The future of access to private archives? Public–private partnership in South African archives

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Abstract

Purpose – This study aims to assess the role of the National Archives of South Africa (NARSSA) in promoting the preservation and management of private archives.

Design/methodology/approach – This study used the qualitative method, and data was collected through unstructured questionnaires and interviews. In addition, purposive sampling was used to collect data from the selected archivist.

Findings – The study found that the NARSSA raised awareness on the preservation of private archives and is also in the process of reviewing the National Archives and Records Service Act 43 of 1996 to promote the preservation and management of private archives. The study also revealed that the role of the NARSSA in enforcing compliance with Section 14 of the National Archives and Records Service Act 43 of 1996 for the proper management and coordination of private archives was ineffective because of a lack of coordination, infrastructure, training and development.

Research limitations/implications – The qualitative data was obtained from three participants with the NARSSA and two selected from private archives. The sample is small to generalise results. The public–private cooperation in archives management is limited, and this is proved by the severely limited number of participants in the research. Furthermore, the private archive in this study is limited to the liberation movement archives institutions in South Africa.

Practical implications – This study could work as a stimulus for potential approaches to conduct further research on the possible kinds of cooperation between private–public archival organisations.

Social implications – The study is innovative, in that there are very few research investigations that focused on the cooperation between private and public archives in the African region and especially in South Africa.

Originality/value – The article makes a significant contribution to the area of private–public archival organisations, especially in South Africa. It will expand the knowledge on private–public archive cooperation and management in South Africa and the rest of the African continent.

Keywords Private archives, National Archives and Records Service Act 43 of 1996, Public archives

Paper type Research paper

Introduction

The National Archives of South Africa (NARSSA), which is the central national archival institution in South Africa, has a role towards promoting the preservation and management of private archives in compliance with Section 14 of the National Archives and Records Service Act 43
of 1996 (Ngoepe and Saurombe, 2016). Section 14 focuses on the acquisition and management of non-public records, and these non-public records are referred to this article as private archives. Access to private archives is restricted, and yet these archives served as an inspiration for liberation movements and struggles for justice worldwide. Thus, this article highlights the global impact and relevance of South Africa’s private archives. The considered private archives present narratives that focus on the histories of the liberation movement and, as such, hold the records of political events and act as repositories of cultural heritage and identity. The preservation of these archives helps safeguard and celebrate the diverse cultural expressions and struggles of the people involved in the liberation movements in South Africa. In addition, the preservation of private archives contributes to truth and reconciliation efforts, as it allows for a comprehensive and unbiased examination of the past. Hence, this article investigates the partnership between the NARSSA and private archives and determines their compliance with Section 14 of the National Archives Service Act 43 of 1996 on the preservation and access of private archives.

**Background**

The end of apartheid in South Africa has witnessed an increased interest in the acquisition and preservation of private archives. The institutions that have shown this interest include the African National Congress (ANC) Archives, The Constitution Hill Trust, the Nelson Mandela Foundation and the South Africa History Archives (SAHA). The private archives considered here include the records related to the liberation and anti-apartheid movement. The liberation movement in South Africa played a role in the country’s struggle against apartheid and the fight for democracy and thus, preserving the private archives related to this historical movement ensures that future generations will have access to authentic and comprehensive historical records and enable them to understand the past and learn from it (Garaba, 2011).

Private archives are defined as records created, received and maintained by non-governmental organisations, families or individuals relating to their private and public affairs (IRMT, 1999). Private archives are not created nor do they receive funds from the state (Anthony, 2021, p. 7). The private archives considered here contain a wealth of historical records, photographs, manuscripts, audio recordings and other primary sources that document the struggle against apartheid and the fight for freedom and equality in South Africa (Hollister, 2023). These archives offer valuable insight into the experiences of individuals and communities during a critical period of the country’s history. The notion of private archives draws on the history and historiography of the struggle for the emancipation of people against colonialism and apartheid, as expounded within post-colonial discourse. Many of these archives are housed in reputable institutions like the Nelson Mandela Foundation, university libraries and other research centres such as the SAHA. These institutions are responsible for preserving and maintaining the originality of the documents to ensure authenticity and historical value. The originality of private archives related to the Liberation Movement in South Africa, including documents and materials from organisations such as ANC, Pan Africanist Congress (PAC) and other anti-apartheid groups, are considered highly significant. Nonetheless, other issues regarding their management and relationship with the country’s archives become imperative, hence, Smith (2016, p. 24) holds the view that private archives institutions should collaborate with the National Archives.

