

## MIGRATED ARCHIVES REVISITED

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### Abstract

*This article argues that interest in resolving problems associated with migrated archives which had been given priority by many African countries soon after independence appears to have waned over the years such that not much activity is taking place towards the restitution of these archives to their countries of origin. The article begins by identifying the broad categories that constitute migrated archives and shows how agencies such as the International Council on Archives, the United Nations Educational, Scientific and Cultural Organization the United Nations have sought solutions to this issue. The article explores various options for dealing with migrated archives such as digitization, microfilming and bilateral arrangements which may include the adoption of Mutual Cultural Heritage concept in which disputed archival claims are considered to be a shared cultural property belonging to more than one state.*

**Keywords:** Archival Claims, Migrated Archives, Mutual Cultural Heritage, Shared Cultural Property

### Introduction

In the late seventies and early eighties the issue of archival claims (commonly known by many archivists as migrated archives) was a very popular theme during the Eastern and Central Africa Regional Branch of the International Council on Archives meetings and biennial conferences. The issue of migrated archives was first raised during the launching of the Eastern and Central Africa Branch of the International Council on Archives (initially known as ECARBICA but name later change ESARBICA - East and Southern Africa Regional Branch of the International Council on

Archives) conference held in Nairobi in July 1969. The matter continued to attract interest in subsequent ESARBICA conferences and during the 7<sup>th</sup> Biennial Conference and seminar of the East and Central African Regional Branch of the International Council on Archives held in 1982 at Harare, Zimbabwe, seven papers on various aspects touching on migrated archives were presented, an indication of the seriousness with which the region considered the issue to be. ESARBICA resolutions often called for intensified and collaborative efforts to locate and retrieve records that had left their countries of origin and were now held in European cities or called for the creation of joint microfilming programmes (Mnjama 2007a).

Indeed as early as 1969, during the first East and Central Africa Regional Branch of the International Council on Archives, the issue of migrated archives was discussed and a resolution urging member states “to seek through the International Council on archives the moral support of the United Nations and its agencies and the Organisation of African Unity (OAU) in pursuing governments and national bodies presently possessing such records to secure their return or the supply of photocopies of them and also to seek financial support of the United Nations and its agencies in mounting a programme of copying where governments are unable or unwilling to finance themselves” (Mnjama 2007b:137). In 2003 the Ministers responsible for the archival heritage of the states of eastern and southern Africa who attended the International Conference of the Round Table on Archives (CITRA) in Cape Town, South Africa passed a declaration stating that the African Union, through New Partnership for Africa's Development (NEPAD), authorise the establishment of an archival steering committee to promote co-operation in archival matters which should among other things be responsible for “Ensuring that all the archival material taken from or within Africa in whatever form should be repatriated to countries of origin” Boel (2003).

During the 1980s, it was also common practice for, national archival institutions to undertake visits to metropolitan cities particularly in the United Kingdom (UK) to locate records held at the Public Records Office and other records offices. Many African students studying at the School of Library, Archives and Information Studies, University College London also undertook practical sessions at the Public Records Office UK listing records relating to their nations. The author himself spent six years (1980-1985) in London locating and copying Kenyan records held at the

Public Records Office and other repositories in the UK. Soon after attaining independence, Zimbabwe dispatched one of its national archives staff to London to identify Zimbabwean Records held in UK. Locally, some efforts have also been made to locate records held outside their countries of origin. Botswana National Archives has repeatedly dispatched some of its archives staff to South African repositories in order to locate records relating to their countries. Zimbabwe National Archives too is known to have undertaken several steps to locate and retrieve archives held in South African repositories especially those located at Rhodes University, South Africa (Murambiwa 2009). To date, the problem of migrated archives remains unsolved and the resolutions relating to the retrieval of migrated archives remain valid and the bulk of records removed from their countries of origin remain in the custody of archival institutions of the West. Efforts to locate and retrieve these records appear to have waned, while some organizations and associations have come up with strategies seeking to exploit and use these archives to achieve their own goals and objectives through all sorts of digitization and other collaborative ventures.

