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Searchers' Perception of Access Regulations in Nigerian National Archives

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Introduction

Access to archives is an important component of archives administration. In the past, public archival institutions were credited with the dual role of preserving and making accessible the public archives in their custody, access being regarded as a secondary function (Jenkinson, 1937). Today, access to information generally seems to have been acknowledged as a critical element of participatory democracy (Adams, 2005) as evidenced in the clamour for Freedom of Information legislation all over the world. The purpose of access laws is to promote accountability and transparency in government (Millar, 2003).

In the early years of the National Archives of Nigeria, no comprehensive search room regulations were drawn up. This was in realization that "strict adherence to principles would be undesirable since it would constitute a serious obstacle to the development of scholarship" (National Archives of Nigeria, 1985). As time went on and in line with the practice in other archival institutions worldwide, comprehensive search regulations were published to guide searchers and to regulate their conduct in the search room. The reference services of the National Archives of Nigeria, for decades, have been operated within the framework of these search regulations. Although these regulations are designed to safeguard the interest of the searchers and the public for which the archival materials are held in trust, they have become a constant source of conflict between the searchers on the one hand and the custodial archivists, the reference staff and archival institution on the other hand. Since the searchers bear the responsibility of obeying these regulations, particularly in the overall interest of research work, they have been left with no option than to blow a muted trumpet as far as their opposition to certain aspects is concerned.

The study, therefore, investigated the searchers' perception of access regulations in the National Archives of Nigeria. The specific objectives were to:

- determine the calibre of searchers that patronize the National Archives of Nigeria;
- investigate the purposes for which archives are used;
- find out whether searchers are familiar with access regulations;
- ascertain the attitude of searchers to different aspects of access regulations; and

- determine which of the regulations searchers consider repugnant and due for review.

The study has the potential for eliminating or minimizing constant conflicts between users of public archives and the reference and custodial staff of the National Archives of Nigeria. It will promote co-operation and understanding between these two important groups of people. Besides, it will stimulate policy review as far as access regulations in the National Archives of Nigeria are concerned.

Background to the National Archives of Nigeria

It is now a matter of history that the National Archives of Nigeria came into being in Ibadan in 1954 as the Nigerian Record Office due to the untiring efforts of Kenneth Onwuka Dike who showed much concern about the state of public records in Nigeria. The National Archives of Nigeria was put on a firm footing when its first purpose-built permanent structure was erected in 1958. The building which had, among other facilities a search room was occupied by the institution on 9th January, 1959. Initially, the users of National Archives were mainly scholars and other research workers particularly in the field of historical study. However, patronage over the years has cut across all the segments of the society from scholars to ordinary members of the society who seek information for current awareness purpose. A study carried out by Uduigwome (1989) revealed that public archives are used by scholars particularly students of tertiary institutions for academic purpose, government officials for administrative purpose, private individuals for personal use and others not specified. Since 1989 when the study was carried out, there has been an increasing awareness on the role and use of archives and more and more people have availed themselves of the opportunity offered by the National Archives of Nigeria not only in Ibadan but also in its branch offices in Enugu, Kaduna and other locations in Nigeria.

Literature Review

The question of access to archives is one of the most important aspects of archives administration. The term 'access' has been defined as availability of records/archives for consultation as a result both of legal authorization and the existence of finding aids (ICA Glossary). Legal authorization is, therefore, an important factor governing access to archives. This means that the access policy of an archival institution and the restrictions imposed by the laws of the country and the depositors of records have great impact on access to archives. It is in recognition of these factors that Kepley (1988) advises archivists to be conversant with the laws of their country regulating access as well as donor-imposed restrictions on personal papers. This is because archivists, according to him "have an obligation to release as much information to researchers as is consistent with their obligations to protect confidential information and with what the law requires". In the past, access to archives was restricted to the creators and their legitimate successors. In fact, archives at this time were regarded as arsenals of law. The focus had since shifted with the gradual liberalization of access. The concept of access, particularly "to government information had evolved from a privilege to a right" (Kepley, 1988). Whether this is an absolute right is to be seen in a consideration of the access rules of a given archival institution.

Every country makes legal provisions for access to archives. In Nigeria, sections 27 to 29 of the National Archives Act 1992 deal with access of the public to the National Archives.

Section 27(2), for instance, stipulates that all public archives of the age of twenty-five years or more shall be open to the inspection of the public. It requires a longer period of closure when such had been stipulated by the head of the public office that had the custody of the public archives before their transfer to the National Archives. Access to public archives relating to the private life of individuals is based on the condition that the written consent of such persons, their heirs or executors, if known to the Director of National Archives, is obtained. In the case of archives voluntarily deposited by a private body or individual, conditions of access are to be as agreed between the depositor and the Director of National Archives.