**Problem statement**

There is evidence of a partnership between national archives and private archives in other parts of the world, with few studies in Southern Africa focusing on the expansion of private archives (Kelly *et al*., 2018). There are limited studies that examine the cooperation between
private archives institutions and National Archives in the African region and especially in South Africa. Anthony (2021) notes that the cooperation between private archives and National archives filled the gaps in undocumented records held by the National Archives. In addition, Boden and Exmeyer (2021, p. 170) observe that archives fill a gap in archives missing from the National Archives. Therefore, the Nelson Mandela Foundation memory institution supplements the undocumented records about Nelson Mandela held by the NARSSA.

There also exists government regulations that guide the management of both public and private archives. Despite the availability of these archival legislation guiding the management of private archives, many archives in Southern Africa are not under the jurisdiction of the archive’s legislation (Pereira, 2017, p. 10). Thus, public–private partnerships and compliance with the legislation present a research opportunity on public–private archives partnerships that are guided by the National Archives Act (Kriesberg, 2017, p. 11). This will add to the vast literature on public–private archives, by providing better partnership and preservation and access to information.

Research purpose and objectives
The purpose of this study was to assess the role of the NARSSA in promoting the preservation and management of private archives. The specific objectives are to:

- identify the partnership between the NARSSA and private archives and examine their role in promoting the preservation and management of private archives; and
- discuss the level of NARSSA and private archives compliance with Section 14 of the National Archives and Records Management Service Act 43 of 1996.

The research is based on the following questions:

- Is there any partnership between the NARSSA and private archives seeking to promote the preservation and management of private archives?
- What is the level of the NARSSA and private archives’ compliance with Section 14 of the National Archives and Records Service Act 43 of 1996?

Conceptual framework
This study was guided by the public–private partnership concept. Public–private partnerships, which Mulauzi et al. (2011) consider as part of governance, were initiated in South Africa to meet the country’s National Development Plan in 2012. On the one hand, public records redefine national development priorities (Wamukoya, 2015, p. 15), while public–private partnerships enable public and private organisations to share skills and expertise on the preservation and access to public information (Ezema, 2011). The private archives are also a significant source of information for the political, social, economic and other developments within a nation. Moreover, the National Archives and Records Service Act 43 of 1996 makes a provision for the NARSSA to collaborate with private archives institutions to preserve records of historical, cultural and scientific significance.

Nonetheless, observations gathered from the review of literature carried out during this study is significant here. The literature review shows that there is a lack of capacity in various government departments (Mukwevho and Ngoepe, 2018). The public was denied access to records containing national and international significance when private archives did not transfer their records to the National Archives (Smith, 2016, p. 141). Public-private partnerships increased archival access for users seeking archival materials (Maluleka et al., 2023). The partnerships between private and national archives are specially targeted on the digitization of archives materials project (Kriesberg, 2017, p. 6). It was also noted that public
and private organisations review archives and records management regulations, and processes to adhere to government requirements on accountability and access to information (Chinyemba, 2011). However, there is no best practice for the national archives to initiate a project in partnership with the private archives.

Lastly, it is evident that the public and private partnership is improving the implementation of the National Archives and Records Service Act 43 of 1996. However, South Africa lacks a predominant infrastructure policy framework that guides public–private partnerships in the overall planning process. At the same time, the observed inability of the public to access private records threatens access to records in South Africa (Manek and Mosweu, 2022).

**Literature review**

The literature for this study was reviewed under the highlighted two themes as presented below.

*The partnership between the National Archives of South Africa and private archives promotes the preservation and management of private archives*

Public and private archives in South Africa are regulated by the National Archives and Records Service Act 43 of 1996. The promotion of the preservation and management of private archives are addressed through partnerships between private archives and National Archives institutions (Flinn, 2011). There are challenges faced during the partnerships and collaboration, and these include a lack of expertise within the archivist on how to promote the preservation and management of private archives. There also exists ineffective procedures for the transfer of ownership of archives from private archives that are experienced by most archives institutions (Ezema, 2011).

