"A Protective Legislation, Policy and Practice of Archaeological Heritage Management in Kenya "

David Okelo Otieno

THESE

PRESENTEE A

L'UNIVERSITE DE PAU

ET DES PAYS DE L'ADOUR

Ecole doctorale des Sciences Sociales et Humanites

Par
OTIENO, David Okelo

Pour obtenir le grade de **DOCTEUR EN HISTOIRE**

27 Novembre, 2013

" Une Legislation Protectrice, la Politique et la Pratique de la Gestion du Patrimoine Archeologique au Kenya"

JURY

Jean-Pierre **ALLINNE**, Professeur des Universités, **UNIVERSITE DE PAU ET DES PAYS DE L'ADOUR**

Renaud **CARRIER**, Professeur des Université, UNIVERSITE **DE PAU ET DES PAYS DE L'ADOUR**

Henri **MEDARD**, Professeur des Universités, **UNIVERSITE AIX–MARSEILLE2**

Washington **NDIIRI** Docteur, **UNIVERSITE DE KENYATTA-KENYA**

Isaya**, ONJALA**, Directeur, Général adjoint, **MUSEE DU KENYA-KISUMU-KENYA,**

Christian **THIBON** , Professeur des' Université, **UNIVERSITE DE PAU ET DES PAYS DE L'ADOUR AND DIRECTEUR IFRA-NAIROBI**

DEDICATION

This thesis is dedicated to my beloved wife Mathilda for her support and encouragement throughout this journey and my daughters Chelsea and Baroness and son, Trevor, who stood by me throughout this trying moments of research. They dearly missed my love when I was away in France. I also wish to dedicate this work to my mother, Tabitha, who taught me the value of education. Because of you, mum, I have reached this far. Thanks to my family, for their love, patience, support and encouragement.

ABSTRACT

The study looked at the protective legislation, policy and practice of archaeological heritage management in Kenya. The seriousness of the demise of archaeological heritage in the world in general and, Africa in particular is in no doubt. Archaeological heritage is thought to be endangered on the continent and the "crisis" in Africa, whether enunciated in terms of sheer decay or general destruction in the name of development, theft or looting, is becoming common place throughout the continent. Literature was reviewed on the concept of heritage management, history of archaeological heritage management, legal protection, policy and institutional framework for heritage management in the country. In its statement of the problem, the study examined the inter-phase between protection legislation, policy and practice of AHM in Kenya was done through an examination of the National Museums and Heritage Act 2006, and the National Culture and Heritage Policy 2009 in addressing the challenges faced in the implementation process. The study also evaluated various international Charters for culture and heritage management. The overall objective of the study was established by looking at the role of the legal framework, the practice, policy reforms and recommendation on how Archaeological Heritage Management in Kenya can be improved in Nairobi National Museum (Central Region), Kisumu Museum (Western region), Fort Jesus Museum (Eastern Region) and Thimlich Ohinga (Western Region). This was done through a SWOT analysis of the four sites under study. The study looked at the question of the research in which it established the role of legal and policy reforms played in streamlining the management of Archaeological Heritage in Kenya. Also, the study covered AHM practices and how they affect the management of various museums and heritage sites in the country. This was done in reference to the four sites under study. The study adopted the Adaptive theory in its theoretical framework and has drawn particular attention in resource management. Heritage studies, are trandisciplinary embracing ecology, archaeology history, and public policy to mention a few. Therefore, the public policy has been restricted to academic political opinion for evaluating internal and external capacity of NMK without leaving environmental policies leading to good governance of museums hence the this theory suited the study. The research adopted descriptive survey which was very useful because it does not allow the manipulation of the variables and it provided allot of information .During the process of data collection, primary sources such as interview and well structured questionnaire were used in addition to the observation method in all the three categories of the sampling areas which include western central and eastern. Also the research obtained the secondary information from the review of the previous document that included books journal and news papers. This provided essential procedure for the data analysis where SWOT method was used and the data analyzed presented in form of tables, charts and graphs. The study established that all the sites are under NMK management. However, the management of NMK concentrates so much on Nairobi National Museum and its affiliates, and Fort Jesus Museum at the expense of other museums, monuments and sites. Apart from Nairobi National Museum, all the other museums were under-staffed, with poorly managed storage of artefacts, and faced neglect in many areas. Kisumu Museum, despite its status, is under researched and has limited documented information about its historical background, services, and future plan. Comparatively, Thimlich Ohinga site was found to be adequately researched and has a lot of documented information.

TABLES OF CONTENTS

ACKNOWLEDGEMENTS

LIST OF TABLES

LIST OF FIGURES

LIST OF PLATES

ABBREVIATIONS AND ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
ACR	Architectural Conservation and Restoration
AGOA	African Growth and Opportunity Act
AHM	Archaeological Heritage Management
AMAs	Adaptive Management Areas
AMP	Adaptive Management Plan
ARM	Archaeological Resource Management
CIAM	Congrès Internationaux d'Architecture Moderne

COMESA	Common Market for Eastern and Southern Africa
CRM	Cultural Resource Management
DOCOMOMO	Documentation and Conservation – Modern Movement
EAA	East African Association
EAC	East African Community
EANHS	East African Natural History Society
EC	European Commission
EPZ	Export Processing Zone
ESF	Exogenous Shock Facility
EU	European Union
FDI	Foreign Direct Investment
FEMAT	Forest Ecosystem Management Assessment Team
GDP	Gross Domestic Product
GoK	Government of Kenya
HM	Heritage Management
ICCROM	International Centre for the Study of the Preservation and Restoration of Cultural Property
ICOM	International Council of Museums
ICOMOS	International Council on Monuments and Sites
ICT	Information Communication Technology
IMF	International Monetary Fund

KATO   Kenyan Association of Tour Operators

KLFA   Kenya Land Freedom Army

KNA   Kenya National Archives

MTCA   Mombasa and Coast Tourist Association

NEMA   National Environment Management Authority

NMH   National Museums and Heritage

NMK   National Museum of Kenya

NML   National Museum Libraries

OUV   Outstanding Universal Value

S&Gs   Standards & Guidelines

SADC   Southern African Development Community

SOCs   State of Conservation

SPSS   Statistical Package for Social Sciences

SWOT   Strengths, Weaknesses, Opportunities and Threats

UDCD   Universal Declaration on Cultural Diversity

UNEP   United Nations Environmental Programme

UNESCO   United Nations Educational, Scientific and Cultural Organization

USDA   United States Department of Archaeology

WB   World Bank

WHC   World Heritage Centre

WIPO   World Intellectual Property Organization

WMF	World Monuments Fund
WMW	World Monuments' Watch
WRP	Wetland Resource Programme
WWF	World Wide Fund

DEFINITION OF OPERATIONAL TERMS

Cultural Heritage Management (CHM)	Is the practice of identification, interpretation, maintenance, and preservation of significant cultural sites, physical heritage assets, and intangible aspects of heritage, such as traditional skills, cultures and languages.
Cultural Resources Management (CRM)	Is used in this study to denote the vocation and practice of conservation, archaeology, restoration, history, architecture and museology.
Archaeological Heritage Management	Is that part of the material heritage in respect of which archaeological methods provide primary information. It comprises all vestiges of human existence and consists of places relating to all manifestations of human activity, abandoned structures, and remains of all kinds including subterranean and underwater sites, together with all the portable cultural material associated with them.

LIST OF CHARTERS AND CONVENTIONS

LIST OF STATUTES

1. The Ancient Monuments Preservation Ordinance No. 17 of 1927

2. The Preservation of Objects of Archaeological and Paleontological Interest Ordinance No. LIII of 1934

3. The Antiquities and Monuments Act, Cap 215 of 1983

4. The National Museums Act of 1983

5. The National Museums and Heritage Act No. 6 of 2006

6. The International Charter for the Conservation and Restoration of Monuments and Sites (Vinice Charter) of 1964

7. Charter for the Protection and Management of the Archaeological Heritage (ICOMOS Charter) of 1990

8. The Secretary of the Interior's Standards for Rehabilitation of the United States of America of 1974

9. The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance of 1981

10. The Florence Charter on Historic Gardens of 1982

PART I

Part one comprises of chapters 1-3 as follows: Historical Perspective of Archaeological Heritage Management; Protective Legislation Governing Heritage in Kenya; and the National Policy on Culture and Heritage in Kenya respectively.

CHAPTER ONE: INTRODUCTION

1.1   Background

This work investigates the application of legislation and cultural policies on the practice of Archaeological Heritage Management in Kenya. Archaeological heritage has over the centuries, been studied as an integral part of the remains of human civilization and bio-cultural change.[1] It is well known that having an understanding and knowledge of the origins of human societies and their development is of fundamental importance to humanity, more so towards identifying its social and cultural roots.[2] Information passed on from one generation to another through archaeological heritage constitutes the basic record of past human activities and the current generation has a solemn duty to preserve and protect all archaeological resources for future generations.[3]

Over the years, population pressure, economic demands and increasing industrialization has continuously threatened the survival of archaeological resources in many countries. The need to preserve archaeological heritage stems from the fact that the present generation, unlike the past ones, is uniquely capable of destroying much of that heritage and therefore denying future generations the right to enjoy, research and understand this cultural database. With every destroyed part of the heritage, be it a site, an artefact or a monument, an opportunity to be enriched

---

[1]Wilson ,E. O. (1978) .On Human Nature. America: Harvard University Press.

[2]ICOMOS (1990).Newsletter of ICOMOS.Volume 10, No. 3. See supra note 78, 79, 80, 81, 93, and 94.

[3]http://www.milimaniresort.co.ke/attractions.html

by the heritage is lost forever for future generations. One cannot grow another archaeological site after destroying the previous one.[4]

The seriousness of the demise of archaeological heritage in the world in general and, Africa in particular, is in no doubt. Archaeological heritage is thought to be endangered on the continent[5] and the "crisis" in Africa, whether enunciated in terms of sheer decay or general destruction in the name of development, theft or looting, is becoming common place throughout the continent.[6] In response to these factors, therefore, Archaeological Heritage Management (AHM) was developed as away of ensuring the preservation, conservation and the general care of past remains. It entails the creation of means or methods of mitigating the impact that the destruction of archaeological resources has had, through the use of legislation and policy both at international and national levels. In addition, AHM also involves the carrying out of surveys, the collection and management of data and perhaps most importantly the protection and/or salvaging of important archaeological resources, especially in contemporary society where modern development and illicit trafficking pose a real threat. Finally, the process also involves the training and education of both the public and professionals.[7]

---

[4]UNESCO (1970, 1972); Unesco and its Programme: Protection of Mankind's Cultural Heritage: Sites and Monuments. Paris, ImprimeriesOberthur Rennes. Also see Cleere, H.F. ed. (1989) Archaeological Heritage Management in the Modern World. London, Unwin Hyman.

[5]Goodland, R. and M. Webb (1989). "The Management of Cultural Property in World-Bank Assisted Projects: Archaeological, Historical, Religious and Natural Unique Sites. Washington D.C, World Bank.

[6]UNESCO (1972)

[7] Martha Demas (2003). Conservation and Management of Archaeological Sites: The GCI Project Bibliographies Series. Los Angeles, California: The Getty Conservation Institute. See supra note 83,

The history of Archaeological Heritage Management (AHM can be traced to the 17th Century when the Swedish Royal Dynasty brought all objects of antiquity under state control.[8] This action ushered in a period where AHM began to be taken seriously and actually incorporated in the economic and social planning of states.

In Europe, AHM evolved rapidly in the 19th and 20th Centuries. Some of the transformations which can be seen today in the field of AHM started in Europe[9] And are related to the latest developments of archaeological heritage management over the past quarter-century. External forces, such as, political and social processes have also transformed European Archaeological Heritage Management. Wilhelm summarizes it as;

> *"Public involvement with ancient monuments has a long history, if one follows the textbooks citing measures taken by authorities in various European countries in the sixteenth and seventeenth centuries to protect archaeological remains. Such examples are testament to the increasing importance governments were attaching to archaeological resources, and the lengths they were willing to go to[10].*

Care and protection of ancient monuments was provided during the 19th and early 20th centuries when several European countries adopted protective legislations for monuments within their borders. However, this was not the birth of the concept of modern heritage management. The idea of heritage management is a fairly recent development that came about in response to the serious

---

[8]ibid

[9] Willem J.H. Willems,(1998) Archaeology and Heritage Management in Europe: Trends and Developments, p 293/294.