In the United Kingdom (UK), the Public Record Office (now The National Archives (TNA)) operated the 50 year closure rule under the Public Records Act, 1958. With the enactment of the Public Records Act, 1967 which became effective on 1 st January 1968, the 30 year rule was introduced. Today, the provisions of the Public Records Act relating to access have been replaced by the Freedom of Information Act, 2000 which came into full effect on 1st January 2005 (Wieland, 2005). In most other countries with the Freedom of Information regime, access rules have greatly been influenced by the Freedom of Information law.

The Nigeria's Freedom of Information Bill has not yet become a law. Access to public archives is still governed largely by the provisions of the National Archives Act, 1992. Section 49 of the Act grants the Minister responsible for National Archives the power to make regulations for, among other matters, the admission of the public to the National Archives, and their access to and use of the public archives. It is in line with this provision that access regulations are put in place to govern access to public archives in Nigeria.

Research Methodology

For this study, questionnaire and personal interviews were the main instruments used. A questionnaire containing 26 items, most of which were structured, was designed to elicit information on the familiarity of the respondents with the search room regulations as well as their attitude to each of the regulations. The questionnaire was administered over a period of six months on one hundred searchers that engaged in search activities in National Archives, Ibadan. The respondents comprised students of tertiary institutions, scholars, legal practitioners, litigants, government officials and politicians. The reliability co-efficient of the questionnaire is $x = 0.62$ using Cronbach – Alpha method. Personal interviews were also conducted with six searchers made up of two scholars, two government officials, one legal practitioners and one politician who, incidentally, had made use of public archives over a long period of time on their familiarity with the search regulations, the inhibitions experienced as a result of the application of the regulations and the change they would want effected in the regulations to facilitate search activities. Interview as research instrument, though time consuming, has the advantage of allowing “investigation of causation through personal contact” (Shepherd and Ennion, 2007). Data collected through questionnaire administration were analyzed and interpreted using Statistical Package for the Social Sciences (SPSS) and frequency counts and percentages.

Findings and Discussion

A total of 100 copies of the questionnaire used for this study were administered while 72 copies were duly completed and returned, representing a return rate of 72%.

Calibre of Searchers

Majority of respondents (55.5%) (hereinafter referred to as the “searchers”) were holders of higher degrees, 27.7% were first degree holders, 5.5% undergraduates, 5.5% school certificate holders while there was no response to this research question from 5.5% of the searchers. The study, thus, established that majority of the searchers in the National Archives of Nigeria were academics or researchers. This result is not unexpected as the services of the National Archives appear to be elitist in nature. It also confirms previous studies and established that public archives are mainly patronized by scholars (Uduigwome, 1989; Kemoni, 2002).

Purposes for using Archives

Most of the searchers (66.6%) used archives for research purpose, 33.3% for informational purpose while 11.1% and 5.5% used them for litigation and administrative purposes respectively. This finding is in line with that of Kemoni (2002) which established that majority of searchers in Kenya National Archives and Documentation Service used archival information for research work. It is also a testimony to the fact that the value of archives is better appreciated by researchers.

Familiarity with Access Regulations

Majority of the searchers (88.9%) were familiar with the regulations that governed search activities in the National Archives of Nigeria while a very small percentage (11.1%) claim that they were not familiar with the regulations. The result is not unexpected since the practice in the search room is to make a copy of the regulations available to searchers at the point of registration. Searchers are also required to give an undertaking by appending their signatures that they are prepared to abide by the regulations. By carefully going through the regulations and undertaking to abide by them, a searcher has entered into a form of contract with the archival institution. Compliance with the regulations is, therefore, obligatory on his part and failure to do so may be a justifiable ground for denying access or further access to archives.

Searcher's Attitude to Access Regulations

The study found that searchers held different attitude towards different aspects of access regulations as revealed in the analysis of the questionnaire and the interviews conducted with some of the searchers in this study. Majority of the searchers (99.4%) were in support of the minimum age limit of over ten years set in the regulations for engaging in search work in the National Archives of Nigeria while a negligible number (5.6%) are indifferent to it. Considering the unique nature of archival materials, their handling requires some measure of maturity which only a searcher of matured mind is presumed to be in position to offer.