At an international level, the problem of migrated archives was first raised in 1974 when the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted Resolution 4:212 in which it invited member states “to give favorable consideration to the possibility of transferring from archives constituted within the territory of other countries or relating to their history with the framework of bilateral agreements” (Borsa 1981:1). These efforts culminated in the 1983 United Nations Conference on the Law of succession in Respect of State Property, Archives and Debts, held in Vienna, Austria. The aim of the conference was to address archival claims. The outcome of the conference was the drafting of a convention commonly referred to as the Vienna Convention on the Law of Succession in Respect of State Property, Archives and Debts.

Although there was a general consensus on the repatriation of archival materials to their countries of origin, western powers refused to ratify the convention, thus making it a powerless treaty. Kecskemeti (1986: 195-6), the then Executive Secretary of the International Council on Archives argued that among the reasons for the rejection of the above convention by western powers was the fact that the convention “was compiled without taking into

account some basic archival principles and issues and it is not and will never be applicable.” It was further argued during the conference that internationally, a predecessor government would not normally pass its immediate records to a successor government, which meant that newly independent states should not expect to obtain records of the colonizing powers especially those relating to the immediate past. Realizing that not much could be achieved through the Vienna Convention, ESARBICA passed a new resolution in 1984 urging Member States to explore other ways of solving conflicts arising from migrated archives.

Why should we revisit the issue of migrated archives? In my opinion, there are several reasons for doing so. Firstly, the problem of migrated archives still remains unresolved after 42 years since it was first raised. While considerable effort and resources have been spent on locating archives that have left countries of their origin, only a small fraction of records outside their countries of origin have been copied let alone returned. Interest in locating records located in European cities appears to have come to an end in the 1990s. Why should this be so? Does the answer lie in the dwindling financial resources allocated especially in recent years following the introduction of the so called structural adjustments programmes or has there been a major shift in the operations of archival institutions in the region?

Secondly, today very few archivists talk about migrated archives or restitution of archival claims. It has also been observed by the author that there is little understanding or ignorance among the younger generation of African archivists on what constitutes migrated archives? Very often one hears of statements like “the West stole our records”, “our records were carried away to Europe”. While there may be some truth in such statements, this maybe an over simplification of how these archives ended there.

Thirdly, the need to revisit migrated archives stems from the fact that with the increasing use information communication technologies (ICTs), there is danger of many African archival institutions falling into the trap of accepting all sorts of digital copying projects funded from the West which seeks to transfer the remaining archival heritage in Africa to the West.

Various initiatives have been suggested including microfilming, digitization and acceptance of joint heritage (in as far as archives

relating to more than one country are concerned) as a means for resolving archival claims. Many of these alternatives are costly and one wonders whether these proposed solutions will work in the eastern and southern African region where most archival institutions are operating with limited financial resources. Moreover, many of the proposed solutions require regular supply of power and up-to-date technologies. Will African national archives be in a position to sustain the rapidly changing technologies or will some of these projects remain white elephants after capturing the information into machine dependable systems? The discussion that follows examines the various categories of records that are included in the broad category of archival claims, and proposes the way forward through which archival claims may be settled.

### **Types of archival claims**

Traditionally, it was assumed that archival claims only relate to records that have been removed from their countries of origin by colonizing powers to metropolitan cities. A survey of archival claims worldwide indicates that archival claims have not only been restricted to those records held in European and American cities but may exist regionally. For instance, within the Southern and eastern African region, archival claims are known to exist between Zimbabwe, Zambia and Malawi. It must also be remembered that during the colonial period attempts had been made to establish a national archives for the three partner states based at Salisbury (now Harare). When the federal system failed, it was impossible to transfer the original records to their countries of origin. Instead microfilm copies were offered and Zimbabwe retained the hard copies.

Soon after Namibia gained independence, negotiations were made to have certain records held in the Republic of South Africa returned to Namibia. Namibian records were satisfactorily repatriated back to Namibia, a thing that had not happened before in the region. Although South Africa was keen to repatriate Namibian records back, it insisted on retaining microfilm copies of the same. Namibia is not the only country to have archival claims against South Africa. Botswana, Lesotho and Swaziland all had their High Commissioners based in South Africa and some of their records are still held there. A study conducted by Garaba and Ngulube (2008) indicates that there are several collections relating

to liberation movements in Africa held outside the continent. What formula should be followed in ensuring that these records are available and accessible to nationals of the states involved?