[10]Agar, M. (1980). The Professional Stranger: An Informal Introduction to Ethnography. New York, Academic Press.

threats to all archeological remains in modern society.[11] Countries have gone through the process of embracing the concept of heritage management differently but, the stages appear to be the same all over the world. Wilhelm attempts to describe the stages in detail when he stated that;

"There is an early phase, which goes hand-in-hand with the development of archeology as a discipline, and there is a second stage in which Monuments Acts are created and a system is introduced of national inventories, legal protection and other measures, combined with regulation of excavations. Everywhere, the archaeological community was mainly interested in the research and, to some extent, in the documentation aspects."[12]

There are countries that already had protective polices in place, but such were usually limited to registering and legally sometimes physically protecting important individual visible sites. Monuments were thus treated as precious individual sites belonging to the national collection. The economy of Europe was doing well and countries could finance projects to restore archaeological heritage following the disastrous effects of the two world wars. There was reaction everywhere in the form of very large-scale rescue excavations in the 1960s and 1970s.[13] These developments were happening at national levels, and the profession of archaeology came to appreciate the huge threat and exigent need for a significantly different approach in order to protect this type of heritage.

---

[11]Anyang Nyong'o P. (1989) "State and Society in Kenya: The Disintegration of National Coalition and the Rise of Presidential Authoritarianism." AfricanAffairs Vol. 88 No. 351.p.46.

[12]Anderson, N. and A. Fredell (1996)."A Future for the Past? An Interdisciplinary Essay of the Relation Between Organization and Archaeological Heritage Management in the Institutionalized Form of Fort Jesus Museum, Kenya". Nairobi: National Museums of Kenya.

[13] Ibid.

Heritage studies were started in the United States in the mid-1970s with the publication of the conservation model for America by Lipe,[14] and later popularized by Cleere. In Europe on the other hand developments towards heritage management studies only began in the 1980s. The Council of Europe organized conferences in Florence and Nice to formerly debate on heritage issues. Henry Cleere alludes to this in the introduction to his 1984 volume "*Approaches to the Archaeological Heritage*".[15] Today there are statutes and laws that are protecting archaeological resources and punishing looting in many countries all over the world.

Past studies have shown that Kenya is one of the few countries in the world endowed with an abundant archaeological heritage embodying historic towns and buildings, historic and prehistoric sites, monuments of different kinds, as well as, both historic and prehistoric artefacts. Records obtained from The National Museums of Kenya (NMK) indicate that Kenya has a total of twenty five (25) museums and numerous sites and monuments which is above the endowment level of many countries.[16] It is also perhaps among the few countries that have the longest and most complete record of man's biological, as well as, cultural evolution.[17]

The high level of endowment in archaeological resources within the borders of the country comes with great responsibility on the side of the Government and the people of Kenya. Therefore, the protection and proper management of archaeological resources are important because it accords

---

[14]ibid

[15]Council of Europe, Archaeology and Planning.Report of the Florence Colloquy.Architectural Heritage Reports and Studios [1987], 5. Strasbourg: Council of Europe. Also see Council of Europe, Archaeology and Major Public Works. Report of the Nice Colloquy.Architectural Heritage Reports and Studies [1989], 12. Strasburg: Council of Europe.

[16]NMK Background (2007).

[17]Leakey, R.E.F. (1970) "Fauna and artefacts from a new Plio-Pleistocene locality near L. Rudolf in Kenya". Nature 226: 223-224.

archaeologists and other interested scholars the opportunity to study and interpret heritage and archaeological findings on behalf of and perhaps most importantly, to the benefit of both the present and the future generations.[18]

Kenya is considered to be among the few countries in Africa with a record of protective policy and legislation for heritage management. As early as 1927, the country had enacted the Ancient Monuments Preservation Ordinance.[19] This law was shortly replaced by the Preservation of Objects of Archaeological and Paleontological Interest Ordinance, 1934.[20] The 1934 Ordinance was the only legal framework for the preservation of the country's archaeological and paleontological resources until 1983 when this law was repealed and incorporated into Kenya's Statute Books as Chapter 215 of the Laws of Kenya.[21] On the same date, Parliament enacted the National Museums Act, Cap 216 to establish, control, manage, and develop National Museums.[22]

In its legal reform efforts to streamline culture and heritage management in the country, the Government of Kenya in 2006 brought through Parliament amendments to the two Acts of parliament, that is, the Antiquities and Monuments Act (Cap 215) and the National Museums Act

---

[18] See ICOMOS Charter (1990), Introduction.

[19] Ancient Monuments Preservation Ordinance No. 17 of 1927: The Ordinance was operationalized on 22nd October, 1927 by the Governor of the Colony of Kenya with the advice and consent of the Legislative Council.

[20] Preservation of Objects of Archaeological and Palaeontological Interest Ordinance No. LIII of 1934, and was enacted by the Governor of the Colony of Kenya, then Mr. J. Byrne, with the advice and consent of the Legislative Council on the 15th November, 1934.

[21] Antiquities and Monuments Act, Cap 215 of 1983 is an Act of Parliament to provide for the preservation of antiquities and monuments was operationalized on 21st January, 1983.

[22] National Museums Act is an Act of Parliament to provide for the establishment, control, management, and development of National Museums and for connected purposes and commenced on 21st January, 1983.

(Cap 216) which were considered inadequate and outdated.[23] As a result of the amendments, the National Museums and Heritage Act of 2006 was enacted on 8th September, 2006.[24] This Act is a noble attempt to ensure protection of Kenya's rich and diverse culture and heritage. It was also aimed at establishing new legal framework for Heritage Management that would see Kenya adopt and locally apply some of the international protocols and conventions on heritage to which it is a signatory.

The dangers which increasingly threaten archaeological heritage in many countries not only need protective legislation, but also require policy interventions on a large scale if this heritage is to be saved for posterity. In 2009, the Government of Kenya made another milestone in streamlining culture and heritage management through the adoption of a National Policy on Culture and Heritage.[25] Prior to the adoption of the policy, culture and heritage management in the country was believed to be haphazard and scattered with little inclusion and participation of all citizens.

As a reaction to these trials, the Ministry of State for National Heritage and Culture developed a policy which acknowledges the centrality of national heritage and culture to the socio-economic and sustainable development needs of the country. The need for a Kenyan Culture and National Heritage Policy was informed by the challenges posed by modernization, free trade, democracy,

---

[23] The Legal reforms entailed the preparation of the National Museums and Heritage Bill (2006) which was passed by parliament enabling National Museums of Kenya to effectively address the enforcement of laws concerning Heritage Management in the country.

[24] The National Museums and Heritage Act 2006 Cap 216.

[25] Republic of Kenya, The National Policy on Culture and Heritage [2009].

good governance and the need for respect of human rights, as well as, balancing the diversity of cultural expression with economic and sustainable development.[26] The policy provides a framework for culture and heritage to take various forms across space and time in the country, as United Nations Educational Scientific and Cultural Organization (UNESCO) and Universal Declaration on Cultural Diversity (UNCD) articulate. To take diverse forms across time and space in the country, in particular, cultural diversity as articulated by the policy was meant to widen the range of options open to every citizen.[27]

Over the years, more and more advanced technologies have been developed for the protection of all kinds of archaeological heritage. However, in Kenya, threats to archaeological resources are still a reality despite protective legislation and policy measures put in place by the government to manage archaeological heritage in the country.[28] This leads to a fundamental question in this study; if the National Museums and Heritage Act (2006),[29] the National Policy on Culture and Heritage (2009)[30] and other related laws are sufficient for heritage management in the country, then why is it that more than five years down the line, there are still attendant challenges in the sector?

---

[26] See the National Culture and Heritage Policy (2009)

[27] See the National Culture and Heritage Policy of 2009.

[28] ICCROM, Cultural Heritage and the Law: Protecting Immovable Heritage in English-Speaking Countries of Sub-Saharan Africa (2009) Joseph Eboreime expounds the Challenges of Heritage Management in Africa, pp. 1-6.

[29] The National Museums and Heritage Act (2006)

[30] The National Policy on Culture and Heritage (2009).

Some of the country's museums and heritage sites are in poor state, while others lack the basic amenities and infrastructural network required to preserve and maintain the sites. Local communities at times destroy heritage to mine construction stones while others, graze animals on sites, and create footpaths and tracks on others. Many a times, these communities are oblivious of the damages their actions cause to archaeological sites, artifacts, monuments, and other cultural heritage in their midst. Because of this, valuable heritage which the country needs for its socio-economic and cultural development has been lost. Moreover, there is no recent study which has been conducted to investigate the protection legislation, policy, and practice of Archaeological Heritage Management in Kenya.

It is on this basis that the study sought to investigate the protective legislation, policy and practice of Archaeological Heritage Management in Kenya. In doing so, the study sought to establish the weak and strong points of the law and policy in relation to the practice of HM and recommend changes to improve protection, preservation, and use of archaeological resources in the country for future prosperity.

1.2   Concept of Heritage Management

The International Council on Monuments and Sites (ICOMOS) developed a charter that defines archaeological heritage as that part of material culture with primary information obtained using archaeological methods.[31] Archaeological heritage encompasses places that bear evidence of

---

[31]Article 1 of the ICOMOS CHARTER (1990), on the definition of Archaeological Heritage. See also historical development of AHM at supra note 50, 79, 80, 81, 93, and 94.

human activity, all vestiges of human existence, abandoned structures, and all kinds of remains, including under water and subterranean sites, as well as, all the portable cultural material that may be associated with them.[32]

 Land use must, therefore, be controlled and developed in a manner that minimizes the destruction of archaeological heritage which is fragile and non- renewable.[33] Policies for the protection of archaeological heritage should constitute an integral component of policies relating to land use, development, and planning, as well as, of cultural, environmental and educational policies.[32] Movement of any elements of archaeological heritage to separate or new locations signifies a violation of a very important principle; that of preserving the heritage or archaeological findings in their original context. This principle emphasizes the need for conservation, proper maintenance and management. Furthermore, it also helps to observe the fundamental standard that archaeological heritage must not be exposed through excavation or in cases where excavation has taken place, be left exposed if provisions and arrangements for its proper management and maintenance have not been made.

The policies and standards that govern the protection of archaeological heritage as enshrined in the ICOMOS Charter of 1990[34] embodies the basic foundation of the principles of Archaeological Heritage Management which should be integrated into planning policies at international, national,

---

[32].American Antiquity (1965).Archaeological Systematic and the Study of Culture Process. 31:203-10.

[33]ICOMOS (1990).Charter on Integrated Protection Policies

[34]Bachmam, K. (1992), Conservation Concerns: A Guide for Collectors and Curators, Washington and London: Smithsonian Institution Press.

regional and local levels. Archaeological Heritage Management should, therefore, be developed in response to the many threats to archaeological resources and must involve designing the means and methods of mitigating the impacts of the identified threats by developing and implementing policies and legislation at the international, regional, national and local levels[35].

The protection of this heritage must not be dependent solely on the application of archaeological techniques. It requires a wider basis of professional and scientific knowledge and skills.[36] Some elements of the archaeological heritage are components of architectural structures. Such elements must be protected according to the criteria developed and outlined for protection and security of such structures as laid down in the Venice Charter on the Conservation and Restoration of Monuments and Sites.[37]

The participation of the local community is essential for the protection and preservation of archaeological heritage because the sites and monuments constitute part of the living traditions of indigenous peoples. The protection of the archaeological heritage, therefore, must be based on the effective collaboration of professionals from a variety of disciplines or fields.[38]In addition, it also

---

[35]Demas, M. (2003). Conservation and Management of Archaeological Sites: The GCI project bibliographies Series. The Getty Conservation Institute, September, 2003. Los Angeles, California.

[36]GaetanJuillard, International Charter for the Protection and Management of the Archaeological Heritage [2007]. This Charter was prepared by the International Committee for the Management of Archaeological Heritage (ICAHM) an approved by the 9th General Assembly in Lausanne in 1990.

[37] Ibid.

[38]ibid

requires that government authorities and departments co-operate with each other, as well as with researchers, academics, the general public and public or private enterprises.

