

A Critical Assessment of Sierra Leone's Public Archives Act

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ABSTRACT: Archives are not grains of history and keeping them is keeping stuff which is so important. When properly managed archives are assets to an organization, community, state or nation. Archives inform future generations of the good actions taken today. They tell our stories, document our identity and have ongoing use of scientific and technical enquiry. Archives are kept in order to be used for a variety of reasons. For instance, people use archives as tools to look beyond the current moment and understand the wider context of their families, country or society. They serve as evidence to confirm obligations, safeguard us against inaccurate collections and uphold the rule of law. For effectiveness of purpose archival institutions must acknowledge and adhere to external requirements affecting their operations such as Government legislations. However, the level of legislation or regulatory control on archives vary from country to country. The main legislative instrument affecting national archives is the Act, which defines the scope of the archival institution and outlining its responsibilities. In Sierra Leone the Public Archives Act of 1965 was passed "to establish the Public Archives Office to provide for the preservation of the public archives and for purposes connected thereto." Whether or not this Act is anything to go by is yet to be proved but the public desire answers to a lot of unanswered questions surrounding it. This article then critically assesses the Public Archives Act No.44 of 1965 with respect to the Archives Institution and the effectiveness or ineffectiveness of this legal instrument.

KEY WORDS: Africa, Sierra Leone, Archives, Records Keeping, Archival Administration, Non-Current Records, Information Sources

I. INTRODUCTION

The history of Sierra Leone's Public Archives goes back to the administration of the settlement that developed in 1787. The birthplace of the Public Archives is the Secretariat Building at George Street in Freetown. The importance of the archives as an irreplaceable cultural heritage was felt as back as 1895 when the Colonial Governor, Frederick Cardew as a result of the difficulties encountered in retrieving certain information regarding payment of rent for Banana Island. Due to the chaotic state of the records then information was not available. In the Colonial Secretary's dispatch to the Secretary of State for the Colony of Sierra Leone, Governor Cardew recommended the service of a 'special clerk' for arranging and classifying the old records. The recommendations were supported in London and it was decided that a clerk be appointed for the service at a salary of sixty pounds (Executive Council Meeting, 1899). It is not clear whether or not the clerk was appointed and the post created filled. What is clear however, is that the concern over the chaotic state of records reached fever peak when in 1936, a dramatic British Colonial Policy issued a circular letter, informing the various British administrations in West Africa about the preservation of historical records to be regarded as top priority. Another circular letter was sent at the height of the Second World War (1939-1945) to Government departments on 29th September, 1942 urging civil servants to take proper care of official records for fear of the French naval base. With such fears expressed the records were transferred to Moyamba, in the Southern Province. In Moyamba these records were kept in jail houses and rail coaches and they suffered from the absence of conservation management practices. At the end of the Second World War those records which survived were again transferred to the Old Army Camp at New England Ville in Freetown in a very disorganized and deteriorating condition (Moore, 1993).

The Colonial Government highly regarded the keeping of records, although without proper management. In order to protect such valuable materials from further deterioration and to re-house them in some kind of order so

that they could once again be used as archives, Professor Christopher Fyfe, a distinguished historian was employed on contract as Government Archivist by the Colonial Government in 1950. With his contract as Government Archivist the realization of a national archives was still a dream but the initial steps of collecting, administering and preserving archives for posterity was still in place. Professor Fyfe's concern for the country's heritage and the dearth of a comprehensive historical information text on Sierra Leone presumably encouraged him to publish his resourceful work, "History of Sierra Leone." He moved the archives to Fourah Bay College. However, Professor Fyfe's contract expired in 1953 and was succeeded by another historian, Dr. Peter Kup who was appointed as Honorary Government Archivist. During his tenure support largely from scholars and donor agencies over the period helped the Archives from collapse. Dr Kup transferred a substantial amount of provincial materials to the Public Archives at Fourah Bay College while Mayer Heiselburg accessioned, labelled and prepared location lists to the building. In his report in January 1967 Dr. Kup stated that "in any event it is surely bad propaganda that Sierra Leone is the only nation on this coast known to the archivist which has not a full modern and adequate archive" (p.3). Such was the state of the Public Archives in April 1976 when Dr. Kup left Sierra Leone and was succeeded by Mrs. Gladys M. Jusu-Sheriff as Honorary Government Archivist. She transferred huge quantity of pre-independence records to the Public Archives which were wrapped in brown papers, accessioned and catalogued. A location book to retrieve the bundles was prepared together with a finding-aid (Moore,1993). During this time the Government of Sierra Leone entered into an agreement with UNESCO for the provision of the services of a consultant in archives to advise the Government on the organization of the Public Archives. Mr. L. Bell, an expert on archives and an Assistant Keeper at the Public Records Office in London was sent in Sierra Leone in 1966 to survey the situation and make recommendation on National Archives. In 1969 UNESCO also made available to the Government of Sierra Leone for three months the services of a microfiche mobile unit, which included staff as well as equipment to photograph the archives.

