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## ANNUAL CONFERENCE 2023 REPORT

*African Solutions To Global Problems*

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## List Of Acronyms And Abbreviations

Banjul Charter	African Charter on Human and Peoples Rights
EAC	East African Community
ECOWAS	Economic Community of West African States
NLC	National Land Commission
MKU	Mount Kenya University
SME	Small and Medium Size Enterprise
UN	United Nations
UNESCO	United Nations Educational Scientific and Cultural Organization

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## BACKGROUND

Bandung was the name given to the first international African and Asian conference first held in Bandung Indonesia in 1955. 29 African countries celebrated their independence and formed the precursor to the non-aligned movement. The conference committed in its declaration to work for the dignity and peaceful coexistence of all human beings. The spirit of the five principles adopted at the conclusion of the conference are part of the vision that helped ignite the liberation movement in Kenya and most of the rest of the continent.

These were: political self-determination, mutual respect for sovereignty, non-aggression, non-interference to internal affairs and equality. These issues were of central importance to the participants most being nationals of countries that had emerged from colonial rule. Other conferences concerning the anti-colonial struggle across Asia were held in London in 1900 and in Manchester in 1945. Their purpose would be to demonstrate a historical continuity to the ideals and aspirations of the conferences.

## GOALS OF THE CONFERENCE

The intention of the Bandung Africa 2023 conference was to support the initiatives of civil society in the region by adding the voice of various human rights and climate change activists, and genuine conservationists on the continent, and in the African diaspora to support the work of those on the Continent. In that regard the theme of the conference was: "Empowering African Freedom, Justice and Growth. African Solutions for Global Problems." The Conference was intended as the mechanism by which a strategic bridge can be used to establish and facilitate the exchange of talent, academic material and research, and expertise, matching the needs of the continent with the resources available within the diaspora communities.

Hence the goals of the 5th Annual Bandung Africa conference were as follows:

1. Influence the Outcome of COP 28: The conference aims to build on the 2022 "Climate Change Declaration" with the specific goal of influencing the outcome of COP 28, which will be held in Dubai immediately following the conference. Further together with other climate change activists attend the event in Dubai so an African voice is heard and listened to.
2. Set the campaign strategy for 2024: The conference will set the campaign strategy for 2024, challenging former colonial governments to address reparations in a constructive manner.

This highlights the focus on historical injustices and advocacy for reparations.

3. Restoration of Benin Bronzes and discussionst on what happened after restoration: Another goal is to identify mechanisms to work with the Kenyan Ministry of Tourism, Wildlife, and Heritage, the African Union, and other institutions to restore historical artefacts and human remains to their rightful place on the continent.
4. Empower Local Economies and Diaspora Engagement: The conference aims to create mechanisms for diaspora investors and entrepreneurs to work with their counterparts in East Africa and West Africa to empower local economies. This also involves building political links between the Diaspora and their counterparts at the Kenyan Ministry of Foreign Affairs, the Ministry of Trade and Investment in Nigeria, Diaspora Directorate, and parallel institutions and Government entities across East Africa and West Africa.





*Above: Registration process by Bandung Africa Volunteers at the entrance to the Conference room.*

## **DAY 1 OF THE BANDUNG AFRICA DIASPORA CONFERENCE**

The inaugural day of the Bandung Africa Conference 2023 witnessed insightful discussions led by various esteemed speakers and collaborative workshops, with participants and facilitators immersing themselves in topics focusing on the critical issues of African development, historical injustices, cultural repatriation, and the preservation of African heritage, the importance of partnerships and collaboration and the involvement of the African Diaspora and the youth. There was also a focus on leveraging social media and strategic partnerships for sustainable development. The conference was graced by presence of distinguished leaders, delegates and facilitators, all of whom contributed to the success of the event.

### **OPENING REMARKS AND WELCOME**

The conference commenced with a warm welcome by Judge Peter Herbert, Co-founder of Bandung Africa, extended to all participants and delegates visiting Kenya from the diaspora.

This was followed by recitation of a poem by Charles Slim "Dantezspy" the Chairperson of Future Leaders 254.

The morning session of the 1st day of the conference focused on the importance of preserving African history and values, restitution of stolen artefacts, historical injustices in land ownership, and the impact of colonialism on African countries. It also addresses the need for public participation, financial repatriation, and collaboration between Western and African institutions for artefact preservation.

## **KEYNOTE SPEECH: RE-DEFINING OUR HERITAGE, HISTORY AND CULTURE**

Mr. Juma Ondeng gave a speech on behalf of the Keynote Speaker: PS Ummi Bashir the Principal Secretary in the State Department for Culture, the Arts & Heritage; Ministry of Gender, Culture, the Arts and Heritage in the Republic of Kenya who could not make it due to a pressing engagement in State House.

Mr. Juma Ondeng is a cultural heritage professional currently working as an Advisor in the State Department of Culture on secondment from the National Museums of Kenya.

In his address, Mr. Juma Ondeng extended a warm welcome to the distinguished guests on behalf of the Government of Kenya. He emphasized the significance of Kenya as the home of human origin, where all human ancestors emerged before migrating to other parts of the world, as verifiable through archaeological and paleontological evidence. He highlighted Africa's rich heritage with numerous technological advancements originating on the continent, such as the art of fire-making and the establishment of renowned scholarly institutions like the Koranic and Timbuktu universities in the 16th and 17th centuries and noteworthy ancient African Kingdoms wealthy kingdoms, like the Mali kingdom led by the wealthy Mansa Musa, and historical sites such as the great pyramids of Egypt and the kingdoms in Zimbabwe. along with the importance of reflecting on both the positive and negative aspects of Africa's history, including acknowledging the role of Africans in the slave trade and colonization.

Mr. Juma acknowledged that Africa's past has both positive and negative aspects and it is crucial to introspect upon both the favorable and unfavorable events that have shaped the continent's history. While condemning the harrowing slave trade, he emphasized that it is also crucial to recognize Africans' own involvement in this chapter of history. Slave trade as well as colonization could not have been possible without the involvement of Africans themselves. Forefathers raided and sold their own people, yet it is often easier to blame those who created the demand for slaves without questioning those who supplied them. Similarly, there were African who collaborated with the colonizers who found allies among them. For instance, in Kenya, the British troops that fought against the resistance to colonialism included African soldiers from within Kenya, Sudan, Uganda, and other countries. If Africans had collectively resisted colonial domination, mayhap they could have been successful in fighting and creating more free and independent states like Ethiopia.

Mr. Juma pointed out the impact of colonialism, which led to the loss of indigenous religions, languages, and cultural identity, this is a reality the continent is still grappling with. For instance, colonialism led Africans to consider their traditional ways of life as backward, causing them to move away from their healthy traditional foods and adopt fast food and other unhealthy eating habits.

Despite these challenges, the African continent is redefining its identity and purpose. The Charter of African Cultural Renaissance demonstrates African dedication to promote mutual understanding amongst African people. The Charter calls upon African States to resist any form of cultural exclusion and oppression. It also emphasizes the safeguarding of minority cultures, their rights, and their fundamental human rights. In addition, this cause was commemorated in the country by the first-time celebration of the United Nations International Day of the Minorities in Kenya on December 18th and the country's commitment to ratifying the African Charter.

Mr. Juma underscored the economic potential of African cultural heritage, citing opportunities in tourism, the natural product industry, and environmental protection, highlighting the potential for local manufacturing of beads rather than importing them, to reduce foreign exchange loss and create local employment. He emphasized that for the African people to realize their dream there is need to educate and ground the children in culture, stressing the importance of preserving traditional knowledge and indigenous languages which have been the main transmitter of cultures. Kenya as a country has put in place measures to protect traditional and Indigenous knowledge through the Protection of Traditional Knowledge and Cultural Expression Act of 2016 which was revised in 2018.

Furthermore, Mr. Juma Ondeng addressed the issue of restitution of cultural objects, advocating for the return of such items to their communities of origin as a human rights issue and as per natural justice. He stressed that the often-used excuse of African Museums and local communities lacking capacity to care for these objects should not prevent their return and called upon Western institutions to conduct capacity building to fill the skills gap and to ensure the long-term survival of these objects.

He expressed satisfaction with the proposal from the German Ambassador to Kenya to return human remains obtained from the Kenyan Coast in the 1890s during the Mombasa Lamu war and urged other countries in the global North holding artefacts and human remains from Kenya and other African countries to do the same.

While emphasizing the human rights aspect he called for strong advocacy on the issue. The world has precedent on what happened to collections that were acquired during the Second World War especially the Nazi collection. There is no need to invent the wheel, as there already exists rules that made the Jews receive all the objects that were looted from them.

In closing, Mr. Juma Ondeng encouraged the guests to explore the museums and natural attractions in Nairobi, including the Nairobi National Park, and to experience the warmth of Kenya, the home of human origins.

Subsequently, Judge Herbert provided a post-script, sharing an example of collaborative efforts related to the retrieval of human remains of Koitalel Arap Samoei of the Nandi Tribe. Judge Herbert recounted a recent collaboration with Mr. Juma during his visit to the UK. Mr. Juma had sent a letter on behalf of the Ministry to the Hunterian Museum at the Royal College of Surgeons in London, UK. The Museum was believed to house the skeletal remains of Koitalel Arap Samoei who was a chief of the Nandi Tribe of Kenya. The remains were taken by Colonel Richard Meinertzhagen who assassinated Koitalel. Upon contacting the museum's curator, it was revealed that most of the collection, including human remains, had been destroyed during the 1941 bombing of the Royal College of Surgeons. The remaining items had been transferred to the National History Museum, with no artifacts originating from Kenya. Despite the challenges encountered, efforts to address the restitution of artifacts, including those related to Koitalel Arap Samoei, are ongoing, as Judge Herbert recently discussed with the educational commissioner for the County of origin. This example also illustrates the challenges involved in the restitution of artifacts and the complexities faced in such endeavors.

## PANEL DISCUSSIONS

### THE MAU MAU LEGACY; MASSACRES SITES, IDENTIFICATION AND THE DIGNIFIED REBURIAL OF THE 1090

#### Moderator:

- Dr. Wandia Njoya, Associate Professor Day Star University

#### Panelists:

- Ms. Evelyn Kimathi, Kimathi Foundation
- Mr. Irungu Houghton, Amnesty International

- Professor Nicholas Githuku, Associate Professor of African History, CUNY, York University, USA
- Dr. Margaret Gachihi, University of Nairobi
- Mr. Boniface Mwangi, Activist

The panel discussion delved into the complexities surrounding the Mau Mau Legacy that raised thought-provoking questions about the shifting narratives and multiple legacies at play, showcasing the intricate challenges associated with preserving historical heritage of the Mau Mau. The panelists offered insights into the Mau Mau impact on contemporary politics and society in Kenya. The Mau Mau Legacy holds significant historical and cultural importance, especially in the context of Kenya's struggle for independence. The panel discussion revolved around the following:

- Challenges preserving the Mau Mau Legacy
- Alienation of the Mau Mau from conversations affecting them
- Ways of commemorating the Mau Mau; Initiatives to honor and remember their contribution
- Struggles for Restitution of the remains of Mau Mau veterans and items
- Lack of Youth Involvement and Collective Recognition

**Dr. Wandia**, the moderator of the session, welcomed the panellists and expressed gratitude for the invitation to discuss the retrieval of the remains of the 1090 Mau Mau veterans buried across the country. She initiated the conversation by highlighting the African belief in ancestors and the importance of acknowledging them and the need to properly honor those who have not yet become ancestors by sending them off through proper burials. So, there are 1090 people who are yet to become ancestors because they have not been given proper burials.

Dr. Wandia invited Boniface Mwangi to share his perspective, him having a personal connection to the Mau Mau legacy as a second-generation descendant.

**Mr. Boniface Mwangi** a Kenyan Activist, shared his family's painful experience with the Mau Mau movement. His grandfather, a Mau Mau fighter was jailed by the British for six years whilst his grandmother was assaulted by the home guards in his absence. They did not receive any reparations despite these injustices. He emphasized the lack of reparations and the ongoing struggle for land ownership in Kenya as a result of land being taken away from the natives and given to the white settlers during colonialism.



Currently, over 6 million acres of land in Kenya still belong to British and few politicians who benefited.

Mr. Boniface Mwangi underscored the importance of political education and lamented the lack of historical and political knowledge among the younger generation in Kenya. The lack of teaching accurate history has led to a generation unaware of their country's heroes such as the Kipenguria Six. He underscored the significance of commemorating the Mau Mau Legacy, its pivotal importance in Kenyan history and the importance of passing on the values and struggles of the Mau Mau Freedom Fighters to the youth, in order for them to be better informed of Kenya's history thus ensuring that the legacy remains an integral part of Kenya's historical consciousness.