Since 1990[39] after the ICOMOS charter, the concept of AHM or CRM, or cultural heritage gained widespread acceptability and use. It was now being applied in conservation, preservation and restoration of archaeological sites and monuments in countries all over the world. Property of archaeological heritage value once approved by the World Heritage Committee is inscribed on the World Heritage List and this marked the beginning of the duty of States Parties, the World Heritage Committee the World Heritage Centre, the Advisory Bodies and the international community as a whole to ensure the conservation of the property.

To be included on the list, a property must meet a number of criteria. For example, a cultural site must be created by humans, have the requisite style-setting architectural designs, and be a place that is associated with beliefs or ideas of universal significance. Alternatively, it could also be an outstanding example of a way of life that is traditional and is representative of a specific culture. Furthermore, a natural site can represent very important stages in the earth's development of the ongoing biological or ecological processes. It may at times even be a simple landscape that is of exceptional natural beauty, or even a habitat for endangered animal species. Although the World Heritage List now includes 851 sites, it is constantly growing[40].

---

[39] ICOMOS Charter (1990)

[40] UNESCO-Sweden (2010)

International bodies such as the World Heritage Centre (WHC), World Heritage Committee and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) are meant to enforce the guidelines for the protection of cultural heritage.[41] This was in response to the 1950's to 1990 enthusiasms in heritage management worldwide. ICCROM, an intergovernmental organization, was established in Rome in 1959 and to date, occupies the unique position of being the sole institution worldwide with a mandate to support the conservation of immovable and movable heritage.[42]

ICCROM currently comprises of over 100 Member States, as well as, 103 associate members from among the world's leading conservation institutions with an aim of encouraging efforts towards conservation, as well as, raising the level of awareness among all stakeholders, in order to understand and appreciate their culture.

Full participation and cooperation of stakeholders in conservation and preservation is vital for meaningful outcome of any Archaeological Heritage Management program. It is these stakeholders who live with the heritage being conserved. The spirit is also reinforced by the notion

---

[41]UNESCO (1995).

[42]"UNESCO • General Conference; 34th; Medium-term Strategy, 2008–2013; 2007" Retrieved 8 August 2011.

that everyone has not only a right, but also a duty to defend and preserve their cultural heritage, because societies are identified through the values they use as sources of creative inspiration.[43]

A country's heritage must be managed, interpreted and made accessible and understandable to all people.[44] All these tasks must be carried out in an informed manner by trained personnel to make a lasting contribution to nation-building, integrated environmental management and physical planning. In so doing preservation of the natural and cultural assets for the future is realized. Active participation by the general public must form part of policies for the protection of heritage. Public participation is essential, especially, where the heritage of indigenous peoples is involved.[45]Article 6 of the ICOMOS Charter of 1990 acknowledges that local commitment and participation is essential, particularly, when the questions being dealt with concern the heritage of local cultural groups or indigenous peoples. More so when one considers that it is more appropriate to leave or entrust responsibility for the management and protection of archaeological sites to the locals or the indigenous community. At the site of Thimlich Ohinga the local community plays a vital role in the conservation and preservation of the site by participating in decision making, offering unskilled labor for the maintenance of the site in the form of vegetation clearance and restoration of the wall, together with general security (Onjala 1990, 1994).

---

[43]Statement from the Mexico City Declaration on Cultural Heritage (1982).

[44]Cleere (1989). This is in agreement with the Mexico City Declaration on Cultural Heritage (1982).

[45] ICOMOS Charter (1990) also reinforces the same view held by Cleere (1989). According to the Charter, participation must be based upon access to the knowledge necessary for decision-making and the provision of information to the general public is an important element in integrated protection. See ICOMOS Charter (1990) at supra note 50, 78, 79, 80, and 81.

The policies that govern the protection of important cultural and archaeological heritage involve monitoring and evaluation of archaeological sites, artifacts and inheritance. Reactive monitoring also known under the Denomination State of Conservation gives information to the World Heritage Committee the state of conservation of a World Heritage property that is affected by projects, works, disasters or exceptional circumstances. The information offered is used by the Committee as a basis of recommendation on protection and preservation after consultation with the concerned States Parties and the Advisory Bodies.

The World Heritage Committee then examines the recommendations then makes a decision. If they choose to intervene the challenge they often face is how to preserve the 'Outstanding Universal Value' that has justified the inscription of a particular property on the World Heritage List. When the World Heritage Committee establishes that the 'Outstanding Universal Value' is threatened, it has the duty to engage with the State Party and propose corrective measures and assistance in order to improve the situation.[46] Decisions made by the World Heritage Committee are based on information gathered by the World Heritage Centre and provided by the States Parties, the Advisory Bodies and others sources.

---

[46]"UNDG Members". United Nations Development Group. Retrieved 8 August 2011.

Principles of AHM such as human rights, nation building, affirmative action, governance, administration and funding, education and training, contribution of heritage to economy are thus based on the Mexican Declaration of 1982. This declaration sees AHM through education and training, funding, research and support services for marginalized communities as a great component of nation building. The promotion of archaeo-tourism has the potential of creating new employment and training opportunities. All communities, be they poor or rich, have the right to conserve and develop their heritage and should be accorded unrestricted opportunities to do so.

The conservation of our cultural heritage requires human resources, funding and commitment from the state, civil society and the business community. All should be inspired and mobilized to develop desire for greater activity in this field.[47] The conservation and promotion of heritage needs to be co-coordinated through good policy and statutory commitment by national, provincial and local governments. In this study, therefore, Archaeological Heritage Management or Archaeological Resource Management was viewed as a subset of Cultural Resource Management which encompasses a broad range of issues related to the protection, preservation and use of archaeological resources in the country. Kenya is a State party to the international instruments aforementioned and is, therefore, obliged to align her policies with the international standards. [48]

---

[47] ICOMOS Charter [1990] at supra note 50, 78, 79, 80, 81, 93, and 94.

[48] Government of Kenya (1962)."The Preservation of Objects of Archaeological and Paleontological Interest Ordinance Chapter 215". Nairobi: Government Printer, Revised ed.

1.3 Statement of the Problem

The policies that govern the protection of archaeological assets as outlined in the ICOMOS Charter (1990) [49]constitute the basic foundation of the principles of Archaeological Heritage Management. It is essential for AHM to be integrated in planning policies developed at the local, regional, national and international levels .Although Kenya boasts of a rich archaeological heritage and a longer history of protective legislation, archaeological heritage in the country is still endangered.

The National Museums and Heritage Act 2006 has put in place clear guidelines for the formulation of policies to effectively manage the country's archaeological heritage. However, more than six years since the commencement date of the Act, reports on the state of conservation[50] still indicate little success in the country's Archaeological Heritage Management efforts. Destruction and threats to archaeological heritage due to rapid development work in the country continues in the wake of the existing legislation pointing to a missing link between policy formulation and implementation. This has led to a haphazard practice of AHM in the country. Some museums and sites face neglect and are in a state of serious disrepair.

This study, therefore, sought to examine the inter-phase between protection legislation, policy and practice of AHM in Kenya. This has been done through an examination of the National Museums

---

[49]The Stockholm Declaration: Declaration of ICOMOS marking the 50th anniversary of the Universal Declaration of Human Rights (1998).

[50]TheState of Conservation Report (2011) on Kenya's Archaeological Heritage Management.

and Heritage Act 2006, and the National Policy on Culture and Heritage of 2009 to address challenges faced in the implementation process.

1.4 Objectives of the Study

The overall objective of this study was to examine protective legislation, policy and practice of Archaeological Heritage Management in Kenya. In particular, this study aimed at exploring the following objectives:

(i) To establish the role legal and policy reforms have played in streamlining Archaeological Heritage Management in Kenya.

(ii) To determine how AHM practice affect museums and sites in the country.

(iii) Carry out a SWOT analysis of AHM in Nairobi National Museum, Fort Jesus, Kisumu Museum, and Thimlich Ohinga site.

(iv) To establish how Archaeological Heritage Management in Kenya can be improved by bridging informational gaps that exists currently in policy and practice.

1.5 Research Questions

The questions that guided the study were as follows:

(i) What role has legal and policy reforms played in streamlining the management of Archaeological Heritage in Kenya?

(ii) To what extent do AHM practices in place affect the management of various museums and heritage sites in the country?

(iii) What are the Strengths, Weaknesses, Opportunities and Threats (SWOT) in managing Nairobi National Museum (NNM), Fort Jesus Museum, Kisumu Museum, and Thimlich Ohinga Cultural Landscape?

(iv) How can Archaeological Heritage Management be improved in Kenya?

These objectives have been considered in the background of the hypothesis that the practice of archaeological heritage management depends on the protective legislation, policy and the type of institutional framework put in place.

1.6   Justification and Significance of the Study

The National Museums and Heritage Act 2006 is a great improvement of the Antiquities and Monuments Act cap 215 of 1983 and the National Museums Act cap 216 of 1983. The policy reviews from this study will boost the capacity of the National Museums of Kenya to manage the national heritage. This study sought to establish a clear understanding of the concept of AHM in Kenya. This will assist policy makers, implementers, and the government to capture the core objectives of AHM as envisaged in the National Museums and Heritage Act 2006 and the NationalPolicy on Culture and Heritage of 2009 to boost practice in the field.

Additionally, the SWOT analysis of AHM policy and practice in various sites may be an important resource material for conservation of heritage in Kenya. It may also be a foundation of knowledge for the Government of Kenya, local and international heritage management groups. The people of Kenyawill benefit from it as the most current position of AHM in the country. Data generated by the study could be used by the government and other interested parties to initiate further reforms in the sector

1.7 Scope and Limits of the Study

The sites selected for study in this research were Kisumu Museum in Kisumu County, Thimlich Ohinga in Migori County, Fort Jesus in Mombasa County and Nairobi National Museum in Nairobi County.

The study was limited to an analysis of protective legislation, policy and practice of Archaeological Heritage Management. It specifically sought to examine the protective legislation based on the contents and provisions of National Museums and Heritage Act of 2006 and the National Policy on Culture and Heritage of 2009.

The study also looked at ways of improving Archaeological Heritage Management in the country. The study focused mainly on the period between 1927 to date given that Kenya made its first serious heritage conservation effort through the enactment of the Ancient Monuments Preservation Ordinance of 1927 and the year remains significant in AHM calendar in Kenya. The study runs to the present times because most of the challenges facing heritage management in Kenya are due to current socio-economic activities. [51]

The study involving a SWOT analysis of policy and practice needed to involve more respondents at the policy formulation and execution levels which were not possible due to logistical problems

---

[51]Kombo, D.K. and Tromp, A.L.D. (2006). Thesis Writing: An Introduction. Nairobi: Pauline's Publications.

and limited resource allocation for this study. Otherwise a bigger sample population in that particular category would have increased validity levels of the study results.[52]

Secondly, many government officials who were enlisted as respondents in this study were reluctant to take part in the research on suspicion that whatever information they gave out might be used against them and could lead to their victimization.[53] Others cited the government officers' oath of secrecy barring civil servants entrusted with sensitive government information from divulging contents of classified information to any other party and yet some of this information was very crucial for this study. They, however, gave me audience as most of them are known to me.

Again, given the study focused on protection legislation, policy and practice of AHM in Kenya, the research heavily relied on the participation of senior management officials from the Ministry of Culture and Heritage, NMK and other NMK branches countywide. [54]However, this category of respondents was mostly unavailable and therefore failed to deliver on their promises to react to the questionnaire sent to them by the researcher. As a result, the study delayed as I was kept waiting until when they became available. .Nevertheless, the researcher believes that the number of respondents who took part in this study is sufficient to represent the population under study.

---

[52]Kathuri, J.N., & Pals, D.A.(1993). Introduction to Educational Research. Njoro: Egerton University Press.

[53]J. A. Movshon, B. E. I. Chambers and C. Blakemore (1972), Interocular transfer in normal humans, and those who lack stereopsis. Perception 1, 483-490.

[54]Masakhalia, Y.F.O. and Richards,G. (1978) "Development and Conservation". Paper Presented at the Lamu Conference on the Conservation of Historic Towns and Monuments, 18-26 February, 1978 Lamu, Kenya.

1.8 Theoretical Framework of the Study

Archaeological Heritage Management (AHM) is trans-disciplinary in nature. It draws on the practices of conservation, environmental management, public policy, restoration, museology, history and architecture.[55] AHM has traditionally been concerned with the identification, interpretation, maintenance, and preservation of significant archaeological sites and physical heritage assets together with intangible facets of heritage, including cultures, languages and traditional skills[56]. This implies that the policies of AHM adopted by a state party to the ICOMOS Charter should embrace conservation, restoration, museology, historical and architectural principles and practices.

