

# To “hell or heaven”? sanitisation of records in apartheid and democratic South Africa: implications on social memory

**Mpho Ngoepe**  
**Department of Information  
Science, UNISA**  
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# Road map

- Historical background of archival system in SA
- Legislative requirements in relation to disposal of records
- Context of TRC investigation on destruction of records
- Conscious sanitation of memory during apartheid SA: TRC report
- Unconscious deliberate sanitation of memory in democratic SA
- Snapshot of print media coverage on destruction of records
- Implications on social memory and justice
- Conclusion

# Historical background

- Historical account of paper-based records in SA can be traced to the period of the DEIC (1652 – 1795)
- Oldest record is dated 30 December 1651
- In the days of the DEIC and three years of the Batavian Republic (1803-1806) the archival system was decentralised
- During the second British rule of the Cape (1806 – 1901) the custody of records was a function of Colonial Secretary
- After the Union of SA in 1910, the system was centralised under the Department of Interior
- The first Archives Act was passed in 1922
- The Act was repealed in 1953, 1962 and 1996

# Archives Act, 1962

- Section 27(1)
  - Charged the Director of Archives with the custody, care and control of archives
- A 1979 amendment recognised the *de facto* situation by empowering the Director of Archives to authorise the destruction of records.

# Challenging the ambit of the Archives Act

- 1962 – four challenges
  - 'non-prescribed' records kept by magistrates were by their nature not subject to Archive Act
  - Active or current records in government offices were similarly excluded
- 1978 – prime minister authorises government-wide guidelines for the routine destruction of records
- 1984 – guidelines were updated
  - The guidelines did not explicitly challenge the authority of the Archives Act, they simply authorised destruction without mentioning the Archives Act at all.
- 1991 – Tape recordings of the meeting between Nelson Mandela and PW Botha destroyed
- 1992 – Minister of Justice authorises the destruction of records
- 1993 – Cabinet approves guidelines for government offices to destroy state sensitive records

# TRC enquiry: context

- The need to access records pertaining to gross human rights violations, e.g. Uprisings, train violence, necklace murders, vigilante groups, etc.
- Extensive requests were made for records kept by the SANDF, SAPS and NIA
- While some records were made available, many records were not provided due to the following:
  - References did not correspond with the index
  - In some cases, documents were traced to the inventories of other government departments
  - Some files contained no more than a single document or completely empty
  - File been destroyed
- It became apparent that the nature and extent of destruction for purpose of concealing violations of human rights required further investigations

## TRC Report Vol. 1 Chapter 8

- Former government deliberately and systematically destroyed state documentation
- This process began in 1978, when classified records were routinely destroyed
  - The then prime minister ordered the destruction of classified records of the police, intelligence and defence force.
- In 1988, the bulk of the classified records of the South West Africa (Namibia) were destroyed
- By the 1990s the process was a co-ordinated and sanctioned by the Cabinet
- In 1993, Cabinet approved guidelines for destruction of sensitive records

## TRC Report Vol. 1 Chapter 8 . . .

- Between 1990 and 1994 huge volumes of records were destroyed in an attempt to keep the apartheid state secrets hidden
- All records confiscated by the security police from individuals and organisations opposed to apartheid were destroyed before 1994 general elections
- In 1995 a moratorium on the destruction of records was introduced by the new government
  - resulted in government departments keeping receipts for everything from toilet paper to food



## Expose on exodus/sale of valuable records

- Rivonia Trial records – how they ended up in the black market is anybody's guess
  - Nonetheless, the records were returned to SA through the intervention of the Openheimer family
- Percy Yutar files - discovered that Percy Yutar, the prosecutor in the trial, had sold his records to the Brenthurst Library
  - The records have since been microfilmed and returned to NARS
- The sale of a Freedom Charter in London by Leon Levy, former president of the South African Congress of Trade Unions
  - The Liliesleaf Trust, together with the former UK ambassador to SA bought the document and return it to SA

# Media coverage on destruction of records

- Content analysis of newspapers.
- Data was extracted from the SA Media database, which is one of the databases hosted by SABINET.
- Adopting an advanced search strategy of combining various search terms, namely 'records', 'archives', 'destruction' and 'destroy' resulted in a total of 125 newspaper cuttings. Published between 1998 and 2010.