During the 11th Biennial Conference of ESARBICA held in July 1991 at Gaborone the conference passed a resolution urging “The governments to facilitate their national archival institutions in ensuring the collection, organization and preservation of records of liberation movements both oral and written” Mnjama (2007a). A similar resolution was passed in 2001 at Harare in which the question of records relating to African liberation movements was raised. However no conclusive decisions were made regarding these records. Archivists were, however, urged to take practical steps in ensuring that these records are identified, listed and if possible proper arrangements for their housing is made. Should records of liberation movements be treated as migrated archives or should they be incorporated into the holding of archival institutions where they are located? Are there any moral reasons why such records should be repatriated to the countries where the freedom fighters came from? These issues must, however, be looked from the broader archival claims worldwide.

The history of the world is full of cases of archives that have been removed from their countries of origin to another. Today, virtually all developing countries have some of their records held outside their boundaries. It is of crucial importance to understand the various categories of records that might be considered under archival claims. Failure to do so may result in unnecessary and prolonged arguments and may even lead to the breakdown of friendly relations between one country and another. Leisinger (1982), a former Archivist with the National Archives and Records Administration of the United States of America, once observed that archival claims might be grouped into five different categories.

The first category consists of records that were originally created and maintained by various government agencies of the colonial powers in their own home countries. Many of these agencies had supervisory or administrative roles in the coordination of colonial administration. Examples of such agencies include the Colonial Office and the War Office of the United Kingdom. As these records were created in the metropolitan cities, they were at no stage removed from the colonies and the governments that created these records have a legitimate reason to maintain them in their

home countries.

The second categories of records that are often included under archival claims include records of colonial administration created in the colonies, but transferred to the European metropolitan cities at the dawn of independence. Strictly speaking these are the records that should be termed “migrated archives” as they were illegitimately removed from the territories from where they were created. New evidence suggests that in the 1960’s when the “wind of change” was blowing and many colonies were agitating for independence, Colonial Office in the UK issued instructions relating to the “disposal of classified records and accountable records” which required the colonial administration not to transfer the following types of records to the successor governments:

- (i) Records which might embarrass Her majesty’s government or other governments.
- (ii) Records which might embarrass members of the police, military forces, public servants or others e.g. police informers.
- (iii) Records which might compromise sources of security agencies.
- (iv) Records which might be used unethically by Ministers in the successor governments (Foreign and Commonwealth Office 2011).

Kenya is one such country that experienced the removal of colonial records (Musembi 1982). New evidence indicates that 1,500 files were removed from Kenya in 1963. These records include: Executive Council Minutes 1939-1957, War Council Minutes (Kenya), 1954-1961, Council of Ministers Minutes 1954-1963, Intelligence Committee Minutes 1953-1961 (Foreign and Commonwealth Office 2011). For a number of years, Britain had been unwilling to accept that it had removed certain documents from its former colonies. Following a case filed in London by Kenyan Mau Mau detainees now claiming compensation from Her Majesty’s Government for atrocities and human rights abuses committed during the struggle for independence, the Foreign and Commonwealth Office has now been forced by the courts in UK to disclose the location, volume and to some extent the contents of Kenyan records repatriated to the UK. This case has also made it possible for Britain to acknowledge custody of several files relating to its former colonies. This acknowledgement was made by Lord

Howell when said "domestic records of colonial administrations" did not form part of British official records and they were kept by the individual states created at independence. It was, however, the general practice for the colonial administration to transfer to the United Kingdom, in accordance with Colonial Office instructions, shortly before independence, selected documents held by the governor which were not appropriate to hand on to the successor government." The Government has also admitted there are approximately 8,800 files which were transferred to the United Kingdom from 37 former British Colonies, including Aden, Brunei, Cyprus, Fiji, Gambia, Jamaica, Kenya, Malaya, Malta, Mauritius, Nigeria, Northern Rhodesia, Palestine, Sarawak, Seychelles, Sierra Leone, Singapore, Solomon Islands, Swaziland, and Uganda (BBC News 2011).