Dr. Wandia Njoya inquired about how Boniface's acquired his knowledge of the Mau Mau and the Kipenguria Six, to which he explained that he got it from public schooling, which is different now than in his time. There is limited historical education currently available in schools due to curriculum that emphasizes more of Western than Kenyan history.

Dr. Margaret Gachihi, a Mau Mau scholar from the University of Nairobi, provided a scholarly perspective, addressing the complexities of the Mau Mau legacy and the challenges surrounding restitution and commemoration. She highlighted the irony in the recent exhumation of bodies in Kiambu, Kenya to make way for the Mau Mau road thereby supplanting one memory with another. Legacies are often shaped without the control of those they represent, particularly the Freedom Fighters, who have been relegated to the periphery as observers of their own legacy, a legacy that is manipulated by the political elite for their own gains. She stated:

*".....Legacy -a road here, a monument there, a peace museum somewhere, but I think the biggest problem is that the most important constituency to that Legacy -the Freedom Fighters have always been a periphery crowd, they are onlookers, they are observers, they observe as their legacy is crafted and uncrafted by others. The Mau Mau in this country have never had control of how their legacy will be shaped it has always been at the mercy of the political elite so to speak, who conveniently remember the Mau Mau when it is expedient and forget them when they are an inconvenient truth. "*

She emphasized the need to remember and honour the sacrifices made by the Mau Mau fighters and highlighted the importance of memorializing them by preserving historical sites and artefacts related to the struggle for freedom. The Mau Mau sites, including the massacre sites, are crucial constructions of the past.

By honouring and preserving these sites, the nation can enhance the remembrance of its heroes and potentially achieve reconciliation. Dr. Gachihi acknowledged that the country remains divided, and part of this division stems from the struggle between the haves and the have-nots, with the loyalists inheriting the country. To address this, she suggested reconstructing the past, memorializing it, and using it as a means to bring healing to the community. She also highlighted the significance of remembering the 1090 Freedom Fighters by name, she underscored that they are not unknown soldiers as they were convicted and hanged by the British. By discussing and honouring their memory, she believes that the nation can bring honour to those who sacrificed their lives in the struggle for freedom. She referenced the late Almin Mazrui by stating that the act of recognizing heroes is an exercise in self-identification. She also addressed the spiritual aspect of exhuming remains, highlighting the importance of consulting local communities and considering the option of turning burial sites into conservations sites instead of always exhuming the bodies. Especially where the burial sites are already within indigenous land thus respecting the spiritual and cultural significance of such sites to the local communities

In response to a question about the relevance of investing in the past, Dr. Gachihi stressed the significance of acknowledging and learning from history, emphasizing that a nation's past is critical to its identity and future.

**Professor Nicholas Githuku**, an associate professor of African history at CUNY New York University, contributed to the conversation by agreeing with Dr. Gachihi on exhumation and reburying of the freedom heroes such as Dedan Kimathi. Professor Nicholas has authored a book called: "The Mau Mau Crucible of War" in which he describes various other manifestations of rebellion in Kenya other than the Mau Mau including the Nandi, Pokot and a small Luo tribe as well as modern instances. The Mau Mau legacy is alive when fighting against corruption and injustices- the Neo Mau Mau.

**Mr. Irungu Houghton**, representing Amnesty, Kenya, shared a personal history as a student, noting his initial interest in 1988 in studying Mau Mau history and the challenges he faced due to academic freedom concerns and government influence, whereby any paper he researched about Mau Mau would have to be first approved by the Special Branch of the police. He also expressed gratitude to Hon, Professor Kivutha Kibwana who was present in the room for his mentorship and editing his articles despite Mr. Irungu not being his student.

Transitioning to the legal aspects of repatriating the Mau Mau remains from the UK, Mr. Houghton underscored the power of law and the need to recognize the role of ordinary people in shaping the law through “demos prudence”. He also mentioned the significant work of Kitua Kangere one of the few living Mau Mau fighters and Secretary General of Mau Mau Veterans Association. He encouraged the audience to engage with Kangere’s publication “Musiogope” to gain insights into the Mau Mau struggle and the battle against racial discrimination: 400 years of slavery, 100 Years of colonialism essentially is told through eyes of someone who battled against it. He stressed the historical obligation to those who fought against colonialism and the need to commemorate their spirit.

Mr. Irungu also discussed the multifaceted nature of the challenges facing the repatriation of the Mau Mau one of which being the cultural aspect that Dr. Gachihi spoke about earlier on being a nation that is dis-anchored from its roots. He emphasized the need for the nation to reconcile with its past. For instance, 40 years after independence the Mau Mau were still listed as a terrorist organization and it was only in 2002 that the Government acknowledged that the Mau Mau were Freedom Fighters and they de gazetted them as a terrorist organization. Since then there had been a disinterest in bringing up the history of the struggle for freedom because it would force the nation to confront current critical issues such as discrimination, inequality and denial of human rights. These are the things that the Mau Mau fought for and are still things that are still contested in the country.

He addressed the right to a proper and dignified burial by drawing parallels between a Kenyan case from 2020 and the cause for the dignified reburial of the 1090. He cited the 2020 case of a family that sued the County Government, for essentially disgracing their lost family member who had died of Covid-19 by rushing the burial and not allowing the family members to bury their own in dignity. The Court ruled a number of things that are applicable in the context of the Mau Mau. The first was that under the Criminal Procedures Act the Attorney General has the power to order the exhumation of anybody in the Republic. The second, Court held that all human beings whether in life or in death have the right to dignity. The Third was that the dead are not forgotten till they are forgotten. This last point illustrates that, the more the significance of the Mau Mau struggle is acknowledged the more that their memory is kept alive. To him “keeping the memory alive” meant going beyond renaming a road and having commemoration sites and going further to remember their sacrifices and apply /embody those values in everyday life.

### Public participation and collective action

Mr. Juma Ondeng commented on the discussion about the road which is being built and is named after the Mau Mau to commemorate them yet is forcing the exhumation of freedom fighters from their grave sites. The delegate emphasized that civil society organizations, activists and the people should engage the government during the public participation phase in order to ensure that their voices are heard. He stated that if people keep quiet then their silence will be taken for acceptance. In response Mr. Irungu acknowledged the importance of public participation but emphasized that the onus to make laws still lays with the government through the legislature and that bad laws will be bad laws regardless of citizens partaking in public participation or not.

### Language used to describe the Mau Mau: “Rebellion” v “Revolution”

A particularly notable aspect was a comment by a delegate on terminology used to describe the Mau Mau. The delegate advocates for the use of language that exemplifies the significance of the struggle, preferring terms such as ‘Revolution’ over ‘Rebellion’.

Mr. Irungu Houghton agreed with this sentiment emphasizing the need to use language that dignifies the historical sacrifices of the Mau Mau, preferring to use the word “Liberation” to “Decolonialization” as the independence of Kenya in 1963 was a consequence of a hard-earned struggle Kenyans won. He stated that the correct title for the Mau Mau is that which was used by Dedan Kimathi and other freedom fighters which was the Kenya Land and Freedom Army. Mr. Houghton reiterated the need to continue to decriminalize the liberation heroes (repeating how the Mau Mau were degazetted as terrorists in 2002) and emphasized the importance of teaching correct history by finding the people who were present during the struggle to teach that history and using the right terminology.

Further on language, Dr. Margaret Gachihi noted that there is a notion that between the Africans there are two opposing sides -the “collaborators” or “loyalists” and the “freedom fighters”. She emphasized the need to debunk this concept as the persistence of this narrative is to the detriment of how Kenyan communities relate causing division and antagonism that persists till present day. She reiterated that Mau Mau movement is not a simple conflict between two differing groups but rather a complex historical phenomenon that requires a nuanced understanding.

## **Commemorating the Mau Mau legacy**

Hon. Professor Kivutha Kibwana worried that the significance of the Mau Mau was being minimized by politicians who are appropriating its legacy by claiming to be sons of Mau Mau Freedom Fighters. With regards to the 1090, Dedan Kimathi and other freedom fighters whose remains have not been found, he suggested a symbolic burial of them as a first phase while continuing the advocacy for the return or exhumation of their bodies. The second phase would be to reimagine and reinvent the country and the continent in terms of the values championed by the Mau Mau movement by adapting these values into modern-day actions for justice and dignity. Echoing this sentiment, Mr. Irungu Houghton called upon human rights activists to situate themselves and the current struggle for justice in historical context, standing on the backs of people who have already waged this war years and even centuries before.

There was the inquiry made by Hanan Faran Muhammad from Kenya Methodist University about which ongoing efforts are there to engage the younger generation in commemorating the Mau Mau Legacy. In response to this Mr. Boniface Mwangi cited an exhibition he was involved in called a hero's exhibition to show case local heroes. He also noted that there are music artists who are socially conscious and make music about issues affecting the country such as Ukoo Flani Mau Mau and Eric Wainana. Mr. Mwangi emphasized the need to memorialize the Freedom Fighters and their struggle by reclaiming and renaming historical landmarks and cultural symbols, thereby maintaining a connection to the past and serving as a source of history and inspiration for future generations.

## **Preserving Cultural Identity**

A delegate commented that there are no African or Afro-centric schools in Western Countries yet there are Western curriculum schools in Africa. Ancient civilizations in Africa had universities like in Timbukutu in Mali and Alexandria – Egypt where philosophers and scholars traveled from the West to learn from. In response to this Hon. Yvonne Amiyo noted that there are actually schools that teach African History in the West such as Sam Learning in the UK though they are still few.

## PANEL DISCUSSION

### HISTORICAL INJUSTICES: CHANGING THE NARRATIVE, REPARATIONS AND RESTITUTION OF OUR ARTEFACTS



#### **Moderator:**

- Honorable Kivutha Kibwana -Former Governor of Makueni County

#### **The Panelists:**

- Ms. Gertrude M. Nguku – Vice Chair, National Land Commission
- Judge D.P Herbert O.B.E (Rtd)
- Attorney Mr. Kimutai Bosek
- Activist Mr. Henry Belsoi
- Dr. Duncan Ojwang (Dean and Lecturer at Africa Nazarene Faculty of Law)

The moderator of this session was Honorable Kivutha Kibwana who is a Kenyan politician, former minister, former Governor of Makueni County, an esteemed lawyer, professor and human rights activist.

Honorable Kivutha invited each panelist to describe the work they had done with regards to historical injustices:

#### **Snapshots of each panelists work in addressing historical injustices**

**Judge Peter Herbert** is the Co-Chair of Bandung Africa. He is a UK lawyer and activist with African Heritage, his father being from Sierra Leone, and has worked in the International Criminal Tribunal for Rwanda as a lead defense counsel.

He expressed a deep sense of activism, citing his long-standing involvement in social justice causes. He highlighted his realization of the gaps in his knowledge upon arrival in Kenya and stressed the need for active engagement in resolving historical injustices through legislative and budgetary improvements.

**Dr. Duncan Ojwang**, reflecting on a significant case from two years ago, highlighted the historical land injustice faced by the Kedong clan. Detailing the situation, Dr. Ojwang underscored the significance of the Kedong land, spanning approximately 75,000 hectares, which post-independence and colonization became the property of KenGen, the national government, and a handful of investors. This resulted in the marginalization of around 30,000 Masai individuals, restricting their access to and control over their land, as well as hampering their expression of self-determination, including their cultural practices.

Dr. Ojwang talked of his involvement in taking the case to the African Commission for Human Rights, drawing from the Masai land agreement and treaties dating back to the 1800s. He referenced the Maasai's previous legal efforts in 1913 and the preservation of the Kedong area for the Maasai as part of a reserve established by colonial powers during the forced displacement of the Maasai from the highlands. The case sought to uphold the British treaties and agreements with the Maasai, stipulating the preservation of the Kedong as a reserve for the Maasai people as recognized in the signed treaties.

Dr. Ojwang underscored the significance of this case within the broader context of addressing the impact of colonization, emphasizing its alignment with global movements focused on rectifying historical injustices resulting from colonialism. Additionally, he highlighted the opportunity for the African Commission to delve into pivotal doctrines such as the doctrine of discovery enriching the discourse surrounding historical injustice.