II. ARCHIVAL LEGSLATIONS

Archival legislations are essential elements for the effective and smooth running of the institution. In countries where archival services are recognized as very significant and the destruction of the resources can be tragic, legislations are not only passed but enforced for the continued sustenance of the archives. Archival legislations are passed in order to seek statutory authority. Legislations give archival institutions legality to exist; they preserve the patrimony of the state as evident in its records and provide exclusive authority to carry out records management functions and responsibilities on a government-circle basis (Parer, 2015). They legalize the financing of archival institutions. No Government can spend money which it has not budgeted for. Government has to cost and justify its expenditure by line items in its development estimates. Legislations confer power and responsibilities with its chief officer such as maintaining continuous liaison with Government departments. Such liaison will support the joint responsibility of government agency officials and archivists in appraising records. Where the transfer of legal records is contemplated, Parliament has to make sure that no rights of the individuals are violated by transfer (International Council of Archives,2004). There should be a comprehensive legislation for recognizing the fundamental nature of the relationship of Government records as instruments of accountability by the Government to the people; for evidence of public and private rights and obligations; and an informational source on matters involving the continuous administration and management of the Government. Legislations help archives to have institutional identity (Hamooya, Malauzi and Njobun, 2011). In other words, with legislations passed archives will have institutional character; those repositories of the permanently valuable records of the Government which provide sufficient authority for its protection against political interference.

Legislations provide archival institutions organizational placement within Government circles. This will prevent their submission to competing interests or eliminate blurring of functions with other professional agencies and disciplines. They provide programme authority to archival institutions for them to define records problems and needs as well as prescribing appropriate programmes, and to effectively administer state programmes. Legislations provide exclusive responsibility to archival institutions such as collecting and managing private and other forms of recorded information that do not defuse the primary responsibility of the agency for Government records. Legislations do not only provide exclusive rights for archival institutions to carry out internal policies and professional needs but also the power to prescribe and enforce rules, regulations and standards relating to government records administration (Lopez,2021).

III. SIERRA LEONE'S ARCHIVAL LEGISLATION

The first half of the twentieth century saw the passing of various archival legislations in English Speaking Commonwealth Countries. There were the Southern Rhodesia Archives Act of 1955, Ghana Archives of 1955, New England Archives Act of 1957, Nigeria Archives Act of 1965 and the Gambia Archives Act of 1967 to cite

but a few examples. These Acts were patterned after the Public Records Acts of England which was established by an Act of Parliament in 1838. Thus, the remarkable archival similarities in those countries. These legislative developments are good examples of the growth of the archival profession during the Colonial era. Sierra Leone however, had its own Act passed in 1965, four years after the country gained independence. The desire to legislate for an administration of an Archive was felt when effort by Professor Christopher Fyfe produced evidence of practical involvement for future users. His efforts coincided with the moves made by Sierra Leoneans to have independence and to take direct responsibility in the administration of the country. With the declaration of Independence in 1961 the passing of the Archives Act was considered by some Sierra Leoneans as one of the essential ingredients relevant to the development of the new nation. Thus, the Public Archives Act of 1965 was passed to legislate the establishment of the Public Archives as a statutory body funded under Government subvention.

