



ELIZADE UNIVERSITY LAW JOURNAL (EULJ)

Contents	Pages
Examination of the Impact of the National Environmental (Noise Standards and Control) Regulations 2009 on Noise Pollution in Nigeria - Dr. Tolulope Ogboru	1
Revisiting the Right to Life of a Foetus - Dr. Omolade Olomola and Olude Ibidun	20
A Comparative Examination of Legal and Institutional Frameworks on the Environment in Nigeria and South Africa - Dr. Adeoluwa, Raphael Oladele	36
Immunities of State Officials and the Challenges of the Enforcement of International Criminal Law in Foreign Domestic Courts - Remi Peter Olatubora	56
Institutional Framework for Copyright Protection in Nigeria - Kolawole Olatoun A. and Onu Kingsley Osinachi N	81
Legal Perspectives on the Emergent Environmental Issues in the Hydrocarbon Industry in the Gulf of Guinea - Dr. Gasu Gideon Nyuimbe	101
Legal Power Versus Legal Rights: Isolation and Quarantine of Infectious Diseases in Nigeria - Folakemi O. Ajagunna	120
A Critique of the Use of Standard Form Contract in Public Construction Projects - Dr. Olowokere Emmanuel Nimbe	136
Cadaveric Donation of Solid Organs and Approaches to Death: A Legal Critic -Arinze-Umobi, Chinemelum Nelson	152
Protection of Women from Maternity Discrimination at the Workplace - Imoru Funmilayo Cathy	165
Striking a Balance between Freedom of Expression and Hate Speech: The Nigerian Experience on Social Media- J. I. Aremo	184
Towards Sustaining the New Tide of Female Inheritance Right to Land among the Igbo People of Nigeria - Dr. Mary-Ann O. Ajayi and David Tarh-Akong Eyongndi	197
Revisiting the Practices and Procedures for Legal Deposit Law in Nigeria -Adetunji O. Albert	214
Protecting the Interest of Buyers in Online Contracts of Sale in Nigeria: Making a Case for Legislative Intervention - Fatimah M. Opebiyi	222
Examination of the Impact of Labour Laws on Human Resource Management in Nigeria -Dr. Babatunde Akanji	241
Rejuvenating the Banking Industry: An Analysis of the Banks and Other Financial Institutions Act (Bofia 1991) - Olukayode Olalekan Aguda	250
A Critical Analysis of the Ethical Approach of Corporate Social Responsibility: A Case Study of the Volkswagen Scandal - Olaoluwatofunmi T. Bamgbose	267
An Appraisal of Archival Management and Legislation in Nigeria - Itunu Kolade-Faseyi	281

VOLUME I, 2018

AN APPRAISAL OF ARCHIVAL MANAGEMENT AND LEGISLATION IN NIGERIA

Itunu Kolade-Faseyi *

Abstract

Record keeping is not alien to man. Since time immemorial, human beings have devised various ways of preserving information for the present and future generations yet unborn through the use of items like cuneiform tablets, papyrus, parchment, clay tablets etc.¹ However, with recent developments records are now digitalized or kept in archives. The sixty third anniversary of the existence of the Nigerian National Archives was commemorated in year 2017. Looking back through the years, the success, failures of the past and challenges encountered one cannot but wonder how well they have been managed.

This paper appraises the operations and management of Nigerian National Archives as an institution as well as discusses the legislations enacted for its smooth operation. Some of the problems besieging the institution are explored and recommendations offered to ensure that the role of archives in coordinating record management is well positioned in the future. The objective of the study among others is to ascertain the adequacy or otherwise of Nigerian archival management and legislations especially in the area of service delivery. Comparative analytical approach was used for the study which revealed that despite the good efforts of archivist and other professionals in ensuring that documentary heritage are not lost to history, Nigeria is still rated poor in record keeping. It is concluded that an attitudinal change by the government, information seekers and practitioners is capable of changing the tide of archival mismanagement.

