

## Managing presidential records and archives in Tanzania

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*Presidential archives play a key role in preserving and making all historical materials from presidential administration available in one place, for research purposes and raising public awareness of the burdens of presidential decisions. This article seeks to develop a policy framework for managing presidential records in Tanzania. It employs interviews, focus group discussions and documentary reviews as data collection instruments. The article establishes that management of presidential records, apart from the Founders of the Nation initiative, is not clearly regulated by existing laws and policies. The article, therefore, recommends that the Tanzanian Government pay more attention to preserving presidential records, as they contain useful and sensitive information.*

**Keywords:** presidential records; presidential archives; presidential libraries; records management

### Introduction

The history of presidential archives dates back to the reign of President Franklin D Roosevelt of the United States, 1933–1945.<sup>1</sup> Roosevelt developed a vision on how to handle the volume of documents that were generated by his second term in office, for the purpose of keeping them together in their original condition and to make them available to future scholars in one definite locality. The vision was supported by his successors, Presidents' Truman and Eisenhower, and then the Congress to pass the Presidential Libraries Act of 1955, giving the National Archives authority to accept papers, artefacts, lands and buildings for establishing presidential libraries. Before this Act, the departing presidents were reluctant to leave their papers behind for political and/or protocol reasons; hence, the documents were entrusted to their families or estate executors.<sup>2</sup>

However, the implementation of the Presidential Libraries Act of 1955 was problematic, as presidential records became government property only through a gift of deed, until Congress passed the Presidential Records Act of 1978, in response to the Watergate scandal and following former President Nixon's refusal to return certain presidential papers to the Government. From that time onwards, the Act gave ownership

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of presidential records to the United States, under the custody of the National Archives.<sup>3</sup>

Presidential libraries in America have made, and are still making, two significant contributions: ensuring timely availability of the President's papers to researchers, who always start consulting them after a period of five years after the particular president leaves the office, and amplifying public awareness over the burdens of presidential decisions.<sup>4</sup> The danger of not having presidential archives and libraries is established, from the difficulty of getting the papers of the earliest presidents in America. Such documents were left vulnerable, and some of them perished in fires, as was the case for Martin Van Buren, William Henry Harrison, John Tyler and Zachary Taylor. Other presidential records were even burnt by their spouses after their death, as is the case for President Warren Harding, where his widow burned 'half of his personal papers and many of his public records were shuffled off into the basement of the White House'.<sup>5</sup>

Apart from the United States, the Republic of Korea also enacted the Public Records Management Act (PRMA) in 1999, in order to deal with the systematic management and public access to presidential records.<sup>6</sup> The Republic of Korea decided to enact this law, after the presidential race of December 1997, where a political scandal, known as the North Wind Plot, created public sympathy for a comprehensive archival law for the systematic management of public records.<sup>7</sup> In the North Wind Plot, the Agency for National Security Planning (ANSP) tried to defame and damage presidential candidate Kim Dae-jung in the election, by fabricating evidence that he had a friendly relationship with North Korea. When requested to provide the evidence, no one could establish the authenticity of the documents that were used in the scandal.<sup>8</sup>

### **A survey of literature on the problems and prospects for African presidential archives**

Very little information is available on presidential archives in Africa. The African Presidential Archives and Research Centre at Boston University is the only well-known institution that has, over the years, attempted to collect and build extensive collections on African presidents. What follows, in this section, is a brief discussion on how the archives of South Africa's first black president are managed at the Nelson Mandela Foundation in Johannesburg. A separate article is currently being prepared, which reviews the management of presidential archives in other Commonwealth countries. The analysis will compare the regulatory frameworks for managing presidential archives in various Commonwealth countries.

In South Africa, presidential records are generally considered to be public records. The records with archival value are transferred to archival custody, in accordance with the National Archives and Records Service of South Africa Act (No 43 of 1996, as amended).<sup>9</sup> In general, there is no specially designed custody for presidential records, apart from the Nelson Mandela Foundation, which holds them in private custody.

The Nelson Mandela Foundation was established after Nelson Mandela's retirement on 19 August 1999. It is responsible for leading the development of a living legacy, which captures the vision and values of Mandela's life and work.<sup>10</sup> It was established, so as to support Mandela's post-presidential work, with its core work being the Nelson Mandela Centre of Memory and Dialogue.<sup>11</sup> Among other things, the Foundation also convenes dialogue around critical social issues, while continuing to provide support to its Founder.