In addition, the private archives policy is the foundation to the development of archives infrastructures. The transfer of archival records from private archives institutions to the National Archives institutions is guided by legal, financial and technical constraints (Ngulube, 2002, p. 578). Most of the private archive institutions preserve records of national interest because the National Archives institutions lack capacity (Anthony, 2021, p. 69). This shows that the NARSSA has limited resources to coordinate the transfer of archives materials. Therefore, the NARSSA must re-assess its collaboration with sectors that hold private archives to promote the preservation and management of private archives (Maluleka et al., 2023; Hirtle, 2003).

The national archivist ensures compliance with the National Archives and Records Service Act 43 of 1996 regarding the collection and preservation of private archives. NARSSA cooperates with private archives institutions to promote preservation and private archives management. This is confirmed by Jaillant (2022) in the observation that national archivists collaborate with private archives institutions to promote the preservation and management of private archives. Both national archives and private archives engage in dialogue about the custody, management, accessibility and preservation of private archives (McCausland, 2011). The national archives legislation highlights the level of partnership between private and public archives (Al-Hinal, 2018, p. 70). In addition, an archival institution must ensure the implementation of archives legislation (Malatji and Marutha, 2023). Thus, the partnership between private and public archives promotes the preservation of archives materials with historical, cultural and scientific values.

The literature review also shows that private archives institutions have advanced further than the NARSSA in the area of virtual archives management systems development (Saurombe, 2016). Most of the national archive’s records are preserved on a paper-based
system (Yuba, 2013). The disadvantage here is that paper-based records systems limit the public’s access to archives materials. This is confirmed by Maluleka et al. (2023) who observe that both the NARSSA and its provincial archives “have limited online management system” in their study on the “Online presence of public archival institutions of South Africa”. Therefore, NARSSA must embark on a digitisation programme that will promote the preservation and accessibility of their collection.

It was also noted in the review that the management of digital records requires archivists to possess digital management skills and knowledge (Illmi, 2020, p. 2). Information and communication technology (ICT) empowers archivists to efficiently preserve and provide access to archives materials. The adoption of digital records enhances the preservation of archives (Hurley, 2016, p. 148). In addition, the use of digital ICTs promotes networking and partnerships between public and private archives and thus, improves private and public relations (Guccio et al., 2021). Nonetheless, the reality in South Africa is that most of the nation’s archivists are not trained in digital and electronic records management (Saurombe and Ngulube, 2016).

ICT transforms the preservation and access to archives materials. Accessibility of archives is not limited to geographical boundaries. As a result, the use of social media platforms accelerates the trend towards collaboration and structures (Mukwevho and Ngoepe, 2018). The social media platform’s ability to integrate multiple applications means that a Web interface can retrieve from several applications at different sites and collect information from the users to be filed at different sites. As a result, the availability of ICT with the archives institutions will widen public access of the records and enable organisations to engage in collaboration.

In South Africa, the preservation of archives is the responsibility of the NARSSA. NARSSA preserves historical, cultural and social records and cultural heritage (Ngulube, 2002). For instance, the National Archives and Records Service Act 43 of 1996 provides for the management and care of records. Another significant legislation here is the Promotion of Access to Information Act (PAIA), which was enacted in 2000 to promote the sharing of information preserved and stored by both private and public organisations. Nonetheless, the accessibility of archives materials is dependent on the state of archives management preservation in South Africa.

The literature review and data analysis highlighted the importance of partnership and collaboration between the NARSSA and private archives. In particular, it underscored the need for the NARSSA and the private archives institutions to work together to find archival solutions that meet the community’s needs.

