efforts to digitise migrated records to repatriate them to their countries of origin, which must be supported. However, because international enforcement instruments standardise record repatriation, this may be a monumental task. In the absence of an international enforcement mechanism, researchers believe that bilateral agreements are one option for resolving these issues. Mutual agreements on cultural heritage can also be sought. Furthermore, affected countries should invest in archival infrastructure. A process for digital record repatriation should also be considered. Finally, UK archivists can assist Commonwealth members in identifying collections and digitising those collections for repatriation to their rightful owners.

References

- ACARM. (2017). The 'Migrated Archive': ACARM Position Paper. <https://acarmblog.wordpress.com/wp-content/uploads/2018/10/acarm-position-paper-migrated-archives-adopted-20171125.pdf>
- Auer, L. (2017). Displaced Archives in the Wake of Wars. In: J. Lowry (Ed.), *Displaced archives*. Routledge, pp. 114-129. <https://doi.org/10.4324/9781315577609-9>
- Badger, A. (2012). Historians, a legacy of suspicion and the 'migrated archives'. *Small Wars & Insurgencies*, 23(4-5): 799-807. <https://doi.org/10.1080/09592318.2012.709761>
- Banton, M. (2012). Destroy? 'Migrate'? Conceal? British Strategies for the Disposal of Sensitive Records of Colonial Administrations at Independence. *The Journal of Imperial and Commonwealth History*, 40(2): 321-335. <https://doi.org/10.1080/03086534.2012.697622>
- Bell, T. and Ntsebeza, D. B. (2001). *Unfinished Business: South Africa, Apartheid and Truth*. Observatory: Red Works.

- Cox, D. (2017). Revisiting the Law and Politics of Compromise. In: J. Lowry (Ed.), *Displaced archives*. Routledge, pp. 196-214. <https://doi.org/10.4324/9781315577609-13>
- Garaba, F. (2011). Provenance, identification, restitution and management of the liberation struggle heritage in the ESARBICA region. *Journal of the South African Society of Archivists*, 44: 26-42. <https://www.ajol.info/index.php/jsasa/article/view/77604>
- Gilliland, A. J. and Hovhannisyan, M. (2023). Displaced, Un-placed, Re-placed: Armenian Archives and Archival Imaginaries in the US. In: J. Lowry (Ed.), *Disputed Archival Heritage*. Routledge, pp. 233-261. <https://doi.org/10.4324/9781003057765-14>
- Harris, B. (2002). The Archive, Public History and the Essential Truth: The TRC Reading the Past. In: C. Hamilton, V. Harris, J. Taylor, M. Pickover, G. Reid, & R. Saleh (Eds.), *Refiguring the Archive*. Springer Netherlands, pp. 161-178. https://doi.org/10.1007/978-94-010-0570-8_10
- Harris, V. I. (2007). They Should Have Destroyed More: The Destruction of Public Records by the South African State in the Final Years of Apartheid, 1990-1994. In: V. Harris (Ed.), *Archives and Justice: A South African Perspective*. Chicago: Society of American Archivists, pp. 305-336.
- Leisinger, A. (1982). Disputed Archival Claims: A Persistent and Urgent Problem. In: *ECARBICA 7. Seventh Biennial Conference and Seminar of the East and Central Africa Regional Branch of the International Council on Archives, Harare, 13 - 17 September 1982*.
- Lowry, J. (2017). Introduction: Displaced Archives. In: J. Lowry (Ed.), *Displaced archives*. Routledge, pp. 1-10. <https://doi.org/10.4324/9781315577609-1>
- Lowry, J. (2019). "Displaced archives": proposing a research agenda. *Archival Science*, 19(4): 349-358. <https://doi.org/10.1007/s10502-019-09326-8>
- Maaba, L. B. (2013). *The History and Politics of Liberation Archives at Fort Hare* [Doctoral Thesis, University of Cape Town]. <https://hdl.handle.net/11427/11121>
- Mnjama, N. (2011). Migrated Archives Revisited. *Esarbica Journal*, 30: 15-34. <https://doi.org/10.4314/esarj.v30i1>
- Mnjama, N. (2020). Migrated Archives: The Unfinished Business. *Alternation*, 36: 359-398. <https://doi.org/10.29086/2519-5476/2020/sp36a15>
- Mount, J. (2011, August 2). *Kenyans win Right to sue UK Government for Colonial Torture*. World Socialist Web Site. <https://www.wsws.org/en/articles/2011/08/maum-a02.html>
- Namhila, E. N. (2003). 'We are Not Going to Prosecute You, We Want Your Records and Stories': Filling Apartheid Gaps in the Public Memory of the Namibian Liberation Struggle for Independence. In: *World Library and Information Congress: 69th IFLA General Conference and Council 1-9 August 2003, Berlin*. <https://archive.ifla.org/IV/ifla69/papers/091e-Namhila.pdf>
- Ngoepe, M. and Kenosi, L. (2022). Confronting Jenkinson's canon: reimagining the 'destruction and selection of modern archives' through the Auditor-General of South Africa's financial audit trail. *Archives and Records*, 43(2): 166-176. <https://doi.org/10.1080/23257962.2022.2048639>
- Ngoepe, M. and Netshakhuma, S. (2018). Archives in the trenches: repatriation of African National Congress liberation archives in diaspora to South Africa. *Archival Science*, 18(1): 51-71. <https://doi.org/10.1007/s10502-018-9284-9>
- Ngulube, P. (2002). Future of the past: access to public archives in southern Africa and challenges to historical research. *Historia*, 47(2): 562-582. <https://hdl.handle.net/10520/EJC38080>
- Nsibandze, N. (1996). Southern African Archives in Exile. *SA Archives Journal*, 38: 84-87.
- Paul, P. (2012). Selection and Destruction in Moravian Archives between 1760 and 1810. *Journal of Moravian History*, 12(2): 170-215. <https://doi.org/10.5325/jmorahist.12.2.0170>
- Ramokate, K. (2004, January 15). *Botswana Recovers Migrated Archives*. Mmegi. <http://allafrica.com/stories/200401160269.html>
- Rawlings, G. (2015). Lost Files, Forgotten Papers and Colonial Disclosures: The 'Migrated Archives' and the Pacific, 1963-2013. *The Journal of Pacific History*, 50(2): 189-212. <https://doi.org/10.1080/00223344.2015.1048585>
- Roehrenbeck, C. A. (2010). Repatriation of Cultural

