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For more information contact the editors Mr. S. Katuu [skatuu@yahoo.com](mailto:skatuu@yahoo.com) or Dr. P Ngulube [ngulubep@nu.ac.za](mailto:ngulubep@nu.ac.za)

## Events

### April 2004

21<sup>st</sup> – 23<sup>rd</sup> **Meeting of the ICA Executive Committee** Madrid, Spain  
<http://www.ica.org/calendrier.php?plangue=eng>

### May 2004

11<sup>th</sup> **“Information management in a democracy: supporting access, security and accountability through sound records management practices ” AIMS cc conference** at Kruger National Park, South Africa. Contact: Ms R. Mathale tel. +27835914717, or Ms L. Calitz +27832911459, Email: [aims@wol.co.za](mailto:aims@wol.co.za) Fax: +270831183900351

13<sup>th</sup> – 14<sup>th</sup> **“Information management in a democracy:” AIMS cc workshop** at Kruger National Park, South Africa. Contact: Ms R. Mathale tel. +27835914717, or Ms L. Calitz +27832911459, Email: [aims@wol.co.za](mailto:aims@wol.co.za) Fax: +270831183900351

### August 2004

2<sup>nd</sup> - 8<sup>th</sup> **Society of American Archivist Annual conference** Boston, MA USA <http://www.archivists.org/conference/index.asp>

20<sup>th</sup> – 27<sup>th</sup> **70th General Conference of the International Federation of Library Associations and Institutions** Buenos Aires, Argentina  
<http://www.ica.org/calendrier.php?plangue=eng>

23<sup>rd</sup> – 29<sup>th</sup> **“Archives, memory, and knowledge” 15th International Congress on Archives** Vienna, Austria <http://www.wien2004.ica.org>

## Call for papers

The editors invite contributions for the next issue of the ESARBICA Journal. Themes that may be addressed are wide and open, but an advanced academic level of discourse is required. Preference will be given to manuscripts that focus on specific issues in the Eastern and Southern Africa region and case studies that provide "best practices" and in the following broad themes:

- (i) All aspects of archives from oral tradition, audio-visual archives to electronic records
  - (ii) Archivists and knowledge management
  - (iii) Information and communication technologies in the management of records and archives
  - (iv) Human resource development including education and training
  - (v) Ethics issues that arise in the management of information contained in archives and records
  - (vi) Disaster preparedness/disaster response with special reference to human-made disasters (e.g. destruction of National Library/National Archive in Baghdad)
  - (vii) Access to information contained in archives and records
- Deadline for submitting manuscripts is **30 April 2004**.

## **The Electronic Communications and Transactions Act: its implications to record keeping in South Africa (by Brad Abbott)**

The Electronic Communications and Transactions Act 25 of 2002 (ECT Act) became law on Friday, 30 August 2002. This marked the end of a process initiated by the South African Government in 1999 to establish a formal structure to define, develop, regulate and govern e-commerce in South Africa. The ECT Act is undoubtedly the most significant piece of legislation passed this century in the context of the information revolution.

The Act contains 18 stated objectives. The main object is to enable and facilitate electronic communications and transactions. The subsidiary objectives include the following:

- Promoting universal access primarily in under serviced areas.
- Removing and preventing barriers to electronic communications and transactions in the Republic.
- Promoting legal certainty and confidence in respect of electronic communications and transactions.
- Promoting technology neutrality and inter alia providing electronic equivalence for paper-based concepts.
- Promoting e-government services and electronic communications and transactions with public and private bodies.
- Ensuring that, in relation to the provision of electronic transactions services, the special needs of particular communities and areas and the disabled are duly taken into account.

One of the key issues addressed by the Act, of particular significance to Records Managers in South Africa, is providing for the legal recognition of electronic transactions, documents and signatures and facilitating records retention, electronic evidence and automated transactions. Chapter 3 of the Act gives legal recognition to electronic documents and provides that there must be no disparity of treatment between electronic documents and paper documents. Provision is made for the legal recognition of the electronic version of paper based concepts, and that electronic data will, subject to certain conditions, be permitted to be retained for document retention purposes, regarded as "writing" as well as constituting an "original" document. Provision is also made for securing proper evidentiary weight of electronic evidence and the ability to notarize, acknowledge or certify electronic documents.

While the Public Sector in South Africa has a well established tradition of hardcopy records management based programs, the same cannot be said in terms managing electronic records. Although guidelines exist for the management of electronic records in the public sector from the National Archives of South Africa, and a number of governmental bodies have implemented electronic records management systems, by far the majority of electronic records remain unmanaged in terms of records management principles and programs. Prior to the enactment of the ECT Act, the consequences of this from a legal point of view were fairly minor.