The process of AHM involving identification, interpretation, maintenance, and preservation of significant archaeological sites and physical heritage assets has been widely studied. AHM receives considerable amounts of resources and attention during research and when faced by threats. Because of the reactive nature of most countries, the focus and emphasis is often on salvaging archaeological materials.[57] According to scientists, possible threats to heritage range from large scale agriculture, urban development, mining activities, erosion, and looting, to unsustainable visitor numbers.

---

[55]Neumann, T. W., R. M. Sanford. (2001). Cultural Resources Archaeology: An Introduction. London and USA Rowman and Littlefield ,Walnut Creek, CA: altamira Press.

[56]Neumann, T. W., R. M. Sanford. (2001). Cultural Resources Archaeology: An Introduction. London and USA Rowman and Littlefield ,Walnut Creek, CA: altamira Press.

[57]ibid

AHM has its roots in the rescue archaeology and urban archaeology undertaken throughout North America and Europe during World War II and the succeeding decades..[58] Instead of engaging in proper salvage efforts, most of the states could only hastily identify and collect archaeological remains before their destruction to make room for other more robust or large constructions and public works[59]. Initially, it was almost impossible for a project to stall simply because of the presence of an archaeological treasure or site, regardless of how fascinating it might have been. Due to this, it became the responsibility of salvage archaeologists to expedite their work.[60] Many sites were lost, but it is worth noting that much data was saved for posterity through these salvage efforts.

 The management of threats facing AH in the world should, therefore follow a well defined system of actions and instruments guided by internationally accepted rules and regulations. The system of action and procedure taken for AHM by party states constitutes the policy framework of AHM in a country.[61]Policies are meant to organize, regulate and order good practice and they are enforced by legislation. Policies governing Archaeological Heritage Resource Management have been developed over time, leading to the recognition of not just the social, but also the economic importance of heritage, as well as, other cultural assets.[62] The policy statements should, however,

---

[58] See King (2008) who expressed and further expounded a similar view.

[59] Ibid.

[60] Ibid.

[61]Schaafsma, C.F. (1989). "Significant Until Proven Otherwise: Problems Versus Representative Samples". In Archaeological Heritage Management in the Modern World, ed. by H.F. Cleere. London: Unwin Hyman, pp. 38-51.

[62]King, T.F. (2008). Cultural Resources Laws and Practice . NewYork: AltaMira Press.

reflect on the aspirations, interests and values of the people for which protection and conservation is meant to serve.

There are a wide variety of ways in which state power has been used directly to control heritage resources in different countries. Analysis of how these operate on the ground and the possibilities and problems they present is worthy of discussion. The primary methods by which state authorities are given power to intervene in management of heritage resources is by institution of protective measures, taking control of property, usually by means of intimidation, blackmail and harassment.[63]

Studies in heritage management indicate that heritage in Africa is threatened in many ways.[64] These ways include: environmental pressures, uncontrolled urban development, warfare and communal conflicts, poverty, and lack of political will.[65] There are also other factors which include: lack of awareness of the value of heritage, low levels of funding, inadequate expertise and equipment, lack of inventories, insecurity due to rioting, illicit trafficking, clandestine excavation and outright looting.[66]

---

[63] ICCROM Conservation Studies-8 (2009) in its observation outlining the intervention powers of the state.

[64] Eboreime, J.O. (2005). Nigeria's Customary Laws and Practices in the Protection of Cultural Heritage: With special reference to the Benin Kingdom. In Z. Ndoro and G.(Pwiti eds.). Legal Frameworks for the protection of Immovable cultural Heritage in Africa. Rome: ICCROM Conservation Studies.Ecology,71(6), 2060-2068.

[65] Ibid.

[66] Ibid.

Majority of African countries have outdated laws which have failed to meet the contemporary realities of integrated development, customary and community rights and value systems.[67] Most of the countries have either legislation without policy or policies without legislative backing and as such, the legislation or policies available fail to address issues of poverty, employment, interests of youths, gender, land use and rights.[68] Where legislation exists, it tends to conflict with other legislation on environment, land planning, urban and rural development, traditional and cultural rights and community values. Kenya, for example, managed their heritage without a culture and heritage for quite long, to be precise until 2009, yet the country has had protective legislation since 1927.[69]

1.8.1   Theory of Adaptive Management

The current study on the inter-phase between protective legislation, policy and practice of AHM in Kenya is guided by the theory of Adaptive Management. According to Haber, adaptive management as a scientific management tool can be trace back to the early 1900s.[70] The theory is

---

[67] Ibid.

[68] Kuhn, Thomas S. (1970). The Structure of Scientific Revolutions. Enlarged (2nd ed.). Chicago: University of Chicago Press.

[69] Kuhn, Thomas S. (1962). The Structure of Scientific Revolutions (1st ed.). University of Chicago Press.

[70] Haber, S. (1964). Efficiency and Uplift: Scientific Management in the Progressive Era, 1890-1920 . Chicago: University of Chicago press.

linked to disciplines outside natural resource management, for example, general management, business,[71] systems theory or feedback control,[72] industrial ecology,[73] and social learning.[74]

The theory has drawn particular attention in resource management.[75]Heritage studies, as stated earlier, are trans-disciplinary embracing ecology, archaeology history, and public policy to mention a few. In this study, public policy has been restricted to academic political opinion for evaluating internal and external capacity of NMK. There are also environmental policies leading to good governance of museums.

The theory gained prominence with Holling's publication of his 'Adaptive Environmental Assessment and Management' in 1978. The theory's potential as a framework for dealing with complex natural resource management problems began to be recognized. Main elements of adaptive management explored in these texts include; the importance of design and experimentation, the crucial role of learning from policy experiments, the iterative link between knowledge and action, the integration and legitimacy of knowledge from various sources, and the need for responsive institutions. A growing professional literature that reflects diversity in terms

---

[71]Kuhn, Thomas S. (2012). The Structure of Scientific Revolutions. 50th anniversary. Ian Hacking (intro.) (4th ed.). University of Chicago Press.

[72]Benjamin Crabtree and William Miller (Eds.) (1999). Doing Qualitative Research (2nd edition). London: Sage, 406 pages, ISBN 0-7619-1497-8

[73]Bahn, P.G. (ed.) (1996). The Cambridge Illustrated History of Archaeology. Cambridge: Cambridge University Press.

[74]Korten, D. C. (1984). People_Centred development: Towards a framework. In D.C Korten and R.Klauss (eds.) People_Centered Development. Pp. 299_309. United Kingdon, West Hart, CT: Kumarian.

[75]Lee, K.N. and Lawrence, J. (1986). Adaptive Management: Learning from the Columbia River basin fish and Wildlife program;. Environmental Law 16: 431_460.

of interests and experiences in the application of adaptive management has now emerged. For instance, Johnson found a number of papers that had used Adaptive Management within their titles, abstracts, or even among the keywords. These articles mostly covered a variety of issues ranging from public involvement, as well as, wetland and coastal restoration, to wildlife management[76].

Holling argued that the increased interest in adaptive management has been driven by three interlocking elements. The very success in managing a target variable for sustained production of food or fiber apparently leads inevitably to an ultimate pathology of ecosystems that are more vulnerable and display less resilience, management agencies that are unresponsive, and societies that are dependent[77]. This defines the conditions that bring about a gridlock and irretrievable resource collapse.

To find solutions to these challenges, societies have sought strategies to forestall collapse. Ethnographic evidence indicates humans have long relied on ad hoc hypothesis testing as a means of learning from surprise and increasing the stock of knowledge on which future decisions to use environmental resources are made.[78] For example, Falanruw described how the Yap of Micronesia for generations sustained a high population despite resource scarcity by practicing adaptive techniques.[79] Such techniques resulted in the generation of trees that produced termite-resistant

---

[76]Johnson, M. (1999). Archaeological Theory: An Introduction. Singapore: Wiley_ Blackwell Publishing.

[77]Holling ,C.S. (1995). Barriers and bridges to the renewal of ecosystems and institutions. Edited with L. Gunderson and S. Light (editors) New York, NY: Columbia University Press.

[78]ibid

[79]Falanruw (1984)

wood, as well as, the establishment and conservation of coastal mangrove depressions and sea-grass meadows to support fishing. The Yap altered their surroundings through the use of adaptive management processes. In addition, they engaged in activities, as well as, the observation and recording of results through stories, songs, and codified practices such as rituals and taboos. The Yap experience is one that of a society which is able to change as the situation required.[80] At Thimlich Ohinga, traditional conservation methods have been used to preserve and enhance the site and this fits within the fabrics of adaptive management. (Onjala, 1990, 1994).

Adaptive Management offers a compelling framework involving practical lessons and arrival at consistent conclusion. The adaptive management theory has its shortfalls too; generally management of resources has failed to capture its tenets and have thus fallen short on delivery. This anomaly has been recognized by various researchers.[81] This is why Lee concluded that adaptive management has been more of an ideal concept than a practical tool that is used to gain important insight into ecosystem behavior, as well as, their utilization and human habitation.[82]

Humans have long demonstrated the capacity to adapt to new information and contexts. Environmental stimuli provide feedback that inform us and modify subsequent behavior. Over time, individuals, groups, societies, and cultures learn to respond to changes; they adapt or conversely,

---

[80]Lee, K. N. (1993). Compass and gyroscope: integrating science and poli-tics for the environment. Washington D.C: Island Press.

[81]This anomaly has been recognized by Halbert (1993), McLain and Lee (1996), Stankey and Shindler (1997), and Walters (1997).

[82]Lee, K.N. and Lawrence, J. (1986). Adaptive Management: Learning from the Columbia River basin fish and Wildlife program;. Environmental Law 16: 431_460

they don't and eventually inherit the consequences. There are many adaptive mechanisms, some more conscious and intended while others could be by fate.

The adaptive management theory as applied here shares the general premise of learning by doing; it adds an explicit, deliberate, and formal dimension to framing questions and problems. It should also entail undertaking testing and experimentation, while continuously processing the results critically. The processing should then lead to a reassessment of the policy context that triggered the investigation in the first place, albeit doing so in light of the knowledge that has been acquired through the process. The theory in this context involves more than traditional advancement but purposeful experimentation, deliberate and formal processes of inquiry.

Experimental adaptive management of Carl Walters offered a pessimistic appraisal of recent progress, a total departure from Holling's school of thought. There is a growing appreciation of the various cultural, institutional, social-psychological, and political-legal challenges confronting adaptive management. However, despite the challenges, the body of scholarly commentary and experience regarding alternatives for addressing these challenges is growing considerably and continuously.[83]

In natural resource management issues is the underlying uncertainty regarding both cause of the problem and the effect on a particular management strategy. These dilemmas are, in part, a product

---

[83]Miller, A. (1999). Environmental program solving: psychological barriers to adaptive change. NewYork: Springer_Verlag.

of the growing emphasis on long-term, integrative and multi-scale aspects of resource management. The issues that further complicate resource management include multiple jurisdictions, multiple disciplinary perspectives, and associated management objectives. Further, there is also the problem of covering large areas and over an unlimited period of time.

The above issues may render traditional approaches to scientific inquiry increasingly inadequate, particularly with regard to the ability to predict consequences and effects. Many have suggested that the central strategy of mainstream science has been to break phenomena into distinct disciplines or components, before removing them from the larger context, and identifying processes that can be used to frame specific research questions.[84] The adaptive management theory, however, has served science and society well and may continue to do so. Its effectiveness in addressing some contemporary natural resource management issues may be its limitation.

These limits generally are acknowledged in many past studies and calls for ecosystem-based, integrative resource management explicitly or implicitly grounded in the need for innovative institutional structures and processes.[85] At this point, one can ask the question: is the Archaeological Heritage resource management in the country eco-system-based, integrative, and grounded in the need for innovative institutional structures and processes? Because such approaches usually acknowledge that ongoing evaluation and monitoring play a critical role as

[84]Kuhn, Thomas S. (2012). The Structure of Scientific Revolutions. 50th anniversary. Ian Hacking (intro.) (4th ed.). University of Chicago Press.