The actual contents of much of these records are difficult to determine as some of them are still subject to extended closure even under UK's Freedom of Information Act. Former British High Commissioner to Canada, who conducted a review of the issue, found there was confusion about the status of the files but this only failed to explain failure to release them up to a point. In the case of Kenyan records, Cary noted that, "it was perhaps convenient to accept the assurances of predecessors that the migrated archives were administrative and/or ephemeral and did not need to be consulted for purposes of freedom of information (FOI) requests, while also being conscious of the files as a sort of guilty secret, of uncertain status and in the 'too difficult' tray". Cary came to the conclusion that the opening up migrated archives held at the Foreign and Commonwealth Office "could potentially lead to a wholesale change of our understanding of colonial history and that could have ramifications politically (*The Independent* 2011).

Regionally, Namibia is another southern African country which had its records repatriated to Germany at the end of the First World War (Kutzner 1998:34). Namibian records were not only repatriated to Germany, but its later records and especially those relating to the period when it was under South African colonial rule were also repatriated to Pretoria. Zimbabwe also suffered the same fate with the papers of Ian Smith which were secretly removed from Harare and deposited at Rhodes University South Africa (Murambiwa 2010:28). The papers of Roy Welensky who had served as the Prime Minister of the Federal Government of Rhodesia and Nyasaland were also taken out of the country and



were deposited at Rhodes House Library in Oxford, UK. It was initially thought that the Welensky papers were private in nature, but it is now believed that this collection contains official documents from Zimbabwe (Murambiwa 2010). The major arguments advanced for the transfer of these records to metropolitan cities is based on the fact that no government ever passes its records to a successor government. Moreover, it is further argued by former colonial powers that these records constitute a crucial element of the imperial heritage, while the newly independent states insist that these records document the cultural and socio-economic development of their countries during colonial domination. My own experience in dealing with records that were removed from Kenya suggests that while colonial powers are keen to grant access to all other types of records on colonial administration, there is some reluctance to provide access to records that depict the actual struggle for independence or which may provide valuable evidence for those seeking compensation for injustices and human rights violations committed during the colonial period.

The third category that may be included under the broad category of archival claims relates to records that were created in one territory, but somehow found their way to another territory. Examples of such records include records of the High Commissioner for Basutoland, Bechuanaland and Swaziland initially held in Cape Town, but later transferred to Salisbury (Harare) in 1948 (Rose 1977: 56). The records relating to Botswana (formerly known as Bechuanaland) were finally returned to Botswana in 1966.

The fourth category of records belong to the archives of regional colonial bodies which either collapsed during the colonial period or soon after independence. Examples of such records include the records of the original East African Community which collapsed in 1977 (Mnjama 2000) but which has now been reconstituted as a new organization which includes Kenya, Uganda, Tanzania, Rwanda and Burundi. The records of the Federation of Rhodesia and Nyasaland also fall into this category (Mukula 1982). In the case of the records of the defunct East African Community, the records of the East African Community have remained in Arusha, Tanzania where the community's headquarters was based, while those of the various regional bodies have been inherited by the national archives of the three East African partner states. With the

breakdown of the Federation of Rhodesia and Nyasaland the records were handled in a different manner. The records that pertained to more than one state were retained in Harare, while those records that specifically related to the various countries were returned to the national archives of the partner states (Mazikana 1982).

The fifth category of records relates to private papers of individuals and various organizations that had contact with the African peoples. The records of various church missionary organizations, travel accounts of European explorers, anthropologists and others contain valuable information on African peoples. Many of these records are now held in foreign university libraries, local records offices and in some cases the whereabouts of such records remains unknown. Kenya has made several efforts to locate the whereabouts of its unofficial records held in U.K. The results of these surveys have now been published.

The last category of migrated archives (and one which was not included in Leisinger's (1982) analysis) relates to records created by the various liberation movements whose members were forced into exile during the struggle for independence. The records of such movements as African National Congress (ANC) of South Africa and other national movements in the Southern African region cannot be ignored. Locating such records has often proved difficult as the offices of such movements were often raided or destroyed. In some other cases, these records have remained in those countries where the freedom fighters had sought refuge. In the absence of manuscript registers, it is often very difficult to establish the whereabouts of these records.