**Ms. Getrude Nguku**, the vice-chair of the National Land Commission, underscored her role as the chair of the committee handling injustices and dispute resolution within and outside the court. Additionally, she highlighted her involvement with the Export Processing Zone (EPZ) due to the Zone Authority. Her primary motivations for joining the commission were to expedite land cases in Kenya and to transform the perception of land as a vehicle for wealth. She emphasized the importance of one's value system and self-identity in this endeavor.

Ms. Nguku then shared three impactful snapshots of her experiences, prompting listeners to contemplate their significance. She also discussed her academic background in law and conflict transformation, emphasizing the need to shift cultural paradigms and pondering the concept of renewal. She posed a challenge to consider focusing on renewal instead of traditional conflict resolution and emphasized the centrality of identity and culture in our actions.

**Henry Belsoi**, an activist, delivered a presentation focused on reparations for historical injustices, particularly the continued colonial exploitation of the tea business in Kenya. He highlighted the challenges faced by Kenya in achieving a competitive advantage in the tea industry despite being a leading exporter, attributing this to the influence of colonialism, which has had lasting impacts on the country's well-being. He discussed the historical dominance of the tea trade by Britain and the unethical business practices of multinational companies in Kenya, exploiting the tea trade to siphon revenue from the country. Providing specific examples, such as misleading claims about tea estates and siphoning revenue, for instance, by companies like Lipton. Mr. Belsoi underscored the need to question and address these unethical practices to ensure fair treatment and economic benefit for Kenya.

Historical injustices, such as slavery, colonialism, and resulting neocolonialism, continue to affect Kenya's economy. The revenue from the country's abundant natural resources is being siphoned off to more powerful nations, perpetuating economic challenges in Kenya. Despite this, Mr. Belsoi emphasized Africa's potential for economic prosperity, with abundant natural resources and a growing middle class. The goal is to reclaim control over these resources and propel Africa's agenda forward.

**Joel Kimutai Bosek** is an Advocate of the High Court and a Lecturer at Jomo Kenyatta University. In 2004, he actively participated in a demonstration alongside elderly individuals from Kericho and Bomet, urging the British High Commission to address historical injustices. Since then, he has been deeply involved in this cause. In 2014, following the adoption of a new Constitution of Kenya and the establishment of county governments, the Kisii County government engaged him to conduct independent research on historical land injustices.

The research uncovered harrowing human rights abuses, including forced evictions, house burnings, and livestock confiscation, perpetrated by the British colonial government. Subsequently, the victims endured lasting scars, both physical and psychological.



The National Land Commission awarded them for the compelling case, but multinational companies contested it in court. Additionally, when elderly individuals petitioned the Senate, a ruling prompted a reassessment. Remarkably, the UN found the case to be compelling and communicated the need for the British government to investigate, make reparations, and offer compensation to the victims.

The plight of the Talai people, who were unjustly labeled as hereditary witch doctors and removed from Kericho, resulting in significant hardships, illustrates the gravity of the injustices endured. Furthermore, Joel highlighted the concerning behavior of British multinationals, which mirrors their conduct following the abolition of slavery. The individuals most affected are left to endure extreme poverty, while the companies shift ownership to foreign entities.

In conclusion, Joel emphasizes the imperative of holding the British government accountable for its historical and contemporary actions in Kenya. Addressing these injustices is not only a matter of justice but also a necessity for reconciliation and healing. The pursuit of justice must continue, considering international law and historical implications.

## **Legal Context of Historical Injustices**

Prof. Kibwana sought to understand the legal and policy framework, especially in international law, that legitimizes claims for addressing historical injustices. Dr. Duncan Ojwang then delved into the doctrine of discovery, a European concept dating back to 1452, which allowed the subjugation of indigenous people and the appropriation of their lands. Citing the phrase "tenants of the crown" by Professor Okoth Ogendo<sup>1</sup>, within the context of the doctrine of discovery, Dr. Ojwang explained how this doctrine, rooted in European colonialism, transformed indigenous people into tenants of their own land, subjecting their rights to the authority of the new arrivals, who were required to be European and Christian. This concept reflected the objectification of Africans under international law during the colonial period as they were objects of international law, not subjects of it.

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<sup>1</sup> Tenants of the Crown: Evolution of Agrarian Law and Institutions in Kenya. H. W. O. Okoth-Ogendo. ACTS Press, African Centre for Technology Studies, 1991

However, the movement towards self-determination in different parts of the world led to the adoption of international treaties as the UN Declarations on the Rights of Indigenous People and the African Charter for Human and People's Rights (the Banjul Charter), which expresses human rights in an African Context and emphasizes the need to embrace positive African values and roll back colonization.

He also highlighted how African countries are defining their sovereignty by drafting their own Constitutions such as the 2010 Kenyan Constitution, in contrast to continuing with previous colonial-era constitutions such as the Lancaster one.

Additionally, Dr. Ojwang addressed cultural discrimination and its role in colonialism, emphasizing that discrimination stemmed not from perceived inferiority but from cultural differences. He detailed instances where British laws were disregarded during colonial administration, particularly in the treatment of settlers compared to natives. Example in 1887 the British Government, House of Commons passed a law- the British Overseas Settlement Act which charged those administering territories outside the British Island itself to treat the settlers the same way as the natives which they did not. Additionally, before the construction of the Kenya Railway, there was the Indian Land Compensation Act of 1894 which was applicable in British Colonies. But no community in Kenya was ever compensated for the loss of land as a result of the construction of the Kenya Uganda Railway. So, the British settlers went out of the legal framework which they themselves came up with.

### **Addressing Historical Injustices: Direct Action**

Honorable Kibwana asked Judge Herbert about efforts to seek redress for historical injustices under international law and the potential for accountability for colonial actions.

Judge Herbert highlighted the need for a proactive and multi-faceted approach to addressing historical injustices and restitution of artefacts, involving direct action and strategic campaigning. He particularly focused on the limitations of relying solely on legal and policy measures. For example, he pointed out the utilization of the Limitation Act by the British Supreme Court, effectively imposing a 12-year limitation period on disputes involving foreign land, which hindered attempts at restitution or reparations for stolen land, creating a significant obstacle for affected individuals and communities.

Judge Herbert emphasized the necessity for radical approaches. He underscored the idea of taking direct action as a way to challenge the status quo and bring attention to the inequalities resulting from historical injustices. Saying that waiting for permission from colonizers or government or relying solely on going to court might not yield the desired results, and therefore he encouraged a more proactive approach.

In the specific context of Kenya, Judge Herbert suggested direct action through the occupation of contested land as a form of resistance, challenging foreign shareholders through civil disobedience and legal confrontation. He emphasized the need for proactive measures like those taken by other historically oppressed nations, citing actions taken by the Vietnamese in reclaiming their land.

Furthermore, Judge Herbert discussed the response from political figures when questioned about historical injustices, citing an inadequate and dismissive response from British officials. He called for African governments to lead the campaign for addressing these injustices, noting the potential leverage African nations possess in international relations.

He reiterated the need for direct, proactive, and assertive campaigning to address historical injustices, rejecting the notion of mental subjugation and division among affected communities.

## Plenary Session: Questions and Comments

### Restitution of Land

**Ms. Evelyn W. Kimathi**, daughter of the late Field Marshall Dedan Kimathi, a prominent leader of the Mau Mau, expressed the profound spiritual and existential significance of land in their community and the enduring struggle for its restitution, for instance, Dedan Kimathi's land was confiscated in 1953 and it has never till date been returned to the family. Ms. Kimathi recounted the courageous actions of the Freedom Fighters who at the time were the young people, who took a resolute stand against colonial oppression and the confiscation of their ancestral land.

She passionately emphasized that the struggle for land restitution is not confined to the Kikuyu community alone but resonates with oppressed peoples worldwide, drawing a parallel with the plight of the Palestinians and advocating for justice and empathy for all those dispossessed of their land.

Ms. Kimathi also highlighted ongoing collaborative efforts with individuals such as Judge Peter Herbert and organizations to support affected communities in reclaiming their land, which was unjustly taken away generations ago. She underscored the collective nature of the struggle, acknowledging the involvement of various families and communities beyond the Mau Mau in the fight for land rights and justice.

## **Challenges in addressing historical land disputes**

Two delegates asked questions to Ms. Nguku -Vice Chair of the National Land Commission (NLC) about ongoing cases. The first inquired about the NLC's involvement in land issues and highlighted a Senate recommendation to address historical injustices within a 60-day timeframe. They expressed concern that the 60-day period was nearly over without receiving any responses regarding historical injustices, citing an example of a family's 72-year wait for justice. The second delegate raised the issue of a petition submitted in 2017 and subsequent recommendations for land resurvey by the NLC. He expressed disappointment at the lack of progress in implementing the recommendations, especially considering the recent passing of his grandmother who lived adjacent to the affected land. He sought guidance on how the affected families, including 88 identified by a former district officer, could receive assistance in this matter.

In response Ms. Nguku highlighted the challenges in addressing historical injustices, particularly in the context of land. She pointed out the limitations in the current legislative framework whereby the NLC can only make recommendations and not binding decisions and also face budget constraints. The panelist stressed the importance of making legislation more effective as well as aligning the laws with the need of affected communities, enhancing the implementation process by giving more power to the commissions, and improving budgeting to ensure that the Commission is able to dispatch its mandate effectively.

## **Restitution of artifacts**

Isat from Mount Kenya University commented on ensuring that the narrative surrounding artifacts reflects the perspectives and experiences of historically marginalized groups, emphasizing the need to instill positivity and eradicate negativity surrounding the artifacts.

## Radical Approaches and collective action

Ms. Nguku echoed Judge Peter's sentiments in utilizing radical approaches and adopting innovative solutions to long-standing issues.

Furthermore, she addressed the influence of multinational companies in perpetuating historical injustices, particularly in the context of land ownership and exploitation.

She pointed out the vulnerability of multinational companies to coordinated action from affected communities, such as boycotting products which can impact multinational companies' stock value, indicating the potential for significant influence if a substantial portion of a country's population were to engage in concerted efforts. She emphasized the need for broad support and public participation in addressing systemic issues and advocating for the rights of affected communities.

## Cultural identity and Reflection on Cultural Paradigms

A delegate articulated an identity crisis experienced by African people, expressing concern over the continued adherence to colonial ways in land ownership and way of life. They highlighted the need to shift cultural paradigms through a reset and restart, emphasizing the importance of cultural renewal and advocating for a departure from honoring colonial traditions. This demonstrated the deep-rooted impact of colonial legacies on cultural identity and the imperative of initiating a shift away from these practices.

## PANEL DISCUSSION

### TRADE AND INVESTMENT WITHIN AFRICAN COUNTRIES AND THE DIASPORA

#### Moderator:

- Mrs. Grace Abena James (CEO Merita Tech)

#### Panelists:

- Mr. Enotie Ogbemor (Artist, Founder and Director of Edo Global Arts Foundation & Nosana Arts Studio).
- Mr. Juma Ondeng (Culture Advisor to Cabinet Secretary Tourism, Heritage and Wildlife)
- Ms. Evelyne Kimathi (Kimathi Foundation)
- Mr. Joel Kimutai Bosek (Attorney)

## Introduction

The panel discussion was a comprehensive exploration of the ongoing efforts and challenges related to the repatriation of cultural artifacts. It involved a compelling discussion on the legal, logistical, and ethical hurdles involved in retrieving stolen artifacts. The discourse also underscored the significance of engaging the diaspora community to create a united front and amplify the advocacy for the return of these culturally significant objects.

Mrs. Grace Abena James, the moderator of this session is the CEO of a software development company in Kenya and also the chairperson for the Sixth Region African Diaspora Alliance in Tanzania. Her company operates in both Kenya and Tanzania, focusing on Enterprise level development.

She emphasized the importance of engaging with the diaspora and facilitating their return and reintegration into their ancestral homelands citing the Universal Declaration of Human Rights which provides for the Right to Return<sup>2</sup> and the African Union which encourages the full participation of the African Diaspora.

## Capacity of African Countries to Take Care of Returned Artifacts

The moderator posed a question that is oft asked on whether African countries have the capacity to take care of returned artifacts:

In answering this question, Mr. Juma Ondeng shed light on the historical injustices and the rightful claim of these artifacts by African communities. He emphasized the historical context of how objects were taken from Africa, citing examples such as outright theft, punitive military expeditions, academic research, religious conversion, trade and confiscation under colonial legislation. An example of the latter is the 1925 Witchcraft Act in the Kenya colony which proscribed all forms of traditional medicinal practices and anyone who was practicing it had their paraphernalia confiscated which were then shipped to the UK. He stressed the fundamental aspect that most communities did not willingly give up their objects and considering the violations involved in the acquisition of these objects, repatriation of these artifacts is a human rights issue.