# Role of the media

- Defines the parameters of public knowledge
- media has the power, although indirectly, to influence the public about a particular subject
- raise public recognition and attitudes towards any given subject
- Massive media coverage of issues can increase the public knowledge and raise awareness on subject
- This will in turn help to promote accountability, transparency and good governance as citizens would be aware of their rights of access to information

## Headline news include:

- Former government destroyed 'tons of incrimination', *The Citizen*, 30 Oct 1998 by Koos Liebenberg
- Apartheid's dirty secrets went up in smoke, *Mail&Guardian*, 30 Oct 1998 by Mungo Soggot
- Omar to consider acting on the illegal destruction of state records, *Business Day*, 2 Nov 1998 by Taryn Lamberti
- Shredding our democracy, *Sowetan*, 26 August 2003
- Controversy over 34 boxes of TRC files, *This Day* by Graham Dominy
- A friendlier big brother? *Natal Witness*, 30 March 2004 by Verne Harris

## Headline news include: . .

- Hiding our nation's past destroys our ability to know ourselves, Sunday Argus, 23 August 2009 by Fiona Forde.
- Archives need more funding to keep country's records safe, Sunday Argus, 25 Jul 2010 by Gaye Davis
- Access to information act assist recovery of lost records, Sunday Independent, 11 Nov 2011, by Jeremy Gordin
  - 44 tons of secret documents burnt in 1993

# What does the media coverage say to us?

- Archivists and records practitioners in SA have not capitalised on the media to cover activities of their profession
- Only one article authored by an archivist in South Africa could be traced
- The rest were written by journalists and members of civil society organisations, especially SAHA
- Where are archivists and records managers?

# Post Apartheid - National Archives and Records Service of South Africa Act, 1996

- Section 13(2)(a)
  - No public record may be
    - transferred to an archives repository;
    - destroyed;
    - erased; or
    - otherwise disposed of
  - Without the written authorization of the National Archivist

## Disposal authority

- The written authorization which indicates records with archival value (A20) and those without archival value (D)
- The programme is neither transparent nor accountable to the public
- Two years after the file plan has been implemented?
  - What about e-records?



## What about destruction of electronic records?

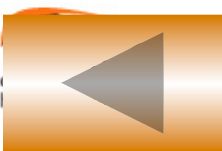
- NARS issued a set of guidelines for the management of electronic records
- No infrastructure to ingest electronic records into archival custody for permanent preservation
- None of the governmental bodies have transferred e-records into archival custody
- NARS strategy - Migration and earliest transfer of records to archives repository – post-custodial approach
  - Cannot be considered preservation since many government departments do not have the capability of locating and retrieving a document after a certain period of time
- Furthermore, NARS is battling with appraisal backlog: resulting in keeping everything syndrome
- Old faxes printed on thermal paper

## Current approaches to disposal of e-mails

- No control over disposal
  - deleted at users' own discretion
  - when IT instructs them to delete
- No access to corporate knowledge contained in e-mail communications
- Not kept in record-keeping systems
  - legal admissibility
  - evidential weight

## Current approaches to disposal of e-mails . . .

- IT approach
  - Blanket cut off after 60/90/120 days
    - Very simplistic
    - Very wrong in the eyes of the law
- Records approach
  - Disposal framework determined by National Archives Service
    - More cumbersome
      - Subject classification is a pain
    - More precise and specific
    - Records are more discoverable on demand
    - More acceptable in the eyes of the law



# Issues with current practice and legislation

- Limit powers of the records managers on deciding records of enduring value
  - Identifies the records to be preserved at the **moment of their creation**
  - Determines the **feasibility of preservation** on the basis of the archives technological capacity
- Written with paper records in mind
- E-records not regarded as evidence
- Role of archives as custodial one

## Issues with current practices and legislation . . .

- Only a small proportion of government offices effectively reached by NARS
- The inspection function of NARS to be the auditor of government not done
- NARS being a subordinate in the Dept of Arts and Culture
- Inadequate resources to execute the mandate both in terms of level and capacity

## Conclusion: implications of sanitation of records on social memory

- The mass destruction of records has had a severe impact on SA social memory
- Any attempt to reconstruct the past must involve the recovery of this memory – much of it contained in countless documentary records.
- The vast amounts of official documentation, particularly around the inner workings of the state's security apparatus have been obliterated
- Moreover, the apparent complete destruction of all records confiscated from individuals and organisations by the security branch has removed from SA's heritage a valuable documentation of extra parliamentary opposition to apartheid

# Conclusion: implications of sanitation on social memory . . .

- The work of TRC has suffered as a result of wholesale destruction
- Numerous investigations of gross violations of human rights were severely hampered by the absence of documentation
- The TRC may have been wrong in some of its conclusions due to lack of documentation
- Ultimately, all South Africans have suffered the consequences, in that the process of reconciliation and healing through a disclosure of the past has been deliberately curtailed

## Concluding questions

- How then can SA redress the imbalances imposed by the purge on official memory?
- What role should archivists play in highlighting such issues as the destruction of records?
- What can SA do with records that left their homes and be sold by private owners at auctions throughout Europe?
- Can collection of nonpublic records and promotion of oral history bridge the gap?



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