Keywords: Archives, Records, Documentary Heritage

Introduction

Francis Bacon once said "knowledge is power." It is a truism that getting requisite knowledge through information is powerful and liberating. Information is an indispensable tool needed in our daily interactions as human beings, it can emanate from various sources like the internet, libraries, museums, archives and so on. Archives help in prolonging information and passing knowledge from one generation to the other that is why their management should be top priority for the government and all who seek the liberating power of information. It is pertinent to state here that many people do

*LL.B (Okada) BL, LL.M (Ibadan) is a Doctoral Student of Adekunle Ajasin University Akungba Akoko, Nigeria. itmowo@gmail.com

¹ Yusuf, K.F. 'The Role of Archives in National Development: National Archives in Perspective' [2013] International Journal of Economic Development, Research and Investment; 19 (4)(2)
<http://icidr.org/ijedri_vol_no2_dec2013/The_Role_of_Archives_in_National_Development_Nigeria%20National_Archives_in_Perspective.pdf> accessed 20 April, 2018

not know what archives are, even those who are enlightened and educated that is why defining the term is not only necessary but very important.

Archives are records considered worthy of permanent preservation, they are records that have value for permanent preservation or have been selected for transfer or have been transferred to an archival establishment.² The word "Archives" is derived from a greek word "archeion" meaning "that which belongs to an office" this is because the term originally applied to government record but with time, the definition was extended to encompass personal and institutional records. Archives also refer to the place where public, historical or institutional records are systematically preserved,³ a kind of depository containing historical records and documents. They include a wide variety of forms-correspondence, note books, plans, maps, drawings, photographs, films, microfiches, sound recording, and computerized data. They comprise an unsurpassed source of information concerning the political, legal, social, economic and cultural developments of the past.⁴ From the foregoing, it is clear that archives have dual meaning; firstly, they are the records selected and preserved because of their potential value and secondly the building where such records are kept or serviced. It should be noted that not all records will qualify as archival materials but all archives are records because they are special type of records preserved permanently for reference or research purposes.⁵

Archives are unique and different from library materials as they preserve the past for future use or reference and as the nation's unfailing memory, it represents not only her cultural but also documentary heritage just as the lifecycle of human beings start from cradle to grave, archives represent the terminal point of any record or information of enduring value.⁶

While studying archival management and its challenges in Africa, some scholars⁷ affirm that most of the challenges facing the institution in Africa are funds-related; needed not only to store records but also to train staff, create an efficient system for access and meet other pressing archival management need. In Nigeria, the case is not different as

² Section 52 National Archives Act, Cap N6 LFN 2004.

³ Bryan Garner, *Black's Law Dictionary*, (9th edn, West Publishing Company 2009) 121.

⁴ Folarin Shyllon, 'The Poverty of Documentary Heritage Management in Nigeria' in Folarin Shyllon (ed), *Cultural Heritage Law and Management in Africa* (Centre for Black and African Arts and Civilization CBAAC, 2013) 157-194

⁵ Mbagwu, I.F. et al, 'Development and Uses of Archives as a Branch of Information Management in Nigeria' [2012] <<http://docsdrive.com/pdfs/medwelljournals/sscience/2012/713-716.pdf>> accessed 10th December, 2017.

⁶ Alhassan, J.A., and Idodoh, B.E. 'Acquisition, Preservation and Retrieval of Archival Materials in the National Archives Kaduna, Nigeria' [2013] (13)(1&2) *Samaru Journal of Information Studies*;30 <<http://ajol.info/index.php/sjis/article/viewFile/106855/96773>> accessed 27 April 2018

⁷ Burns, S., Ferris J., and Liatsopoulos, ' The Problems and Barriers of Records and Information Management in Africa' <http://acamcgill.pbworks.com/f/Ferris+et+al.pdf> Accessed 27 April 2018

the institution appears to be almost moribund and vegetating as a result of constant government neglect but it is worthy to note that despite the challenges militating against the effectiveness of Nigerian Archives as an institution, successes have been recorded.⁸

The extant law regulating the Nigerian Archives is the National Archives Act (herein after called "The Act"). It established and empowered the National Archives of Nigeria to carry out specific responsibilities of organizing, managing and preserving the nation's archives. It is however quite unfortunate that a lot of legal practitioners, policy makers and information seekers are ignorant of archival law or the importance of archives in their various chosen fields. Attempt will be made in this work to holistically discuss archival management and legislations in Nigeria with a view to proffering recommendations that can enlarge the jurisprudence of that aspect of law.

