

Transfer of Ownership and Preservation of Anti-apartheid Movement Liberation Archives: Memories of the African National Congress of South Africa

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Abstract

This study examined the transfer of ownership and preservation of the anti-apartheid movement (AAM) archives. The purpose of the paper is to present empirical research findings regarding the compliance of the African National Congress (ANC) with principles of ownership and preservation during the digitisation of liberation archives. The research grounding this paper used a qualitative method that allowed the triangulation of data collection methods. Interview data were augmented through interviews, document analysis and observation. The findings revealed the ANC's non-compliance with some of the principles of ownership during the digitisation of liberation archives. The unauthorised digitisation of some of the AAM liberation archives has created a legal dispute relating to ownership. The study concludes that organisations which embark on a digitisation project, must adhere to the principles of ownership. Furthermore, the successful implementation of digitisation requires collaboration and partnerships between project owners and technological companies.

Keywords: African National Congress (ANC); anti-apartheid movements (AAMs); digitisation; ownership; liberation archives; heritage

Introduction

The issue of “ownership” is an internationally recognised term that covers a collection of rights to protect aspects of digital material, archival material, photographs, audio-visual material, and so forth. Most of the archival collections in the custody of the African National Congress (ANC) were received through donor agreement. Kowalczyk (2018, 159) defines donor agreement as a document that outlines the expectations of both the donor and the organisation accepting the archival material. The donor



agreement covers all aspects of the transfer of ownership, the rules of access, and the preservation of archival materials. The concept of ownership must be upheld during the digitisation of archival material in possession of the ANC. There must be clarity regarding the ownership of liberation archives donated by various organisations. Liberation archives are referred to as records relating to the anti-apartheid struggle in South Africa (Anderson and Hart 2016, 2; Ngoepe and Netshakhuma 2018). It is in this context that the purpose of this study was to assess the ownership and preservation of the liberation archives donated to the ANC by anti-apartheid movements (AAMs).

Purpose

The purpose of this article was to assess the ownership and preservation of donated liberation archives of AAMs all over the world, by answering the following research questions:

- How did the ANC archives manage the issue of ownership during their digitisation project?
- How did the ANC archives ensure the long-term preservation of the AAM collection?

Background of the Anti-apartheid Movement Liberation Archives

The AAMs were international organisations formed to fight against the South African apartheid system. The AAMs called for economic sanctions to be lobbied for in incremental steps, like a freeze on investments and an end to bank loans and trade missions. They were stationed in various countries. The AAM based in Britain targeted to disrupt British economic, political and diplomatic links with South Africa (Brown and Yaffe 2014, 41). AAMs emanated in Britain because of the close diplomatic relations between South Africa and Britain. Hence, the British citizens were against the relationship between South Africa and Britain. This showed that the apartheid system was becoming a symbolic struggle for internationalist-minded, left-wing thinkers. The apartheid system was viewed by many scholars as a way of capitalism, imperialism and racism (Dubow 2017, 320).

AAMs built support in trade union movements, established contacts in churches, and had an expanding local group structure (Gurney 2009, 487). Organisations pursued a strategy of working at all levels of the trade union movement to convince unionists of the need for disengagement. Church organisations which were against the apartheid system included the World Council of Churches (WCC). AAMs also included organisations such as the International Defence and Aid Fund (IDAF), British Liberal, City Group solidarity organisation and Labour politicians, churchmen, trade unionists, writers and actors (Dubow 2017, 312).

The AAM was in solidarity with the people of South Africa. International solidarity was linked with the progress of the liberation struggle within South Africa. The ANC

established relationships with the AAM in the transfer of ownership of the repatriated archives. Most of the ANC's collections include political records donated by prominent individuals, international organisations, countries that were against the apartheid system, and various non-profit organisations (Thorn 2009; Netshakhuma 2020a). AAMs managed to combine civic action with explicit support from the elected government (Dubow 2017, 322). Some of the countries which declared sanctions against South Africa in 1960, include India, Jamaica, Antigua, France, Ireland, Sweden, and Malaya (Dubow 2017, 311), as well as Scandinavia (Sweden, Finland, Denmark, and Norway). Scandinavian countries also supported the southern Africa liberation archives financially. Most of the ANC mass action rallies, publications and conferences were sponsored by Scandinavian countries. According to Sellstrom (2002, 394–402), the ANC received military aid from the former East Bloc countries. The Eastern Bloc included countries across eastern and central Europe and comprised of the former Soviet Union, Poland, former East Germany, Albania, Bulgaria, Yugoslavia, Romania, Czechoslovakia and Hungary. The ANC also received military training from the People's Republic of China. Financial support was rendered by Nigeria, Algeria, Egypt, Gabon, Ivory Coast, Senegal, Canada, Netherlands, Italy and Saudi Arabia (Brown and Yaffe 2014, 34).