Unlike most conventional archives, this Foundation is not defined by the custody of physical collections; rather, it is infinite, fragmentary and scattered, both geographically and institutionally. Thus, it is neither the intention of the Centre, nor its mandate, to bring the materials into a single physical collection, but the target is to document this vast resource, facilitate access to it and promote its preservation and use.<sup>12</sup>

The Foundation faces huge challenges in funding its program implementation commitments. Currently, the Foundation depends on grants and donations from organisations and people who have the desire to ensure continuity of the activities of the Foundation.<sup>13</sup> Being a non-profit organisation, there is no doubt that the Foundation is likely to face a number of problems, any time donors fail to contribute and, thus, raise enough funds for the Foundation. Due to the importance of the collections that are currently available at the Foundation, there is a need for the South African Government to finance its activities, while taking into consideration that Nelson Mandela has had a unique history in relation to the liberation struggle of South Africa and Africa as a whole.

### **Presidential records in Tanzania**

Tanzania, like any developing country in Africa, has no comprehensive policy that provides for the management of presidential records, apart from that of the Founders of the Nation (the late Mwalimu JK Nyerere and Sheikh AA Karume). Since the Tanzania mainland gained independence in 1961, followed swiftly by Zanzibar in 1964, the country has had four presidents, namely Mwalimu Julius K Nyerere (1961–1985), Ali Hassan Mwinyi (1985–1995), Benjamin W Mkapa (1995–2005) and Jakaya M Kikwete (2005–present). However, it is not clear as to where the records of these past presidents are held or who is responsible for handling them. The procedure for dealing with presidential archives upon leaving office remains unclear. The Tanzania Records and Archives Management Act 2002 does not give specific power to the Records and Archives Management Department to acquire and preserve presidential records.<sup>14</sup>

On the other hand, the Founders of the Nation Act 2004 established the Founders of the Nation Centre, for the purpose of honouring the first presidents of the United Republic of Tanzania (Mwalimu JK Nyerere) and the first president of Zanzibar (Sheikh Abeid A Karume). According to Section 4 of the Act, the Centre aims at promoting and protecting the legacy of the Founders of the Nation, through the preservation of historical heritage, documentary materials and objects.<sup>15</sup> However, the Act is silent on the preservation of records of successive presidents of the country.

Due to lack of a centralised depository for preserving presidential records, the public fails to gain access to presidential records and, hence, creates an information gap, which, in turn, denies the citizens their constitutional right to access public records created by their heads of state. This particular situation called for this study to be conducted in Tanzania.

### **Aim and objectives of the study**

The study aimed to develop a policy framework for the management of presidential archives and library centres in Tanzania, which goes beyond the current practice of simply collecting and preserving the records of the Founders of the Nation. Specifically, the study sought to address the following objectives:

- (1) to determine the legislative framework for managing presidential archives in Tanzania,
- (2) to determine the need for establishing presidential archives and possible places to deposit the archival materials,
- (3) to investigate the strategies for collecting the archival materials, and the types and formats of records to be held in the presidential archives and libraries, and
- (4) to determine public accessibility to presidential records and archives.

### **Research methodology**

This study employed a Grounded Theory research design. The study used interviews, focus group discussions and documentary review as the main data collection instruments. The study covered a total of 35 respondents. The researchers interviewed three respondents and involved 32 participants, who were covered over two different focus group discussions. Based on the Grounded Theory approach, this number of respondents helped the researcher to determine the saturation point of the data collected.

The researchers held interviews with three respondents, namely, the Assistant Director of the Records and Archives Management Department and the Founders of the Nation Centre, the Deputy Director of the Tanzania Library Service Board, and the Special Assistant to the Executive Director of the Mwalimu Nyerere Foundation. Interviews were more appropriate in this study, as it was merely the early stages of an investigation surrounding management of presidential records and archives in Tanzania, and, hence, it helped to explore the full range of interpersonal interactions and organisational processes, relating to the topic under scrutiny.

The researchers used separate semi-structured interview guides to ask the respondents questions. Appointments with interviewees were made prior to each session. The interviews were recorded on tape and later transcribed.