Archives in Nigeria

Though the history of archival administration in Nigeria could be traced far into the pre-colonial era, it is logical to start this historical discuss from the development of modern archives in Nigeria and the archival legislations and documentary heritage legislations in that regard.

The establishment of the Nigerian Records Office, now called the Nigerian National Archives was due largely to the pioneering efforts of Professor Kenneth Dike who was awarded a colonial science Research Fellowship in 1949 to carry out research of Nigerian History.⁹ In the course of his studies, Dike came across valuable historical records in government offices, the greater number of which had been damaged by insects and water. He reported this to the government and offered his services without salary in the task of recovering valuable historical materials.¹⁰ Dike was appointed supervisor of public records this he did conscientiously for years. In 1953, he recommended that an Archives Ordinance be issued to regulate the administration, destruction, transfer and ownership of national archives.

To aid his research work, Professor Dike opened a survey office in 1951 at the University of Ibadan, although the survey was originally intended to be mainly explorative, it was later converted into a full time employment and the National Archives which finally came into being in 1954 was put on a firm footing when on 9th

⁸A documentary heritage submitted by Mali and Nigeria was recently inscribed on the Memory of the world register. See www.unesco.org/new/en/communication-and-information/memory-of-the-world/register/full-list-of-registered-heritage accessed 27 April 2018

⁹ Abioye, A. '50 years of Archive Administration in Nigeria-Lessons for the Future' [2014] (17)(1) *Records Management Journal*;52 <<http://www.deepdyve.com/ip/emerald-publishing/fifty-years-of-archives-administration-in-nigeria>> accessed 10th December 2017

¹⁰ Heap, S. 'The Nigerian National Archives Ibadan: An Introduction for Users and a Summary of Holdings' [1991] (18) *History in Africa* 159 <<http://www.onlineresearchjournals.com/aaajoss/art/69.pdf>> accessed 5th December 2017

January, 1959, the archives moved from their makeshift rooms at the University College, Ibadan to their own purpose-built permanent structure.

Initially, the users of Archives were mainly scholars and other researchers particularly in the field of historical study, however, patronage over the years now cut across all segments of the society from scholars to ordinary members of the society who seek information for current awareness purpose.¹¹

The National Archives of Nigeria takes responsibility for the archival records of all government ministries, parastatals, organizations and the private sector of society. While the Archives concentrate on acquiring the inactive records of the federal government, it also collects records created and received by State and local government authorities.¹² Most State governments however have established their own archives in order to keep their records inside the state boundaries rather than send them to the central archives. Though the National Archives Act permits state governments to establish their own archives, the preservation of such archives can be assigned to the federal government who manages them as part of the federal government archives.¹³

Between 1987 till date, the corporate headquarters of the national archives had moved from Ibadan to Lagos and finally to Abuja. The justification for these movements was in recognition of the need for the archives to be close to the ministries and administration which it serves. At the moment, National Archives operates as a parastatal of the Federal Ministry of Information with a Director in charge of its affairs. Although the corporate headquarters of national archives had been moved to Abuja, the capital city, the main archival holdings however remain at Ibadan, which now house over 3,050 linear metres of paper documents, exclusive of a variety of other archival materials¹⁴ and apart from Ibadan, other zonal (Kaduna, Jos, Maiduguri, Port Harcourt, Enugu) and branch offices (Abeokuta, Benin, Calabar, Ilorin, Sokoto) of the National Archives of Nigeria hold archival and inactive record.

Importance of Archival Administration in Nigeria.

Despite the problems and challenges encountered within the over sixty years of National Archives existence in Nigeria, it appears they have been able to surmount or perhaps, curtail these problems while consolidating their gains in building a strong, firm and secure archives. The importance of archives is so numerous, they include improve

¹¹ Abioye, A 'Searchers' Perception in Access Regulations in Nigerian National Archives' [2009] *Library of Philosophy and Practice e-journal*; 1

<<http://www.digitalcommons.unl.edu/cgi/viewcontent.cgi?abioye.htm>> Accessed 13th December 2017

¹² Van Albada and Peter Bower, *Records Management and National Archives in Nigeria* 5 (UNESCO 1989) <<http://www.unesdoc.unesco.org/images/0008/000842/084220eo.pdf>> Accessed 5th December 2017

¹³ Section 33 National Archives Act Cap N6 Laws of Federation of Nigeria 2004.