### **Restitution of archives in southern and eastern Africa**

Three case studies will be used to show how archival claims have been settled locally in the region. The first case relates to the Federal Records of Rhodesia and Nyasaland. Eight years after the collapse of the Federation the three partner states namely Malawi, Zambia and Zimbabwe entered into an agreement whereby all the records that were of common interest to all the three states were to be held at the National Archives in Harare. An Intergovernmental committee on records consisting of representatives from the three states was formed to deal with issues relating to the settlement of archival disputes. The Committee was specifically charged with the

responsibility of determining the retention periods for each category of records and the periods at which such records could be opened for public inspection. It was further agreed that:

The cost of storing, preserving and examining the records will be borne by the three governments in the proportion of Southern Rhodesia 60% Northern Rhodesia 33% and Nyasaland 7%. The Government of Southern Rhodesia will calculate the cost in respect of each period ending on 30<sup>th</sup> June and the Government of Northern Rhodesia and Nyasaland will pay to the Government of Southern Rhodesia their respective share of this cost before the end of each calendar year in respect of the preceding financial year of Southern Rhodesia.

The cost of reproducing any of the records at the request of either the Government of Northern Rhodesia and Nyasaland and any postal or other transport charges incurred by the archivist on its behalf will be refunded by the Government (Agreement 1963).

An examination of this agreement suggests that the three states worked within acceptable international standards and ensured that the integrity of the records remained. However, it must be remembered that there are still records held in Zimbabwe relating to Malawi and Zambia.

The second case relates to Kenya. Between 1978 and 1980, records surveys were conducted in the United Kingdom to determine the nature of records held there. Later in 1980, two members of staff from the Kenya National Archives were posted to Kenya High Commission, London and were specifically charged with the responsibility of locating and retrieving Kenyan records held in the United Kingdom through what came to be known as Kenya Copying Project. The project lasted for ten years before it was closed due to reduced budgetary allocations by the Treasury. By the time the project came to an end, a considerable amount of original correspondence between Kenya and London was microfilmed at the Public Records Office in UK, now known as the National Archives of UK. Additional filming was also carried out in several local and country record offices in UK as well as from manuscript repositories located in major United Kingdom Universities. Microfilm copies were also acquired from some American Universities. Early volumes of rare books, pamphlets

and gray literature was also acquired from private sources and deposited with the Kenya National Archives.

### **Digitization projects and migrated archives**

Currently several initiatives are ongoing in which archival holdings from the African region are being copied. There are also other joint digitization projects involving African libraries and archives. Many of these projects are donor funded. A summary of some these projects was provided by John Tsebe (2005) in a paper he presented at the 71st IFLA Conference in Oslo. According to the supporters of digital projects, there are several benefits. For instance, Ryan (2010:3) argues that through the Aluka project:

One of the more interesting aspects of Aluka's work has been the development of digital labs in Sub-Saharan Africa. Many African institutions contain rich archival resources that are largely unknown to outside scholars. These institutions are eager to use digital technologies to make their resources more widely available, but have limited resources to do so. In Africa, Aluka provides these institutions with equipment, training, and technical support for digitizing materials in their collections. Because of these labs, content does not have to be shipped off-site to overseas vendors where precious materials can be lost or taken out of circulation for lengthy periods of time. Aluka has established approximately 30 digital labs in Eastern, Western, and Southern Africa for the digitization of content.

Britz and Lor (2004) in their paper on “A moral reflection on the digitization of Africa’s documentary heritage” raise five questions which ought to be borne in mind when undertaking digitization programmes originating from outside the continent. These questions are:

- (a) Who has access to the information? For example will African scholars be able to access this information free of charge?
- (b) What control will the originating community have over their information once others have digitized it?
- (c) Will originating communities be identified as the original creators of their cultural heritage and will they have the right to control access and non-disclosure of certain categories of their heritage for example sacred knowledge artifacts?

- (d) To what extent will the global rules on intellectual property be able to protect the common heritage of Africa and prevent it from becoming exclusive private property? Will the international intellectual property regimes be able to maintain the balance between private ownership and common heritage of the people of Africa?
- (e) Will the people of Africa be fairly compensated for the use of their knowledge by others and what incentives will there be for them to make their body of knowledge available to the rest of the world? (Britz and Lor 2004: 218).

As can be seen from the above discussion, there are certainly merits in undertaking donor funded digitization programmes, but caution must be exercised to ensure that the interests of the country holding the original materials are securely protected.

### **Critical success factors to retrieval of migrated archives**

Managing a migrated archives project is no mean task. As indicated in this article, many national archival institutions have at one stage contemplated organizing restitution of archival programmes. Many have so far managed to carry out preliminary surveys of records relating to their countries held in foreign repositories. The success of any migrated archives requires that the following issues be adequately addressed.