Most of the searchers were not satisfied with the regulation requiring prospective users of archives to give sufficient notice in writing of their intention to visit the archives to conduct search. Similarly, most searchers (67%) considered it unsatisfactory that access is granted to only papers of at least twenty-five years old. They suggested various age limits with the majority (39%) suggesting that access should be allowed to records of the age of ten years and above. Although twenty-five year access rule is an improvement over the access rule inherited at independence in Nigeria, there is room for improvement and it is hoped that the situation will be further improved under the Freedom of Information (FOI) regime that is being advocated in the

country. Going by the experience in other countries already operating the law, FOI law applies to information in the custody of public authorities no matter how recent (Shepherd and Ennion, 2007). It is, therefore, expected that FOI law will apply to some of the records held by the National Archives of Nigeria when the law is eventually passed.

Most of the searchers (67%) were in support of the regulation requiring searchers to obtain the permission of the depositors before they could be granted access to private papers while the rest (33%) considered it unnecessary. Most of the searchers (89%) showed concern for the records and supported the regulation forbidding the use of records in bad condition pending their repair. They were all in agreement that searchers should be made to pay for damages proved to have been caused by them to the records consulted. The result shows a measure of understanding on the part of archives users that the survival of archival materials is in their best interest and in the interest of the future generation of users. As for access to private papers, there are usually depositor-imposed conditions of access. Archival institutions, by law and practice, are required to respect such conditions in granting access to private papers.

Majority of the searchers, (72.2%) were in favour of the regulation requiring searchers to submit their notes to the reference archivist or any search room staff for scrutiny if requested to do so while 27.8% of the searchers frowned at this regulation. Searchers were, however, equally divided on the regulation forbidding searchers from using records for purpose other than the one for which their applications were originally granted, as 50% of them were in favour of the regulation while 50% were against. Interviews conducted, however, revealed that the preponderance of opinion is that the regulation is unnecessary.

The searchers were unanimous in their support for the regulation forbidding the use of archives in places other than the search room or any other room provided for the purpose. They, however, considered unacceptable and repugnant the regulation requiring university students to provide recommendation from their professors, the regulation requiring prospective users of archives to give sufficient notice in writing of their intention to conduct search in the archives, the regulation requiring the use of pencil only in taking notes and the regulation limiting the number of materials that a searcher can consult at a time. Interviews also revealed that the enforcement of these regulations usually brings about constant conflict between the reference staff and the searchers who always fail to understand why such impediments should be placed on the way in their quest for information to meet their diverse needs. They, therefore, advocated a review of these regulations.

Security of archives is of paramount importance in any archival institutions. This, probably, explains why notable early archivists regarded the safeguarding of archives as the primary duty of an archivist (Jenkinson, 1937; Schellenberg, 1965). Eternal vigilance is, therefore, the key to the survival of archives. The presumption is that in the presence of any laxity, every searcher is a potential delinquent user of archives. It is, therefore, necessary to put certain measures in place to safeguard the archives and this, precisely, is what some of these regulations seek to achieve.

As for the requirement of advance notice of searcher's intention to conduct search in the archives, the notice should be optional and not mandatory since the essence is to reduce inconvenience by minimizing the waiting period for the production of archival materials for searcher's use.

Conclusion and Recommendations

Archives are unique materials, hence the need to have regulations to guide access to them. The emphasis of most of these regulations is on the protection of the physical integrity of archives while also ensuring that the privacy of individuals and the depositors' interest are not unduly jeopardized. The National Archives of Nigeria, in consonance with the practice in the archival world, has fashioned out some regulations to guide search activities in the search room. Most of these regulations are desirable and have received the appreciation and understanding of users of archives. There are, however, some of the regulations which searchers view with disdain. This perception has promoted constant conflict between archives staff and archives users. It is in the light of the need to straighten this unwholesome relationship between these two important groups that the following recommendations are being put forward.

All the regulations that hinder search activities should be reviewed.

Commendable as the 25-year access rule currently operating in Nigerian National Archives is, there is still room for improvement particularly in the light of the FOI Bill that is, for the second time, receiving the attention of the Nigerian National Assembly, the immediate past President, Olusegun Obasanjo, having failed to assent to it as passed before leaving the office. The 25-year access rule should, therefore, be reviewed downwards to facilitate access to more archives particularly those of public origin.

The opening days of the National Archives in the week should be extended to Saturday as is the practice in archival institutions of some other countries. This will avail more and more potential searchers the opportunity of tapping the immense archival resources available in the institution.

Searchers should be made to appreciate the need for some of the regulations which are necessary in the overall interest of research but which they are not comfortable with. Mechanism should be put in place to generate feedback on how well the National Archives of Nigeria is serving its clientele. As a follow-up, a committee should be set up to promote good relationship between searchers and staff. A searchers' forum that will generate tremendous goodwill for the National Archives of Nigeria should also be facilitated.

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