¹⁴ Albada, J.V and Bower, P., *op cit* at note 12

operational efficiency, evidential significance, research value, information value and legal significance. These will be discussed in detail:

- 1) National Archives is an important and indispensable instrument of nation building and national development, it helps to preserve the past for future generations. Where memory fails and records are not available, evidence of the past are completely erased but with the existence of archives, the past is restored back to life.¹⁵
- 2) A well-managed National Archives will provide the state with an essential database that enables it to formulate, assess and maintain continuity of policy, it ensures there is credibility in stored or preserved evidence.¹⁶ Without archives, the quality of official records would steadily deteriorate leaving an inadequate evidence base. Information or transactions of time past will not be available or accessible leaving a vague future; accountability and transparency will be a mirage.
- 3) The use of archives is not restricted to educated elites alone, every Nigerian from the village chief who is desirous of an authoritative knowledge of his chieftaincy rights or land ownership to the academic, the journalist, the lawyer, the litigant or casual observer have everything to benefit from records permanently preserved in Nigeria's custody of history. While serving the needs of historians and researchers prompting the cause of scholarship and intellectual growth, the curiosity of the not too learned is satisfied.

Legislations

Archival legislations are rules or principles set out for the smooth operation of Archives. They define what part of the collective memory of the country should be retained and preserved, and for whom and under what conditions the preserved records could be made available. Since archives are unique materials, regulations and legislations to guide access to them are of utmost importance. The establishment of an archival authority ensures the identification, preservation and access to archival heritage. Although having series of legislations will not necessarily ensure compliance, but when penalties and sanctions are strict enough, it would deter a prospective lawbreaker. The International Council on Archives (ICA) is the umbrella body that regulates archival administration in the world. In 2004 the ICA, set out principles for archives and record legislation to be adopted by member countries which include; scope,

¹⁵ Onuoha, U.D. 'Awareness and Use of the National Archives in Nigeria' [2013] (3)(4) *IOSR Journal of Research and Method in Education*; 64 < www.iosrjournals.org/papers/vol-3%2520/issue-4/K0346468.pdf > accessed 8th December 2017

¹⁶ Michael Omolewa, 'The Indispensability of the Archives for Development' - Text lecture to mark 60th anniversary of National Archives *The Guardian* (15th February, 2015) <http://m.guardian.ng/features/focus/indispensability-of-the-archives-for-development> > accessed on 27th April 2018

inalienability of public records and archives, private records, establishment, responsibilities and structure of the archives institution, management, disposal and transfer of archives, access, preservation, sanctions.¹⁷ However, each country having regard to its own history, legal tradition, and administrative culture, social and political reality may have its own ways to achieve the entirety or part of these archival principles. Whether in reviewing existing archives legislation or drafting a new law, the ICA recommends that only the essential principles and practices should be firmly stated in national law of member countries.¹⁸

Nigeria being a member country of ICA to a large extent have adopted most of the guiding principles of the body and have domesticated same in the Nigerian National Archives Act. The Act span through fifty three sections with different provisions on establishment and general functions of the National Archives of Nigeria, preservation and management of records including public, private and company records, offences and penalties entrenched therein.

Under the Nigerian Act, the office of a Director General is established; he is saddled with the management and control of the department.¹⁹ It is worthy of note that under the Act,²⁰ public records which are more than twenty years old and any non-current public records which in the opinion of the Director General are of sufficient value to warrant their preservation shall be transferred to the National Archives provided that the minister shall have power to withhold public records containing secret and confidential information from being transferred to the National Archives. A similar provision to this is found in **Section 11(2) National Archives and Records Service of South Africa Act²¹** which states further that the National Archives may grant permission for any public record to an archives repository before they have been in existence for twenty years.²²

The Nigerian National Archives Act takes into custody private records and historical manuscripts owned by private bodies and individuals²³ on the condition that such documents must not be less than twenty five years old. However, where such documents have major historical interest and significance then, the Director of Archives can use his prerogative to register them as private archives.²⁴ The Act²⁵ puts in place punitive

¹⁷ ICA Committee on Legal Matters, *Principles for Archives and Records Legislation*, 2004.