With regard to focus group discussions, two different focus group discussions were held. Discussions were held with experienced records officers and office supervisors from different regional secretariats, local authorities and other members of public offices, who were pursuing studies at Mzumbe University. Other participants included students pursuing Bachelor of Records and Archives Management at Mzumbe University, but who possessed no background in archives and records management.

Documents relating to the legislative and regulatory framework for managing presidential records in Tanzania, as well as other related documents from different parts of the world, were reviewed. This helped the researchers in their efforts to extract information, relating to the existing legislative and regulatory framework in the country.

Data collection and analysis were combined together in this study. Soon after the interviews and focus groups, the data that was collected was ordered, so that the arraying of events into a chronology permitted the investigator to determine causal events over time. Once data was ordered, the next step was the data analysis for each case, which involved generating concepts through the process of coding: open coding, axial coding and selective coding.<sup>16</sup> Data analysis came to an end, when the principle of theoretical saturation was reached. Theoretical saturation was realised, only when the marginal value of the new data was minimal. When the analysis reached this point, it was possible to abstract a formal framework from the findings.

## Findings

The findings of this study are organised around the objectives of the study. For each of the findings, a brief discussion is provided here.

### *Legislative and regulatory framework for managing presidential archives*

To a large extent, the effective and efficient operation of an archives and records management service depends on the type of legislation in place. Archives and records legislation includes Acts passed by Parliament and the rules and regulations formulated under these, in order to enforce the provisions contained in the main Act. According to Parer,<sup>17</sup> the broad objective of archives and records legislation is to: ‘provide the essential framework that enables a national records and archives service to operate with authority in its dealings with other agencies of the state’. Parer further argues that:

It is important that an archive, from both the short and long term perspective, has a clear legislative mandate to be involved with agencies at an early stage in establishing and prescribing record-keeping requirements. The efficient creation and management of an agency’s records rests on the authoritative role an archives has in setting mandatory standards that ensure the necessary business records of all agencies are maintained and made accessible.<sup>18</sup>

The value of well-formulated archives and records legislation was perhaps best summed up by Roper,<sup>19</sup> who states that: ‘the enactment and implementation of comprehensive, up-to-date records and archives legislation is a critical prerequisite for the establishment of an effective, integrated system for managing records and archives throughout their life cycle’.

For the above reasons, the first aspect that this study sought to examine relates to the legislative and regulatory framework suitable for managing presidential archives in Tanzania. Ideally, all organisations need to identify the regulatory environment that affects their activities and requirements, in order to document their activities.<sup>20</sup> A regulatory environment consists of:

- (1) Statutes and case laws ... relating specifically to records, archives, access, privacy, evidence, electronic commerce, data protection and information,
- (2) Mandatory standards of practice,
- (3) Voluntary codes of best practice,
- (4) Voluntary codes of conduct and ethics, and
- (5) Identifiable expectations of the community about what is acceptable behaviour for the specific sector or organization.<sup>21</sup>

The findings of the study in question revealed that recordkeeping practices are governed mainly by the Records and Archives Management Act 2002, the Founders of the Nation Act 2004, the Public Service Act 2002, the National Security Act 1970 and the National Museum of Tanzania Act 1980. The specific areas covered by these laws are discussed below.

The Records and Archives Management Act 2002 is the main Act, which guides archives and records management activities. Section 5 of this Act establishes the records and archives management department. In relation to its functions, Section 6 (1) of the Records and Archives Management Act 2004 states that:

The Department shall contribute to the efficiency, effectiveness and economy of the Government of the United Republic by:

- (1) ensuring that public offices follow good record keeping practices;
- (2) establishing and implementing procedures for the timely disposal of public records of no continuing value;
- (3) advising on best practices and established standards in record keeping in the public service; and
- (4) establishing and implementing procedures for the transfer of public records of enduring value for preservation in the National Archives or such other archival repository as may have been established under this Act.<sup>22</sup>

Additionally, Section 9 of the Act states that the heads of public offices shall be responsible for creating and maintaining adequate documentation of the functions and activities of their respective public offices, through the establishment of good recordkeeping practices.

For the purposes of managing public records other than presidential records, the Act provides a comprehensive legislative framework on how records should be managed. Based on the above Act, records created by presidents, in the course of their official duties, are classified as public records, as is indicated by the Schedule of the Records and Archives Management Act.