- (a) Government support: It cannot be overstated that successful execution of a microfilming project to a very large extent depends on continued government support. Without the support from the government a migrated programme is bound to fail. It is of vital importance that the project be sanctioned at the highest government level as funds must be allocated on an annual basis for the duration of the project and it is shielded from political interference where the permanent secretary or Minister responsible for the project is transferred to another Ministry. Funds must be allocated for microfilming or digitizing programme, for staff salaries and office accommodation, travel expenses to various repositories, postage of mail, equipment for checking received microfilm copies, etc. In the case of Kenya top Government support was obtained through Cabinet approval which in 1969 made a decision that the country needed to inaugurate a migrated archives programme in order to locate the records that had been airlifted to Britain on the eve of independence.

- (b) Adequate planning and preparation: This demands that adequate research or surveys be conducted locally in order to establish existing collections and determine gaps that need filling in the archives holdings. The surveys may also reveal collections held locally, but which may be of interest to other countries in the region. Failure to do so will result in the acquisition of records that may be locally available or result in the failure to acquire records that are of critical and of high research importance to the nation and its people. Planning the migrated archives programme demands that a priority list of records to be acquired, be agreed upon by the National Archives and any other participating institutions. The priority list must be based on collections containing high research potential. Failure to do so may result in the acquisition of microfilm copies of records containing low research value.
- (c) Understanding of legal and ethical issues relating to access to archives and records: Copyright issues as well as ethical considerations relating to access to archives will need to be addressed. Certain types of records will be subject to privacy restrictions while some records may be subjected to extended closure, thus making impossible to reproduce some types of records. Microfilming some collections at the Rhodes House Library at Oxford, required that permission to microfilm certain records first be obtained from the depositors of the collections or their heirs, a process that was not only time consuming but very frustrating as some depositors of private manuscripts had changed their contact addresses several times.
- (d) Costs: The costs of running migrated archives can be very prohibitive. No wonder many national archives in the region have only been able to undertake preliminary surveys of records held outside their countries. One way to overcome this problem is to seek alternative research grants from organizations that may be interested in the promotion of cultural issues and understanding. In the past discussions were held with a view to pooling together resources in order to microfilm records that were of potential interest to more than one state. While this idea never came to fruition, it is worth revisiting.
- (e) Networking with institutions holding migrated archives: Experience gained from working with Kenya's migrated archives shows that there is much to be gained from networking with institutions holding migrated archives.

Whatever copying and whatever identification of migrated archives has to be undertaken require collaboration of host institutions holding these collections. Antagonizing them leads nowhere.

- (f) Records of interest to more than one state: There are several collections out there that are of interest to more than one state. Such collections will need to be copied in their entirety as any attempt to separate them will go against archival principles of provenance and original order. Experience gained from working with the Kenya Microfilming Project indicates that the War Office, The Dominions Office and the Foreign and Commonwealth Office had regional approaches in dealing with East African or Central African issues. For this reason, as the Kenyan Copying Project progressed, it became apparent that in accordance with the accepted archival principles of provenance, certain records relating to Kenya, Uganda, Tanganyika and Zanzibar be filmed in their entirety. These records are now available in Nairobi and scholars from the region are able to access them without having to travel to the United Kingdom.
- (g) Collaboration with local researchers, research institutes and national archives: No one can claim to know everything and know all the records that have left their countries of origin. Collaboration with local researchers, historians, anthropologists etc will result in the identification of gaps in the holdings as well in unearthing collections hitherto unknown to the national archives. In the case of Kenya's Microfilming Project, close links were forged with local and foreign historians and other researchers who themselves had used Kenyan manuscripts held in foreign repositories. Indeed in the early years of the project, these researchers provided useful hints on the whereabouts of Kenya manuscripts held in the United States and England.
- (h) Locating privately held records: This entails establishing contacts with individual families and private organizations holding such records. While the bulk of records from settlers and colonial administrators have been deposited with Rhodes House Library at Oxford, there are still valuable collections held privately. Many records of missionaries, independent researchers, anthropologists, etc are still maintained privately and locating them remains a challenge.