<<http://www.ica.org/en/draft-principles-archives-and-record-legislation-2004?lid=191&user=2853>>
accessed 5th June 2017

¹⁸ In Nigeria for example, the extant legislation; the National Archives Act though enacted before the recommendations of the International Council on Archives, still has most of the essential guiding principles laid down by the ICA.

¹⁹ Section 4 National Archives Act LFN 2004.

²⁰ Section 8(1) National Archives Act Cap LFN 2004.

²¹ Act No 43 of 1996 as amended by Cultural Law Amendment Act No 36 of 2001

²² See proviso to section 11(2) South African Public Records Act

²³ Section 34 of National Archives Act LFN 2004.

²⁴ Section 35(4) National Archives Act LFN 2004.

measures against wilful damage or destruction of archives, exportation of oral history without the requisite license or generally dealing with archives in ways not consistent with the spirit and dictates of the Act.

Today, National Archives of Nigeria has been repositioned as a parastatal of the Federal Ministry of Information, the department is presently headed by a director²⁶ who is based at the corporate headquarters in Abuja²⁷ and operates under the supervision of Minister of Information. The National Archives' core responsibility is the preservation of public records, whether on paper or any other medium²⁸ and in discharging this duty effectively, the department is structured under two major professional divisions:

- Archives Administration division
- Record management, planning and project division

Each of this professional division is headed by a deputy director. In addition, a deputy director is in charge of each of the zonal offices²⁹ while assistant directors head the branch offices.³⁰

Archival Management

Archival management is of paramount importance in any archival institution because once archival materials are lost, they may be lost forever and since there is the presumption that in the presence of any laxity, every researcher is a potential delinquent user of archives, it is necessary to put certain measures in place to safeguard the archives; restrict access to it where necessary or allow supervised access.

To prolong the lifespan of records, it is important they are stored in a way that potential damage to them are minimized; the shelving equipment and containers for records secured, accessible, and protected from deterioration. During a scheduled visit to National Archives, Ibadan this writer observed that the shelves were made of strong metal and not wood and fire extinguishers placed at strategic points, these are part of the preventive measures put in place by management against unforeseen circumstances like fire outbreak.

On the issue of access, the National Archives of Nigeria is opened to the public between 9am and 3pm, Mondays to Fridays. **Section 27** of the Act has specific provisions on access. Access to archival holdings may be denied where document or material sought

²⁵ See Sections 50 & 51 National Archives Act LFN 2004.

²⁶ Mr. Umar Abdulyekin Odimboro is at present the Director General of Nigerian National Archives

²⁷ 10th floor, wing A, Radio House, Garki Abuja

²⁸ Zaid, Y and Abioye, A. 'Museums, Libraries and Archives : Collaborating for the Preservation of Heritage Materials in Nigeria' [2009] *IFLA*;3 <<http://www.ifla.org/annual-conference/ifla75/index.htm> at page2> accessed 20th December 2017

²⁹ In Ibadan, Kaduna, Jos and Enugu

³⁰ In Abeokuta, Akure, Benin, Calabar, Ilorin, Jos, Lagos, Maiduguri, Owerri, Sokoto

to be used is fragile, damaged or entirely in bad shape.³¹ In addition to the general provisions on access in the Act, the various zonal /branch offices of National Archives have their own in-house regulations restricting, or allowing access, they include but not limited to the following:³²

- (a) Nigerians need a valid identity card or some form of identification.
- (b) Non Nigerians need a letter of introduction from their home institution explaining who they are, the course they are studying and their need for access to the archives.
- (c) Payment of admission/registration or subscription fee: individual branches have their own registration fees depending on whether the researcher is an undergraduate, postgraduate, a member of the public, a legal practitioner or a non Nigerian.
- (d) Researchers, using archival materials are permitted to use pencils, notebooks and make photocopies of the materials consulted. cameras, scanners, phones, laptop computers can be used when consulting inventories but when examining original documents, the information seeker is charged a flat rate before access is allowed.³³ It should be noted that unless fragile documents, everything can be photocopied no matter the length.

Challenges of Archival Management in Nigeria.

While declaring open a pictorial exhibition and lecture to mark the fiftieth anniversary of National Archives in Nigeria, the then minister of Information and National Orientation, Chief Chukwuemeka Chikelu listed poor funding, inadequate manpower and insufficient infrastructure as the bane of archives and record management in Nigeria³⁴ and called for measures to rescue them in order to meet the objectives for which they were set up. Using that as our premise, we shall in turn look into some of the problems bedeviling the management of archives in Nigeria.