IV. THE PUBLIC ARCHIVES ACT OF 1965

Sierra Leone's Public Archives No.44 of 1965 consists of eleven sections. Sections 1-3 deal with the date the Act came into operation, definition of terms, the establishment of an Archives with many branches, for the preservation of archives of historical value, and the appointment of a Director of Archives and his functions. Sections 4-6 deal with the powers of the Director of Archives under the direction of the Minister charged with the responsibility for archives such as the power to examine any archives in the custody of any Government office, the periodic transfer of records in Government offices to the National Archives and the provision of reasonable facilities for the purpose of making available to the Government and the public information contained in the Archives. Sections 7-9 deal with the provision of an official seal which shall be judicially noticed with the use to be made of it by the Director of Archives, the preservation of important archives, the establishment of a Public Archives Committee and its composition and duties.

Sections 10-11 deal with the prohibition of exportation from Sierra Leone archival documents which relate to the country certified by the Director of Archives that are of historical value, the issuance of a licence, specifying documents to which the licence relates, the penalty for those who contravene the Act and the Regulations which the Minister may make such as the admission of the public to the Office of the Director, the examination, disposal or destruction of archives not of sufficient value, the services to pay for in respect of services provided by the Director and the effective carrying out of the objects and purposes of the Act. However, Section 11 of the Act was amended in 1970 by the deletion of the word "and" in 11d and the insertion immediately thereafter of the following new paragraph (e) "penalties not exceeding fifty leones for the willful destruction or damage of Public Archives or their removal except in accordance with the Regulations under this section and;" and by re-lettering (e) as (f).

V. ASSESSMENT

A lot of criticisms have been made about the country's Public Archives Act of 1965. Foremost the Act is not comprehensive and needs constant adjustment and reframing. Comparatively with former British colonies such as Nigeria, Ghana, Zimbabwe and South Africa archival service in Sierra Leone is distinctively at a low level and this is indicative of its legislative instrument. The legislation that an institution operates must reflect the needs of that institution at that moment. Since the legislation determines the capability of the archival institution to perform its functions properly the adequacy of the legislative powers with regards to the archival institution is very important. Many countries worldwide have significantly amended most of the provisions in their archival legislations but in Sierra Leone in spite of the fact that local conditions have been made to revisit the legislation and make it result-oriented this has become a tall order. It is a truism that the colonial administration handed over practices and procedures that have become outdated especially in the area of records keeping. If during colonial administration little or nothing was done to bring sanity in the chaotic state of records keeping in the country one can argue that sixty-four years down the line since the country gained independence on the 27th April, 1961 is quite a long period for changes to have been made to the legislation by successive governments.

Section 2 deals with interpretations of "Archives," "Director," "Government office," "Local Authority," and "Minister." "Archives" in the legislation is interpreted "as all public records, documents and other historical matter of every kind, nature and description which are in the custody of any government office or which may after the commencement of this Act be transferred to or acquired by the Public Archives Office." There is however, a technical flaw in the generalization of "all public records, documents" Archives are simply non-current records and sometimes the term can apply to a building or room where such records are housed. The reference to all records including current and semi-current records as archives is therefore, a misnomer since current and semi-current records and documents are entirely different from archives. Granted that "archives" means "all public records and documents...", irrespective of age the Public Archives Office should have the

statutory right to enter directly into the management of records from their creation to the time they retire as archives. In other words the Public Archives should be seen involved in the practical operations of the lifecycle concept of records. Again the definition of "archives" covers "historical matter of every kind, nature and description which are in the custody of any Government Office." Critics are worried that certain records or documents which are very sensitive and security threat to the nation can be accessible. Looking at the choice of words is suggestive that limitations should be stated but the interpretation should embody a comprehensive account of national experience. The archives should document the origins and migrations of the people, the successes and failures of their leaders, the economic and social development of society, as natural calamities, and relationships with other peoples and nations. Therefore, the operations of archives should begin at their creation which exercise will determine these records and documents that meet the aforementioned definitions. Another criticism for the interpretation of technical terms in the legislation is that only five terms were interpreted leaving out other terms such as "Committee," "National Archives," "Public Archives," "Public Record," "Official Purpose" and "Record." All this goes to limit the legislation in scope.