## Conclusion

It is extremely difficult to suggest ways in which archival claims in the region can be solved. No single solution can be provided over such a complex issue as the one involving migrated archives. No wonder Leopold Auer came to the conclusion that for the solution of disputed archival claims the international community has developed a number of both legal and archival guiding principles. These principles are however, not known widely enough and therefore the dissemination of relevant information and the raising of awareness remain tasks which call for further action. One must not forget that the issue is not only a professional one. It is a problem involving political interest and national pride (Auer 1998:24). From a political standpoint, the best way to address this issue is through bilateral agreements. The most commonly advanced argument against the return of records removed from their countries of origin (especially those created at the dawn of independence) is that no predecessor government ever passes its records to a successor government. While this may be an acceptable international principle, it obviously disadvantages many of the developing countries which depend on these records for continuation of socio-economic and political programmes after the departure of the colonizing powers.

One of the proposals which have received support from Western powers is to regard such claims as belonging to Mutual Cultural Heritage. In the Netherlands Mutual Cultural heritage is used to refer to the heritage that may belong to any of the following categories: The Mutual Cultural Heritage may include heritage:

- (a) built in or taken to other countries by the Dutch; and
- (b) in the Netherlands from those countries whose culture has influenced the Netherlands.

This approach however has its own difficulties for the Netherlands government has rightly observed:

Difficulties in cultural cooperation originate in the different approach to mutual heritage. The Netherlands ask mutual participation, responsibility and care for the heritage of the VOC (United East Indian Company) and the colonial period, whilst this period can hardly be determined as 'mutual'. Mutuality asks for equal input and this is not always



the reality. Cultural differences between two countries can play a role: different cultures do not always share the view that heritage must be preserved. Heritage from the colonial period could be hurtful to a formerly colonized country or cannot coincide with the identity the country wants to promote. And even if that culture does wish to preserve a heritage site, they do not always have the financial means or the expertise to do so (Netherlands Government 2010:1).

The only advantage with the above approach is the acknowledgement by western powers that they hold archives which are of interest to other states and which require a common understanding. The above approach appears to be acceptable to western powers as long as the original documents remain in their custody. One also wishes that that the reverse could be true.

At a professional level, archivists and records managers have great responsibilities and are encouraged to undertake the following activities. First and foremost, archivists are encouraged to compile registers of records and manuscripts not only under their care, but to extend this programme to records not yet transferred to their respective archives or those held in private repositories, colleges and universities. This at least will guarantee that the whereabouts of records and manuscripts in each member state is known. A survey of this nature will also highlight major gaps in the nation's archival heritage. Experience gained from dealing with Kenya's Migrated Archives Project shows that the first list of records submitted to UK indicating Kenyan records held in the Foreign Office and at the Public Records Office contained records that were obviously available locally in the country, though not necessarily available in the Kenya National Archives. This was a very embarrassing situation which could have been avoided through conducting thorough research. Secondly, it is suggested that a forum such as ESARBICA be utilized to disseminate information on the existence of migrated archives locally and internationally. Thirdly, it is suggested that collaborative microfilming and other reprographic activities be undertaken where it is evident that the records involved are of interest to more than one state.

In conclusion, it can, therefore, be argued that the problems associated with migrated archives remain largely unresolved, and will remain unresolved for the foreseeable future. Moreover, the

author does not anticipate that within the foreseeable future the western powers holding vast quantities of records from the African continent will return them to their places of origin. For this reason, new strategies such as digitization seem to offer one of the most suitable options to ensure that such materials are accessible within the country of origin and the country having custody of the original materials. It is further suggested that the costs for undertaking microfilming and digitization programmes be a shared responsibility between the countries involved in the disputed archival claim. This calls for bilateral arrangements which have to be worked out between those seeking to obtain copies of migrated archives and the institutions holding the original source materials. In as much as many states still desire to have records held in western capitals returned to their countries of this origin, this desire may prove difficult to attain.

The question that needs to be asked is whether access to information contained in migrated archives is adequate or the actual custody of the document on which the information is captured. In my view, access to the information should be the ultimate goal, but wherever possible the actual restitution of migrated archives to their countries of origin should be encouraged. On the issue of digitizing African documentary heritage, it is suggested that this issue be approached with caution lest in the not too distant future, these too will become migrated archives needing to be brought back to Africa.

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