- 1) **Foundational problem:** It has been observed by learned scholars that the modest beginnings of archives constitute one of its problems. The idea of an archive was initially conceived by Professor Dike because of the difficulties he encountered while researching for his Phd thesis and National Archives metamorphosed from there. In addition, archives were originally used by few historians, researchers, scholars and politicians because there was no wide coverage as regards patronage or usage, it became susceptible to government neglect. In addition, the underdevelopment of Archives can also be traced to the location (Ibadan) of archives; away from Lagos (which was then the seat of

³¹ See Section 28(2) National Archives Act LFN 2004.

³² Abioye, A. *opcit* at note 11

³³ At the Ibadan repository, the sum of ten thousand naira is charged.

³⁴ Nigeria: Federal Government to Review National Archives Act

<<http://www.allafrica.com/stories/200412010358.html>> accessed 10th December 2017

government) the archives lost its identity to the University of Ibadan in no time as it was very easy to forget its independent existence.

- 2) **Relocation and Instability:** National Archives corporate headquarters had been moved more than twice since its inception in 1954. Apart from this, the department itself had moved from one ministry to the other – from the Federal Ministry of Works, Education, Social Development, Youth Sports and Culture, Culture and Social Welfare, and finally to Information. The department lacks the necessary ministerial supervision necessary for its development and oftentimes, non-archivists are charged with the responsibility of managing the department as Directors.
- 3) **Attitudinal problem/ public apathy towards archives³⁵:** in addition to government disinterest to archives' development, Nigerians attitude or indifference towards archives have compounded the challenges encountered. In a still largely preliterate society, the uniqueness and significance of archives are not appreciated, people hardly make recourse to archives unless it is really necessary, this assertion was confirmed during a research³⁶ carried out: 41% of the respondents affirmed that they have never heard of National Archives of Nigeria, although more than half (about 59% have heard about archives, only 27% have actually taken time to visit the repositories in Nigeria, this has shown that a lot of people are ignorant of the existence of archives and those who are not, do not make judicious use of archives.
- 4) **Inadequate funding:** successive governments do not see the need to fund the institution for the smooth operations of its duties and this has affected the realization of the dream of an ideal archive for the nation. The challenge of funding heritage preservation in Nigeria seems to be intractable going by the low priority given to their activity by the government. Most heritage institutions (archives inclusive) are grossly underfunded, a situation which has dire implication for the operations of the institutions and the survival of the heritage materials in their custody. More worrisome is the fact that a negligible percentage of allocation to heritage institutions is earmarked for preservation. As a survival strategy, heritage institutions now look up to international organizations, particularly those with bias for cultural heritage, as well as donor agencies for funding.
- 5) **Corruption:** corruption as one of the most ignoble social vice ravaging the Nigerian society has eaten deep into the fabric of the nation, permeating all spheres and facets of the country this development has not only become endemic but regrettably disturbing, even the administration of archives is not spared this malady and rot. When corruption is suspected in public offices in Nigeria, the records/ archives are always victims of deliberate and intentional destruction

³⁵ Zaid, Y., & Abioye, A., *op cit* at note 27

³⁶ Onuoha, U.D., *op cit* at note 15

carried out by the corrupt office holder to cover his tracks reflected by acts of arson or any other intentional acts in flagrant disobedience of the provisions of the Act. Although Section 51 of the Act prohibits the willful removal and destruction of archives with sanctions backing it but it is apt to note that no erring corporate personality or individual have been prosecuted.

- 6) **Adverse Climatic Conditions:** The archivally hostile Nigerian climate, crude storage techniques, and rough handling of documents have put archival holdings in immediate peril. Information is undoubtedly being lost to these factors alone on a daily basis. The temperature and relative humidity are not just too high but significantly and constantly fluctuate, a situation that is inimical to the health of archival documents.³⁷ Besides, the tropical climate provides a conducive environment for the breeding and well-being of insects, rodents and other organisms that cause the disintegration of archival materials.
- 7) **Storage and Technical problems:** During a visit to the repository in Ibadan, this writer went round the library, laboratories, bindery section, restoration section and noticed that most of the electrical and technical equipment have either broken down or no longer functional. The microfilming and reprography laboratories are not spared of the decay. A comparative study of other branches of the National Archives shows that the conditions described above are evident everywhere.³⁸ Equipment still running, thanks to the maintenance efforts of members of staff in charge, have outlasted both their economical and technical lifetime. This problem may lead to difficulty in motivating members of staff to do their job as requested because of an almost total or lack of functioning equipment and basic materials. Many of the records are stored in open shelves without lateral support, when adjacent files are removed from the shelves, the remaining do not remain upright as the stack collapse and crumble.