The Founders of the Nation Act 2004 establishes the Founders of the Nation Centre, which is responsible for managing documentary materials and objects of the Founders of the Nation.<sup>23</sup> It addresses issues relating to the documentation, preservation, disposal of documentary materials and financing of the Centre, as well as facilitating public access to the documentary materials. Although the Act lays down a comprehensive legislative framework for managing the documentary materials of the Founders of the Nation, it is silent on the management of the records of successive presidents.

In relation to the National Security Act 1970, Section 4 restricts the disclosure of secret information, including certain information relating to protected places (including the State House), and imposes severe penalties (imprisonment for a term not exceeding 20 years) on those who do so without proper authorisation. Currently, presidential records are classified as secret records under the National Security Act.<sup>24</sup> Moreover, Section 5(1) of the Act prohibits any person from 'communicating any classified matter to any person other than a person to whom he is authorized to communicate'.<sup>25</sup> With such provisions, it was very difficult for the researchers to obtain clear information on the whereabouts of presidential records, apart from being told that they are held at the State House.

Another law which impacts upon the management of national documentary heritage is the National Museum of Tanzania Act 1980. According to this Act, all physical objects, such as cars, chairs and awards, given to, or used by, the former presidents (especially the Founders of the Nation) are to be handled by the National Museum of Tanzania. Section 4 of the Act establishes the Board of National Museum of Tanzania, which is responsible for controlling, managing and developing the National Museum of Tanzania.<sup>26</sup>

Section 18 of the Public Service Act 2002 contains provisions for restricting disclosure information, without written permission from the current president.<sup>27</sup> Any person who communicates or discloses information to any unauthorised person is guilty of an offence, under the provisions of the National Security Act 1970.<sup>28</sup> The Act has become

an impediment to any attempt to collect, preserve and make accessible presidential documentary materials. This is due to the fact that the Act categorises presidential documents and information as ‘top secret’ materials. This situation is closely related to the Canadian system of handling Cabinet and ministerial documents. In Canada, the law ‘had allowed ministers to prohibit transfer to the Public Archives of all exempted (that is, restricted) records; but the Access Directive provides greater incentive to departments to transfer all their non-current materials without delay’.<sup>29</sup>

Records management in Tanzania is also guided by the Records and Archives Management Policy of 2009.<sup>30</sup> The policy recognises that lack of clear legislative and regulatory framework for records management contributes to poor records management practices in the public service, and this situation has resulted in delays in decision-making processes, denials of citizens’ rights, corruption, lack of accountability and unauthorised access to government information; thus, undermining government efforts to enforce good governance and the rule of law.<sup>31</sup>

### ***Broadening existing legislative and regulatory framework***

This study seeks to investigate the possibility of broadening the mandate that is currently used to manage the Founders of the Nation Centre, in order to include the management of all presidential archives in Tanzania. The respondent from the National Library Service Board was of the view that the mandate should be broadened to include other presidential archives, arguing that the failure to do so ‘will result in the passing of several Acts and creation of various Centres dealing with the same materials’.<sup>32</sup> It was argued that since the Founders of the Nation have passed on, there is no possibility of any large collections being deposited there, beyond what has already been collected. In order to accelerate the growth of the Centre, there is the need to continuously acquire additional collections from successive presidents.

Participants of the focus group supported the proposal to broaden the Founders of the Nation Act 2004, in order to include the management of records from successive presidents, arguing that it is not proper to honour only the Founders of the Nation. Instead, all presidents should be honoured, by preserving their records, after they vacate their seats. It was also stressed that presidents make many decisions, and their records contain the evidence of those decisions. When well managed, these records will shed light on why particular presidents made such decisions and the circumstances which influenced those decisions. Moreover, it was argued that each president has his or her own philosophy, which is best reflected in the presidential records. For instance, the late Mwalimu Julius K Nyerere had a slogan, known as ‘socialization and self-reliance’, and it was famous for the ‘nationalisation’ of all major means of production; while President Ali Hassan Mwinyi’s slogan was known as ‘rukasa’ – that is, everyone is allowed to do whatever he or she thought was right in his or her own life, but had to observe the laws of the country. President Benjamin W Mkapa’s slogan was known as ‘utandawazi’ (globalisation); and the fourth president, Jakaya Kikwete’s slogan is ‘maisha bora kwa kila mtanzania’ (better life for every Tanzanian). During President Kikwete’s tenure, a new word – ‘ufisadi’ – has become common and is used by Tanzanians to mean excessive (grand) corruption.

