

# ARCHIVES, ACCOUNTABILITY, HUMAN RIGHTS AND GOOD GOVERNANCE: WHERE IS THE NEXUS?

By

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## Wise words

- “Chisina kuuya nemunyai chinorova.”
- “Whatever is not brought through a witness who keeps a record can not be accounted for.”

*(A Shona saying)*

## Main arguments

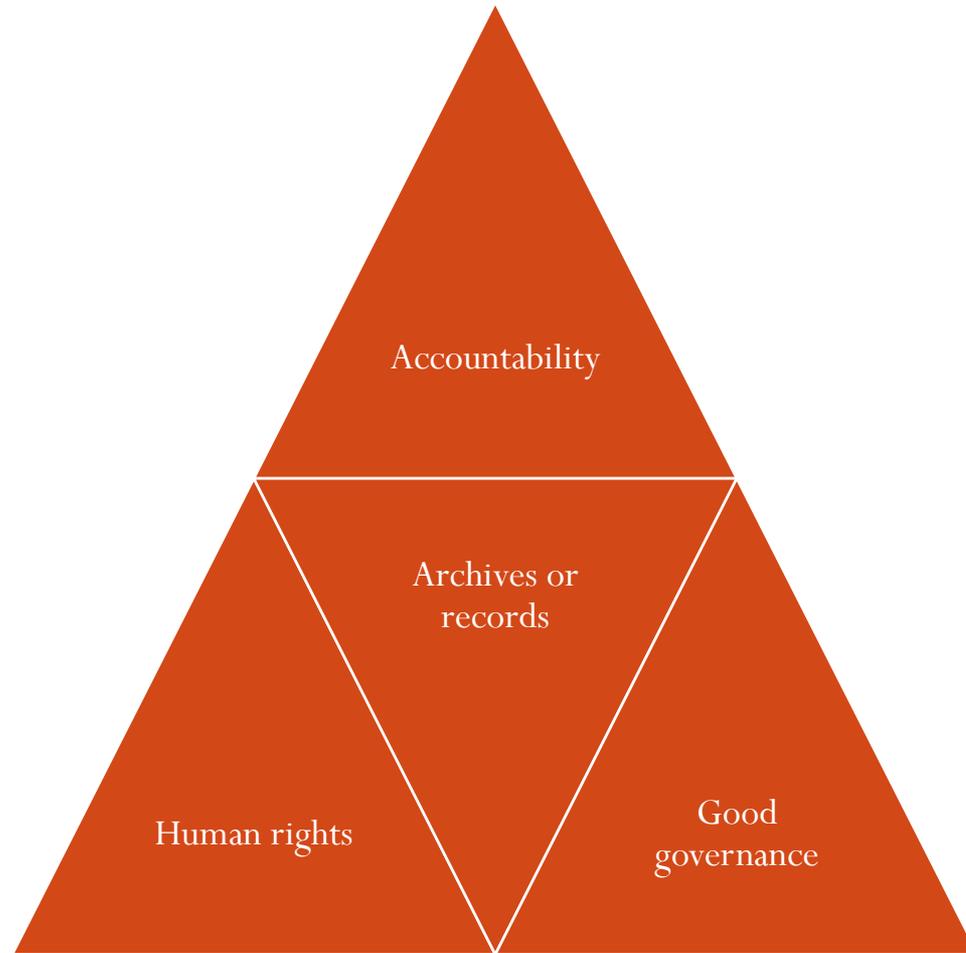
The presentation has got basically three arguments:

- that records are at the centre or core of good governance, human rights and accountability.
- that archives as pillars of accountability, good governance and human rights do not only include documented evidence.
- that records can also be used to prevent violence.

## Main argument cntd

- These arguments are going to be supported with examples from Zimbabwe and the international community.

Fig 1: Diagrammatical summary of main argument: *archives at the centre of accountability, human rights and good governance*



# Definition of terms

- ▣ **Governance:** refers to the process of decision making and the process by which decisions are implemented (or not implemented). Governance can be used in different contexts such as corporate governance, international governance and local governance. Mazebe and Sebina (2003:3) conceived governance as “the process, the function and power of government. It is public leadership achieved through political office”. They went further to note that government governs on behalf of the public that gave it the mandate and should be transparent to enable the public to know how it functions”.