The vast majority of the ANC liberation archives were donated by the International Defence and Aid Fund (Anderson and Hart 2016, 08). The AAMs promoted the idea of some form of cultural and sporting boycott of South Africa, and this gained traction during that period when an incipient transnational network began to crystallise (Stevens 2016, 250). AAMs worked closely with the ANC during the struggle of the liberation of South Africa to dismantle the apartheid system (Lissoni 2008).

The AAMs formed relationships with the United Democratic Front (UDF) leaders, such as Albertina Sisulu, Archive Gumede and Oscar Mpetha. The alliance between the ANC and the United Democratic Front enhanced its credibility in the wider British anti-apartheid community and other international communities. The formation of the United Democratic Front in 1983 changed the potential for solidarity action in Britain and other countries (Gurney 2009, 487). This led to the creation of a coalition of anti-apartheid forces and enabled them to reach out to people who had never been involved in a formal political organisation. The international campaign against apartheid in South Africa was one of the most widespread and sustained social movements of the last century, which led to the creation of records.

The AAMs donation to the liberation archive includes the following collections:

- Papers.
- Diaries.
- Scrapbooks, photos albums.
- Professional papers.
- Legal documents.

- Minutes/reports.
- Brochures and flyers.
- Photographs.
- Films/videos/audio tapes.

There was a need for the ANC to embark on a project to collect AAM records, because they were scattered all over the world (Netshakhuma 2016; Ngoepe and Netshakhuma 2018). This is also alluded to by Maaba (2010, 03), who said that some of the liberation archives were held by institutions outside the borders of South Africa. The Michigan State University Library was host to the African Activist Archive Collection of material generated by American activists who supported the struggle against oppression in southern Africa, including South Africa. Archives were also held by the Nordic Africa Institute in Uppsala.

For most of the liberation period, archives were not owned by the ANC, but rather by the AAMs. The issues that are currently facing the ANC revolve around ownership. Challenges do not only revolve around getting access to archival material, but also engage with politics addressing the historical conditions under which liberation archives were collected. In most cases, the ANC is/was not the legal owner of the liberation archives.

The AAMs are required to transfer archival material to the ANC legally. This is according to Dearstyne (2000, 227) who says that the deed of gifts identifies the donor, transfers legal ownership to the repository, establishes provisions for their use, and specifies ownership of intellectual property rights in international collections. According to Lalu, Isaacman, and Nygren (2005), there has been concern about digitising initiatives, especially because there was a threat to ownership and national heritage, as some of the archival collections were digitised without consent from the donor owner.

In most cases, archives received by the ANC were not the property of the ANC archives. Most of the collections were still owned by the AAMs. The transfer of ownership of records from the AAM to the ANC required compliance with various countries' copyright and ownership laws and regulations, which have implications for the management of archives and records (Netshakhuma 2020c). According to McLeod and Hare (2010, 61), the International Standards Organisation (ISO) 15489 requires organisations embarking on the preservation of records to develop processes and procedures regarding the transfer of records. The process of ownership should also respect the ownership of archival materials.

Theoretical Overview

A collection preservation policy is an important component of an archival collection (Kowalczyk 2018, 156). The collection preservation policy must be guided by the organisation's mission, goal and priorities. Upon receiving donations of archival

material, the receiver should consider the long-term preservation requirements of archival materials. According to Hunter (1997, 234), transfers and acquisitions of archival material should be made following a written collection policy supported by adequate resources. The management of liberation archives cannot effectively be undertaken through its lifecycle without a collection preservation policy guarding it. Luyombya and Sennabulya (2012) contend that a formal instrument tool, such as a policy, is a necessary part of an archives infrastructure (cf. Leveille and Timms 2015; Netshakhuma 2019b).