The level of public and private archives compliance with the National Archives and Records Service Act 43 of 1996 on the preservation of private archives and access to archives materials

The study also sought to assess the level of the NARSSA’s and private archives’ compliance with Section 14 of the National Archives and Records Service Act 43 of 1996. The Act’s Section 14 provides the NARSSA with the mandate to collect private archives of national significance for the permanent repository of records of government institutions and facilitate access thereto. Choy (2004) also points out that the national archives have a responsibility to acquire archives from private sources for proper preservation or to enrich their collection through legal means. Furthermore, national archivists ensure compliance with archives management legislation by encouraging institutions to adapt to best practices (Malatji and Marutha, 2023). This strengthens the assumption that the control of archival material derived from the national archives does not affect the ownership of the private archives.
In South Africa, NARSSA has a mandate to collect private archives of enduring value (Garaba, 2018, p. 61). NARSSA is obligated, under Section 14, to overhaul state records, with little focus on the stewardship of private records, and this inherent bias is not difficult to discern (Garaba, 2018, p. 61). The review of the literature shows that the National Archives and Records Service Act 43 of 1996 provides for a listing and not stewardship of such records. Section 3 (f) of this act states that the NARSSA shall maintain national registers of private archives with enduring value and promote cooperation and coordination between institutions that have custody of such records. This arrangement contributed to the loss of archival material preserved in private archives institutions. It further contributed to the lack of coordination of archival materials. Archival law regulates the relationship between public and private archives (Al-Hinal, 2018, p. 70). This archives regulation is applied through organisational collaboration in the system of reading, borrowing, publishing books, support and restoration.

The establishment of private archives raises other issues such as privacy management and accessibility of archives (Boden and Exmeyer, 2021, p. 186). It seems that records containing politics are not accessible to communities. This implies that private archives must develop strategies to ensure that the privacy of information is protected. At the same time, an individual’s right to personal privacy is protected through governing access to public archives (Abioye, 2002). For example, the lack of guidelines certainly works against archivists, although actual laws put in place could also complicate matters (Stein, 2021, p. 88). Ultimately, the private archives institutions play a role in supplementing the national archives’ efforts in preserving archives of national significance and maintaining issues of confidentiality and privacy (IRMT, 1999).

The national archives is responsible for the acquisition, preservation and accessibility of national archives (Mosweu, 2021). This shows that private archives do not just acquire and preserve archives as they are expected to make archives accessible to users. Archives may be transferred to the national archives of a country when they are properly accessed and described according to archival principles. The purpose of arranging and describing records is to establish physical, administrative and intellectual control (Ngulube, 2002). In addition, archive materials need to be classified and organised to ensure accessibility (Brown and Brown, 1998, p. 27). Thus, in the case of private archives, such as the Nelson Mandela Collection, accessibility becomes integral, just as the matter is an important part of archival studies. The private archives can no longer be regarded as private property because of their national significance. However, a lack of statutory authorisation means that the NARSSA is subject to the discretion of the private archives holders such as Nelson Mandela regarding which personal and political records can be accessed. In addition, a wealth of private records and artefacts at the archives administration can also be loaned by the private foundation to the NARSSA.

There are copyrights and standards that organisations need to comply with (Manek and Mosweu, 2022, p. 93). Organisations ensure compliance with the copyright act for the preservation and access of archives materials. Government accountability is communicated through the information contained in records (Ndenje-Sichalwe and Ngulube, 2009, p. 5). Thus, the NARSSA acquires archival materials from private archives through a legal deposit, which means that some of the archives’ materials are controlled and regulated by the private archives institutions. In addition, some of the archives are controlled under regulations as the national archives lack the mandate to remove some of the restrictions inserted in private archives. To address these challenges, the NARSSA must be aware of some of the restrictions imposed. There is also a need to review the National Archives and Records Service Act, especially the section on the management of private archives.
National archives often provide access to private archives (Williams, 2006, p. 27). NARSSA’s mandate is to preserve and provide access to private records of cultural significance. Records accessibility also depends on the records retention schedule established by the national archives. Some private archives require users to pay fees to access archive materials. As a result, some private archives provide access to records to increase the market share to an identified user group and make a profit (Kriesberg, 2017). Access to public archives must, however, be dealt with by archives institutions. In South Africa, the right to access information is granted by the principles PAIA of 2000. The PAIA includes specific exceptions to the right of access to public information. For example, consideration is taken regarding public interest against information privacy. Each exemption is intended to protect the rights of individuals. This implies that archives of all types must preserve records to fulfil their societal, ethical and legal obligations to citizens and governments and their broader responsibilities to memory, identity and history (Hurley, 2016, p. 130). The PAIA guarantees access to public records, which is important regarding information available in the public domain. Interestingly, records placed in the national archives by private individuals and non-government organisations in Canada are excluded from the application of both the access and privacy acts (Hayward, 1986, p. 57). Therefore, access and privacy legislation contribute to better records management practices of private archives.