## Definitions cntd

- According to the Pacific Regional Branch of the International Council on Archives (PARBICA) (n.d) governance alludes to “the way in which an organisation arranges its processes and structures so that it can make decisions, carry out its work and monitor its progress. Good governance means making sure the office or agency is organised and does its work in a way that it is efficient and accountable, and complies with relevant laws and regulations”

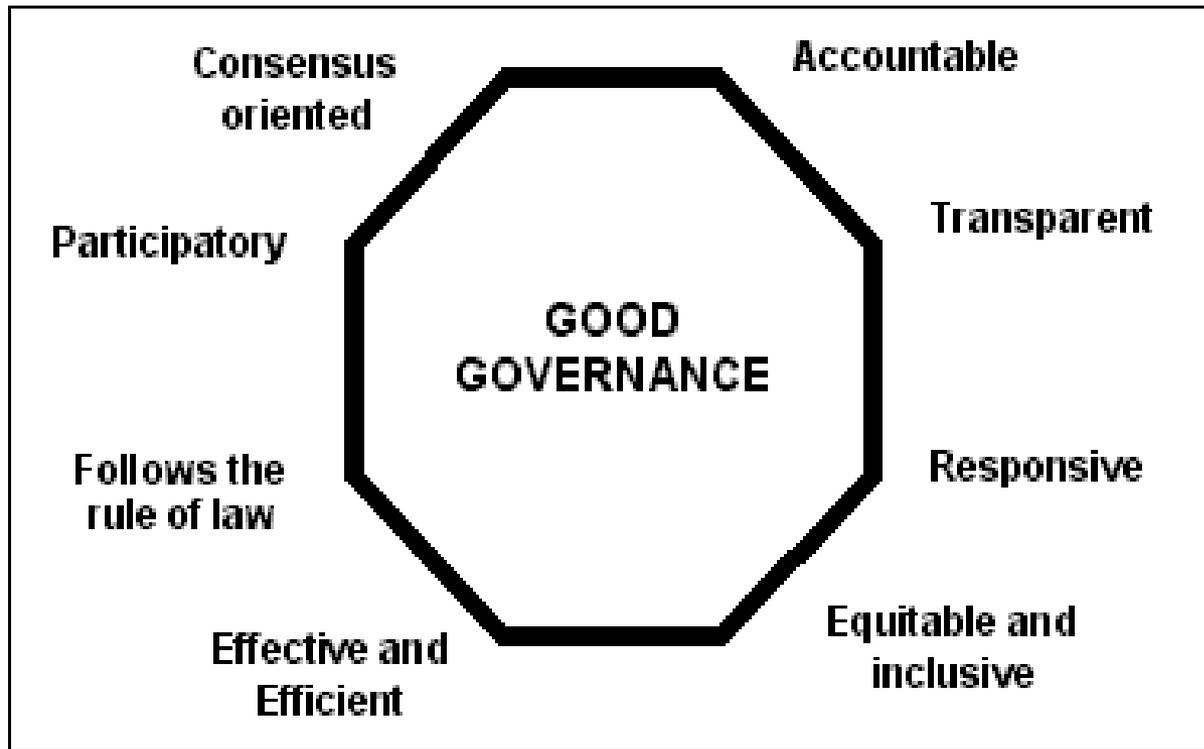
## Definitions cntd

- ▣ We submit that governance is a general term that is applicable in businesses, churches, non-government organisations and other institutions. Thus, governance is found in situations where there is decision making for a group of people, and where such decisions are binding to that particular group of people.

- We therefore further argue that governance begins from home, where in patrilineal families, fathers are considered to be leaders as they assume the roles of heads of their families, right throughout to church organisations up to national level where governments are chosen by the populace to lead them.

## Definitions cntd

Fig 2: Good governance and its tenants



**Adapted from the Economic and Social Commission for Asia and the Pacific (ESCAP) 2012.**

## Definitions cntd

- **Accountability**-has a lot to do with answerability. It implies that an office holder has to be answerable either to a superior or to the public in general if it is a public post.
- **Responsive** - points to the fact that the authorities take appropriate action when and where necessary not neglecting to act where action is necessary.