Literature Review

The literature was reviewed in terms of the transfer of ownership and preservation of AAM collections.

Transfer of Ownership

The owner of liberation archives should develop an approach to handle the physical and legal transfer (Rodrigues 2014, 101). This approach involves the complete physical and legal transfer of custody of records to the archives' repository. The review of the literature found the necessity by donors to transfer complete ownership of archival materials. According to Dearstyne (2000), donors are encouraged to transfer all rights they possess regarding the archival materials. This requires archivists to be aware of problems of ownership and they should not accept archival materials without being certain that donors have the right to make a transfer of ownership. Direct ownership of some of the donated archives should be regarded as negative, because of different national copyright regulations from various countries where the AAM was stationed. AAMs were formed in countries like Britain, the United States of America (USA), and France.

Hunter (1997, 235) states that archivists who negotiate on transferring ownership of AAM liberation archives, should seek fair decisions based on full consideration of the authority to transfer, donate or sell archival materials. However, many of the creators of liberation archives remain suspicious of the intention of the ANC to preserve AAM archives. Most of the AAMs were not aware of the significance of the archival materials, and were determined to preserve their independence and autonomous voice by retaining direct ownership and physical custodianship of their liberation archives, at least for the foreseeable future. These were mostly AAMs based in the USA, Canada and Australia.

Many developed countries, such as Italy, restricted the repatriation of the liberation archives. Donors and philanthropic partners see themselves as dominant in the relationship because of their huge financial and technological advances (Anderson and Hart 2016, 5). Financial and technological resources and power lie with the developed countries (Limp 2007, 19). Donors of liberation archives have their unidentified interests and agenda. This temptation of acquiring the liberation archives with conditions, has led to new imperialism in Africa. Imperialism is a system of extending

a country's power and influence through colonisation, use of military force, or other means.

It was inevitable that the question would arise of who should have ownership of the ANC liberation archives, following the end of the apartheid government in South Africa. According to Garaba (2012, 139), the ANC has the sole mandate over the liberation movements. This happened despite contestation by other organisations linked to AAMs. The ANC established archives to preserve their collections, besides the National Archives of South Africa (NARSSA). Therefore, it was important to determine the inclusive rights of the ANC during the digitisation project. This is because, during the ANC digitisation project, the ANC provided archival material while Multichoice and the Africa Media Online companies provided information technology. This means the service agreement between the ANC, Multichoice, and the Africa Media Online companies should spell out ownership of records in the digital environment. Pickover (2007, 7) indicates that there should be agreements between the South African government and the ANC regarding the ownership of liberation archives.

Despite efforts by the ANC to acquire ownership of liberation archives, Garaba and Ngulube (2010, 17) acknowledge the ANC's struggle over the ownership of liberation archives, as some of the AMMs were not willing to transfer ownership of liberation archives to the ANC archives. This happened despite political victories over the apartheid system in South Africa

Brown (2013, 21) declares that organisations are subject to legal and regulatory regimes, which require the management of digital information appropriately and to sustain that information for as long as is required. Archival repositories need to be aware that they are likely to become liable for the legality of any transfer of archival collections without authorisation and permission.

The absence of an ownership framework regarding liberation archives, which would allow archive institutions to grow, has been a hindrance to the development of archives of political organisations in Africa (Netshakhuma 2019a). The absence of such an ownership framework poses a challenge for ownership and custodianship of liberation archives; as such, liberation archives are scattered all over the world. The literature review highlights that there is always a challenge of ownership, use and trust after digitisation of the collection.

Preservation of ANC Liberation Archives

The preservation of digital liberation archives involves ownership. However, consideration is to be given to provide access to archives without compromising the safety of records (Mnjama 2008, 219). Organisations are to adhere to the principles of ownership when they embark on the digitisation of archives. Gaining both physical and intellectual control over the donated liberation archives, should be an ANC archives priority. The ANC archives repository has in custody documents that were either

produced by the ANC, about the role of the ANC and its allies in the liberation struggle, or directly concerned with the ANC (Garaba 2010, 51). An organisation that wishes to preserve liberation archives should maintain the physical and technical facilities and personnel to protect and present it. Archives-building is important to preserve physical liberation archives. Archives-building is to be maintained besides the organisation's efforts to embark on a digitisation project. According to (Berger 2012), archives-building also assumes an important role in history education. Many archives established were private, and access to the archives was strictly limited. Political organisations can enter into agreements with universities to preserve their archives.