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<sup>2</sup> Article 13 (2) of the Universal Declaration of Human Rights of 1948 provides that "Everyone has the right to leave any country, including his own, and to return to his country."

He underscored that the focus should be on returning the objects to their communities of origin, and that the question of whether they will be well-cared for should not impede the repatriation process. Rather, the primary concern should be their return to their rightful owners who have the right to do with them what they wish.

**Ms. Evelyne Kimathi** who is the daughter of Field Marshall Dedan Kimathi, well-known Mau Mau leader, and she is the CEO of Dedan Kimathi Foundation, spoke passionately, reflecting on her family's history and the artifacts associated with her father, Mau Mau leader and Field Marshall Dedan Kimathi. She touched on the mysterious disappearance of her grandfather, who participated in the First World War, and the uncertainty surrounding his fate. Additionally, she highlighted the absence of her father's leopard skin and gun, expressing the family's desire to have these items returned to Kenya. Evelyne Kimathi also mentioned her family's possession of artifacts such as a belt, a bicycle, and records, and expressed the family's willingness to have the artefacts displayed in the Kenya National Museum for future generations to learn about the Freedom Fighters. Furthermore, she shared a remarkable encounter with The King, where she discussed the whereabouts of her father's remains and emphasized the emotional and historical significance of the missing artifact.

**Mr. Enotie Ogbemor** is a Resident Artist at the Cambridge University of Archeology and Anthropology and the Founder and Director of Edo Global Arts Foundation. As an advocate for the return of artefacts, emphasized the repository of knowledge and wisdom embodied in these artifacts such as the Benin Plaques, which have been handed down from generation to generation. Taking them away is akin to robbing future generations of essential stories and valuable lessons stored in these artefacts.

Mr. Ogbemor also addressed the misconception that African countries lack the capacity to care for these artifacts, highlighting that the artifacts had been with their respective communities for thousands of years before they were taken away. He did agree that there is a need for infrastructure and manpower development to preserve and showcase returned artefacts.

He outlined ways in which this capacity can be built:

- i) Cooperation between Western and African institutions and governments is needed for infrastructure and knowledge development. As part of healing the onus is on the Western countries who have benefited from the artifacts for more than 126 years and consequently deprived the local communities of the heritage to assist in upgrading the infrastructure and ensure skill transfer.
- ii) The Infrastructure development should align with African cultural lifestyle, not just Western standards. It should be remembered that in Africa, there were no separate buildings called museums; these artifacts were part of the lifestyle, found in shrines, living rooms, and compounds. Museums should be designed as part of the community lifestyle so that during community gatherings or social activities, people can come in contact with these artifacts and tell their stories, integrating them as part of their lifestyle.
- iii) Digital tools and platforms should be utilized to showcase and preserve artifacts for the digital generation. Upcoming generations are digital natives and for future generations to interact with these artifacts, it is necessary to bring in digital tools to develop programs and ways of storing, preserving, and showcasing these artifacts on various digital media and platforms. For instance, the largest online gallery of Benin artifacts in the world – Digital Benin<sup>3</sup> has over 5,000 items online Africa has the capacity to keep and showcase these artifacts, with some of the most brilliant artists, curators, museum directors, and art historians hailing from the continent.

Mr. Joel Kimutai Bosek an Advocate of the High Court of Kenya and a Lecturer at Jomo Kenyatta University of Agriculture and Technology School of Law, underscored that Europeans have benefited from the proceeds of crime by displaying and profiting from African artifacts in their museums around the world. He stressed the psychological impact of removing these artifacts from Africa, disrupting the understanding of African history and culture. Mr. Bosek also highlighted the need for a more balanced and Afrocentric view of history, addressing the false portrayals of African interactions with Europeans. He advocated for the return of artifacts as a matter of national and cultural heritage, arguing that their disposition and use should be determined by the owning communities and further they form part of the community's intellectual property which is as good as any other property.

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<sup>3</sup> Digital Benin Website <https://digitalbenin.org/>



## Ongoing Initiatives for the Return of Artifacts

**Mrs. Grace Abena James** requested an update on the various initiatives to repatriate African Artifacts.

### *Repatriation of Benin Bronzes:*

Mr. Enotie Ogbebor provided updates on the ongoing discussions and initiatives to repatriate the **Benin Bronzes**. He mentioned that talks are in progress to return all the Benin artifacts in the collections of various institutions.

Specifically, the Horniman Museum and Cambridge University in the UK, and the Smithsonian in Washington DC have already returned some of the artifacts. Additionally, Sweden has voted to begin the process of returning all the Benin artifacts in its collection. Mr. Ogbebor also highlighted development of the Museum of West African Arts in Benin, stating that the first phase has started and is making good progress, aiming to be ready by the middle of the following year.

### *Ongoing efforts in Kenya – International Inventories Program:*

**Mr. Juma Ondeng** provided insight into the evolution of the movement to return artifacts which gained momentum in 2017, particularly after President Macron of France expressed willingness to repatriate objects. Subsequently, the African Council of Museums sent out a request for a list of restituted objects, which revealed the lack of documentation regarding the objects' departure from their original locations. Juma highlighted the establishment of the **International Inventories Program**<sup>4</sup> a cooperation, between the two artist's collectives (THE NEST and SHIFT), three museums (National Museums of Kenya, Rautenstrauch-Joest Museum, Cologne Weltkulturen Museum, Frankfurt) and the Goethe-Institute aimed at creating a database of stolen artifacts from Kenya currently located in the global North. This initiative has identified over 32,000 objects from 30 institutions across seven countries. Moreover, the plan involves expanding the search for these objects and establishing a national database to facilitate the systematic petition with respective museums for the return of the objects and there are plans to establish a National Database where community members can report their complaints about stolen artefacts. This will be followed by partnerships with local universities and institutions to establish the provenance of the objects and petition respective museums to return the artifacts.

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<sup>4</sup> International Inventories Programme Website: <https://www.inventoriesprogramme.org/>

Additionally, Kenya, not being a signatory to the 1970 UNESCO Convention on Illicit Trafficking of Cultural Property<sup>5</sup>, recently ratified the convention, setting the stage domestication of the Convention into laws of Kenya.



*The Bandung Africa Youth Caucus after the first session of the first day of the Annual conference, 2023*

## Questions and Comments from Plenary

### Collaboration with the Diaspora

Several delegates from the diaspora emphasized the importance of utilizing the diaspora in the UK and Europe to advance the cause of repatriating artifacts. It was suggested that smaller associations in the diaspora could serve as extended arms to support the cause through demonstrations, petitions, and advocacy.

### Continued Advocacy and Activism

Zita Holbourne a community and human rights advocate involved in the UK's trade union leadership, within the culture sector, including museums and galleries and who additionally holds the position of National Chair at the Artist Union of England and leads a race equality organization called **Barac UK** (Black Activist Rising Against the Cuts), highlighted the intersection of campaigning, community organizing, and art activism in the UK and Europe, showcasing existing efforts and alliances aimed at advocating for cultural repatriation. She underscored the potential for connecting these campaigns with initiatives in Kenya and Africa as a means to strengthen the global movement for heritage preservation.

<sup>5</sup> 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

## Repatriation accompanied with Restitution

Charles Kariuki suggested to calculate the profits made from the display of African cultural artifacts and demand a restitution from the museums.

## Legal obstacles to repatriation of artefacts

Shiro Gumbo, from UMMA University, raised the question regarding the legal barriers posed by the British Museum Act of 1963, which prevents the repatriation of artifacts to their places of origin. She inquired about the legal actions taken thus far to challenge these laws and facilitate the safe return of the artifacts to their rightful owners.

In response Mr. Bosek stated that African governments should take strong actions, including through the African Union and negotiate for the return of artifacts. Ge also suggested that the diaspora community engage with politicians both in the country they reside and their home country to push for amendment or repeal of such laws.

## WORKSHOPS

In the afternoon, multiple engaging workshops were conducted marked by profound engagement where participants were divided into specialized groups covering a spectrum of topics and moderated by esteemed facilitators. The workshops focused on digital storytelling, litigation for African artifacts, museum creation in Africa, and the role of technology in sustaining cultural heritage. The collaborative efforts of all facilitators and delegates provided valuable insights and strategies for the preservation and repatriation of cultural artifacts. The titles of the workshops were:



- a) The Case for Litigation to Combat Historical Injustices and to return stolen artefacts
- b) The History of the Hunted-Reforming the Educational Curriculum
- c) Creating and Sustaining Museums in Africa
- d) Social Media Influencer and the Digital Story

### **a) The Case for Litigation to Combat Historical Injustices and to return stolen artefacts**

The workshop on “The Case for Litigation to Combat Historical Injustices and to Return Stolen Artefacts” was moderated by Juma Ondeng, an advisor from the State Department of Culture. The participants highlighted the following points for action:

1. African Governments should assert their rightful ownership of artifacts rather than begging for their return, applying pressure by understanding the pressure points first demand action immediately.
2. Increase activism against the retention of African artifacts in Europe.
3. Embark on direct legal action and coordinate efforts to address this issue.
4. Collaborate with activists from other regions.
5. Advocate for proper burial or re-burial of human remains taken without consent.
6. Consider an international boycott of products derived from the exploitation of African resources.
7. Demand that certification processes for agro-products include considerations of historical injustices.
8. Highlight double standards in justice systems, pointing out examples such as the prosecution of Nazi war crimes compared to colonial-era criminal activities.
9. Refuse to forget and move on from colonial injustices, emphasizing the need to remember these injustices like the Holocaust.
10. Highlight the double standard regarding artifacts, questioning why digital images are deemed sufficient for African artifacts while physical artifacts are retained elsewhere.
11. Collaboration with Caribbean countries on matters related to reparations, forming a united front between Africa and the Caribbean on this issue.

## **b) The History of the Hunted: Reforming the Educational Curriculum**

The workshop aimed to address the inadequacies in current educational curricula concerning historically marginalized groups. The workshop explored the importance of incorporating diverse perspectives, particularly those of historically persecuted communities, to create a more inclusive and accurate representation of history in educational settings.

The workshop commenced with a compelling keynote address by Dr. Utheri Kanayo, a renowned educator specializing in the reforming of the educational curriculum. Dr. Utheri emphasized the need to recognize the historical struggles faced by marginalized communities and integrate their stories into the mainstream educational curriculum. He highlighted how such inclusion fosters empathy, critical thinking, and a more comprehensive understanding of the complex tapestry of human history. He gave us an example of how his school does this by teaching the students their mother tongue and other African languages and also letting them come with their African hairstyles and dressing.

### **1. The Impact of Omitted Narratives on Students**

The workshop discussed the consequences of omitting the history of persecuted groups from educational materials. Panelists, including educators, psychologists, and community leaders, shared insights on how the lack of diverse narratives negatively affects students' self-esteem, cultural awareness, and ability to engage in meaningful conversations about social justice.

### **2. Successful Models of Inclusive Curriculum an example at freedom school:**

The workshop showcased successful initiatives from schools and districts that have successfully implemented inclusive curricula such as the Freedom School in Nakuru, Kenya. These models emphasized collaborative efforts between educators, administrators, and community stakeholders to create learning environments that celebrate diversity, challenge stereotypes, and promote a sense of belonging for all students.

### **3. Challenges and Solutions in Curriculum Reform:**

The workshop also addressed the challenges faced by educators and administrators in implementing curriculum reforms. Panelists discussed resistance from traditionalists, the need for teacher training, and the importance of community involvement.

Solutions included the development of comprehensive teacher training programs, partnerships with cultural organizations, and the creation of supportive networks for educators.

## **c) Social Media Influencer and the Digital Story**

The workshop was moderated by Ms. Caroline Mugure Karanu and Mr. Obi Asaka. The discussion covered the role of technology in sustaining cultural heritage.

### **1. Role of Social Media in Raising Awareness**

The discussion emphasized the power of social media in combating historical injustices and advocating for the repatriation of artifacts which should not be underestimated. Social media platform can be used to amplify voices, share compelling narratives, and mobilize support across borders. By leveraging social media, individuals and organizations can bring attention to the historical injustices surrounding the looting and display of cultural artifacts. They can harness the platform to raise awareness about the significance of these artifacts to their original communities and to highlight the ethical imperative of repatriation.