## Definitions cntd

- **Equitable** and **inclusiveness** refer to the fact that there is equal distribution of resources not favouring one region province or people. In governance it is generally believed that everyone including those not directly involved has got a different idea as to how things can be done and such ideas need to be heard and harnessed for the good of everyone as a result being inclusive means such ideas should be heard and be made use of.

## Definitions cntd

- **Effectiveness and efficient-** effective implies producing desired effects or making an impression whereas efficient refers to producing desired results with little waste of effort.
- **Following the rule of law-**implies that no one is above the law. There is rule of law not rule by law.

## Definition cntd

- **Participatory**-is one of the basic human rights. Important events like choosing leaders and deciding on policy requires participation for good governance to prevail
- **Consensus oriented**- There is more of consultation and participation. So that the people have a say in the matter.

## Definitions cntd

- **Human rights**-By definition, human rights are “rights that belong to each and every human being, by virtue of being human, and operate without distinction as to class, colour, ethnicity, gender, age, religion, political affiliations, country of origin and other sub-classifications” (Chambers n.d).

## Definitions cntd

- Record “a written or printed work of a legal or official nature that may be used as evidence or proof; a document; data or information that has been fixed on some medium; and that has content, context, and structure, and that is used as an extension of human memory or to demonstrate accountability, data or information in a fixed form that is created or received in the course of individual or institutional activity and set aside (preserved) as evidence of that activity for future reference” (Pearce-Moses 2005).

## Definitions cntd

Archives- material relating to the history of an institution that are kept for permanent preservation because of their evidential or informational value; the location at which archival materials are maintained; the organisation that cares for archival materials (Mannon 2012)

Main discussion:

## **Archives, accountability, human rights and good governance- inseparable fellows?**

We argue that archives are at the core of accountability, human rights and good governance. No government or organisation can claim to be practising good governance without sound records or archives, no government or organisation can claim to be accountable to its people without sound archives or records, no state or government can

claim to be at the helm of human rights without records or archives to support its activities.

On that note, archives have been placed at the centre of these three accountability, human rights and good governance as shown in fig 1 above.

## Main discussion cntd

- Mazebe and Sebina (2003:3) gave an almost bird's eye view of the unquestionable nexus of archives/records to good governance, accountability and human rights. They submitted "it is important to recognise that records document decisions and activities of government. They also document the rights and obligations of government to the public and other governments. In other words, records document the process of governance and reflect government's interaction with the public".

# Archives and good governance

- Leaders generate a lot of records, they sign Memoranda of Understanding (MoU) and treaties with other nations. Leaders also produce vast volumes of documentation that pertain to the operations of the country. This way, records are generated. These records will find their way to the archives after their immediate administrative values have diminished. Of note is that without such records, good governance cannot be achieved

## Archives and good governance cntd

- To use the words of Crookston (2010), “good governance requires good information management, so that public officials can account for their decisions and activities with reference to accurate, reliable and accessible information”.

# Archives and Accountability

- ▣ One of the major challenges of governance is corruption.
- ▣ The major question is where there are no proper records how can one be accountable? In a bid to curb corruption in the public sector, many international anticorruption agreements commit governments to take a wide range of actions such as, among others disclosure of personal assets(The US Department 2006)

- ▣ Countries such as Kenya have adopted this policy that dictates that an office holder should declare his or her assets before and after holding office.

# Archives do not include documented evidence

- We further contend that archives as pillars of accountability, good governance and human rights does not only include documented evidence.
- Archives also include oral evidence e.g citizens gain or loose trust in public figures due to the oral records they have about them.

# Archives and human rights

- ▣ The authors of this document would like to pinpoint the indispensable role that records in the form of archives, play in the development and sustainability of human rights. According to Chambers (n.d), the late 18<sup>th</sup> century was marked by political reformations which saw remarkable moves towards the codification of human rights into constitutional documents such as the French Declaration of the rights of Man 1788 and the American Declaration of Independence 1776.

What is worth noting here is that what is referred to as “constitutional documents” in the above statement is actually an act of generating records, which have permanent value as they are being referred to as law. Thus, records management had already come into play here.