Organisations are to determine a place to preserve paper-based records after the digitisation processes. According to Mnjama (2005, 466), there is a need for organisations to establish an archives repository to preserve records. Physical ownership of a document does not necessarily mean the ownership of the copyright (Harris 2002, 4). Some of the organisations can transfer physical records to be preserved by other organisations, without transferring ownership rights. Archivists should establish ownership of records despite physical ownership. Brown (2013, 196) and Seeger (1986, 88) state that the issue of custodianship of liberation archival materials has been a challenge and has culminated in the repatriation of intellectual property.

The review of the literature found that inadequate storage facilities are a critical factor for the preservation of liberation archives in South Africa. This fact was alluded to by Mnjama (2005), who indicated that southern African states lack facilities to preserve their archival collections.

After the transfer of ownership from various donors of archives, it is the responsibility of archive institutions to ensure a custodial responsibility to preserve records in their archive's repository (Dearstyne 2000, 178). The strategy needs to be developed and implemented to ensure the security of records, prevention from theft, and handling of liberation archives. Institutions have to develop a strategy to cooperate with other institutions on the preservation of archives. After the ANC receives liberation archives, with a completed transfer from a deed of gift, such archives should be formally accessioned. The process of "accession" is defined as a process of classifying donated records accordingly. It is important to conduct an audit of received liberation archives. This is alluded to by Cox (1992, 200), who says that institutional archivists could take other cooperative actions for the preservation of their records. This means that the ANC may not operate effectively without adhering to good management principles that include cooperative efforts to make efficient use of financial and other resources.

Archivists are to seriously consider the liberation archival collections that are in the process of disappearing (Lalu et al. 2005). Most of the liberation archives were in a fragile state during the donation processes. Most of the liberation archives collection is composed of military and intelligence operations records. Such records were hidden in such a way that they should not be seen by opposition governments. Most of the

liberation archives are composed of a collection about the history of the political struggle, and the struggle against colonialism and apartheid. The researcher contends that most researchers were not interested in the political history, colonialism and apartheid system (Garaba 2010). ANC archives have been neglected. There is a need for redress, considering that the struggle for emancipation signifies an important epoch in modern history.

Pickover (2007) comments that the problem of ownership is that digitised images are more easily copied and stolen than physical records. It is easier to preserve physical archives in the archives' building storage. Digital preservation is accompanied by the challenges of ownership of servers or the electronic systems (Netshakhuma 2019b).

Brown (2006, 21) observes that it is essential to understand ownership of any records that are transferred and to ensure that any archives repository understands and acquires all the rights it will need for managing, reusing or granting third-party access to records. Archives institutions are to develop an acquisition policy. The acquisition policy is to state clearly how donated archives are owned and transferred.

The liberation archives should be accessed without affecting ownership of the liberation archives collections. This is alluded to by Kowalczyk (2018, 160), who says that access and embargo need to be considered for digital collections. For any collections which pose challenges of disputes by a third party, an embargo is to be imposed.

Most of the developed countries, like Australia and the USA, feel that they deserve ownership or copyright of liberation archives because they provided advanced technology to an organisation of developing countries like South Africa (UNESCO UNDP, 2013). Technological dependence on first-world countries by developing countries, such as South Africa, poses the problem of users having to abide by software licence agreements.

Research Methods

This research used a focus group approach to address the research questions and objectives of the study. The focus group included 12 participants. Five were selected from the ANC archives and six from Multichoice Media Online and Africa Media Online. The decision to use a focus group was because the researcher required to talk to more people than merely doing individual interviews. Another consideration to use a focus group is the greater generalisability of focus group results, as compared to individual interview results. A purposive sample was used for this research. The researcher selected a sample based on the personnel who knew the ANC history, and who had digitisation knowledge. Personnel from the ANC archives, Multichoice, and the Africa Media Online companies, who were involved in the ANC digitisation project, were selected for this study. Participants were selected by looking at their roles in the digitisation project, their expertise in the digitisation process, and their knowledge of the preservation of and access to archival material. Most of the respondents were

familiar with the copyright and ownership laws which affect the management of liberation archives. The response rate for the study was 100%; this was because there were only 12 participants in the project. The researcher did not need a sample size large enough to generalise.