Methodology
This article applied a qualitative approach. The approach used in this article is influenced by concepts drawn from the review of related literature and the qualitative data derived from interviews. The article reviewed secondary sources such as journal articles on public and private archives, books (such as Archives and Records; Privacy, Personality Rights, and Access; Open Access) and legislation (National Archives and Records Services 43 of 1996). These resources relate to the central idea of this study and were useful in gathering information about the partnership between the NARSSA and private archives regarding the preservation and management of private archives. The research instruments (interview protocols) developed for this article were useful for data gathering during the investigation. The primary data was administered via the researcher’s visit to the selected individuals responsible for archives management at the NARSSA on 02 April 2023.

The private archives holding private political records were purposively selected for participation in the study. The purposive selection criterion for private archives was their accessibility. In addition, the recruitment for both sets of interviews was conducted via purposive sampling. Private archives participants were contacted via email because of the researcher’s limited time to visit their archives repository. Two participants from the selected private archives were interviewed, and this is because Institution is a small archives centre with a limited number of staff. This researcher interviewed an expert in archival material management. The participants had expertise in establishing private archives in South Africa. Subsequently, the researcher conducted three interviews with representatives from the NARSSA, and these archivists were chosen because they dealt with the management of public archives.

The population under investigation in this study consisted of three archivists from the NARSSA and two selected private archives. These archivists from both the NARSSA and selected private archives were selected because they were responsible for archives management and the coordination of public and private archives administration. The NARSSA are ideal for this research because they have a mandate under the National Archives and Records Services Act 43 of 1996 to collect and preserve private archives.
materials with historical, cultural and social significance. Ultimately, I was able to interview one representative from the private archives.

Lastly, the qualitative data obtained through interviews and a review of literature were analysed. The researcher used a manual system to interview and analyse the manual system. The manual contains the topic of the research, research questions and conclusion. I referred to the manual during the interviewing of participants.

**Discussion and findings**

Discussion and findings of this article focus on the partnership of NARSSA and private archives, the promotion of the preservation and management of private archives and the level of NARSSA and private archives compliance with Section 14 of the National Archives and Records Service Act 43 of 1996.

Archivists from both the NARSSA and selected private archives institutions in South Africa were asked on whether there is any partnership between the NARSSA and private archives that seeks to promote the preservation and management of private archives. Participants from the selected private archives indicated that they did not engage in any cooperative networks or partnerships related to archives with the NARSSA. The participants stated that “at the moment there is no framework in place to collaborate on issues such as transfer of records, appraisal of records, digitisation, sharing of any information”. They further indicated that “there are no guidelines that affect mainly archives materials from private accessions which is very tricky because a donor might transfer records to the archives which he or she thinks are not confidential”.

However, the participants acknowledged that their collection preserves records with national and international significance. The participants also acknowledge that private archives supplement other materials preserved by the NARSSA in the national archive’s repository. Participants noted that private archives institutions also collect records of historical and cultural significance. The participants also stated that most private archives were established because the apartheid government confiscated records that were against them.

The participants from the NARSSA were asked on whether there is any partnership between the NARSSA and private archives that sought to promote the preservation and management of private archives. The participants stated that “the NARSSA raises awareness of preserving private archives to share archives of national significance”. This view links well with Mulauzi’s (2009) recommendation that the NARSSA must embark on awareness and training development programmes on the management of archives. Participants further indicated that there are initiatives, such as conferences, seminars and workshops, that are conducted to raise awareness on the preservation and the efforts of relevant stakeholders in the management of private archives.

The participants from the selected private archives indicated that they lacked trust in the NARSSA to deposit their archives collection. They also indicated that they preferred to preserve the archives in their archive repository on behalf of the private archives and the family. One of the female archivist indicated that “the NARSSA lacked the expertise to preserve archives materials, especially the digitization of archives”. The participants raised further a concern about “an exodus of staff from the NARSSA which limits staff to access archives materials”.