### **2. Building alliances**

Social media provides a dynamic space to galvanize global solidarity, building alliances with diverse communities, both within the African diaspora and globally, who share a common interest in righting historical wrongs. It enables the sharing of stories, images, and videos that vividly illustrate the impact of colonialism and the enduring resonance of cultural theft. Through social media, individuals can engage in open dialogue, fostering a deeper understanding of the importance of repatriation and the complexities of preserving and showcasing these artifacts within their original cultural contexts.

### **3. Advocacy**

By utilizing social media platforms, efforts to push for the return of artifacts can pressure institutions and governments holding these items to confront their historical responsibilities. It can spark public discourse that encourages these entities to acknowledge the moral imperatives of repatriation and take concrete steps towards restitution.

## **CLOSING REMARKS: ACKNOWLEDGMENT AND APPRECIATION**

In a spirit of gratitude and reflection, the day concluded with expressions of appreciation for collective efforts and pan-Africanism of all participants. Judge Herbert acknowledged the workshop facilitators, panellists, and delegates for their contributions and expressed gratitude to the sponsors of the event. The conference witnessed the active participation of delegates, whose enthusiasm and contributions were invaluable. Their engagement and concentration throughout the day significantly enhanced the effectiveness of the event. Thereafter Judge Herbert announced a property exhibition Breakfast Showcase by 88 Nairobi exclusive to conference delegates.

## **CONCLUSION**

The Bandung Africa Conference 2023 set a commendable precedent for the days to come, embodying the spirit of unity and cooperation in addressing historical injustices, repatriation of artifacts, and the preservation of African cultural legacy. The engagement of all participants and their dedication to these crucial causes marked a promising beginning for the conference. The subsequent days of the Conference promised to delve even deeper into these critical issues through constructive dialogues and impactful collaborations thereby shaping a path for tangible actions and sustainable initiatives to preserve, safeguard and celebrate the richness of Africa's heritage.



## DAY 2 BANDUNG AFRICA CONFERENCE 2023

The second day of the Bandung Africa Diaspora Conference 2023 started with a word of prayer followed by a dance performance by Karen Maasai Manyatta Dancers and Karen C Schools

Thereafter Judge Herbert gave opening remarks. He acknowledged his two co-chairs, Dr. Myrana Kalsi and Mrs. Yetunde Bintu Asika. Dr. Kalsi, who was unable to attend due to her heavy involvement in forensic orology work in South Sudan, sent her apologies. He extended a very warm welcome to all attendees and shared a few words to kick off the day's proceedings. Thereafter he welcomed Mrs. Asika to give her address.

Mrs. Yetunde Bintu Asika is the Co-Chair of Bandung Africa and a leading human rights lawyer from Lagos, Nigeria. She extended a warm welcome to all distinguished guests, participants, and delegates in Nairobi acknowledging the presence of representatives of Government leaders, stakeholders from various industries, academics, civil society organizations and philanthropic organizations. She highlighted the significance of Nairobi as the headquarters of the United Nations Environmental Program which is the only UN agency with headquarters in the global south, Nairobi also hosted the African Climate Summit at the Kenyatta International Convention Center. Mrs. Asika underscored Bandung Africa's commitment to critical systems thinking and advancing Africa's development as well advancing the global progress of Africans in the continent and worldwide. She emphasized the need for systemic solutions informed by African advocacy and historical context, drawing on the legacy of the Bandung conference of 1955 and the Non-Aligned Movement Summit in 1973.



Mrs. Asika stressed the importance of collaboration, practical solutions, and the development of African-rooted initiatives to address pressing global challenges which include the focus of discussion of the 2023 Bandung Conference-historical injustices and climate change. Bandung Africa differentiates itself by actively translating collaboration, history, and contemporary challenges into practical solutions. The organization's mission is to drive real change by formulating African solutions to global problems and implementing them through initiatives and programs. She emphasized the importance of forging global partnerships across various industries, generations, and borders.

She highlighted the emergence of the Africa and the diaspora as powerful forces for change driven by advancements in new technologies and enhanced dialogue. She also spoke on the potential for global action on various challenges facing humanity citing the response to the killing of George Floyd, Tyrus Nickels, Black Lives Matter, End SARS, the Ukraine-Russia War and recently the Israeli-Palestinian Conflict. Mrs. Asika pointed out the ineffectiveness of international frameworks for combating climate change in the global South and presented the Bandung Africa Climate Change Declaration as a viable agenda for moving closer to net-zero emissions. She referenced President Ruto's call for a fair playing ground for Africa in accessing investments for climate change and green transformation, emphasizing the fundamental role of youth involvement. This is an ethos that mirrors Bandung Africa's organizational fabric illustrated by the many youth who attended the conference.

Mrs. Asika raised critical questions about the global response to climate change, the compensation for the global South's disproportionate suffering, and the accessibility of relief funds and expressed anticipation for discussions at COP 28 in Dubai. She affirmed Bandung Africa's support for a unified African vision outlined in the African Union's Africa 2063 agenda and the United Nations' Development Goals. Mrs. Asika outlined Bandung Africa's commitment to promoting a Global African movement for change by linking those within the continent and the international African diaspora as well as advocating for human rights, social and political interests, transparency, the rule of law, and global exchange of ideas and policies. Mrs. Yetunde Bintu Asika emphasized Bandung Africa's willingness to working with international organizations, including the African Union and other critical international partners in developing international support for the stated core objectives. She concluded by expressing her enthusiasm for the day's discussions.

## PANEL DISCUSSION

### EMPOWERING AFRICA THROUGH DIASPORA INVESTMENT AND PARTNERSHIP.

#### Moderator

- Mr. Samuel Thuo - Alumni Relations Manager, Alumnipad

#### Panelists

- Ms. Sharon Njoroge –Marketing and Business Development, Nairobi 88-Lordship Africa
- Mr.Dominic Kinyua- West Company Ltd
- Mrs Faith Doucette – Director of Partnerships and Mentorship, Kenya Connect



*Above: Panel discussion led by James Grace Abena (CEO Merita Tech)*

- Mrs Grace Abena James- CEO Merita Tech

The panel touched on a variety of topics relating to diaspora investment, focusing on the challenges diasporans face the role of Government in addressing these challenges. The panelists explored the significance of transfer of skills in strengthening partnerships between the diaspora and local communities. Furthermore, they highlighted the pivotal role of technology in creating trust and connectivity in the real estate industry, acknowledging the digital divide

while emphasizing the potential to leverage technology for better accessibility. Additionally, the conversation addressed the complexities of fundraising for startups and NGOs, as well as the obstacles related to investment logistics and the financial burdens on diasporans seeking to invest in the region. These discussions collectively shed light on the opportunities, challenges, and potential solutions within the diaspora investment landscape.

## Snapshots of Panelists

**Mr. Samuel Thuo**, the moderator, is the co-founder of Alumnipad, a web-based platform that facilitates communication and resource collection between alumni networks in Kenya.

**Faith Doucette** is the director of partnership mentorship at Kenya Connect, expressed gratitude for being back home and highlighted her extensive experience of over two years in the field.

**Ms. Sharon Njoroge**, involved in marketing and business development at Lordship Africa, emphasized the company's provision of real estate solutions tailored to accommodate the diaspora market and the African market, aiming to transition the real estate market beyond mere housing to housing solutions that offer a good return on investment and opulence.

**Mr. Dominic Kinyua**, the director of West Company Limited, specializes in logistics for the movement of cargo in East and Central Africa, as well as in relocating Africans in the diaspora back to the continent. He highlighted the company's role in bridging the gap and providing accurate information to assist those looking to invest or return home.

**Mrs. Grace James**, the CEO and managing director of Merita Technologies, a software development company with offices in Kenya and Tanzania, also serves as the chairperson of the Sixth Region African Diaspora Alliance in Tanzania. She works to integrate and support repatriates in contributing to Tanzania and collaborates with an organization uniting historic diaspora members across the continent to respond to the African Union's invitation to return home.



*Above: Tree planting exercise at Karen C primary school in company of the Bandung Co-Founder and guests.*

## DISCUSSION

### **Investment Opportunities for Africans in the Diaspora: Key Sectors and Industries**

Mr. Samuel Thuo inquired as to the key sectors or industries that present significant opportunities for investment by Africans in the diaspora.

Ms. Sharon Njoroge highlighted real estate as one of the major sectors with a significant investment potential for Africans in the diaspora. She also emphasized e-commerce and manufacturing as lucrative opportunities for investment due to trade and market penetration. Additionally, logistics was underscored as essential for translating goods between local and international markets.

### **Hindrances to Investment in Discussed Sectors: Identified Challenges**

Mr. Thuo directed the inquiry to the panelists on what challenges are hindering investment in the sectors discussed

Mr. Dominic Kinyua highlighted the restrictions on the movement of diasporans back to the African continent in terms of bureaucracy in acquiring visas and permits. He also criticized the disparity in airfare prices within Africa compared to Western Continents, particularly emphasizing the high cost of air travel compared to the relatively short distances traveled. He mentioned the example of the high airfare from Nairobi to Dar es Salaam, which disproportionately expensive for the relatively short duration of the flight. He stressed the need to address such barriers.

Furthermore, he mentioned the challenges related to financing projects and governance issues such as corruption, and misallocation of resources at the county level dissuade diasporans from investing.

Ms. Sharon Njoroge shed light on the logistical challenges faced by diasporans, particularly in investment sectors such as real estate. She emphasized the need for easier and more cost-effective channels for transferring funds and completing investments, pointing out that current processes often pose financial obstacles for diasporans.

Mrs. Faith Doucette noted that lack of trust and fear of loosing investments are hindrances, sentiments that were echoed by Mrs. Grace. She stressed the importance of building trust and dispelling this fear. She also raised the concern of prices escalating when people from the diaspora visit a place or shop. She urged a change in the perception of overpricing for diasporans and emphasized the need for fairness and transparency in pricing.

### **Overcoming Barriers to Diaspora Investment: Regulatory Strategies and Calls for Government Incentives**

Mrs. Grace Abena James, speaking from the perspective of someone from the diaspora who has settled back in Africa, emphasized the need for African governments to provide more incentives for diasporans to return and invest in their home countries.

Mrs. James pointed out that the African Union's invitation to the diaspora to return, as outlined in the African Union Constitutive Act, presents a significant opportunity. However, she noted that there are challenges in facilitating a smooth return for diasporans. She highlighted the diverse nature of the diaspora, noting differences based on historical colonization, and stressed the importance of considering these nuances in creating engagement frameworks. For example, the African Union has categorized diaspora as Contemporary Diaspora that would be those that emigrated recently and then the Historic Diaspora who are descendants of Africans who were forcefully taken away as slaves.

She mentioned the internal struggle within the African Union to implement the recognition of the diaspora as the sixth region, with some member states expressing concerns about potential competition for local jobs. Mrs. James also discussed the need for a clear framework of engagement for both contemporary and historic diasporans, emphasizing the importance of addressing the unique challenges faced by the historic diaspora.

Additionally, Mrs. James praised the efforts of the Kenyan diaspora desk in engaging and facilitating the return of Kenyans from abroad. However, she highlighted the need for member states to recognize the historic diaspora and provide adequate support for their return, including longer visa durations more than the three months currently given, simplified residency processes, more affordable visa and residency charges for diasporans and tailored investment opportunities. She stressed the moral responsibility of African governments to open the door and provide assistance for the historic diaspora's return, emphasizing the right to return<sup>6</sup> and the need for a distinct category that acknowledges their specific challenges and aspirations.

Mrs. Faith Doucette resonated with Mrs. Grace on the issue of 3 months visa being too short to be able to research or engage in investment opportunities. She highlighted the need for streamlined processes to facilitate a smooth experience for returning home and diversify the offerings, particularly in terms of visa requirements and arrival experiences.

Mr. Dominic Kinyua spoke about the steps being taken by the Kenyan government, such as waiving visa requirements for diasporans returning to the country. In addition, he highlighted the establishment of a Department of Diaspora Affairs, responsible for bridging the gap between the government and the diaspora.

Moreover, he discussed the need for liaisons from every part of the world where Africans reside, to ensure that they feel connected to their home continent and are recognized as part of it. He emphasized the importance of the African Union taking the lead in advocating for the rights and protection of Africans living abroad.

Ms. Sharon Njoroge spoke on the challenges within investment logistics, focusing on the heavy costs and documentation required for diasporans to channel funds for investment purposes. She emphasized the need for financial market reform to make investments more accessible and feasible for diasporans. Adding to this, Mr. Kinyua called upon the Kenya Revenue Authority and the Ministry of Foreign Affairs to come up with a framework that allows or gives tax incentives to the Africans in the diaspora to be able to invest back to the motherland.