Data Collection

This paper used interviews, observation and document review as data collection instruments. The interview schedule was focused, open and brief, but allowed exploration of the respondents' experiences through the generation of questions.

Data analysis

Data were analysed according to two themes, which were: 1) the transfer of ownership; and 2) the preservation of liberation archives.

Transfer of Ownership

The purpose of assessing the ANC's compliance with ownership, was to determine whether the process of digitisation of liberation archives adheres to the principles of the transfer of ownership.

In order to elicit views regarding the issue of ownership on some of the liberation archives, the respondents were asked to indicate how the ANC managed ownership of the donated liberation archives during the digitisation project, and which considerations were given to the issues related to the reproduction. The respondents from the ANC said that "the ANC International Relations Department negotiated with various AAMs to transfer ownership of archives material of historical and cultural significance based on full consideration of authority to transfer, donate, or sell, copyright, plans for processing and conditions of access." Respondents from the Multichoice Media Company said that "the problem with liberation archives is that often the liberation archives' owner is unable to be contacted: we have not an idea of where they are or perhaps who they are or what they think about the use of their archival materials." This means that it was not a simple task to deal with aspects of the transfer of ownership of the liberation archives.

The ANC respondents said that the ANC was committed to respecting authors' rights and other intellectual property rights. Donors were requested to grant permission to create and make available digital versions of the selected liberated archival material. Many of the AAMs from which the ANC had received archival material, no longer exist. It was impossible to locate the ownership of all material. Some of the AAMs existed during the apartheid period in South Africa, between 1960 to 1990. The respondents also indicated that the ANC's legal department plays a role to formulate a legal document to handle aspects of the transfer of ownership of liberation archives. However, such legal documents or contracts were intermediating to donors because some of the AMMs were not interested in signing any documents about the transfer of liberation archives. The ANC Archives Committee was viewed as a strategic committee that needs

to identify and safeguard content during the digitisation programme. During the interviews, it was raised that some of the transferred liberation archives include personal records. For example, in South Africa, personal information is protected under the Protection of Personal Information Act, No 4 of 2013. Besides this Act, it is essential for archivists to understand various legislations governing or managing records in other countries (Netshakhuma 2019a). This is so because most of the liberation archives had been donated from various countries. It is important to understand which laws apply to the liberation archives. According to Maaba (2010, 47), ANC archives are “movement” or “party” material, and are not governed by government policy and legislation.

It seems that the ANC archives contain sensitive material because some of the donated collections focused on the lives of individuals, non-state actors and marginalised groups. Maaba (2010, 193) said that the sensitive nature of some documents, such as those pertaining to military operations and other underground activities, meant that they had to be embargoed for an unspecified period. Sensitive documents included records containing information about marriage relations, divorce, or a lifestyle of some of the prominent leaders, which can destabilise the unity of the ANC. Some of the sensitive liberation archives include secret agreements between the ANC and the AAM.

Some of the respondents acknowledged that ownership of liberation archives is certainly an issue. It was felt that donors could not act together, especially in an environment where the archival material needs to be digitised and made available to the international community. Some of the respondents put it in this way: “... archivists and information professionals have a role to play to assist during the transfer of liberation archives from donors to the ANC archives. The ownership transfer should be practical and realistic. Furthermore, there is a need for archivists to lobby to promote the effective transfer of liberation archives from the donors.”

The respondents were asked why other countries prohibited the transfer of liberation archives to the ANC archives? What policies do they advance? These questions have become important in the project of transferring liberation archives. One respondent indicated that because of the historical and cultural significance of the liberation archives, some organisations and countries regarded economic considerations as the most important aspect of not transferring ownership of liberation archives. Liberation archives command the international market and bring in high prices when offered for sale. Furthermore, liberation archives are considered as tourist attractions, bringing money to the local economy. Some said that it was important for the ANC to utilise the ANC International Relations Department as a window to the United Nations and to embassies that had the potential to influence their countries and non-profit organisations to donate some of the liberation archives in their countries. Despite efforts to contact other AMMs, especially in the USA, Australia and New Zealand, such countries never make an effort to transfer liberation archives to the ANC archives repository.