Some participants from the focus group discussions were of the view that some successive presidents had done little to be remembered by the public. For this reason, they suggested that there is a need to limit the collection of presidential archives to presidents who had performed well. The question of how the public may judge and

categorise the presidents into those who had performed well and those who had not is, however, not clear.

### ***Strategies for collection of presidential archives***

With regard to the strategies for collecting presidential archives, the experience from the Founders of the Nation Centre showed that there are four main strategies used for collecting the materials. These strategies include: donation (for private records); acquisition (for public records, as required by the law); buying from individuals who possess presidential collections; and negotiation (for family records). Also, the experience from the Mwalimu Nyerere Foundation showed that the Foundation collects the materials, by using different strategies, such as calling upon volunteers to donate copies, if not the originals, of Mwalimu Nyerere's works and negotiating with those who have Nyerere's documents, such as the ruling party, where Nyerere intermittently used to be a chairperson, the Government and the Mwalimu Nyerere Memorial College (formerly known as Kivukoni College), where Mwalimu Nyerere taught party ideology. The Foundation also collects party newspapers, containing references to Mwalimu Nyerere, DVDs and radio cassette tapes from the Tanzania Broadcasting Corporation (TBC). It was reported that collecting materials for the Foundation was not easy, due to the fact that the whole process depends on the willingness of donors to donate the materials. Sometimes, the donors impose conditions that have to be fulfilled, before donating the materials to the Foundation.

### ***Types and formats to be collected under presidential archives***

In relation to the types and formats of records to be held in the proposed presidential archives, findings showed that all formats, whether they be print or non-print materials, speeches, recordings, pictures and photographs, should be preserved. Experience gained from the Mwalimu Nyerere Foundation revealed that the Foundation keeps only the originals of Mwalimu Nyerere's works, in whatever format. The researchers' attempts to establish whether electronic records need to be considered revealed that the respondents were concerned with the authenticity and reliability of electronic records, arguing that electronic records can be preserved, but they also have to be physically printed, so as to protect them from being altered. The interest, here, is to have printed (physical) documentary materials.

### ***Access to the proposed presidential archives***

On the question of access to presidential records and archives, the findings revealed that Part IV of the Founders of the Nation Act 2004 provides the conditions for accessing the Founders of the Nation archives, the restrictions and the procedure to be followed, in appealing against denials to access these materials. Section 13 of the Act stipulates that the documentary materials and objects can be accessed by the public, in accordance with the Act, and that the Centre may establish a website for the Founders of the Nation, as means of accessing such materials and objects.<sup>33</sup>

However, Section 14 of the same Act lays down the conditions upon which access to documentary materials and objects may be denied. Access to presidential archives may be denied through the issuance of:



- (1) an order by the Government in order to protect national security or foreign policy;
- (2) records being in poor condition; and
- (3) records may contain information of personal nature and medical records the disclosure of which will constitute unwarranted intrusion into personal privacy.<sup>34</sup>

Despite the above restrictions, there was general consensus from the respondents that the presidential materials should be open to all researchers, whether citizens or foreigners, unless there are reasons to show that these records should be subjected to extended closure, such as medical records of presidents, security records (for the security of the nation), personnel records and private records of presidents.

### ***Facilities for the management of presidential archives***

The Model Records and Archives Law, prepared by Roper, indicates that:

Where it appears to the Minister on the advice of the Advisory Board that a place other than the National Archives or another archival repository under the control of the Director:

- (1) affords suitable facilities for the safekeeping and preservation of public records of permanent value and for their consultation by the public, and
- (2) is adequately and independently funded for those purposes he may appoint it as a place of deposit for specified public records.<sup>35</sup>

Based on the above reasons, the study sought to determine the resources and facilities that are needed for presidential archives. Financial provisions must also be made in the annual estimates of capital and running costs.<sup>36</sup> Among the important resources and facilities required are: storage space for preserving the Presidential materials; an exhibition area – playback equipment, that is, a cassette deck, video player, and so on; vault for sound archives – radio, headphones and sound-proof rooms; conservation and restoration facilities; public reading room and reference area; mobile equipment, computers, scanning equipment, bookshelves and cabinets, microfilm and microfiche equipment.

