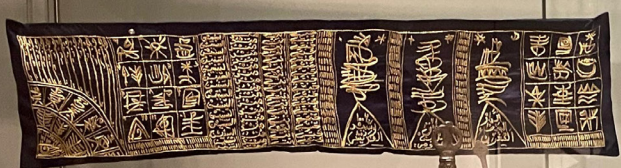


KENYAN PARLIAMENTARY HERITAGE AND CULTURAL COMMITTEE MISSION TO THE UNITED KINGDOM 2024



REPARATIONS AND RESTITUTION OF KENYAN
ARTEFACTS (APRIL 29TH TO MAY 2ND, 2024)



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ACRONYMS

1. UNESCO: United Nations Educational, Scientific and Cultural Organization
2. MP: Member of Parliament
3. O.B.E.: Order of the British Empire
4. NMK: National Museums of Kenya
5. MoU: Memorandum of Understanding
6. UK: United Kingdom
7. Kipsigi: Refers to the Kipsigi people, an ethnic group in Kenya (alternative spelling: Kipsigi)
8. Talai: Refers to the Talai people, an ethnic group in Kenya

ACKNOWLEDGMENT

Mission to the UK was made possible through the support of the UK government, especially Bell Ribeiro-Addy MP, Chair of the House of Commons Afrikan Reparations Committee, and various UK museums, including the Cambridge University Museum of Archaeology and Anthropology, the Pitt Rivers Museum, and the British Museum. The Kenyan delegation, led by Hon. James Githua Kamau MP and Hon. Stephen Mutinda Mule MP, received valuable cooperation from the Kenyan High Commission and the National Museums of Kenya (NMK), who will play a key role in the future repatriation process. The success of this mission also relied on the ongoing support from international institutions and the importance of public advocacy, media, and cultural partnerships in raising awareness about the repatriation of African cultural heritage. Finally, the mission acknowledged the profound significance of returning artefacts to the communities they were taken from, particularly those affected by colonial violence.

CHAPTER 1:

INTRODUCTION

The mission was prompted by Kenya's ratification of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property in November 2023. The aim of the fact-finding mission was to establish a protocol for the return of Kenyan artefacts from various UK museums, as well as to acquire insights into the legal and policy frameworks necessary for the domestication of the Convention. A database has catalogued over 5,000 artefacts of Kenyan origin, though this may represent only a fraction of the total artefacts currently held by UK museums and private collections.

The historical context of Kenya's colonial period, which began with the creation of the East African Protectorate in 1895 and lasted until Kenya's independence, is relevant to the acquisition of many artefacts, including human remains, during this time. These artefacts were often taken under duress or force. The delegation was invited to the UK by Bell Ribeiro-Addy MP, Chair of the House of Commons Afrikan Reparations Committee, in a letter dated 20th March 2024.

The invitation was accepted by the Office of the Clerk to the National Assembly in a letter dated 17th April 2024. The mission was a continuation of the historical ties and cordial relations between Kenya and the UK.



CHAPTER 2:

LEGAL FRAMEWORK IN THE UNITED KINGDOM AND KENYA

- **UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property (1970)** – Ratified by Kenya but still requires implementation.
- **Dealing in Cultural Objects (Offences) Act 2003**
- **Cultural Property (Armed Conflicts) Act 2017** – Incorporates the First Hague Convention (1954) and the Second Hague Convention (1999).
- **The Return of Cultural Objects Regulations 1994**
- **Guidelines for the return of Artefacts issued by the Arts Council, England**
- **The British Museums Act 1963** – Applies to the British Museum; other national museums are governed by the Museums and Galleries Act 1992 and the National Heritage Act 1983.
- **The Charity Commission** – As the UK's charity regulator, it must approve the removal of objects from museums that are charities, even when those objects are to be restituted to their country or people of origin.