Mr. Dominic Kinyua stressed the collective responsibility of African people to bridge the gaps and create a welcoming environment for diasporans. He highlighted the need to recognize and address historical challenges, striving to facilitate the return and investment of diasporans while acknowledging the past challenges faced by Africans abroad.

### **Strengthening Diaspora-Local Community Partnerships: The Role of Education and Skill Transfer**

Mr. Samuel Thuo directed his next question to Mrs. Faith Doucette, acknowledging her work in the education space. He emphasized the importance of alumni networks as a key resource in rethinking funding models in Africa and encouraged diaspora alumni to give back to their former educational institutions. Mr. Thuo highlighted the crucial role of education in strengthening partnerships between the diaspora and local communities. He then invited Mrs. Doucette, as an expert in education and community development, to share her thoughts on the role of education and skill transfer in this context.

Mrs. Faith Doucette emphasized the importance of trust in ensuring that the giving from the diaspora goes to its intended purpose. Faith highlighted the need for facilitators, such as Future First and other organizations, to ensure a smooth transfer of funds and to guarantee that they are used for their intended purpose. She stressed that while opportunities exist, trust issues still present a significant challenge in these partnerships.

### **Driving Alignment in Diaspora Investment: Aligning needs of local communities with opportunities for diaspora investment**

When discussing the alignment of community needs with investment opportunities for the diaspora, Mrs. Faith Doucette emphasized the importance of working in consultation with community members to co-create solutions. She highlighted the need to understand the needs and solutions of local communities and to provide financial backing to implement these solutions.

Mrs. Grace James provided a diaspora perspective, focusing on opportunities for those repatriating and the economic contribution they make through investments, such as purchasing property and contributing to the local economy through daily activities like paying rent, school tuition, and taxes. She emphasized the importance of positive experiences to increase the reach of investment opportunities and highlighted the significance of sharing positive stories to attract potential investors. This approach, she noted, contributes to the positive image of the investment landscape.

## **Harnessing Diaspora Investment: The Role of Technology and Innovation**

Mr. Samuel Thuo raised a question about the role of technology and innovation in harnessing diaspora investment. He invited all the panelists to share their thoughts on this topic.

Mrs. Grace Abena James, underlined the global significance of technology and its role in connectivity and development. She praised Kenya for its advancements in technology, comparing it favorably to other regions in Africa. She also stressed the importance of pushing telecom companies to improve accessibility and affordability of technology, highlighting the integral role of technology in development.

Mr. Dominic Kinyua echoed the sentiment, acknowledging Kenya's progress in technology while also pointing out the need for improvements, particularly in interconnectivity and affordability and emphasized the need to address barriers to information and technology flow across African nations.

Ms. Sharon Njoroge underscored the transformative power of technology in the real estate industry, particularly in building trust and creating seamless connectivity between the local and diaspora markets. She highlighted the role of technology in providing real-time information and enhancing trust through tools like 24-hour chat bot and augmented reality which facilitate connectivity and interaction.

Mrs. Faith Doucette acknowledged the existence of a digital divide but emphasized leveraging available technology to streamline processes and make the continent more accessible for everyone. She highlighted the importance of listing amenities and information ahead of time to attract interest.

### **Questions and Comments from Plenary**

#### **Connecting Diaspora Investors with Opportunities in Kenya: Resources and Platforms**

Ms. Petra raised a question about specific resources or platforms available to connect diaspora investors with potential investment opportunities in Kenya. Mrs. Grace Abena James responded, mentioning the Kenya Diaspora Alliance as a platform that works with Kenyans in the diaspora, particularly in the US and the UK. She also highlighted her efforts with the African Union African Diaspora High Council and the Sixth Region African Diaspora Alliance in Tanzania



Dominic Kinyua emphasized the importance of conducting thorough checks to ensure the credibility of these organizations that assist diasporans in finding investment opportunities

### **Challenges in acquiring permits and citizenship**

Mr. Glenroy Watson expressed concern about the process of acquiring documentation and permits, questioning the reliance on the same authorities that were involved in the historical enslavement of Africans to endorse their status for citizenship. He emphasized the need for Africans to conduct investigations of Africans wanting to return, rather than relying on external parties.

Mr. Dominic Kinyua responded, acknowledging the complexity of the situation, noting that relying on entities that have historically undervalued Africans is problematic. He suggested that the African Union should consider establishing a neutral body to conduct background checks for diaspora seeking to relocate to different African countries, ensuring a fair and unbiased process for obtaining citizenship. He agreed with the need to address this issue and suggested it be brought to the attention of the African Union in the next session.



*A photo of Bandung delegates at the property show tour of the iconic 88 Nairobi residential property by lordship Africa, one of Bandung Africa's partners and sponsors for the Conference.*

## THE DIASPORA IMPACT ON THE CLIMATE CHANGE AGENDA

### Speech by Ade Oguntoye, Co-Founder, Imperative Fund

Mr. Ade Oguntoye is a leader in healing centered philanthropy he co-founded the Imperative a Fund dedicated to the wealth health and connected connectedness of people of Africa descent

Mr. Ade Oguntoye expressed gratitude and greeted the audience. He conveyed his thanks to Judge Herbert, delegates, and fellow Africans. Mr. Oguntoye's speech addressed the disproportionate impact of climate change on people of African descent living outside the continent. He emphasized the role of organizations and countries led by Africans in this space and the significance of philanthropy and other measures in accelerating change.

Before delving into his presentation, hailing from Atlanta, Georgia, in the United States, but with roots in Nigeria, Ade acknowledged his familial background as healers and highlighted the prevalence of trauma within their shared experiences. Drawing from his family's history, he emphasized the need to address the underlying trauma that has affected African communities, both those who were enslaved and those who were colonized. He quoted James Baldwin who stated that: "to be African-American is to be African without memory and American without privilege" not having a connection on either side can lead to trauma. He underscored the impact of this trauma on the African-American identity and stressed the importance of healing to avoid perpetuating trauma onto others.

Transitioning to the main topic, Ade focused on the disproportionate impact of climate change on the Caribbean. He emphasized that people of African descent were taken there involuntarily as a result of slavery and colonization. He highlighted the vulnerability of Caribbean islands to climate-related challenges due to geographic location and long coastlines. Despite their minimal contribution to global greenhouse emissions, people in the Caribbean are bearing the brunt of the effects of climate disruptions leading to increased displacements and climate refugees. Ade discussed the current and projected impacts of climate change in the region including the risk of the islands becoming inhabitable due to extreme hurricanes, powerful storms and rising sea levels which has already affected infrastructure and harmed human health. He emphasized the urgency of addressing these issues to prevent further harm. Proposing solutions Mr. Oguntoye, highlighted the importance of asset-based framing and the role of organizations like the Climate Justice Alliance in unifying communities impacted by climate change.

The mission of the Climate Justice Alliance (CJA) is to inspire and organize bold action by communities on the front lines of climate change. They aim to challenge the extractive economy that is harming people and ecosystems, and to build resilient, regenerative, and equitable economies rooted in place-based webs of social and ecological relationships. Additionally, the CJA aims to expose false promises posing as solutions to the climate crisis and confront governments and industries to act boldly on climate change. Within the CJA, a black caucus was formed which aims to among other things heal the relationship between the diaspora and people in the African Continent.

Furthermore, Mr. Ogontuye discussed the proactive measures taken by black led countries such as Barbados, in mitigating the impact of climate change by leading restoration of coral reefs and aiming to completely stop the use of fossil fuels. Additionally, the Prime Minister of Barbados called for a reform of the global financial system and \$1 trillion USD in loans for climate resilience and remediation for low-income countries. Additionally, the plan called for the suspension of loan repayments during climate emergencies.

Mr. Ogontuye emphasized the need for multidisciplinary, intersectional, and systemic solutions to address the challenges posed by climate change.

He emphasized the need for holistic solutions and systemic change, calling for a shift in the current philanthropic and governmental approaches to center equity and African leadership in addressing climate change.

He concluded by drawing inspiration from nature, specifically the migration of monarch butterflies, to emphasize the resilience and determination of the African diaspora. The monarch butterflies migrate from Mexico to Canada, a journey that takes four to five generations to complete. Despite never seeing the complete migration themselves, each generation plays its part in reaching the destination. He urged the audience to embrace their role as the "super generation," carrying the hopes and dreams of their ancestors and future generations. He encouraged spreading joy and unity within the community, emphasizing the strength and resilience of the African diaspora in facing and overcoming challenges.

### HOW DO WE REFRAME COP 28 WITH AN AFRICAN AGENDA

#### Moderator

- Mrs. Yetunde Bintu Asika, Co-Chair Bandung Conference

#### Panelists

- Hon. Claudia Webbe MP (House of Commons Environmental Committee)
- Mr. Benedict Odour (Latewa CBO)
- Mr. Geoffrey Mboya (Living a Legacy)

#### Speech by Hon. Claudia Webbe MP (House of Commons Environmental Committee):

**Hon. Claudia Webbe**, a UK Member of Parliament representing the seat of Leicester East, expressed her gratitude to the organizers of Bandung Africa for the important and vital conference and for inviting her to speak. She spoke ahead of COP 28, where she would be representing the UK Parliament, emphasizing the need to reframe COP 28 with an African agenda.

Highlighting the enduring shadow cast by the brutal history of the British Empire on present-day global dynamics, Hon. Claudia Webbe stressed the necessity for former empires to engage in a process of recognition, apologies, and reparations for past atrocities, including climate injustice across Africa, and other regions impacted by the historical injustices of colonialism. She highlighted the systemic alienation of indigenous communities from their lands due to historical injustices, laying the groundwork for uneven development and corporate extraction, she cited the enduring human rights violations caused by global tea cooperation in Bomet and Kericho counties in Kenya as an example of the destructive legacy of Western colonialism.

Furthermore, she addressed the role of Western powers in subjugating Africa through debt and emphasized the need for African unity, self-reliance, and control over natural resources for sustainable development and climate justice. She emphasized the need for climate reparations, pointing out the unequal power dynamics resulting from centuries of violent extractive colonialism and imperialism. Hon. Webbe drew attention to the impact of global debt on African countries, stressing that many are spending more on servicing debts than on building resilience, and mitigations to the dangers of climate change.

(African countries pay interest rates of up to 10% while richer nations only service their debt at 1%). Hon Webbe cited Thomas Sankara who advocated for an African United Front Against Debt and said that: "...debts origins stem from colonialism origins...."

Highlighting the impact of climate change on African countries including Chad, Somalia, South Sudan, Central African Republic, Nigeria and Ethiopia are amongst the top 10 countries affected by climate change but have done the least damage. Hon. Claudia Webbe stressed the urgent need to align climate change strategies with the transformation of food systems and the transition to renewable energy.

Hon. Claudia Webbe also emphasized the need to align climate change strategies with the opportunity to transform food systems in Africa, highlighting the region's potential to phase out fossil fuels and transition to renewables in a just and inclusive manner.

In a show of international solidarity, she called for immediate ceasefires, an end to international military aid, and a free Palestine, emphasizing the interconnected struggles for demilitarization, decolonization, and climate justice. Hon. Claudia Webbe concluded with a message of solidarity, underscoring the potential for Africa's future and the power of collective action.

**Mrs. Yefunde Bintu Asika**, the moderator of the session, expressed the need to reframe COP 28 with an African agenda, noting the coincidence of the opening of COP 28 in Dubai on the same day. She anticipated an engaging conversation to gather insights about COP's developments. The panel aimed to explore innovative strategies to align COP 28 with the distinct challenges faced in Africa and the global South, intending to redefine solutions that cater to the continent's specific needs. In that regard she asked engaging and thought-provoking questions addressed to the panelists.

## **African Involvement in COP 28 Conversations: Need for Increased Participation and Progress**

Are Africans adequately involved in the conversation of COP 28, considering the lack of progress since COP 27? How much more involvement is needed from African nations?

Mrs. Asika asked the panelists on whether Africans are adequately involved in the conversation of COP 28, considering the lack of progress since COP 27, and how much more involvement is needed from African nations.

**Mr. Benedict Oduor** noted that the conversation around COP 28 and its precursor conferences has predominantly revolved around the targets of big oil companies, carbon credits, and nationally determined contributions, often neglecting the critical issues faced by African communities due to climate change. He emphasized the urgent need for more inclusive discussions, particularly involving youths, marginalized groups, and special communities, to address adverse effects such as flooding, extreme heat, and inadequate access to essential services. Mr. Oduor highlighted the necessity for concerted efforts to integrate the African agenda into these conversations and stressed the importance of exploring these issues further.