Preservation of Liberation Archives

The respondents were asked about the ANC's strategy on the long-term preservation of liberation archives. The response was as follows:

[P]artnership with other institutions to preserve AAM collection was essential because of the following reasons:

- The ANC has the archival materials to satisfy all the researchers.
- Cooperative efforts will fill the gap between the researcher's needs and resources.
- The ANC lacked archives purpose-built to preserve liberation archives.

The limited skills to preserve liberation archives was a challenge to the organisation. This was acknowledged by Maaba (2010, 41), who said that the ANC viewed lack of professional archivists in its ranks as a challenge for long-term archival preservation and a decision was made to release some of the movement's cadres for training in the field.

The University of Fort Hare regards the custodianship of the archives of resistance as an act against colonialism and the apartheid system in South Africa. The history of the University of Fort Hare is essential because it preserves the long history of the African National Congress. Efforts are to be done to ensure that liberation records are permanently preserved at the University of Fort Hare. (Maaba 2010, 41)

This means that the university is the repository of all the ANC archives. It selects, preserves and makes archives available. This means that the university is participating in the building of a new national history.

When questioned on what content should not be released to the public, it came to light that preservation in the digital environment was a major challenge to the project team.

"The digitisation of some records is a challenge for the project team because of some confidential information preserved by an organisation." The findings were in line with Anderson and Hart (2016) in their study of challenges in digitising liberation archives. They found that archives established informal policy to guide decisions which categorise sensitive archives, which should only be digitised with extreme caution. Archives for a parent organisation does not hold copyright, and should only be digitised with permission. The researcher is of the view that sensitive material containing names or identifiable characteristics should be deleted from the text. This can be done to protect family values, secrets, fear of economic exploration of the materials, and political considerations.

The respondents were asked why the ANC lack the infrastructure of an archives building to house the transferred archives. Respondents said that:

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The ANC faced socio-economic challenges after the end of the apartheid system in South Africa, such as high unemployment, and poverty. So, building the ANC archives was not the priority of the organisation.

The abovementioned view implies that the ANC faces increasing pressure from society to meet not only archival needs, but to alleviate poverty through the creation of jobs.

[T]here was no need for the ANC to build an archive. The organisation is to budget on information technology (IT) by ensuring proper IT infrastructure to preserve archival material. The ANC was to invest in the digital archives platform to preserve liberation archives.

This view implied that there is an increasing willingness to create public-private partnerships responsible for managing and preserving digital content. The collaboration is beneficial for both actors, since both are trying to preserve archival material. It appears that digital archives management was new to most archivists in Africa. This was because information communication technology had transformed the traditional mode of record-keeping and brought with it some constraints which archivists must contend with if they were to remain relevant in the information society.

It was necessary for organisations to strengthen cooperation and partnership with the Multimedia Company to ensure the long-term preservation of liberation archives. The cooperation is to involve the transfer of skills from participants' organisation.

This view implied that there was an increasing willingness to create public-private partnerships responsible for managing and preserving digital content. There was evidence of a partnership between the ANC and the Multimedia Africa Company in the funding of the digitisation project. The challenge of poor funding cuts across all heritage institutions in South Africa. The collaboration was beneficial for both the ANC and Multimedia Company, since both were trying to preserve archival material. The outcome of this initiative was the setting up of a committee to carry out a needs assessment of the two organisations, with an expectation of ensuring proper funding of the ANC digitisation project. ANC archivists lack skills in the identification of ownership of liberation archives and the digitisation of liberation archives. The efforts are made to ensure that ANC archivists are to be trained in electronic records management.

The training of staff provides a professional overview of the required knowledge that will help archivists to document donated archival materials. The archivists' lack of training, skills and digital management simply indicated that they were not familiar with the collection preservation policy of the ANC. The training of archivists needs to be given priority by the ANC (Netshakhuma 2020b).

Findings

The findings of the research were categorised according to the following themes:

- Transfer of ownership.
- Preservation of ANC liberation archives.