CHAPTER 3:

DELEGATION MEMBERS

1. **Hon. James Githua Kamau MP**, Vice Chairperson and Leader of the delegation
2. **Hon. Stephen Mutinda Mule, MP**
3. Hon. Caroli Omondi Ochula, MP (unable to attend due to visa issues)
4. **Mr. Adan Sora Gindicha**, Principal Clerk Assistant Secretary
5. **Mr. Mike Wambua Mutunga**, Parliamentary Officer

Judge Peter Herbert O.B.E. (Rtd), of Bandung Africa, assisted in organizing the mission's schedule and supported the delegation.

MEETING OVERVIEW: MEETING OVERVIEW

a) Meeting with Bell Ribeiro-Addy MP, Chair of the House of Commons Afrikan Reparations Committee

Monday, April 29th, 11:00 am to 12:30 pm

- The delegation was welcomed by MP Bell Ribeiro-Addy at Portcullis House, where introductions were made. MP Bell outlined the role of the House of Commons Afrikan Reparations Committee, including its structure, membership, and activities.
- **MP Mule** presented the purpose of the mission, emphasizing Kenya's intention to actively engage with UK museums for the return of artefacts, particularly those taken by force or under duress, such as the remains of Nandi Chief Koitelet, Mau Mau freedom fighters, and Dedan Kimathi.
- **MP Bell** discussed her prior involvement in the cause, including lodging an Early Day Motion in 2020 addressing human rights abuses against the Kipsigi and Talai people, and leading a demonstration outside Unilever's UK headquarters.
- The delegation discussed legal frameworks for the return of artefacts, including the need to reform the Museums Act 1963, examples of successful returns, the potential use of strategic litigation, and creating museum space at Uhuru Gardens for the returned objects.
- After the meeting, the delegation held a briefing with the Deputy Kenyan High Commissioner, and a souvenir gift was presented to MP Bell and Judge Herbert.

- **Agreements:**

- o A report will be lodged in the Kenyan National Assembly by December 2024.
- o The potential repeal/amendment of the Museums Act 1963 will be considered.
- o An invitation was extended to MP Bell to participate in the Bandung Africa Diaspora Conference in Mombasa, December 4th–7th, 2024, for ongoing discussions on the matter.

b) Meeting at Cambridge University Museum of Archaeology and Anthropology



Figure 2: Judge Peter Herbert O.B.E at Cambridge University, Museum of Archaeology and anthropology

Tuesday, April 30th, 11:00 am to 4:00 pm

- The delegation was welcomed by **Dr. Mark Elliott** and other members of the Cambridge Museum team. The Museum holds significant collections of Kenyan artefacts, including paleontological and anthropological objects.
- Dr. Elliott shared the Museum's policy on artefact returns, highlighting that returns have occurred on rare occasions, such as to Uganda in 1962 and ongoing repatriations to Uganda and the La Perouse community in Australia.
- Discussions revolved around the need for research and establishing provenance before returns, and the Museum's willingness to facilitate returns in collaboration with the Kenyan government.
- The Museum's storage facilities, located in the Cambridge Nuclear Bunker, house over 99% of their nearly one million objects, with significant African collections.
- **Key Data on Kenyan Collections:**
 - o 36,110 records for African artefacts at the Museum
 - o 2,705 artefacts from Kenya, including 1,398 anthropological and 1,307 archaeological items.
 - o 95% of Kenyan anthropological artefacts are digitized and available online.
 - o No Kenyan artefacts are currently on display.
- **Agreements:**
 - o The Museum agreed to provide access to their online database.
 - o Future visits will be facilitated for further research and to pursue specific restitution requests.
 - o A draft Memorandum of Understanding (MoU) will be explored between the National Museums of Kenya (NMK) and Cambridge University Museum for future cooperation.

- o The Cambridge Museum will consider attending the Bandung Africa Conference in Mombasa.



Figure 3: Storage for artefacts at Cambridge University



Figure 4: Ceremonial shield

c) Meeting at the Pitt Rivers Museum, Oxford University

Wednesday, May 1st, 2:00 pm to 4:00 pm

- The delegation was welcomed by **Professor Laura van Broekhoven** and **Dr. Marina De Alarcon**, along with other staff members.