Conclusion

Professor Shyllon who delivered the fiftieth anniversary lecture of National Archives in 2004 described National Archives as an indispensable instrument of nation building and national development, I am totally in agreement with this submission and state categorically without any form of ambiguity that archives from all ramifications play vital role in information gathering, storage and dissemination and when the necessary governmental attention is given to this department in all its practices and activities; its position as an agent for the preservation of the country's cultural heritage will be secured but as long as government display indifference and apathy towards her documentary heritage, substantial improvement cannot be recorded.

³⁷ Van Albada and Peter Bower *op. cit* at note 12.

³⁸ Alhassan J A & Idodoh B E *op. cit* at note 6

Recommendations

Thirteen years after Professor Shyllon's lecture, it is worthy of note to state that nothing has really changed. Nigerian National Archive's mission of preserving the nation's documentary heritage has not been optimally attained. In order to speak of the past with dignity and pride, the following recommendations are put forward to help the National Archives in its future operations:

- (1) The existing legislation governing the National Archives should be reviewed to bring it into conformity with present changing realities and address the following issues:
 - a) The need to provide sufficient authority to the Minister responsible for the Archives, on the advice of the Director, to review records management practices in Ministries with compelling powers to require improvements in these practices, and to require the transfer of records to the custody of the Archives except under circumstances adjudicated by the President's Office to be against the National interest.
 - b) The need to review the provisions relating to sanctions and penalties. At the moment, this writer is of the opinion that the penalties; especially the terms of imprisonment and maximum fine of two hundred naira, four hundred naira and two thousand naira³⁹ are not stringent enough to deter a prospective criminal from refraining from criminality.
- (2) In order to guard against the informational content of the many rapidly deteriorating records of the Nigerian government and other archival holdings, conversion to other formats for better security and permanent preservation especially in microfilm format or digitalized platform is urgently required. The micro filmed documents should thereafter be stored in archivally approved containers in environmentally controlled vaults.
- (3) Though the design of most purpose-built archives is excellent with reference to structural and esthetic details,⁴⁰ more thought should be given in the planning phase to the prevention of and defenses against environmental hazards, such as heat, humidity, dust, insects and rodents. More use could be made of natural cooling systems, such as verandahs, sunshades, etc. One archivist should specialize in this field and his expertise should be used by the ministries responsible for the construction of both records and archival repositories. Heat, humidity and dust control are of prime importance and will help staff to preserve the Nigerian cultural heritage.

³⁹ See sections 50 & 51 of the Nigerian National Archives Act

⁴⁰ Gwam, L. C 'The first Permanent Building of the Nigerian National Archives' [1960] (6)(3)

The American Archivist; 67

<<http://www.americanarchivist.org/doi/pdf/10.17723/aarc.26.1.5412hr043222776>>

accessed 27th April 2018

- (4) The campaign for the development and preservation of archives should not be left to university lecturers and researchers alone but taken to the door steps of ordinary citizens, the public should be enlightened on the functions and responsibilities of the National Archives as an agent for the preservation of the country's cultural heritage rather than irrelevant custodians of the relics of the past. Authorities should not wait until they are patronized by researchers but they should go all way out to intimate the public with what they offer probably with incentives attached.
- (5) It is recommended that cultural property law be introduced into school curriculum and be taught in colleges and higher institutions of learning as compulsory courses. When students are introduced to documentary heritage/cultural property law irrespective of their area of discipline or specialization, they tend to appreciate and make judicious use of archival materials.
- (6) To surmount the challenge of inadequate funding, private sector interventions in record keeping should be encouraged. It is also recommended that the institution should look inward and make efforts to create alternate source of revenue or increase its internally generated revenue so that they do not depend solely on handouts from government or donor agencies.