## **Ensuring Active Contribution to Climate Change Action: Imperative for African Nations**

*How can African nations ensure their active contribution to climate change action without being left behind?*

**Mr. Geoffrey Mboya** emphasized the importance of African unity under one voice when addressing global platforms. He highlighted the unanimous effort by African heads of state during the African Climate Summit in Nairobi and the commitment to the Nairobi Declaration as a significant step towards coercing global leaders to support the continent in terms of climate financing and resource availability. Mr. Mboya stressed the urgent need for concerted efforts and a collective call from African leaders to fill the metaphorical "empty bucket" at COP 28.

Mr. Geoffrey Mboya articulated a two-fold approach, While not disregarding the responsibility of the global North to acknowledge their contributions to the devastating effects of climate change in Africa and to pay through the loss and damage fund, additionally, he stressed the need for African nations to establish financing mechanisms for self-sustainability, calling for the creation of a fund by African countries to support their most vulnerable nations and address the climate crisis more efficiently.

## **Ensuring Access to Climate Funds: Steps for African Nations**

*What steps should be taken to ensure that African nations can access the funds currently set aside for them?*

Mr. Geoffrey Mboya emphasized the importance of investment and funding coalitions, particularly through the commitment made by the president of the African Development Bank to form a fund. He highlighted the necessity for additional investors and investment banks, especially from Africa, to support these efforts.

Mr. Mboya underscored that with such funding coalitions spread across the continent, it would be easier for countries to access the funds and present their demands.

## **Integrating Traditional African Wisdom into Climate Policy at COP 28**

Mrs. Yetunde asked about ways in which COP 28 can integrate traditional African wisdom into policy to combat climate change given the crucial role of indigenous knowledge

In response, Mr. Benedict Oduor stressed the significant role of indigenous knowledge in climate change adaptation, particularly in marginalized areas. He emphasized the wealth of African indigenous knowledge regarding weather patterns, farming practices, and meteorology. Mr. Oduor cited an example of Seedballs Kenya's partnership with Latewa and tertiary institutions and the use of indigenous seed technology and aerial mapping to regenerate arid areas in Kenya. (Seedball technology involves coating indigenous seeds in charcoal dust and when dispersed in a dry area, it is able to retain its status until it rains.)

He underscored the importance of leveraging indigenous knowledge to develop specifically tailored solutions that communities understand and can participate in to combat climate change. Mr. Oduor's insights suggested that such indigenous solutions should be a focal point at COP 28 to address formerly arid lands and combat the adverse effects of climate change.

## **Implementation of Climate Strategies at COP 28 and Sharing Knowledge Amongst African Nations**

Mrs. Yetunde Bintu Asika inquired about the implementation and sharing of strategies at COP 28 and with other African nations. Mr. Benedict Oduor, in response, mentioned his participation in the UN Habitat Global Assembly and the Africa climate Summit. Part of the issues youths continue to advocate about passionately is climate financing not in the respect of the finance coming to do an entirely new thing but building up on the pre-existing solutions and also being part of the decision-making table not to listen, or just to be seen but also to be heard and their contribution factored in. For example, as a precursor to the Nairobi Declaration which was a declaration on accelerating the transition to Green economy in Kenya and Africa, a youth declaration was also factored in the drafting of the Nairobi Declaration.

He emphasized the need for collaboration with government, international organizations, and various stakeholders to tap into the contributions of the youth and drive environmental action, considering the challenges young people face in being accepted in certain decision-making environments. Additionally, he stressed the importance of involvement from NGOs, private sector, and tertiary institutions to enhance research and innovation for climate change adaptation ideas.

## **Why was there a need for an African Climate Summit if African nations are already involved in the conversation at COP 28?**

Mr. Benedict Oduor emphasized the historical lack of integral partnership for African states in the design and implementation of climate decisions especially in previous international agreements such as the Rio Declaration, the Kyoto Protocol and the Paris Convention noting that for a long time African country were seen as mere participants and not integral partners in terms of design, funding and implementation of the decisions. This illustrates the necessity for the African Climate Summit. He highlighted the need to overhaul the global financial architecture for climate adaptation to achieve equal participation and level the playing field which in turn will solve the crisis of always pitting the conversation of Global North against Global South, emitters v non-emitters on matters agriculture on matters

He expressed hope for the full implementation of the Nairobi Summit's Declaration, because it is tailored to address the unique challenges faced by Africa in agriculture and increased conflict due to strained resources.

## **Empowering African Nations: Encouraging Technology Transfer and Capacity Building at COP 28**

The moderator enquired as to ways COP 28 can encourage technology transfer and capacity building to empower African nations?

Mr. Geoffrey Mboya described the setup of COP 28, emphasizing the presence of different pavilions, including the unique Youth Pavilion and the African Pavilion where diverse voices are represented, particularly those involved in drafting and creating the loss and damage fund. This is where initial discussions will take place. He highlighted the platform as a step towards collective engagement and inclusivity in discussions around adaptation and climate financing. Additionally, he mentioned his upcoming participation in speaking sessions and emphasized the importance of raising calls for more inclusivity into these discussions.



## **What measures should COP 28 take to address displacement and support affected communities across the African continent?**

Mr. Geoffrey Mboya shared a personal experience about recent evictions in his community and the resulting vulnerability of affected individuals. He highlighted the disproportionate impact of climate change on urban poor communities, particularly the increased risk of flooding and the stressful living conditions. Mr. Mboya underscored the need for a serious and equitable approach to addressing the challenges faced by poorer communities, emphasizing the importance of genuine action over painting idealized pictures of progress. This brings attention to the critical need for effective policy implementation at both the national and international levels to address the effects of climate change on vulnerable populations.

Mr. Benedict Oduor emphasized the impact of climate-induced displacement on women's access to essential products, particularly in the context of increased flooding in Kenya. He highlighted the challenges faced by women, especially in marginalized counties, stressing the need for gender-responsive policies and budgeting, particularly for young adolescent girls and women with special needs. Mr. Oduor urged COP 28 to prioritize inclusivity and consider the practical implications of decisions on the most affected communities. He emphasized the importance of financing and tapping into Africa's social capital to support community-based organizations and strengthen joint resource mobilization, enabling impactful interventions in vulnerable areas.

## **Is there a need to address policy implementation in individual African countries, and if so, how can this be achieved?**

Governments can support affected communities by implementing transparent and accountable processes for the allocation of resources, particularly those aimed at supporting the youth and addressing issues related to climate-induced displacement. Additionally, rigorous oversight and enforcement of existing policies, such as the moratorium on logging, are crucial to prevent harmful practices that contribute to climate risks. Furthermore, fostering awareness and proper dissemination of information to enable community participation in public forums and access to funds for community development can empower individuals and organizations within affected communities.

Clear policies and effective implementation alongside a strict stance against corruption within state agencies play a vital role in addressing the needs of vulnerable communities and ensuring a more equitable and just approach to climate change adaptation and mitigation.

## Questions and Comments from Plenary

### **The challenges faced by youth and marginalized communities in accessing platforms to voice their concerns, solutions and actions**

Enock Kitheka, representing Victoria Elema, CEO of Move Northern Kenya, began by expressing his passion as an environmentalist and climate advocate and highlighted the challenges faced in accessing opportunities like COP conferences and securing funding. He directed his first question to Mr. Geoffrey Moya inquiring about how youth voices, particularly from marginalized communities, can be readily accessed and provided platforms to convey their solutions effectively.

Mr. Geoffrey Mboya expressed his sympathy for Enock Kitheka's difficulties in accessing COP conferences and funding, highlighting his own challenge in securing resources to attend such events. He lamented the misuse of public funds by some national delegates and the struggle to obtain badges for individuals like Enock and himself. Mr. Mboya emphasized the need to address these systemic issues and advocated for enabling and supporting individuals, particularly youth and marginalized communities, to participate in global climate discussions like COP. He stressed the importance of lobbying for funding allocation to ensure diverse representation and meaningful participation at such critical events.

Hamza Abdi, a student at Mount Kenya University, concurred that there is a lack of inclusivity in conferences related to climate and environmental issues, expressing concern about the limited involvement of stakeholders with a direct interest in such matters. He drew attention to the challenges faced by the country, particularly related to the El Niño floods affecting the northeastern and coastal regions and the impassable roads hindering relief efforts. Hamza raised important questions about the allocation and proper utilization of funds, expressing skepticism about whether allocated funds would effectively reach the affected populations or if they would be misappropriated. He also underscored the need for improved political governance, advocating for the election of leaders genuinely committed to serving the interests of the citizens as a fundamental solution to these challenges.

## **The need for diaspora and global recognition of viable solutions and initiatives by African youth to scale up impact: Challenges and inequalities in accessing funding for youth**

Mr. Enock Kitheka's second question was addressed to Hon. Claudia, focusing on the role of the diaspora in scaling up viable solutions initiated by African youth and ensuring that the proposals they develop are implemented within their own communities, rather than elsewhere. The intent behind the questions is to address the need for platforms and support mechanisms that enable African youth to represent their voices and scale their impactful solutions locally.

Mr. Benedict Oduor addressed Enoch's query by emphasizing the importance of sustainable programs and reducing dependence on donor funding for youth-led organizations. He shared insights into their organization's approach of developing sustainable initiatives, such as solid waste management, by leveraging strategic partnerships with organizations like Bandung Africa and Imperative Fund. This approach enables them to repurpose salvaged materials into useful products that would otherwise be discarded, generating proceeds to sustain their organization and reduce reliance on donor funding. For example, they work closely with community members to salvage materials that would otherwise be dumped in nearby rivers. These salvaged materials are then repurposed into useful aesthetic products, such as planters, which serve as sustainable substitutes for plastic planters. This allows the organization to sustain its activities without solely relying on donor funding or grants, thereby contributing to a more sustainable approach to waste management and organizational sustainability.

Mr. Oduor emphasized the effectiveness of scaling pre-existing solutions with donor funding while also seeking to increase impact through further resource mobilization and joint fundraising efforts.

The Dean, School of Law at Catholic University, highlighted the commendable work of Benedict and his team in creating a charcoal briquette that conserves energy, produces low smoke, and burns slowly. She expressed concern about how assets, particularly innovative ideas from young people, are not valued, emphasizing the need for a shift in language and perspective to bring life-giving value to these assets. The Dean conveyed the trauma experienced by witnessing missed opportunities for investment in valuable initiatives due to existing language and framing barriers. She raised a critical question to Mr. Ade Oguntoye about supporting these innovative ideas, ensuring that young people's aspirations are not stifled at the outset.

In response Mr. Ade Oguntoye underscored the importance of seeking solutions within the current environment, rather than relying solely on external interventions. He emphasized the transformative power of a shift in mentality, suggesting that individual and small group commitments can catalyze meaningful change through a ripple effect of intentional and integrity-driven actions, emphasizing that change starts at an individual level and gathers momentum as others are influenced by it. Ade's perspective underscored the transformative influence of collective intention and action in effecting broader positive change.

## **Cooperation between African Countries to Address Climate Change**

Mr. Ja Abdullahi emphasized the need for African countries to address climate change independently, proposing a collaborative approach within the continent rather than depending solely on Western support. He highlighted the potential for African nations to work together, leveraging the strengths and experiences of different countries to address climate challenges.

## **Public participation: Ways for youth to participate in Governance**

During the discussion, Mr. Juma Odeng, representing the Ministry of Gender, Culture, the Arts, and Heritage in Kenya, raised a pertinent question about the extent of youth involvement in climate change initiatives and public participation forums, underscoring the importance of youth advocacy on government responsiveness.

Hon. Yvonne Apiyo, a Swiss Parliamentarian with Kenyan roots expressed eagerness to hear how the youth engage with politicians and emphasized the influential role of youths in shaping political decisions.

In response, Mrs. Yetunde Bintu Asika inquired about the youth's approach in Switzerland to gain political attention, seeking to draw comparisons and potentially adopt successful strategies in the Kenyan context.

Hon. Yvonne Apiyo suggested the allocation of parliamentary seats for youth to represent their own interests, referencing the proactive approach taken in Switzerland, where the youth threatened to form their own party if their voices weren't heard, leading to the creation of designated youth seats. She encouraged consideration of a similar approach in Kenya, acknowledging the significant youth population and the necessity of listening to their perspectives and concerns.