Based on an analysis of the respondent’s comments, the NARSSA and private archives may sign an agreement with certain rights to collaborate. The rights should not interfere with the fundamental right to personal privacy. The necessity of promoting inter-institutional lending and the provision of copies of documents is indeed an important cornerstone in the NARSSA’s programme of researcher service. Archive materials can be
digitised to enable NARSSA and private archives to share records. Lastly, inter-institutional lending may be a form of interaction between archives institutions and resource sharing of institutions.

Participants were also asked about the level of compliance with Section 14 of the National Archives and Records Service Act 43 of 1996 on the preservation of private archives. The participants from the national archives noted that they were not complying with Section 14 of the National Archives and Records Service Act 43 of 1996 because they were not in control of private archives with national significance. Those from the private archives pointed out that they had assessed Section 14 of the National Archives and Records Service Act 43 of 1996 and concluded that some areas need improvement or amendments. The researcher is of the view that private archives should be given the full mandate to preserve records even though some of these records would be of national significance. This view on giving private archives full mandate is based on the reality that the NARSSA has limited staff to manage all national records (Yuba, 2013).

One of the participants from the national archives indicated that “they have limited staff number manage private archives. Hence, they agreed with some of the private archives institutions to preserve private archives”. The National Treasury of South Africa indeed allocated limited funds to the Department of Arts and Culture to manage archives of national significance. Yuba (2013, p. 22) also states that the NARSSA faced shortages in finance and human resources. This means that archivists from the National Archives of South Africa should be capacitated through training and development.

Participants from the private archives were also asked about the level of their compliance with Section 14 of the National Archives and Records Service Act of 1996. One of the participant stated that:

Besides that, their archives are not preserved in the National Archives repository; they ensure that all archives’ materials are preserved in compliance with the international records management standards such as 15489.

This standard provides guidelines for the preservation of private archives in South Africa. It also ensures that organisations comply with other national legislation and regulations such as the Copyright Act of 1978 and the Promotion of Access to Information Act No. 2 of 2002. The model of access to the private archives is characterised by access rules and is based on the legislative regulations on how to provide access to information. Participants also indicated that they ensured that archive materials were preserved from any damage before users can access them. They also ensured that the private archives comply with the Protection of Personal Information Act 43 of 1996 by ensuring that the privacy of information is protected. This is primarily commanded by general tact, a sense of discretion, confidentiality and the need to protect the personality of those concerned with archives (Ctvrtnik, 2023, p. 38).

The study found collaboration between the NARSSA and the private archive’s institutions on a case-by-case basis. For example, the NARSSA agreed to preserve original copies established by the Constitutional Hill Trust, which is a private archive, to keep records related to the constitution development and negotiations for democracy in South Africa known as the Convention for a Democratic South Africa (CODESA). The original copies are kept by the NARSSA.

There are various private archives institutions that are managing various types of archives materials. This raises the issue of trust, within the selected participants from the private archives, regarding the management of private archives. The study also found that the NARSSA is raising awareness and conducting training through public programmes that focused on the significance of preserving records of historical and cultural significance.
Furthermore, the study found that archivists from the NARSSA and private archives were not fully capacitated to manage private archives materials. Standards, such as International Organisation 15489, guide the management of private archives. Despite the legislative expectation that private archives institutions should comply with the National Archives Act 43 of 1996, there are other legislations such as PAIA, Protection of Personal Information Act of 2013 and Copyright Act of 1978, which the organisation needs to comply with.

**Conclusion and recommendations**

The results of this article paint a nuanced picture on archival public–private partnerships of the Republic of South Africa. In practice, the article emphasises the importance of implementing sound archival management practices to safeguard private archives and make them accessible. Thus, the study implicitly advocates for collaboration between the NARSSA and private archives institutions to promote the preservation and management of private archives. The study also hinted at the need for a review of the National Archives Act 43 of 1996 and other legislation governing the management of records.

The study, therefore, recommends the following:

- The NARSSA must collaborate with private archives institutions to promote the preservation and management of private archives.
- There is need to establish institutional repositories that cut across all non-public archives and national archives to preserve institutional memory.
- The provision of integrated access, which responds to South Africans’ need for access, is imperative.
- Private and public archives must develop and share expertise about archives management systems.

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Further reading


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