### ***Funding presidential archives***

With regard to funding presidential archives, the findings indicate that funding should be provided by the Government, under the relevant Ministry responsible for records and archives management. According to Section 21 of the Founders of the Nation Act (2004), funding for the Centre is to be derived from:

- (1) such moneys or assets as may vest in or accrue to the Trust Fund from other sources by way of grants, gifts, donations and bequests or in any other way;
- (2) any sum of property which in any manner become payable to or vested in the Trust Fund; and
- (3) any such moneys as may be appropriated by Parliament.<sup>37</sup>

Furthermore, this study intends to understand how the Mwalimu Nyerere Foundation – a privately founded organisation – funds its running costs. The findings revealed that the Foundation is funded through donations and contributions from organisations and

individuals who support the legacy of the late Mwalimu Nyerere. So far, the Foundation has received financial support from the Presidents of Uganda, Libya and Rwanda, as well as from individual contributions from Nelson Mandela. The Tanzanian Government has also contributed money in cash and a plot with two houses, to be used as offices by the Foundation. However, danger may occur, if such contributions cease for a long period of time. Also, the contributions are not likely to flow the same way to other presidential archives, as the other presidents do not have the same influence in many parts of the world, in comparison to the late Mwalimu Nyerere.

In Uganda, Part VI Section 24 (b) of The National Records and Archives Act 2001 says that the funds of the Agency consist of grants, gifts, donations and loans, which may be received from any source within, or outside, Uganda.<sup>38</sup> However, the provision is said to be too open, as it allows for receiving funds from countries considered hostile to Uganda and such donations may have hidden strings attached.<sup>39</sup>

### ***Marketing presidential archives***

Another area covered by this study relates to the strategies used for marketing presidential materials to the public. The terms – archival outreach programs, archival programing and archival advocacy – are used interchangeably, to refer to the activities undertaken by an archival service, in order to market (promote) and educate sponsors and users on the best ways of using archival holdings.<sup>40</sup> For this purpose, the study investigated the methods to be employed in sensitising and raising awareness to members of the public on the importance of presidential archives. Respondents were in support of organising outreach programs to reach students, academicians and the general public. In order to sensitise the general public, it was suggested that television programs based on presidential archives should be considered.

Publicising the collections through the Internet was also suggested. The experience gained from the Mwalimu Nyerere Foundation showed that the Foundation has created its own website to market its functions and materials. It also uses outreach programs, such as holding seminars and workshops for specific purposes, special dialogue, known as a ‘National Development Dialogue’, which intends to reach the whole country. Apart from these programs, the Foundation also uses publications, such as booklets, and it displays the works of Mwalimu Nyerere during Nyerere’s Day (for his death) on 14 October, every year, and mounts exhibitions during Nyerere’s birthday on 13 April, every year.

### ***Other factors necessary for the management of presidential archives***

Respondents were also given the opportunity to contribute their views on issues that needed to be addressed, in relation to managing presidential archives, if they are to be established in Tanzania. The respondents’ views were that in order for the presidential archives to be successful, there must be:

- (1) individual willingness by politicians and other public members, in supporting the creation of presidential archives,
- (2) political will to implement the laws concerning the management of presidential archives,
- (3) financial support from the government, the private sector and the public,
- (4) presidents’ families’ willingness to surrender the records under their custody to the presidential archives,

- (5) sensitisation of government officials on the importance of keeping the country's history, and
- (6) enactment of an Act of Parliament, which will establish and set up modalities for running presidential archives or the broadening of the current Founders of the Nation Act.