Mr. Benedict Oduor highlighted the efforts of the Kenyan government in resource allocation through the State Department for Youth Development, offering programs such as Talanta Hela for talent development and the Youth Enterprise Development Fund. However, he raised concerns about the accountability of funds and accessibility for deserving youth. Mr. Benedict Oduor shared insights into the challenges and opportunities related to policy and advocacy in climate change initiatives. He highlighted the complexities of engaging with political representatives and the risk of politicization in accessing resources. Additionally, he discussed alternative avenues such as public interest litigation and petitioning parliamentary committees to address these challenges, demonstrating a proactive approach to improve the system based on the suggestions provided.

Mr. Geoffrey Mboya reiterated the importance of youth engagement in political processes, emphasizing the need for youth representation in Parliament to drive meaningful reforms. He shared experiences related to the inefficiencies in resource allocation for youth development and the necessity for young people to take up political positions to ensure effective representation.

Overall, the panelists and participants provided diverse perspectives and experiences contributing to the complex relationship between youth, public participation, governance, and climate change initiatives. Their contributions underscored the significance of youth involvement in policy formulation, the challenges of accessing resources, and the potential for transformative change through proactive engagement and representation.

## CONCLUSION

Mrs. Yetunde Bintu Asika wound up the panel discussion by emphasizing on African Solutions for African problems and the need for accountability and action following the African Climate Summit, stressing the importance of moving from discussions to concrete implementation. She highlighted the proactive role played by young individuals and organizations in designing and implementing programs to address climate change at the community level, calling for sustainable funding mechanisms and a commitment to ensuring that resources reach the grassroots level. Mrs. Asika encouraged partnership and engagement with the audience to support and participate in these initiatives, directing them to the organization's website <https://bandungafrika.com/> and social media platforms for further information on becoming part of the movement.

## EMPOWERING AFRICA: AFRICAN SOLUTIONS FOR GLOBAL PROBLEMS



*Participants were entertained by Afrocore, a children's dance group, from Kibera, the largest informal settlement in Nairobi, as well as street acrobats.*

### **Hon. Yvonne Amiyo Brandle – Amolo, Swiss Parliamentarian for the Social Democratic Party**

Hon. Yvonne Amiyo Brandle – Amolo, a Member of Parliament in Switzerland, shared her inspiring journey into politics and expressed her strong identification with Kenya and Switzerland, emphasizing the need for African solutions to global problems.

In her speech, Hon. Yvonne Amiyo Brandle Amolo proffered six suggestions on how Africans can solve global problems:

- 1. Change the Narrative about Africa:** She highlighted the importance of changing the narrative about Africa from being seen as a recipient of aid to being a solution provider. By promoting African unity and dispelling stereotypes, Hon. Yvonne aims to create a new perspective about the continent's role in global affairs. She encouraged the empowerment and education of African youth to embrace this concept as they are the majority and have the potential to inspire change.
- 2. Strengthen African Unity:** She underscored the importance of building strong networks and partnerships across the diaspora and promoting Pan-Africanism. This includes promoting solidarity, identifying allies, and working together to achieve common goals.

As an example, she mentioned that in May 2023, she started the first ever European Minority Parliamentary Caucus to bring together European Parliamentarians of African Descent to exchange ideas and initiatives which did very well and has now expanded to the Inter-parliamentary Caucus which works with other parliamentarians in Kenya, USA and Latin America.

3. **Pushing for Investment in African Solutions:** Hon. Yvonne emphasized the importance of investing in African companies and partnering with them. She advocated for creating opportunities for people to diaspora in Africa and supports those who wish to return to the continent and contribute to its growth and development. She also emphasized the need for tax reforms to incentivize investment.
4. **Advocate for Policy Change:** Push for policy changes, including tax justice, addressing historic injustices, and exploring the establishment of a court based in Africa for trying African individuals. A strong advocate for youth empowerment, Hon. Yvonne emphasized greater youth involvement in politics and policy-making processes. She believes that the next generation of leaders should have a seat at the table and be actively involved in shaping the future of the continent.
5. **Strengthen Intra-African Cooperation:** Foster South-South trading, promoting exchange of experiences, resources, and technical expertise among African nations. Hon. Brandle – Amolo stressed the importance of South-South cooperation, empowering African civil society, and promoting green initiatives and sustainable development practices. She also highlighted the role of international partnerships and the mechanisms provided by the UN for people of African descent to address and raise awareness about discrimination and challenges faced by African nations. These mechanisms are the Department dedicated to people of African Descent and the recently launched the Permanent Forum of People of African Descent and the Working Group of Experts of People of African Descent. Throughout her address, she underscored the need for Africa to assert its voice on the global stage and find allies to support meaningful change including utilizing the internet.
6. **Empower African Civil Society:** Support green initiatives, encourage sustainable development practices, combat climate change, and promote renewable energy products, energy efficiency, and ecological conservation.

## **Professor George Abungu (Australian National University, Canberra)**

Professor George Abungu, formerly the Director General of Museum in Kenya and currently based at the Australian National University in Canberra, expressed his agreement with Hon. Yvonne's sentiments. Recollecting his past experiences with esteemed figures like Professor Wangari Maathai who was his friend and Nelson Mandela. Professor George Abungu had a significant connection to Nelson Mandela, having spent extensive time on Robben Island, where Mandela was imprisoned as he did the first management plan for Robben Island and had the privilege of meeting Mandela while he was still alive. This experience allowed him to gain firsthand knowledge of Mandela's character and principles, which he believes have influenced his own perceptions and actions. Professor Abungu believes that rather than continuing to plan numerous initiatives, it is essential to reflect on past missteps. The Preamble to the Constitution of UNESCO declares that "since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed." It is from this introspection that meaningful solutions can emerge. He highlighted the fractured African society and highlights the ineffectiveness of excessive discourse without meaningful action. He advocated for a deep reconsideration of the societal trajectory and underscored the importance of cultural background in this reevaluation process.

Professor Abungu highlighted the importance of acknowledging and reclaiming African heritage and cultural resources. He stated that cultural diversity is just as important as biodiversity. There is the need to look at the cultural resources that have been taken including African people, bodies of ancestors in collections in storage in Europe and other places. Emphasizing the significance of restitution, he drew attention to the immense cultural, emotional, and historical value of African heritage, and called for actions to bring these resources back to Africa. Touching on challenges and successful examples, he urged for critical thinking and examination of existing colonial creations, such as museums, to initiate the restitution process.

The Professor defined restitution as a comprehensive process that goes beyond the physical return of cultural artifacts. He describes it as acknowledging the social and emotional damage caused by displacement, seeking healing and reintegration of cultural resources, and addressing the need for repairing the damages inflicted on communities.



To him, restitution is about restoring identity, repairing communities and the human and spiritual impacts of displacement and exploitation, and recognizing the enduring impact of colonialism on African heritage.

He emphasized that effective restitution requires a multi-faceted approach involving legal frameworks, international cooperation, and community engagement. Initiatives at regional and international levels, such as the creation of model laws for illicit trafficking, African Union's Common Position for Africa on Restitution which a section on the role of diaspora engagement, are first steps of the restitution process but there need to be next steps initiated by individual countries. He also pointed out initiatives at regional level such as the ECOWAS (Economic Community of West African States) position on reparation and are following up on the restitution of Benin Bronzes. He compared this to the lack of action by the East African Community.

Restitution is not without its challenges. Lack of international cooperation, African Countries lack of ratification and domestication of international treaties that provide legal frameworks for repatriation and the need for community involvement are notable hurdles in achieving comprehensive restitution. Additionally, the need for reparative measures to address the socio-emotional impact of displacement poses a significant challenge.

Professor Abungu gave case studies of successful instances of restitution, such as the return of cultural artifacts to Namibia and initiatives in West Africa, provides valuable insights into the potential pathways for achieving effective restitution. These examples highlight the positive impact of restitution on communities and the opportunities for healing and restoring cultural heritage. However, he decried the lack of support and cooperation between Government Ministries to the point of inhibiting proper care for the returned items.

Professor George Abungu addressed inquiries on carbon trading, the repatriation of artifacts, and the ongoing impact of historical injustices, advocating for African solutions and the recognition of cultural narratives.

In conclusion restitution is a vital process for healing historical wounds, reclaiming lost identities, and restoring cultural heritage. It requires international cooperation, legal frameworks, and community involvement to be successful. Embracing restitution as a holistic process that addresses both tangible and intangible aspects of culture is key to achieving comprehensive and meaningful restoration.

## **MINUTE OF SILENCE**

Judge Herbert asked participants to stand for one minute of silence to remember and think about the African ancestor and forebears and to stand in solidarity with the People of Palestine in Gaza and in Congo where 12 million people are currently displaced.

## **VOTE OF THANKS BY PARTICIPATING STUDENTS**

Hamza Abdi, the Secretary General of the Student Council representing over 50,000 students at Mount Kenya University and the former Vice Chairperson of the Young Community Network Club in Mount Kenya University, is a final year student pursuing a Bachelor of Security Studies and Criminology. In an expression of gratitude, Hamza commended the organizers of the Bandung Africa Conference for a well-executed event, as well as the sponsors, acknowledging their continuous support for Mount Kenya University students to attend the conference for the past three years. Hamza also highlighted the significance of the conference as a platform for networking and learning, and introduced a team of dedicated criminologists aiming to address evolving security threats. Miss Kathra Ahmed, a student pursuing a Bachelor's Degree in Computer Science and the Chair Lady of the Red Cross Chapter at Umma University, showcased her appreciation for the generous sponsors that made the campus delegations' attendance at the Bandung Conference 2023 possible. She emphasized the importance of discussing crucial topics such as climate issues and repatriation of African artifacts and thanked the sponsors for investing in the development of young minds to comprehend these significant global matters. Miss Kathra concluded by expressing her optimism about the future generation's potential impact on society and extended her gratitude, also referencing her involvement with the "Living a Legacy" organization led by Geoffrey.

Their collective sentiments were filled with appreciation for the sponsors and organizers of the Bandung Africa Conference, highlighting the valuable opportunities provided to the student community.

## **VOTE OF THANKS BY ORGANIZERS**

Judge Herbert expressed his heartfelt gratitude to the student representatives for their unwavering commitment and support over the past few years, encompassing activities such as cleaning, tree planting, and event attendance. He also extended thanks to the reception team and Ms. Khadija Shaban, the administrator coordinator, for their dedicated efforts in organizing the conference.



*"Delegates, designers and models meet at the fashion show at the Gala Dinner held at the Raddison Hotel"*

Furthermore, Judge Herbert acknowledged the valuable contribution of the diaspora, as well as significant sponsors such as Ashitiva Advocates LLP, Mr. Nelson Ashitiva, Khalid Issa & Associates, Mr Alvin Alexander, the CEO of OrionAST, and Mr. Ade Oguntoye's Imperative Fund for their generous support. Special recognition was given to Mr Viv Ahmun of Blaksox, UK Black Men for Change and Open Africa, and others for their contributions. He also thanked Hon. Claudia Webbe and all others who participated online.

Judge Herbert also expressed gratitude to the Dean of the Catholic University Law School and Mr. Juma Ondeng from the Ministry of Culture for their support and connections. He urged attendees to reach out to the rapporteur Ms. Okoth with any additional input. Additionally, he recognized the technical team, including the photography team, for their exceptional work and contributions to the success of the event.

The corporate sponsor, 88 Nairobi, was acknowledged and highlighted for organizing the site tour for the development of the most prestigious high-end residential development in the country. Judge Herbert concluded his expression of gratitude by acknowledging all contributors and participants, including those not specifically mentioned, for their valuable support and understanding.

Mrs. Yetunde Bintu

We reflect on the incredible journey we've undertaken together as part of Bandung Africa, I must thank my co-chair, Judge Peter, for his dedication and commitment to our cause.

Judge, your leadership and vision have been the guiding light that has propelled Bandung Africa forward. From the inception of this foundation to the implementation of all our impactful projects, programmes and initiatives, and the successful organisation of our conferences, over the past 5 years, including during the dreaded year of covid. Even covid could not stop you. Your hard work and passion have been instrumental in shaping our collective efforts and for that we are grateful.

I will not leave without mentioning your pursuit of excellence, coupled with all your energy and enthusiasm, have inspired us all to reach greater heights and make a meaningful difference in the lives of countless individuals across many communities and we are excited for your leadership to affect lives across the Continent.

On behalf of the entire Bandung Africa community, we appreciate your invaluable contributions and selflessness, Judge. You inspire me to do better.

Thank you, Peter, for your service to our shared mission. This year marks the 5th year anniversary of Bandung Africa and that is something worth recognising and celebrating. Here's to many more years of collaboration and impact. To my Co-Chair, Judge Peter Herbert O.B.E



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