Property—Who Owns the Past? An Introduction to Approaches and to Selected Statutory Instruments. *International Journal of Legal Information*, 38(2): 185-200. <https://doi.org/10.1017/S0731126500005722>

Shepard, T. (2017). Making Sovereignty and Affirming Modernity in the Archives of Decolonisation: The Algeria–France ‘Dispute’ between the Post-Decolonisation French and Algerian Republics, 1962–2015 1. In: J. Lowry (Ed.), *Displaced archives*. Routledge, pp. 21-40. <https://doi.org/10.4324/9781315577609-3>

The Herald. (2018). *Updated: President receives Rhodesian Files*. <https://www.heraldonline.co.zw/just-in-ed-receives-cabinet-files-taken-away-by-smith>

Van Beurden, J. (2017). *Treasures in Trusted Hands: Negotiating the Future of Colonial Cultural Objects*. Leiden, Netherlands: Sidestone Press. <https://www.sidestone.com/books/treasures-in-trusted-hands>

Winn, S. R. (2015). Ethics of Access in Displaced Archives. *Provenance, Journal of the Society of Georgia Archivists*, 33(1), article no. 5. [Online]. <https://digitalcommons.kennesaw.edu/provenance/vol33/iss1/5>

Wurl, J. (2005). Documenting Displacement: The Migration of Archival Sources From Post-WW II East European E’migre’ Groups. *Archival Science*, 5(1): 79-92. <https://doi.org/10.1007/s10502-005-5763-x>



Maoka Andries Dikotla is an associate professor in the Department of Information Science at the University of South Africa. He previously worked as an associate professor in Information Studies at the University of Limpopo in South Africa, as well as the Deputy Manager: Information and Knowledge Management at Limpopo Department of Public Works. He holds a PhD degree in Information Science from the University of Fort Hare, South Africa.



Mpho Ngoepe is Professor and Executive Director: Library and Information Services at the University of South Africa.