## **Recommendations**

### ***Legislative and regulatory framework***

The findings of the study have shown that apart from the Founders of the Nation initiative, the management of presidential records and archives in Tanzania is not covered by existing legislative and regulatory framework. However, it is assumed that the Records and Archives Management Act 2002 and the Founders of the Nation Act 2004 are linked together, since the Director of the National is also an accounting officer of the Founders of the Nation Centre. In reality, the legislation does not specifically state the organisation of the management of presidential records. It is often observed, from the perspective of Commonwealth countries, that legislation does not specifically state the responsibilities of managing particular types of records, but it is assumed that the general legal framework can properly cover them.<sup>41</sup> It is, therefore, recommended that a comprehensive legal framework for managing presidential archives should be developed. This calls for the review of all the Acts which impact on the management and disclosure of public records and information, with a view to formulating one Act, which includes the management of presidential archives. The provisions should ensure that presidential records are defined in terms of definition, scope, management and custody. A good example of how the provisions should cover all these aspects is taken from Korea, where the Public Records Management Act (PRMA) 1999 defines presidential records under Article 13, as 'the records produced or received by the President and his assisting agency in relation to official business of the President'. Moreover, Article 28 of the Enforcement Decree of the PRMA prescribes the scope of presidential records in eight categories as:

- (1) records approved by the president and reported to the president;
- (2) records produced and received by the president and his assisting agency;
- (3) original documents submitted to the president or his assisting agency by public agencies;
- (4) 'all sorts of minutes of meetings' in which the president or his assisting agency above the vice-minister class participates for policy settlement;
- (5) records that have value as historical materials such as memos, schedules, the visitors' book, and annals of conversation related to the operations of the president;
- (6) audiovisual records containing the image and voice of the president;
- (7) records related to the official functions of the president's family; and
- (8) records specified as presidential records by the chief of the central records management institution.<sup>42</sup>

### ***Freedom of information***

The findings of the study have shown that Tanzania lacks a Freedom of Information (FOI) legislation, and, as such, no requests can be made to access records of successive presidents, apart from those of the Founders of the Nation. The study recommends the enactment of FOI legislation, which is likely to regulate the unnecessary closure of

information to the public by government officials, who seem to be reluctant to disclose necessary information, while hiding under the National Security Act. Thus, 'the essence of Freedom of Information is to facilitate general access to information held by public authorities'.<sup>43</sup> The National Security Act goes contrary to the provisions of Article 19 of the Universal Declaration of Human Rights of 1948, which states that: 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers'.<sup>44</sup>

### ***Strategies for collecting presidential archives***

The study recommends that the proposed laws should specifically state the mechanisms for collecting presidential records. Tanzania should adopt the strategies stated in the Korean Public Records Management Act (PRMA) 1999. The PRMA requires public agencies to submit a list of Presidential records to the Government Archives and Records Services (GARS), which they have produced or received every year. On the other hand, the GARS is forced to collect and preserve presidential records on the list, six months prior to the end of the president's term in office, and these records are managed, along with other public documents.<sup>45</sup>

### ***Types and formats of presidential records***

The study suggests that all types and formats of records, which have enduring value, whether they be print or non-print materials, speeches, recordings, pictures and photographs, should be preserved in the proposed presidential archives.

### ***Access conditions***

Concerning the access conditions, this study recommends that the framework for providing access to presidential archives should be embodied in the proposed presidential archives legislation.<sup>46</sup> The study further recommends that the International Council on Archives' (ICA) Code of Ethics relating to equal access should be considered, either in full, or in adapted form, when imposing conditions on accessing presidential archives in Tanzania.<sup>47</sup> While there will be a definite need for certain records to be subjected to extended closure, due to privacy and other considerations, no presidential records should be closed indefinitely.

### ***Funding***

With regard to funding presidential archives, this study recommends that the proposed law should clearly state that presidential archives are to be funded by the Government. It is recommended that the strategies used for funding the Founders of the Nation Centre be adopted in funding other presidential archives, whenever they are established in Tanzania.

### ***Conclusion***

The findings of this study have demonstrated that Tanzania lacks a comprehensive regulatory framework for managing presidential records. The current legislation only makes provision for the establishment of the presidential archives for the Founding Fathers and is silent on archives of successive presidents. The study recommends that there is

need for amendment to the Founders of the Nation Act 2004 to include records of successive presidents. The study suggests that the Government pay more attention to preserving presidential records and archives. Since the Records and Archives Management department hosts the Founders of the Nation Centre, it should be the first to initiate changes of the Founders of the Nation Act of 2004 and amendment of other laws that impact the management of records in the country. It is thought that the best way to ensure that presidential records are collected, preserved and accessed by the public is to develop a comprehensive legislative and regulatory framework, which should go together with the enactment of comprehensive freedom of information legislation, so as to hone good recordkeeping practices in the country.

### Endnotes

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