Transfer of Ownership

Most of the international donors agreed on the transfer of legal ownership of the liberation archives and physical custody of the donated liberation archives. The ANC preferred to accept the liberation archives through the transfer of ownership as facilitated by the ANC legal department.

The challenge for the ANC in finalising a transfer of ownership of liberation archives, was that in many instances, the ANC was unable to make physical contact with the AAMs to negotiate transfers. This may have been influenced by locations and or linguistic difficulties. It was found that some of the donors were deceased, which posed a challenge regarding the ownership and preservation of some of the archival collection.

The ANC's international relations and legal department entered into negotiations with the archives' donors from various AAM organisations, intending to reach agreements on the transfer of records. Most of the potential AAM donors were not familiar with archival practices of donation, provision of access, and factors that impact the donation and use of liberation archives. Legal ownership issues about the liberation archives were addressed before the commencement of the digitisation project. Some of the liberation archives were not digitised, in order to adhere to the principles of ownership. The principles of ownership require the ANC to obtain permission for digitising liberation archives from the records' creators.

The ANC ensured that none of the digitised collection processes violated privacy and restricted information through verification. Chadha (2009) declares that meeting legal requirements for preserving a digital collection requires careful, comprehensive, ongoing approaches that avoid risk. Some of the donated AAM liberation archives contain sensitive records that exist in individual or family papers. Archivists' project teams ensured that the privacy of individuals and organisations' donors who had created records, were respected. Some of the restricted archives were not digitised because of the high level of restriction imposed by the record creator.

The digitisation of the liberation struggle archives was a welcome initiative, but ownership should be vested in the ANC members, because they remain the rightful custodians of the ANC liberation archives. Any change in ownership of liberation archives should be authorised by the ANC Archives Committee through facilitation by the ANC head of archives. This implies that ownership of the liberation archives was retained by the ANC archives.

This research revealed that the ANC has a right of ownership to some AAMs' liberation archives. The ANC possesses archival material that belongs to other AAMs, for which

the ANC had negotiated to incorporate such archives into their liberation archives (Yaya et al. 2015, 4). It is through the act of AAM donation that their materials became invested in the ANC archives, giving the ANC a sense of ownership in the project. Most donors of archival materials also claim ownership of the digitised version. This was correct, especially for copyright holders, who might believe they have ownership of both the original and the digitised copy.

Preservation of ANC Liberation Archives

The ANC is in favour of the traditional approach to the custody of the physical and legal transfer of ownership of archives collections. Most of the ANC's repatriated records are preserved at the University of Fort Hare, the official archival repository of the ANC archives. The archives reflect the history and development of the ANC as well as the political struggle for democracy in South Africa (Archival Platform 2015). According to Maaba (2010), most of the prominent African leaders attended this university, including Robert Mugabe, former president of Zimbabwe, Nelson Mandela and Thabo Mbeki, former presidents of South Africa, Sir Seretse Khama of Botswana, Ntsu Mokehle of Lesotho and Yusufu Lule, Oliver Tambo, Chris Hani, Govan Mbeki, and Zachariah Matthews.

The question remains: Who owns the digital liberation archives after completion of the ANC's digitisation project? Software installed to disseminate digital information to the world is owned by Multichoice Media Online and Africa Media Online; however, archival content is owned by the ANC.

Recommendations

- The sharing of benefits and related ownership issues have to be incorporated in digitisation projects.
- There is a need for the ANC and other organisations to develop an ownership policy.
- All records collected and received by the ANC should be guided by the ownership principles and adherence to the organisation's policy.
- Capacity development is needed for the preservation of a digital collection.
- Organisations are to embark on bilateral treaties to gain access to the liberation archives.
- Archivists should be able to identify all possible sources of relevant accumulations, track down their whereabouts, and get access to them for inspection and transfer.
- A lively discussion could take place between a donor and a custodian in a situation of conflict, even though there were disagreements over the liberation archives.

Conclusion

I conclude this study as a means of intervening in the ongoing debate about the transfer of ownership and preservation of liberation archives. The partnership between the ANC and AAMs has enhanced the transfer of archival materials. The transfer of ownership is essential for an organisation to gain ownership of its liberation archives. Greater attention needs to be paid to the long-term preservation of the archival collection. Long-term preservation of liberation archives is essential for the continuation of the organisation.

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