With the passing of the ECT Act, the Private Sector has shown growing interest in the discipline of records management, as the realization has grown that electronic records now carry the same status in the eyes of the law as hardcopy records. The Private Sector is increasingly showing interest in adopting formal records management programs in order to ensure the integrity of electronic records, as this integrity directly affects the evidentiary weight that electronic records will carry in a court of law. In fact it was the Private Sector that was largely instrumental in having the records management standard ISO 15489 adopted as a South African National Standard.

Now, that the ECT Act has awarded equal legal status to electronic records, the failure to implement formal electronic records management programs, for both the Private and Public Sectors, can potentially carry very serious and long lasting repercussions. It must be borne in mind that all electronic records are now potentially legally discoverable in a court of law and in the absence of a formal electronic records management programme, it may be exceedingly difficult, if not impossible, to demonstrate compliance with the ECT Act and other 'referring' legislation.

For a detailed analysis of the Record keeping implications of the ECT Act contact [brad@forestgroup.info](mailto:brad@forestgroup.info)

Brad Abbott  
<http://www.forestgroup.info>

### **Good governance and record keeping: is there anything more we can do? (by Vivan Tafor)**

The need for governments and organizations to properly manage their records and archives can no longer be overemphasized today. Even if records managers and archivists are not receiving the respect and recognition that they deserve, it goes without saying that their profession is still one of the cornerstones that make up a good society. By properly taking care of records and effectively preserving archives, archivists and records managers promote a culture of accountability, as well as good corporate and state management. They also ensure that our memory and heritage are preserved for generations to come. Fortunately enough, some governments are beginning to realize the role that we play, what they stand to gain by embracing our ideas, and as such are now paying more attention to what we have to say.

However, there is still a very long way before our voices are heard by all those for whom our clarion calls are directed. Even though records and archives management is now receiving some attention, the impact is yet to be felt in many African countries. One of the reasons behind this is because in Africa today, there is still no difference between the judiciary, the executive and the legislature. These three arms of government, in order to play their roles effectively, they have to enjoy a significant amount of independence. This is not yet the case in most African countries. This explains why the efforts of records managers and archivists sometimes appear to be little more than a waste of time. If the judiciary does not have the power to freely exercise its role, and hold people be account for their actions in a court of law; if the judicial system cannot without fear or favour prosecute suspects who have been

exposed with the help of records, then what purpose does it serve to manage records and preserve archives? In other words, records management can only be useful among other reasons if documentary evidence can help in preventing people from committing similar offences. This cannot be done without an independent judiciary.

In order to advance the important role played by records managers and archivists, we need to do more than just preach about the importance of sound records management. For a very long time we have been re-echoing choruses about the role and relevance of good record keeping. For a long time also, we have hardly gone beyond recommending more government commitment in providing adequate resources to set up proper records management systems. Our voices need to carry messages about the importance of an effective and independent judiciary as well. In fact, advocating for good governance as a whole needs to be part of our preoccupation. Only then will measures be put in place to make use of properly managed records. The concept of accountability will have any meaning only when people start realizing that the law will take its course if their actions are found wanting. That is why as records managers and archivists, we need and can do more.

Vivan Fuh Tafor  
Email: [fuhtv@yahoo.co.uk](mailto:fuhtv@yahoo.co.uk)  
PhD student (records management)  
University of the Witwatersrand

## **News in brief on the ICA conference in South Africa in October, 2003**

In October 2003, South Africa hosted the most significant of ICA's meetings, the XXXVIIth International Conference of the Round Table on Archives. Based on the resolutions of the pre-conference meeting held in Pretoria, it is apparent that there was concerted effort in addressing the issues around oral history. This was further emphasized in the main conference held in Cape Town.

The organizers should be commended for nine African ministers responsible for archival heritage in the eastern and southern region who issued a "Declaration on Archives," which among other things recommends that NEPAD should establish an "archival steering committee to promote co-operation in archival matters."

With 168 delegates and speakers contributing to stimulating professional discussions, the conference was graced with the presence of some highly esteemed individuals. These included President Sir Ketumile Masire (Botswana), and the Nobel Laureate Emeritus Archbishop Desmond Tutu (South Africa) who gave the keynote address. For more information on the pre-conference and conference, visit the ICA website ([www.ica.org](http://www.ica.org)) and the ESARBICA website ([www.geocities.com/esarbica](http://www.geocities.com/esarbica)).