Section 3 sub-sections 1 and 2 form the basis for the establishment of Public Archives Office duties delegated to the Director of Archives or if the post is vacant an Honorary Archivist. However, these duties do not include permission to enter into the current life of the records or the design, or implementation and co-ordination of records management programmes. Under the direction of the Minister, the Director of Archives provides for the custody, preservation, arrangement and repair and rehabilitation. The Director is also responsible for the reproduction, description and exhibition of archives. This demonstrates that little or no attempt is made towards functional repairation and preservation services and techniques such as the provision of acid free boxes or designing a disaster preparedness and control programme. Also is the lack of a purpose built archives, and professionally constructed inventory, indexes or catalogue so that a smooth thread can be seen running through the creation, control, management, disposition and presentation of government records in a usable form. Section 4 sub-section 1 mandates the Director of Archives or his representative or staff to only examine archives which are in the custody of all Government offices, and shall advise such offices as to the care, custody and control of archives. This is where the legislation exempts the archivist from having anything to do with the creation and management of active records. The archivist can only examine archives and advise their creation care and control, no more no less. Furthermore, the section restricts and complicates the mandate that the Director or Archivist can be forbidden to examine categories of records which are not specified. This gives room for covert practices of hiding or destroying documents indiscriminately by creators and users within the organization, department or ministry. Also the Act does not provide for a coordinated Records Centre which is an intermediate repository and a branch of the Public Archives. The Records Centre technically does not hold archives but semi-current records. In some countries where high density storage is available this Centre can also accommodate current records.

Sections 5, 6, and 7 of the Archives Act highlight the acquisition of other forms of recorded information and media, provision of reasonable facilities for the purpose of making materials accessible and reproduction of records with an official seal. The Act makes provision for Parliament to provide funds for the purpose of acquiring either by contract, testamentary bequest or in other similar manner original records, documents and other historical materials or copies of replica thereof as the Director may deem necessary or desirable to secure for the Public Archives Office. The Director with the approval of the Minister, may pay for materials or their transcription, binding and repairing. Although the Act explicitly does not confuse reporting lines or responsibility to the Advisory Committee but the Public Archives do not have proper holdings for other forms of records such as maps, registers of baptism, marriage, births and deaths, as well as photocopies or audio records for permanent preservation. In England, for example, the Public Records Office holds genealogical information sought or deduced from a number of general guides so that a family historian can find useful in a wide range of sources. This is yet to be done in Sierra Leone. Section 6 sub-section 1 empowers the Director with the approval of the Minister and the Advisory Committee only rubber stamping for providing reasonable facilities for the purpose of making available for research purposes archives under his control. It is evident that information from correspondence files, dispatches or blue books are made available in the Public Archives but there is no comprehensive Guide to its holdings; one which could give details of every class of records to help readers find out which sources are available that may be useful to readers. That aside the provision of an official seal for authenticating any copy or production of a document is provided for in the Act but the fact that the Public Archives Office does not have an official seal "judicially noticed" either subscribes to the view that less notice of this provision or its absence undermines the essence of this official instrument.

Sections 8, 9, 10 and 11 deal with the appointment of a Public Archives Committee, its functions, the restriction on exportation of historical documents and the powers of the Minister in charge of Archives to make regulations. Section 8 sub-section 1 provides for the appointment of an Advisory Committee which shall be a permanent Committee. This appointment raises two important questions: Is it that the Committee once constituted will never be dissolved? Or does it imply that the provision infers permanent existence of the Advisory Committee and not necessarily its composition?

If the first question holds then one can state that there is a discrepancy and contradiction in Section 8 sub-section 2 which states that the appointed members of the said Committee “shall hold office for such period as may be determined.” The question now is who determines the said period? The Ministry in charge of Archives has not had the inclination to examine these provisions and implications so the members of the Advisory Committee stay indefinitely albeit gratuitously with no visible and practical commitment to the development of the institution. The provision on the appointment of members of the Advisory Committee empowers the Director to take precedence over any other person who possibly might be a professional records and archives administrator in his own right. He nominates members of the Committee and the Minister endorses. The Director who is the professional serves as Chairman of the Advisory Committee; he/she gives directives to other members for meetings and for conducting the business of the institution.