[85]Korten, D. C. (1984). People_Centred development: Towards a framework. In D.C Korten and R.Klauss (eds.) People_Centered Development. Pp. 299_309. United Kingdon, West Hart, CT: Kumarian.

they serve as the basis upon which learning can then be used to inform subsequent actions. There is no denying that the hallmark of social learning planning models is the iterative relationship that is displayed thereafter[86].

The concept of adaptive management has gained attention as a means of linking learning with policy and implementation. Under the current framework of culture and heritage management in Kenya, there is vibrant department of research at the NMK which is expected to generate new ideas upon which new actions and processes are supposed to be ground. However, as per the current practice of HM in the country, are there practical gains that can be attributed to learning planning models?

Although the idea of learning from experience and modifying subsequent behavior in light of that experience has long been reported in the literature, the specific idea of adaptive management as a strategy for natural resource management can be traced to the seminal work of Holling, Walters, and Lee[87]. Scholars such as Walters, Holling and Lee have developed a strategy whereby on-the-ground actions and policies serve as hypotheses for further learning. Any lessons learnt are then transferred to subsequent policies and actions, serving as the basis for any changes made[88].

---

[86]Friedmann, J. (1987) Planning in the Public Domain: From Knowledge to Action, Princeton, NJ: Princeton University Press.

[87]Holling ,C.S. (1995). Barriers and bridges to the renewal of ecosystems and institutions. Edited with L. Gunderson and S. Light (editors) New York, NY: Columbia University Press.

[88]Kuhn, Thomas S. (1996). The Structure of Scientific Revolutions (3rd ed.). University of Chicago Press.

Adaptive management concept has been applied across a range of resource sectors such as agriculture, water resource management, fisheries, among others, as well as, a variety of sociopolitical contexts in Australia, Canada, Europe, Southeast Asia, South Africa, and United States of America. The potential of adaptive management makes it an attractive approach, especially in cases where there are high levels of uncertainty.

Implementation of AHM Plan should target an ecosystem-based management approach across the country in which sharp conflicts over objectives and values existing between different management stakeholders should be ironed out and a harmonious working relationship created between the groups. These conflicts are exacerbated by high levels of uncertainty. Existing science should be undertaken at the site or stand level, and its applicability at the regional level must be well understood. Moreover, the precarious status of endangered heritage and the dilapidation extent of sites, monuments and other cultural heritage in Kenya can be combined to create a situation in which there is greater concern among citizens, managers, policymakers, and scientists over the urgent need to rectify the problem of dilapidation.

Such a plan should place a heavy emphasis on administration given that about 80 percent of the planning area is in an administrative or statutory management. The management provisions should be augmented by a set of restrictive standards and guidelines that set performance standards for on-the-ground activities. The plan should also acknowledge that improving the levels of understanding among and within the obviously complex socio-economic-political and biophysical

systems in Heritage Management would require an increased emphasis on new knowledge.[89] As a result, it calls for adoption of a management strategy that is flexible and adaptive to ensure a new understanding is gained.

Adaptive Management Theory proposes a four-phase adaptive management cycle. In the First Phase, plans are framed, based on existing knowledge, organizational goals, current technology, and existing inventories. In Phase Two, on-the-ground actions are initiated while the subsequent phase (Three) entails monitoring the results of those actions. Phase Four involves evaluation of results. The cycle is then repeated and is mainly informed by the knowledge and experience gleaned from the previous process. The results obtained can then serve to validate the continued use of existing policies and practices or necessitate alterations; at times even both.

To facilitate the adaptive strategy, Archaeological Heritage Resources in the country can be allocated to Adaptive Management Areas (AMAs) distributed across the country to represent the diversity of archaeological resource conditions. The AMAs provides the areas to experiment with management practices, where the standards and guidelines could be tested and validated, and where innovative relations between Archaeological Heritage managers and citizens would be encouraged. The Adaptive Management Plan (AMP) has been in place for more than a decade and has been able to achieve its intended objectives and has provided a framework within which key

---

[89]Lee, K. N. (1993). Compass and gyroscope: integrating science and poli-tics for the environment. Washington D.C: Island Press.

uncertainties contained in management have been critically examined, tested, and, as appropriate, modified.

Using an Adaptive Management approach for Archeological Heritage Management can be given additional importance by the revised NMK Act of 2006 that guides implementation of AHM in the country. Adaptive Management Strategy outlines the procedures responsible planning officials are supposed to follow in implementing the new approach. In some cases, relevant concepts and experiences derive from literature or policy experiments where the explicit notion of adaptive management is either absent or only of tangential interest. In the current study, the researcher attempts to blend the findings of discussions, technical analyses, and substantive analyses, which form the core pillars of an adaptive approach. This should be done within the framework of the present legislation on AHM in the country and the results from various implementation efforts being undertaken by the NMK to manage archaeological heritage resources.

 Archaeological Heritage Management is a complex and broad subject that cannot be adequately analyzed using a single approach. It requires in-puts from many disciplines and involvement of all the stakeholders concerned. It requires a synthesis of experts in archaeology, site managers, conservators, scientists, tourist planners, engineers, the local community and geologists to formulate an overall conservation strategy that can be developed into a master plan for a site.

One basic foundational rule and premise upon which adaptive management is based, is that complete knowledge of ecological systems is impossible[90]. Moreover, there is a growing

---

[90]Lipe, W. (1984). Values and Meanings in Cultural resources. In H. Cleere (ed) Approaches to Archaeological Heritage. Cambridge: Cambridge University Press.

conviction that expanding knowledge through traditional scientific inquiry will always be limited by resources and time. When these limiting factors are linked to the contextual conditions of resource scarcity, potential irreversibility, and growing demands, the need for new ways in which understanding and learning, not only occur but directly inform decision making and policy processes becomes apparent.[91] Adaptive management not only offers a scientifically sound course but also ensures that action is dependent on extensive studies, as well as a strategy designed to enhance the systematic evaluation of actions[92]. Adaptive management also attracts attention because of the greater emphasis it places on management experiences as means of learning. The basic tenet of adaptive management is aptly captured by the phrase "learning to manage by managing to learn."[93]This implies the existence of an iterative process which links action and knowledge[94]and, conversely, action to knowledge[95] which is what is needed in AHM to eliminate threats to the country's Archaeological Heritage.

Adaptive Management as a concept has been applied in a diverse number of fields, ranging from agriculture, fisheries, and forestry in the natural resource arena to business and education. It incorporates diverse academic perspectives including learning theory, public policy, and experimental science. In this study, the conceptual framework used attempts to combine the results of technical and substantive analyses, as well as, discussions of the important conceptual

---

[91]ibid

[92]ibid

[93]ibid

[94]ibid

[95]Lee, K. N. (1993). Compass and gyroscope: integrating science and poli-tics for the environment. Washington D.C: Island Press.

constituents of an adaptive approach, and results obtained in the management of resources by an organization. The framework consists of the goals and objectives of an organization embraced in the platform of new knowledge and innovation supported by new technology.

1.9 Research Methodology

A number of research methods were used in this work. These have been highlighted below under different headings. Each design was chosen for suitability in arriving at the desired results in this work. This brief description of the areas is however only basic but gives an insight on what the research process entailed.

1.9.1: Research Design

A descriptive study design was employed in this survey. This enabled the researcher to study phenomena that do not allow for manipulation of variables.[96] The present study was exploratory and was appropriately executed through a descriptive survey. Survey research is a self-report study which requires the collection of quantifiable information from a sample. The study collected information from a sample of archaeological sites in Kenya which were quantified and analysis drawn on the basis of proportions.[97] This research design was found to be suitable for obtaining information describing the practice of AHM in Kenya and the inferences derived from this study are appropriate because the variables are known and can be used to further the interest of AHM in Kenya.

---

[96]Kombo, D.K. and Tromp, A.L.D. (2006). Thesis Writing: An Introduction. Nairobi: Pauline's Publications

[97]Mugenda, O.M.. & Mugenda, A.B. (I 999). Research Methods. Quantitative and Qualitative Approaches. Nairobi: African Center for Technology Studies (ACTS) Press.

Law and policies governing AHM in Kenya were critically examined in order to synthesize a holistic position of practice in the country. The analysis involved breaking down of the aspects of AHM practice into: funding for AHM in the country; involvement of local communities and other stakeholders in planning and management of Archaeological Heritage; presence of inventories; institutional framework; research component; and documentation, storage and retrieval systems. Other areas include: involvement of the private sector in AHM, integration of heritage into development efforts; punitive measures; and community empowerment component in heritage management.

1.9.2: Study Area and Population

The study was conducted at selected monuments and museums. These included Kisumu museum (Kisumu County), Fort Jesus Museum (Mombasa County), Thimlich Ohinga Cultural Landscape (Migori County) and Nairobi National Museum (Nairobi County) as highlighted in Figure 1, which also show other museums and sites in Kenya.

The objects of the study comprised of the NMK managed monuments, sites and museums in Kenya. To assist in surveying of these sites, the study involved getting information fromNMK employees and officials from the parent ministry, that is, the Ministry of State for National Heritage and Culture (this ministry has since been renamed The Ministry of Sports, Culture and Arts under the new Jubilee Administration which came into power in April, 2013). This broad spectrum of the population was necessary to achieve a balanced diversified and integrated standpoint on AHM in Kenya.

Figure 1: Distribution of museums, sites and monuments in Kenya with studied heritage areas shown as numbers 1-4. (Map Courtesy of NMK 2013)

1.9.3: Sampling Procedure and Sample Size

The four heritage areas were sampled to reflect what goes on within the country. Museums and sites in the country were listed down and clustered into three regions according to their locations as follows: Coast, Central, and Western, not by administrative or political units but by spatial considerations. The study used purposive representation to decide on two sites and two museums from these regions to be used in the study. The areas of study were picked as shown in **Table 1**.

Table 1: Sample matrix

S. No	Heritage Area	Region	Nature of the site
1	Kisumu Museum	Western	This is flagship museum holding cultural materials which form part of Kenya's heritage.
2	Thimlich Ohinga	Western	This is a national monument and archaeological site. It forms a good example of the archaeological heritage where application of AHM can best be carried out.
3	Nairobi National Museum	Nairobi	This is a flagship museum holding cultural materials of different kinds depicting Kenya's cultural heritage. It is the centre of implementation of heritage management policies.
4	Fort Jesus Museum	Coast	This is a World Heritage Site and historic national monument. It houses museum and elaborate storage facilities for archaeological heritage materials. It is a centre for active management processes taking care of coastal heritage.

The second sampling procedure used in the study for choosing members of staff from NMK and the then Ministry of Culture and Social Services was purposive sampling. The method was used to select three (3) employees for interviews from each of the four (4) museums and sites chosen

for this study giving a total of 12 employees as participants. Employees in specific positions which

the researcher felt could inform the study included the Curators of the museums, Welfare Officers,

and Finance Officer from each of the chosen four (4) heritage areas. The list of the informants is

given as Appendix 3

1.9.4: Research Instruments Used in the Study

Borg and Gall defines research instruments as "tools for collecting data."[98] In a study, there are a

number of research tools which a researcher can select depending on the nature of the study, the

kind of data to be collected and the kind of population targeted.[99] In order to study the four

museums and sites sampled, the current study used area sampling and observation to collect data

on the status of the study site.

(a) Area Sampling and Observation

Using the two research instruments, the researcher developed an observation checklist to assist in

establishing the status of various archaeological sites under study. Using the check list, the

researcher evaluated present status of sites using a standardized elementary analysis of

characteristics schedule and recorded the results in an observation schedule.

In the observation schedule, the study sought information on the sites' location, surrounding,

drainage, outside lighting, physical security, electricity wires, the museum building, exhibition,

fixtures, fittings, supports, inside environment, storage and the archaeological heritage

---

[98]Bormann, B. T., P. G. Cunningham, M. H. Brookes, V. W. Manning, and M. W. Collopy.(1994). Adaptive ecosystem management in the Pacific Northwest. Gen. Tech. Rep. PNW-GTR 341. Portland Oregon: United States Department of Agriculture, Forest Service, PNW Research Station. 22 pp.

[99]Orodho, J.A. (2004) Techniques of Writing Research Proposals and Reports in Education. Nairobi: Masda Publishers.

management activities, such as maintenance work among others. These specifications informed identification of problems and recommendations. In areas where AHM projects were going on, it involved participant observation as the researcher participated in the programmes.

Observations were carried out at the listed heritage areas and information was recorded in observation schedules, with, salient features of AHM and observed activities being photographed. Later, both the photographs and the observation schedules were analyzed and interpreted.