# Archives and human rights

- It is also worth noting that when law is crafted for a country, a permanent archive has been generated, implying that such law, by virtue of it being documented, has to be available to all the citizens of that particular nation. Whilst it may not be realised that an archives has been created, these authors argue that a permanent record and or archive has been created.

# Archives and human rights

- ▣ To demonstrate the value of archives as pillars of human rights, we ask, for example, are the French Declaration of the rights of Man 1788, the American Declaration of Independence 1776 as well as the English Bill of Rights of 1689 not valuable archives today? Were these documents, as archives, used as the basis for the formulation of more current and up to date legislation? The answer is yes, and thus, the indispensable role of archives in the protection of human rights can not be overemphasised.

# Archives and human rights

- Millar (2003:6) stated, in no unclear terms, the indispensability of records/archives to human rights when he wrote that “a government that is able to create, manage, protect, disseminate and use records and information effectively will create an environment in which citizens can ensure that their rights are respected and upheld...governments can demonstrate the process involved in decision making and so remain accountable...”.

# Archives in support of good governance and human rights: some international examples

## **1. The Norwegian “ war children” and the “Lebensborn Home Archives” after the Nazi occupation**

Norwegian woman co-habited with German soldiers during the Nazi occupation, resulting in the “war children”.

After World War II, approximately 10 000 war children were left in Norway.

- The fate of these children became public debate in the late 1980s, following allegations of ill-treatment and harassment of the children by the Norwegian government (Valderhang 2010)
- A Research Council was set in 1998 to investigate the allegations of abuse and it concluded that the children were harrassed between 1945 and 1955 (Valderhang 2010)
- In 2006, the Norwegian parliament approved a special a special reparation system for the war children whereby compensation was based on availability of evidence
- Eventually, 8 500 war children and their mothers were identified (Valderhang 2010)

## **2. The Gwatemalan Historical Archives of National Police/Archivo Histórico de la Policía Nacional (AHPN)**

Discovered in 2005 with holdings covering the entire history of the Gwatemalan National Police Force since its establishment in the late 19<sup>th</sup> century to the time of its dissolution in 1997 (Doyle 2011)

The archive was used as a source of information about the abuses and disappearance of journalists and labour activists during the Gwatemala's armed conflict between 1975 and 1985 (Doyle 2011)

In October 2010, two former police agents were tried and convicted for the 1984 forced disappearance of labour activist, Edgar Fernando Garcia, based in part on evidence located at AHPN (Doyle 2011)

In May 2011, Guatemala's Public Ministry set up a special force inside the archives to facilitate further investigations into key human rights abuses (Doyle 2011)

### **3.The Chicago Police Torchure Archive – revelations by the archive**

Between 1972 and 1991, African-American men, approximating 135 were arrested and tortured at the hands of John Burge, a former Chicago Police Commander at Area 2 police headquarters

The archive provided evidence of methods of torture, such as electric shock to ears and genitalia, suffocation, burning and mock executions. Courts in Chicago, relying on evidence from this archive, ruled that Burge is guilty of the torture allegations.

## **Other international examples**

- At the Duke University Libraries, the Human Rights Archives has been established as part of the David. M. Rubenstein Rare Book and Manuscript Library. The archive works together with the Duke Centre for Human Rights.
- The Columbia Centre for Human Rights Documentation Centre was established. This is an online archive consisting of the Columbia University Libraries (CUL) and its centre for Human Rights Documentation Research (CHRDR) with support from the Andrew W. Mellon Foundation.

# Archives in support of good governance and human rights: The Zimbabwean experience

- Back home in Zimbabwe, the importance of archives has been indirectly evidenced in the wrangle for headmanship between the former Education, Sports and Culture Minister, and now Mashonaland East governor, Aeneas Chigwedere and a Mr Raines Chadoka, who is a the governor's relative and villager in Hwedza.

# Can records can be used to prevent violence?

- The authors further argue that records can be used to prevent violence as witnessed by the “record scare” in Zimbabwe.
- It also showed that it was not a matter of keeping records but how, why and where the records are being kept.

# Conclusion

- Archives, good governance, accountability and human rights are inseparable follows in any country. We sum it up by harping on the point that archives are at the core of everything such that their negligence may result in serious incompetence on the part of states, lack of accountability on the part of the leaders, and limited success on the part of human rights activists.