Figure 5: Meeting Dr. Broekhoven, Museum Director

- The Pitt Rivers Museum holds 27,914 Kenyan artefacts, including objects, photographs, and sound recordings. However, only 2.7% of these artefacts are on display.
- The delegation discussed artefacts looted during violent campaigns, such as the 1895 Lumbika and Chitambe Massacres, and the priority for restitution to communities rather than national governments. The Museum's commitment to repatriating artefacts, especially to Maasai communities, was highlighted.



Figure 6: Lion headress



Figure 7: Kikuyu shield

- Key Data on Kenyan Collections:
 - o 9,423 objects, with 9,122 provenanced to Kenya only.
 - o 2448 artefacts are linked to specific ethnic groups, with significant numbers from the Pokot, Kikuyu, Kamba, Maasai, and Luo communities.
- **Agreements:**
 - o The Museum will provide access to their online database for further research.
 - o Future visits by Kenyan officials will be facilitated to pursue specific restitution requests.
 - o A draft MoU will be explored between NMK and the Pitt Rivers Museum for future cooperation.
 - o The Pitt Rivers Museum will consider attending the Bandung Africa Conference in Mombasa

d) Meeting at the British Museum

Thursday, May 2nd, 11:00 am to 1:00 pm

- The delegation met with senior officials from the British Museum, including Carl Heron, Sam Nixon, and Joe Edwards.



Figure 8: Kenyan delegation with the staff of the British Museum

- The British Museum, bound by the British Museums Act 1963, does not hold any Kenyan human remains but can negotiate loans of objects to museums worldwide.
- The delegation discussed the return of the **Benin Bronzes**, noting the complexities involved and the ongoing display of these artefacts as part of the British National Curriculum.
- **Agreements:**
 - o The Museum will continue discussions on potential repatriations and negotiate loans with Kenyan museums.
 - o The British Museum will provide additional information on its policy and procedures related to the repatriation of Kenyan artefacts.

CHAPTER 5:

REPORT ON THE VISIT AND ARTEFACT DISCUSSIONS: BRITISH MUSEUM COLLECTIONS AND FUTURE COLLABORATIONS

In line with our earlier discussions, we are pleased to provide further information, including responses to your queries, as promised:

- The British Museum's Department of Africa, Oceania, and the Americas currently holds 3,315 objects originating from Kenya.
- There are 12 Kenyan objects on display at present, although this number fluctuates as the collection is rotated. To view the latest on-display items, please use the "on display" filter in the Collection Online database after searching for "Kenya."
- Alongside the online collections and public displays, the Museum's collections are available for in-person access upon request. Applications can be submitted via this link. Each request is assessed, and arrangements are made based on availability and the Museum's schedule.

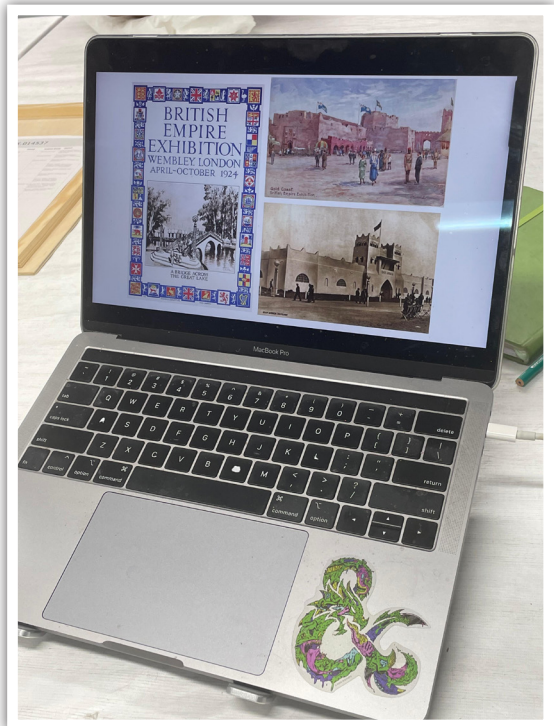


Figure 9: Artefacts from British empire exhibition



Figure 10: Africa in the basement at the British Museum

Below is a list of object catalogue numbers, including their Collection Online links, for the items we viewed together:

- Af1931,1118.63 [View Item](#)
- Af1901,1113.13 [View Item](#)
- Af1908,0723.28 [View Item](#)
- Af1908,0723.3.a-b [View Item](#)
- Af1907,0521.37 [View Item](#)
- Af1908,0723.95 [View Item](#)
- Af1907,0521.68 [View Item](#)
- Af1903,0518.37 [View Item](#)
- Af1972,39.32 [View Item](#)
- Af1908,0723.10.a-b [View Item](#)
- Af1907,0521.101 [View Item](#)

CHAPTER 6:

AGREEMENTS:

- The British Museum will supply a fact sheet detailing the total number of Kenyan artefacts, categorizing them by retention status, storage versus display, and any potential connections to specific ethnic groups, particularly those believed to have been taken through violence or warfare (e.g., punitive raids on the Nandi people). Similar information has been requested from the Cambridge Museum and the Pitt Museum.
- The Museum will provide online links to their database where most items can now be accessed.
- The Museum will also locate the YouTube video of “The Book Liberator” to add to the Museum’s history, documenting the African Diaspora Rastafarian community’s attempt to reclaim artefacts.
- Continued dialogue will focus on drafting an MOU between the National Museums of Kenya (NMK) and the British Museum to formalize future cooperation.
- The British Museum will consider attending the Bandung Africa conference in Mombasa this December to discuss artefacts and gain further understanding of Kenya’s cultural heritage.

CONCLUSION:

The fact-finding mission by the MPs and Parliamentary officers was highly valuable on multiple levels. It demonstrated how international collaboration can foster greater understanding of the need for African communities to reclaim their cultural artefacts, ensuring they become accessible and visible components of national, religious, and cultural heritage.

The MPs highlighted the challenges Kenyans and other Africans face in obtaining UK visas due to existing policies, which contribute to a “hostile environment” for African and Caribbean communities seeking to enter the UK.

There has been some political movement following King Charles’ visit and his request for a report on historical injustices by the Foreign Office by July 31st. While this does not immediately change the UK government’s stance, it signals a shift in the royal family’s position, which may influence future decisions. For instance, the ethnic cleansing of the Kipsigi and Talai communities, recognized as a crime against humanity by the UN Special Rapporteur, strengthens the call for the return of artefacts forcibly removed from these communities.

RECOMMENDATIONS:

1. Public Awareness and Advocacy:

- Raise awareness of the significance of returning African artefacts through media campaigns, academic partnerships, and cultural exchange programs.
- Encourage government involvement to ensure the return of artefacts, emphasizing the importance of cultural heritage and historical justice.

2. Strengthening Diplomatic Engagement:

- Continue fostering diplomatic relations between Kenya and the UK, advocating for the safe return of Kenyan cultural property.
- Explore partnerships between Kenyan governmental bodies, cultural organizations, and international institutions such as the British Museum to facilitate the repatriation of artefacts.

3. Developing a Framework for Artefact Repatriation:

- Expedite the creation of the MOU between the NMK and the British Museum, ensuring a comprehensive, actionable plan is in place for the return of Kenyan artefacts.
- Define clear processes for addressing claims related to artefacts taken under duress, including those from ethnic groups such as the Kipsigi and Talai.

4. Promote Educational Programs and Research:

- Establish programs that foster understanding of African heritage, history, and the significance of cultural objects, particularly in relation to the diaspora and colonial history.
- Support research into the provenance of objects in collections, aiming to provide clarity on their origins and the circumstances under which they were removed.

5. Fostering International Collaboration on Cultural Repatriation:

- Continue building relationships with other museums and institutions globally to establish a unified voice for the repatriation of African artefacts.
- Work toward establishing an international framework for the return of stolen or improperly acquired artefacts from all colonial territories.

NEXT STEPS:

- Compile the report summarizing the findings of the MPs' fact-finding visit.
- Present the findings in a debate within the Kenyan National Assembly.
- Adopt protocols to implement the ratification of the UNESCO Treaty.

Judge D. Peter Herbert O.B.E. (Rtd)

Co-Chair, Bandung Africa and Adviser to the Kenyan Parliamentary Delegation

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Updated 27.05.2024