(b) Interviews
The second research instrument used in the present study was interviews. This study used interview schedule to establish the challenges facing AHM at the heritage areas studied. Interviewing is one of the methods used in survey research for collecting data.[100] This study conducted interviews in order to gather data from NMK employees at the museums and sites under study and management staff at the Ministry of State for Culture and Heritage.

A structured interview was utilized to provoke discussions among respondents, especially key informants such as Caretakers of monuments. Through this method, the respondents were encouraged to give their views, experiences and values on the subject under study. The respondents' reaction to topical questions were recorded, analyzed and interpreted.[101]

---

[97]Kathuri, J.N., & Pals, D.A.(1993). Introduction to Educational Research.Njoro: Egerton University Press.

[101]McCracken, G. (1988). The Long Space Iinterview.London/Newbury Park/Delhi, Sage.

The interview method was found to be convenient because respondents in the study were government officers who had information on the subject. At times they were busy in their workstations and could not find enough time to fill questionnaires and attend to Focused Group Discussions. It was, however, possible to access the classical information this category of informants had by personally visiting their offices for a chat one-on-one.

(c) Review of Documented Information
The fourth method of collecting data was review of recorded information to obtain secondary data from published and/or unpublished information. The published data abound in various publications of the government, international bodies, and organizations. These publications include: journals, books, magazines, newspapers and reports prepared by researchers, public records and statistics and historical documents.

The sources of unpublished data were many and they included; diaries, letters, unpublished biographies and autobiographies obtainable from scholars, researchers and relevant institutions. The information collected from the secondary data centred on the historical development of AHM, laws governing the heritage, the general policies and practice of AHM.

Before using the secondary data, care was taken to ensure the following: reliability, suitability and adequacy of the data. Reliability of the data was tested by knowing who collected the data, what the sources of the data were, whether the methods used in collecting the data were proper, the time when the data were collected, the un-biasness of the compiler, the level of accuracy that was desired and if such desire was achieved.

Suitability of the data, on the other hand, was tested by carefully scrutinizing the definition of various terms and units of collection used at the time of collecting the data from the primary source originally. Similarly, the object, scope and nature of the previous Ordinances and Acts which governed heritage management in the country before 2006 were also studied. The data were considered adequate because the level of accuracy achieved was high for the purpose of the present enquiry.

(d) Data Collection Procedures
This study relied on both primary and secondary sources of data whereby primary data was derived from area observations; interviews and discussions while secondary data was synthesized from documented information in text books, periodicals, journals, newsletters, electronic media (internet), National Museums of Kenya records, as well as other related articles; and archival sources from the Kenya National Archives (KNA) and the National Museum Libraries.

Under the primary data collection, the researcher notified the potential respondents one month in advance and booked interview sessions with them at a time, place and date convenient to the respondents. During the booking meetings, explanations regarding the scope focus, and intentions of the study were provided to the respective respondents and assurances were given concerning the security of any information provided for use in the study. [102]

---

[102] Ibid

Furthermore, letters authorizing the study were availed to the respondents to authenticate the validity of the study. Through such a move, the study managed to cultivate maximum trust and good working relationship with the respondents. This helped to improve the freedom of expression among the respondents and also increased the number of voluntary participants for the study.[103]

Once the preparations were complete, the researcher arranged for a pilot study where two sites; Fort Jesus museum and Thimlich Ohinga, were chosen purposively because of location and distinct management strategies. Site observations were made using a designed observation checklist and photographs taken for records. Site managers were also interviewed using an interview guide already prepared for the study and reactions were recorded and analyzed for clarity and ambiguities detected were rectified while some questions were removed from the list altogether after generating irrelevant reactions. This helped in polishing the questions of the interview together with observational check list which eventually enhanced content validity and reliability.

After the polishing of the research instruments through the pilot study, the researcher proceeded to the field for the actual study where actual interview sessions with respondents were conducted to provoke reactions in line with the objectives of this work. The researcher guided the respondents through a question and answers session and recorded reactions of the respondent to various questions posed to them.

---

[103] ibid

The researcher also used the observation checklist to examine the status of the sites and recorded results which were also presented for analysis and interpretation. To reinforce the status of AHM in the country, the study took photographs of various archaeological sites under study which were analyzed and interpretations made.

(e) Validity and Reliability

A study instrument is only valid if it measures what it is intended to study and accurately achieves the purpose for which it was designed.[104] The current study had in place measures to ensure that the instruments used in the study provided accurate results. While Patten emphasizes that validity is a matter of degree,[105] this study focused on the use of observation and interview to study a largely investigative problem area of AHM in Kenya.

The findings acquired from the use of the instruments are deemed to be accurate because the interview schedules conducted during the study provided respondents with freedom to express themselves without fear or favor due to its non in criminative nature. Respondents were free to talk to the researcher as opposed to writing something down which many fear can be used against them in a court of law. Even though Patten posits that no test instrument is perfectly valid,[106] the current study adopted the use of instruments that have the best capability of achieving the most accurate results and obtain relevant study conclusions.

---

[104]Patten (2004) and Wallen&Fraenkel (2001) on the Validity of a Research Instrument.

[105] Ibid.

[106]Ibid

Furthermore, the current study was concerned about the validity of its results and just as Wallen & Fraenkel[107] reported that validity involves the appropriateness, meaningfulness, and usefulness of inferences made by the researcher on the basis of the data collected, the study adopted the use of pilot study to ensure the accuracy of the questions used for the interview were guaranteed. Validity being judgmental, content validity was evaluated by judging and reviewing the content of the instrument used. During the pilot study, poorly answered or ambiguous questions were eliminated and some reframed to improve clarity and avoid ambiguity. The study has also addressed three principles to improve content validity and involved the use of a broad sample of content, emphasized important material, and developed questions to measure the appropriate variables.

(f) Data Analysis and Presentation

Data from the questionnaire and observations were analyzed qualitatively by arranging them into categories and relevant themes were derived. Document review analysis was done for written sources. In both instances themes isolated were on legislation, policy and practice of heritage management.

Finally, SWOT analysis was used to understand management activities at the heritage areas in relation to legislation and policies. Conclusions were then drawn from these results.

---

[107]Wallen, N.E. and Fraenkel, J.R. (2001). Educational research: A guide to the process (2nded.), Mahwah, NJ: Lawrence Erlbaum Associates, Publishers.

(g) Data Management and Ethical Considerations

Before conducting the study, the researcher sought permission from National Museums of Kenya whose centers and employees were the respondents in the current study. Prior to the actual field study, the researcher met the prospective respondents to explain the intentions of the study in order to cultivate a positive research relationship. Respondents were guaranteed confidentiality and were assured that information collected from them was to be used only for purpose of this study and not any other purpose whatsoever.

The study questions were designed considering the respondent's privacy and psychological needs. The numbers of research items in the interview schedule were minimized to avoid time wastages. Respondents were asked to participate in the study anonymously to avoid incidents of victimization by management on an account of leakage of government secrets or classified information.

1.10   Conclusion

This chapter has given the background to this work by introducing the problem of AHM. It has unveiled the problem of study and, also looked at heritage management problems on a global scale. It has, therefore, highlighted the protective policy and practice of Archaeological Heritage Management in Kenya pointing out the areas of deficiencies. Adaptive Management Theory has been employed to analyze the best practice for the local heritage management initiatives. This became necessary because heritage studies is not a discipline per se but cuts across many disciplines. Heritage issues are also complex and multifaceted, borrowing from sciences, environment and management studies. Research design and methodology used for conducting the

study has also been provided .The study employed descriptive survey and document review methods of analysis and presentation

CHAPTER TWO: INTERNATIONAL LEGISLATION ON HERITAGE MANAGEMENT

2.1 Background

This chapter looks at the background to international heritage resource management and how these are applied or affect local management practices in Kenya.

Archaeological heritage is part of the basic record of past human activities. Its proper management and protection is, therefore, essential in understanding the past. Further, it is quite important for scholars to study, as well as, interpret the past to the benefit of both the present and future generations. One of the benefits is that knowledge and understanding of the origins and development of human societies is important in identifying both cultural and social roots.

The concept of AHM can be traced back to the 1956 UNESCO Convention where the General Conference recommended the establishment of international principles for AHM.[108] AHM in this context was to deal with issues, achievements and challenges of the World Heritage Mission regarding safely of cultural materials. Since then, Archaeological Heritage Management has been widely documented in archaeological literature all over the world.[109]

Essentially, AHM, which is at times referred to as Archaeological Resource Management (ARM) is a subcategory of Cultural Resource Management. It comprises of a broad range of issues related to the protection, preservation, and use of archaeological resources.[110] Archaeological Heritage

---

[108]Cleere, H.F. ed. (1989) ,Archaeological Heritage Management in the Modern World. London: Unwin Hyman.

[109] See such research works as by Chapman 1973; Cunningham 1974; D.F. Green 1975a; King 1971, 1976b; Lipe and Lindsay 1974; MacDonald 1976; Mathery and Berge 1976b; McGimsey 1972a, 1973; McGimsey 2004, McGimsey and Davis 1977; Pastron, Clewlow and Hallinam 1973.

[110]Demas, M. (2003).Consevation and Management of Archaeological Sites: The GCI project bibliographies Series. The Getty Conservation Institute, September, 2003. Los Angeles, California.

Management developed in response to the many threats to archaeological resources and the means and methods of mitigating their impact by, for instance, the development and implementation of policy and legislation (both national and international); survey, collection and management of data; protection and/or salvage of archaeological resources in the face of contemporary development and illegal trade; and the education and training of professionals and public awareness.[111]

The practice developed from mere preservation that grew from integrated conservation activities only a century after the convergence of heritage conservation and urbanism professionals to deliberate on issues of heritage protection. Tangible agreements marked the road leading to a conceptual development in urbanism and heritage conservation.[112] The idea of 'urban heritage' essentially grew from what were isolated monuments to become urban fabric at the turn of the 19th century starting with Camillo Boito's writings, those of George Gottfried, Aloise Riegl, Gustavo Giovannoni, and Dehio adding new layers that led to the development of a more in-depth understanding of conservation.[113]

In 1908, the Royal Commission on Historical Monuments was started in England with branches in Scotland and Wales to provide inventories of ancient monuments and historic buildings dated

---

[111] Ibid.

[112] DOCOMOMO-International and The Architectural Heritage Society of Scotland (May, 2009)

[113] Ibid.

before 1714..[114] Major works of historical architecture found in Belgium and France that were destroyed during World War I, were restored to their original design.[115] The scale of the damage was beyond the scope of imagined interventions and the alternative would have been what Ruskin called the 'necessity of destruction' where he suggested that the buildings be pulled down, their stones thrown into neglected corners and used for making ballast or mortar. According to Ruskin the buildings were no longer useful.

Governments were not ready to abandon their nation's heritage for the sake of conservational dilemmas and where damage or threat was occasioned by the inroads of decay, greater reserve was displayed.[116] In particular, where ancient façade sculpture began to show signs of deterioration, they replaced them with simple displays opting to conserve the ancient one inside the galleries.

In the USA the restoration of colonial Williamsburg was initiated in 1926 when John D. Rockefeller (1874–1960) bought 173 acres of the town aiming at restoring it to its original form in 1775. Ancient buildings were subsequently restored and those that were in ruins or completely built over were reconstructed, the latter involving the removal of several hundred 19th and 20th-century buildings.[117] An unusual feature of the exercise was the archaeological and archival research put into each property, the foundations of each house being excavated before rebuilding.

---

[114]The Architectural Conservation and Restoration after 1900 (2006).

[115] Ibid.

[116]Ibid

[117] Ibid.

By the end of the 20th century more than 100 major buildings had been restored, 50 of which were reconstructions and the original of the whole is a mixture of old and new. It became the measure by which other similar museums were judged although few can boast original house plots on the scale of Williamsburg restoration project.

This literature puts into historical perspective the practice of conservation and restoration work in the USA and is a basis of the present day AHM efforts being undertaken by various State Parties to protect cultural heritage. It is, therefore, relevant to use Architectural Conservation and Restoration after 1900 report to place the current study in its historical perspective and be able to interrogate the concept of restoration as a method of AHM that is available for use in Kenya to address preservation and the technique of conservation.