Section 9 of the legislation stipulates the functions of the Advisory Committee. However, there is little evidence of any initiative or of the performance of those functions either in an annual report or journal. Restriction on exportation of historical documents is provided for in Section 10. Archives or documents which relate to the country and have been certified by the Director to be of historical value are “prohibited except in accordance with the terms of an export licence issued by the Minister.” The fine for contravening this provision is ludicrous, out dated and reflects worthlessness of the institution, that is “ a fine not exceeding two hundred leones,” which is less than five U S dollars. Some body can decide to export boxes of archives of the country and pay Le 200 as fine. The penalty should be such that it will prevent people from the act. The restriction in exporting Sierra Leone's cultural heritage is very important as the country has lost lots of these from colonial days to now. The Minister in charge of archives in Sierra Leone is empowered to make regulations on different issues, but at no time from records has any Minister made any regulations or policies for proper and efficient system of managing and administering records. Section 11 (a) deals with admission of the public to the Office of the Director and the inspection of records by the public. However, this is not definitive. One would have thought that this section will clarify the Access Rule. *Inter alia* the Access Rule includes the conception that departments and other bodies which have transferred records to the Public Archives should have the right to recall them temporarily for administrative or other use such as the compilation of official histories but this is still shrouded in misery. The perception is that the 50-year rule is still operative, although the technical staff at the Archives are unofficially operating on the 30-year rule, which is best practice in modern archival institutions. Some archival institutions put the access rule to 15, 20 and 25. In England for example, public records selected for permanent preservation are normally opened to public inspection in the Public Records Office in the January after such records become 30 years old. The date of opening is calculated by adding 31 to the calendar year in which the most recent record in a file or other assembly was created. However, in Sierra Leone the Public Archives staff have not attempted to inform the public about the 50-year rule as obsolete and impracticable. It is still the perception of people that the archives still operate on this rule. In a situation where Archives are effectively administered, it does not follow that a record which is open to public inspection can always be immediately accessible but arrangements can be made to obtain it for readers.

The Public Archives Committee, according to the legislation is empowered “to supervise the publication of any records or lists or calendars of archives authorized by the Minister to be published.” In this regard it is expected from the Committee that a catalogue of all records or a guide be provided so that readers could be informed which records that are accessible and those prohibited from inspecting and for what reasons. In other countries it is the Director who is empowered with all professional issues and can only inform the Committee. This makes development and progress easy. In Sierra Leone the Public Archives is yet to produce these essential documents for public consumption. Additionally, any organization in order to function well needs to know why it exists. Staff should be oriented enough to know who their users are and frequently carry out user needs analysis. They should continuously revise their activities in order to meet the changing needs of the publics they serve. Staff should be market-oriented; they should be able to promote their provisions and services to a wider public using varied means. They should constantly ask themselves what business they are in and what their purpose is. Once they are able to answer these questions, organising planning, and managing both material and human resources can begin. Unfortunately, this is not the case with Sierra Leone's Public Archives. In spite of the failure of the

Advisory Committee to establish an Archival Office with so many “branches nationwide as may be deemed necessary or convenient” this all important institution is not well staffed; it is ill-equipped with limited training facilities due to poor funding. Staff are demotivated while no promotional activities are carried out to sensitize the nation about the existence of the Public Archives. In fact locating the Archives to Fourah Bay College has not only separated the institution from the centre of governance but is a severe blow to the development of records management in the country. Very little is known about the existence of the Public Archives nationwide while the rate of users per year is very low according to records. Conclusively archives are facilities wherein records of enduring value either of an organization or nation are preserved. In order to maintain their continuing value archival institutions should be guided by a legal instrument or framework. This will provide for the systematic control of the creation, receipt, storage, and retrieval of records to their ultimate disposal. The legislation will not only ensure organizational efficiency but there will be a systematic approach to archival administration, thus serving as vehicle for information availability and employee efficiency.

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