2.2   International Documents for the Preservation of Archaeological Heritage

International documents related to preservation have existed since 1931, and have worked well for preservation.[118] The international documents of preservations include: the Carta del Restaur; the International Charter for the Conservation and Restoration of Monuments and Sites; the Secretary of the Interior's Standards for Rehabilitation; and the BURRA Charter.[119] These charters provided the foundation on which conservationists worked and are considered as the basis of conservation policies adopted by many countries afterwards.

---

[118]Sickels-Taves, Lauren B. (1999). *The use of and need for preservation standards in architectural conservation*. ASTM International.

[119]Sickels-Taves (1931). The International Charter for the Conservation and Restoration of Monuments and Sites.

The First International Congress of Architects and Technicians of Historic Monuments was held in 1931 on a ship that sailed from Marseilles and docked in Athens. Sickels-Taves reported that the Athens Conference which was organized by the International Museums Office came up with basic guidelines for an international code of practice for conservation. In addition to discussing modernist architecture, Sickels-Taves noted that the Congress produced a document entitled "the Athens Charter for the Restoration of Historic Monuments." The Athens Charter is a conservative, multiple document that set forth both general guidelines for any work on historic buildings or monuments, as well as, specific principles for restoration, preservation, and the methods of conservation. Athens Charter had International Scope and article 4 of the Charter on conservation states that it is essential to the preservation of monuments that they should be maintained on a permanent basis.

The conclusions towards the end of the Conference on Restoration of Historic Buildings held in Athens in 1931 were drafted and organized by the International Museums Office. The Athens conference came up with such important conservation concepts and principles as the idea of a universal world heritage, the significance of the setting of monuments, and the principle of reintegration of new materials.[120] It was curious to note that the conference recommended reburial of archaeological remains when their conservation could not be guaranteed, but did not recommend the use of reinforced concrete for consolidation of ancient monuments. Recommendations of the conference are a necessary reference point for the present study and have

---

[120]Ibid

informed the study on issues of common world heritage and the principles of reintegration of new materials. [121]

The crisis flanked by the comparatively slow adaptability of the urban environment and the radically changing needs of humanity deepened, urbanites seem to have shifted their hopes entirely towards designed models for safer cities and demarcated zones.[122] Simultaneously when Congress Internationaux d'Architecture Moderne (CIAM) was finalizing its urban ideology in the Athens Charter of 1933, the proceedings of Athens conference of 1931 were being published as the other Athens Charter.[123] It was observed that, while the 1931 Athens Charter was merely concerned with the technical aspects of restoration, the preceding debate showed a rising interest in the historic urban fabric itself.[124]Supporting the analogous evolutions and diverse sources of urbanism and conservation, the isolated headstone was still obsessed with safety and zoning of areas designated for urban development.

Many countries assessed their losses and chose various paths after World War II.[125] In England, for example, the Coventry Cathedral, which was almost totally demolished in November 1940,

---

[121]Stahl, A. (1992). "Valuing the Past, Envisioning the Future: Local Perspectives on Environmental & Cultural Heritage in Ghana "In Culture and Development in African. ed. by I. Serageldin& J. Toboroff. Washington D.C., The World Bank. pp. 411-424.

[122]DOCOMOMO-International Conference (1996) Report.

[123]Athens Charter for the Restoration of Historic Monuments (1931).

[124]Athens Charter (1931) did not mention anything related to urban conservation.

[125]Architectural Conservation and Restoration after 1900 (2006).

was left as a consolidated ruin beside the new cathedral (1954–62) designed by Basil Spence (1907–76) and surrounded by shops and offices.[126] The precise restoration of the destroyed centre of Warsaw owed more to sentiment than any idea of conservation. In Cologne, a voluntary contribution was collected from the citizens and almost every church destroyed by bombing was reconstructed with absolute accuracy over a period of nearly half a century. Each reconstruction was recorded by use of photographs and drawings placed at the entrance.[127]

Modern urbanism was indeed favored by the moment. Its guidelines had been effortlessly adopted and had served well the European governments of the era. However, this was only until the failures of modern urbanism became clear.[128] The majority of historical centers and quarters were, by the end of the 1950s, heavily dilapidated and Europe as a whole had to face an increased urban housing demand as warfare had destroyed its cities and many city quarters were degraded and inhabitable.

 The conference observed that the crisis of national identities was triggered by the destructions witnessed during World War II resulting in a re-evaluation of heritage values from an opinion philosophically ascribed to John Ruskin and William Morris. This led to the gradual awakening of the heritage field to include urban concerns. The post-war situation posed challenges that have also been corroborated with those raised by other artificial devastations, such as the widespread approach in urban archaeology in the 1950s where large parts of urban areas were 'cleared' of their

---

[126] Ibid.

[127] Ibid.

[128]DOCOMOMO-International Conference (1996),

later and mediaeval buildings in order to expose historic ruins or natural calamities such as the great floods in Florence and Venice in 1966.

New postwar legislations were, therefore, introduced in European nations aiming at the facilitation of urban conservation, as a reaction both to the post-war reality of European towns and to the rebuilding trend.[129] France was the pioneer who endeavored to compromise and bring together the two ways of thought, urbanism and conservation in the ground-breaking 1962 Loi Malraux, which offered legislation for conservation not only in title and protection, but also in financial requirements.[130]

This was both an urbanism and a heritage protection law, shielding certain perception of towns initiated by Camillo Sitte, who insists that urban conjecture should be based on the actual and existing town. This is contrary to the tabula rasa concept of destruction and overhaul of old quarters with administrative and fiscal tools, allowing instead their conservation. Even though the current study has an expanded scope far more inclusive than the urbanism and conservation in the pioneering years of 1960s, it borrows heavily on the idea of legislation and financial support that

[129]ICOMOS Charter – Principles for the Analysis, Conservation and Structural Restoration of Architectural Heritage – 2003.

[130]DOCOMOMO-International Conference (1996)

should be part of any meaningful conservational efforts in Archaeological Heritage Management in Kenya.[131]

International recommendations and charters followed shortly after when UNESCO and the Council of Europe making recommendations and orders meant to compel its member governments to implement urgent procedures for safeguarding heritage. The Venice International Charter for the Conservation and Restoration of Monuments and Sites of 1964 extended the concepts of renovation and rehabilitation of monuments to cosseted areas, such as, historical city centers, recommending extended lawful protection worldwide.

The Venice Charter of 1964 set out modern conservation principles based on specific alternative approaches. Preservation involves minimal intervention, ensuring the stabilization and maintenance of remains in their existing state and retarding further deterioration while restoration involves returning the fabric to a known former state of greater significance by removing accretions or by reassembling existing components, but without the introduction of new material.[132] Reconstruction involves returning the fabric as closely as possible to a known former state and is distinguished by the introduction of materials either new or old to the fabric.

---

[131]World Monuments Watch (2000) One Hundred Most Endangered sites, A World Monuments Fund Program. Founding Sponsor, American Express Company.

[132]The VeniceInternational Charter for the Conservation and Restoration of Monuments and Sites (1964).

The concept of Archaeological Heritage Management (AHM) or CRM was developed in the 1970's and was all about the situation and practice in the U.S.A.[133] The International Council of Museums (ICOM) and the Council of Europe also committed protective legislative documents of cultural heritage and out of the documents the two councils produced commentaries about the legal foundation of CRM.[134]

The Venice Charter is believed to be the basis of modern conservation and transformation in accordance with contemporary standards of national legislations concerning cultural heritage.[135] Like most other international recommendations, however, its guidelines were rather vague showing awareness of urban heritage problems, but having limited applicability because of lack of proper investigation at the urban stage of development that needed to form the foundation for the planned interventions. The result was that, until 1975, both national legislation and international documents promoted a conservationist approach advocated for by Morris and Ruskin which positioned conservation at the opposite end of urban models.

The Council of Europe officially reconciled modern urbanism and conservation by regulating heritage conservation's relationship to urban and regional planning. It called for proper legislative and administrative measures to be put in place.[136] It also introduced the term 'integrated

---

[133]Cleere, H.F. ed. (1989) ,Archaeological Heritage Management in the Modern World. London: Unwin Hyman.

[134] Ibid.

[135] The first DOCOMOMO-International Conference (1990) identified the Venice Charter as the basis of modern conservation

[136].European Charter of the Architectural Heritage (Council of Europe, October 1975).

conservation' to international specialist discussion. The Amsterdam Declaration of 1975 recognized that Europe's distinct architecture is the universal heritage of all her peoples and accepted the purpose of the Member States to work with each another and with other European governments for its safeguard. The Congress affirmed that Europe's architectural heritage is an indispensable part of the cultural heritage of the whole world.

Europe's architectural heritage gives to her people the perception of their common history and future.[137] Its conservation is, therefore, a subject of vital importance. Not only does the architectural heritage include the buildings of outstanding value and their surroundings, but also all areas of towns and villages of historic and cultural significance. Since those treasures are the shared belongings of all the peoples of Europe, they have a shared duty to protect them against the growing dangers with which they are at risk, for example, deliberate demolition, neglect and decay, excessive traffic and incongruous new construction. Lastly, architectural preservation   must not be considered as a marginal concern, but as a major intention of town and country planning.

Important planning decisions rest with the local authorities who have a particular duty for the protection of the architectural heritage. They should aid one another by swapping ideas and knowledge. The recreation of old areas should be thought of and carried out in such a way as to ensure no major alteration in the social composition of the populace. All sections of the social order should split the benefits of restoration financed by civic finances. Legislative and executive

---

[137]Lee, K. N. (1993). Compass and gyroscope: integrating science and poli-tics for the environment. Washington D.C: Island Press.

measures required should also be strengthened and made more effective in all countries. Lastly, to help meet the cost of adaptation, restoration and maintenance of areas and buildings of architectural or historic importance, sufficient financial support should be made accessible to local authorities and the same financial support should extend to to private owners of heritage.[138]

The survival of the Architectural heritage depends on its appreciation by the public and particularly by the younger age groups. Therefore, it is suggested that educational programs for all ages should, consequently, give increased significance to the subject, and that encouragement be given to independent organizations at international, national or local levels, to help awaken public interest. Given that new buildings currently in use will be the heritage of tomorrow, every attempt must be made to ensure that existing architecture is of a high value.[139]

Europe took it upon itself to ensure that Member States follow logical policies in the strength of unity. It became essential that periodic reports be made on the development of architectural preservation in all European countries in a way which was to promote an exchange of experience.[140] The Congress called upon parliaments, governments, cultural institutions and spiritual institutions, professional institutes, industry and commerce, independent associations and all individual citizens to fully hold up to the purpose of the Declaration and to do all in their authority to secure their execution. According to the Charter, this is the only way Europe's

---

[138]The Amsterdam Declaration of the Congress on the European Architectural Heritage (1975)

[139] Ibid.

[140] The view of the recognition in the European Charter of the Architectural Heritage(1975).

irreplaceable architectural heritage would be preserved, for the improvement of the lives of all her people.

  The UNESCO meeting in Nairobi in 1976 proposed the need to safeguard historic areas while establishing them as part of the living culture providing fulfillment in modern life.[141] Historic areas have been thought as constituting the daily surroundings of human beings everywhere, representing the continuity of the past which formed them and providing the variety in life's setting needed to match the diversity of the social order. In the process the heritage areas gain in value and acquire an additional human perspective.

In the face of the dangers of stereotyping and depersonalization, the living proof of days passed is of fundamental value for humanity and for nations who find it both one of the corner stones of their individuality and an expression of their way of life. Throughout the world, under the ploy of modernization or expansion, destruction and irrationally inappropriate reconstruction work is causing serious spoil to the historic heritage.[142] The Conference observed that historic areas are permanent heritage whose demolition may often lead to societal disturbance and economic loss. According to the Conference, such circumstances involve tasks for every citizen and lays on public authorities' responsibilities which they alone are competent enough to fulfill.

In order to save these unique possessions from the dangers of falling apart or even total obliteration to which they are exposed, it was for every State to take up, as a matter of necessity, energetic and

---

[141]Cleere, H.F. ed. (1989) ,Archaeological Heritage Management in the Modern World. London: Unwin Hyman

[142]UNESCO. General Conference, 8th Session. (1955). Records of the General Conference, Eighth Session,Montevideo, 1954: Resolutions. 8 C/Resolutions. (Paris.)

comprehensive policies for the revitalization and protection of historic areas and their environs as part of regional, national or local planning. Moreover, the deficiency, in many cases of flexible and effective legislation able to guard the architectural heritage and intersect with town planning, regional, territorial or local planning, affects the capability of member states to protect natural and cultural heritage.

In the 1970s and 1980s, the significance of urban heritage witnessed a growing awareness and was at least understood in its initial intended meaning.[143] As per the conference, this era was predominantly fruitful in many European nations for urban analysis procedures dealing with material urban fabric and its morphology in both fields of urbanism and conservation. In the 1980s, CRM was set on a larger scale and studied in comparative and supranational scale.[144] From 1985, UNESCO took over and rigorously embarked on a project of publishing protective legislation of movable cultural property from all its member states. Other world bodies, such as the, World Bank, European Union and ICCROM, then joined in the noble duty of conserving cultural heritage.

The 1960s and 1970s Charters were followed by many other standards, charters, formal recommendations and conventions relating to building conservation. These provide useful guidance for practitioners working in the field of built heritage and are an important framework for good application in the protection and augmentation of historic surroundings. The most noteworthy of these that have the approval of ICOMOS are: The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (1981) also known as the Burra Charter, The

---

[143]DOCOMOMO-International Conference of (1990).

[144]Gillman, Clement(1944).An Annotated List of Ancient and Modern Indigenous Stone Structures in Eastern Africa .Tanganyika :Notes and Records No 17

Florence Charter on Historic Gardens (1982), The Appleton Charter for the Protection and Enhancement of the Built Environment (ICOMOS Canada, 1983), and The Washington Charter on the Conservation of Historic Towns and Urban Areas (1987).

The ICOMOS Charter for the Conservation of Places of Cultural Significance (1981) held in Australia also known as the Burra Charter came up with the principles detailed in the Venice Charter to go well with local Australian state of affairs. It comprised of a complete list of definitions of matters such as fabric, place, maintenance, conservation, preservation, re-establishment, reconstruction, adjustment and compatible use. It continues with an explanation of conservation policies and processes that are intended as a meaning of good practice. The Burra Charter is well recognized in Australia and is often used by the Australian Government as the official government policy. Taking the Burra Charter which defines conservation as all processes of looking after a place so as to retain its cultural significance, the conservation and preservation of Thimlich Ohinga is modeled along this thinking. (Onjala 1994).

There was need to list and identify historic gardens, and provide thoughtful direction on conservation, maintenance, reconstruction and restoration.[145] In Article 10 of the Charter, it was noted that in any work of conservation, maintenance, restoration or reconstruction of a historic garden, or of any fraction of it, all its component features must be dealt with concurrently. Isolating the various operations would damage the unity of the whole. The conservation of such gardens must be presented in the structure of land-use plans and such stipulation must be duly pointed out in documents relating to local and regional planning. It is also the task of the responsible authorities

---

[145]The Florence Charter on Historic Gardens (1982).

to adopt, with the advice of qualified specialists, the financial actions which are needed to assist the restoration, conservation, maintenance and, where necessary, the renovation of historic gardens.

The Florence Charter on Historic Gardens (1982) is relevant to the current study to interrogate the legal and administrative readiness of the Government of Kenya to mount meaningful and effective cultural heritage management in the country. The study reviews the protective legislation, policy and practice of AHM in the country by putting under scope, The Ancient Monuments Preservation Ordinance (1927),[146] The Preservation of Objects of Archaeological and Paleontological Interest Ordinance [1934],[147] The Antiquities and Monuments Act, Cap 215 (1983), [148]National Museums Act [1983],[149] The National Museums and Heritage Act (2006)[150] and The National Policy on Culture and Heritage of 2009. The Florence Charter thus acts as a yardstick to gauge the local practice of AHM.

The Appleton Charter for the Protection and Enhancement of the Built Environment (ICOMOS Canada, 1983) thought-out stages of interference in the historic environment, it noted that esteem for unique fabric is a primary beginning for the activities of enhancement and protection and considered good practice as being certification, avoidance of conjecture, distinguish ability of new

---

[146] Ancient Monuments Preservation Ordinance No. 17 of 1927

[147]Preservation of Objects of Archaeological and Paleontological Interest Ordinance No. LIII of 1934

[148]Antiquities and Monuments Act, Cap 215 of 1983

[149] National Museums Act (1983)

[150]National Museums of Kenya (2006), 'Museum in Change,"

work, use of traditional techniques and materials, perpetuation of patina, reversibility and respect for the integrity of the arrangement. Thimlich Ohinga has been preserved and conserved using traditional methods. (Onjala, 1994).

The Washington Charter on the Conservation of Historic Towns and Urban Areas (1987) concerns historic urban areas of any extent situated in towns, cities or historic centers that display traditional culture through existing architecture. The charter was a principally useful file that considers broad principles for the protection and planning of historic urban areas. The range includes the sites adjoining artificial and natural environments also under severe danger. The charter describes the objectives, principles, and methods for preserving historic towns and urban areas. It encourages accord of community and private life. It also encourages conservation of cultural assets, however unpretentious in level, that form the memory of mankind and presents steps for preserving such areas and towns, signifying that development harmoniously adapt the aged into modern life.

The Washington Charter suggested that preservation should constitute part of fiscal and social development policies to ensure that the historic nature of the town is preserved. In its objectives and principles, the Washington Charter recognizes that in order to be most effective, the preservation of historic towns and other historic urban areas should be a vital part of logical policies of fiscal and social development and of regional and urban planning at every stage. Techniques to ensure preservation include keeping hold of the street pattern and maintaining the prior relationship between open spaces and buildings. Accessible heritage structures should be preserved, keeping the same construction types and materials, proportions, decorations and colors is important.

The charter identifies the requirement of the chipping in of the local society to ensure the success of the conservation plan, since the conservation of the urban areas and historic towns primarily concerns its populace. According to the charter, the conservation of historic towns and urban areas concerns residents first of all and demands prudence, a systematic approach and discipline. The charter registers the steps to be taken in setting up and executing a conservation plan, a multidisciplinary attempt since conservation plans tackle all relevant factors including history, architecture, archaeology, construction techniques, sociology, economics, administrative and legal issues. At Thimlich Ohinga, the participation of the local community in the management is evident. (Onjala, 1994).

Particularly significant to the current study for pseudo-heritage architecture and for amalgamating new with old in historic districts is the declaration "Introduction of contemporary elements in harmony with the surroundings should not be discouraged since such features can contribute to the enrichment of an area" provided that the aged and the novel esteem each other and are good architectural neighbors. Just as the Washington Charter acknowledges that the conservation plan should be propped up by the inhabitants of the historic area, this study also posits that any successful plan to protect cultural heritage should be home-grown and that the residents of the historic sites which in this case are prehistoric towns should be actively involved in conservation efforts by the government and it is a mandate of this study to review local participation in AHM in various historic sites in the country.

This literature is, therefore, relevant to the present study since it presents a structured approach to protect, preserve and manage towns of historic significance which are also found in Kenya. The Charter can be used as an option to local plans and it stated that before a conservation plan is implemented obligatory conservation activity should be carried out in agreement with the principles and the aims of this Charter and the Venice Charter.

Lastly, the Charter for the Protection and Management of the Archaeological Heritage forms the foundation of this study as it narrows down on conservation initiatives necessary to protect archaeological heritage of the world.[151] The Charter defines archeological heritage as the basic record of past human activities and states that its guard and proper administration is therefore crucial to enable archaeologists and other scholars to learn and interpret the past for the gain of current and upcoming generations.[152] Other elements of archaeological heritage make up a fraction of the living traditions of native persons, and for such locations and monuments the contribution of local cultural groups is vital for their preservation and protection.[153]

This charter, for that reason, puts down principles connecting the different facets of archaeological heritage administration. These consist of the tasks of public authorities and legislators, principles relating to the proficient presentation of the procedures of survey, documentation, excavation, research, maintenance, conservation, preservation, reconstruction, information, presentation,

---

[151]The Charter for the Protection and Management of the Archaeological Heritage (1990).

[152]Ibid

[153] Ibid

public right of entry and use of the heritage and the prerequisite of professionals involved in the guard of the archaeological heritage.

The Charter, however, reflects very basic principles and guidelines with global validity and cannot consider the exact problems and potential of regions or countries. The charter should thus be supplemented at regional and national levels. This is within the scope of the current study which posits that despite the enactment of the National Museums and Heritage Act 2006 cap 216, policies arising from the Act might not have enhanced the practice of AHM in Kenya. There is need to anchor the same on international charters for effectiveness.

In Newzealand, a charter for the Conservation of Places of Cultural Heritage Value provided complete description of the procedures involved in conservation, and defines principles that direct the conservation of places of cultural heritage value. [154] On conservation practice, relevant conservation professionals are usually involved in aspects of conservation work and indigenous methodologies applied as appropriate.[155]

According to the Charter, conservation is done by using information from past initiatives arts, crafts, other disciplines and heritage values. This should demonstrate and show the greatest reverence to heritage integrity and values, as well as, link with relevant communities or groups of people.

---

[154]Charter for the Conservation of Places of Cultural Heritage Value (ICOMOS New Zealand, 1992).

[155]ICOMOS New Zealand (1992).

The risk mitigation aspect of the charter is significant. It postulates that all places of cultural heritage value be assessed to ascertain their risk from any natural process or event. Where a noteworthy danger is determined, suitable action to reduce the risk should be carried out through a well arranged risk mitigation plan.[156] The charter was intended for the New Zealand situation but the basic principles are in general suitable and trail the spirit of the Venice Charter.

Preservation Charter for the Historic Towns and Areas of the United States of America[157] lays down a comprehensive statement regarding the importance of historic town, neighborhoods and places. It affirms what should be done to undertake preservation issues in a logical and meticulous manner.[158] The charter summarizes four objectives for the conservation of historic towns in the U.S.A., and highlights preservation as an important activity for community planning. It sees proprietors and inhabitants as playing a key role in the protection of historic towns and in the planning process. In 18 principles, the document draws round the mechanism of a thriving preservation program for historic towns, including studies of the culture, history, architecture and other suitable fields with the purpose of understanding the historic background, as well as, reflection about the future of the area.

The Charter also includes principles of a harmonious relationship between the historic area and its environment. Meticulous study and documentation preceding any changes to historic areas is important. Further, involvement of the inhabitants in planning, retaining sound, affordable housing and avoiding displacement of residents while respecting the scale and character of the surrounding

---

[156]ibid

[157]Preservation Charter for the Historic Towns and Areas of the United States of America (US ICOMOS, 1992).

[158]ICOMOS United States' adaptation of the 1987 ICOMOS Historic Towns Charter.

built environment is very important. The charter deals with such precise issues as the opening and advancement of roads, parking and transit systems. It promotes protection of the historic area and its inhabitants from natural adversities to the degree that is possible. It also advocates educational labors and expert training to advance preservation efforts in historic areas. Finally, the Charter advocates for the formation of organizations and financial plans that may promote effective and sustainable preservation.

Guidelines for Education and Training promote the establishment of standards in the preservation of historic areas, historic buildings and towns, archaeological locations and cultural sceneries.[159] Conservation of cultural heritage is acknowledged as resting within the broad field of cultural and environmental development and sustainable management strategies for change which respect cultural heritage. This requires the integration of conservation activities with contemporary economic and social goals including tourism. Emphasis is on the need to develop a holistic approach to heritage issues on the basis of cultural pluralism and diversity.

Conservation requires personnel with the capacity to observe scrutinize and synthesize conservation needs.[160] The preservationist should have a lithe yet practical approach based on cultural awareness which should go through all convenient work, proper training and education, sound judgment and a sense of proportion with an understanding of the community's needs. It, therefore, sets out the relevant skills that are required to undertake proper preservation of historic areas, historic buildings and towns, archaeological locations, and cultural scenery.

---

[159]Guidelines for Education and Training in the Conservation of Monuments, Ensembles and Sites (1993).

[160] Ibid.

The courses offered towards the development of such skills should, therefore, aim to impart knowledge relevant for conservation to all those who may have an indirect or direct impact on cultural assets.[161] Many acceptable ways of achieving the requisite training and education are possible and differences depend on customs and legislation. In addition to that, managerial and economic framework of each cultural region needs to be keenly looked into. There should be active exchange of opinions and ideas on new approaches to training and education between national and international players.

The theoretical and methodological development of heritage management and the integrated conservation approach towards heritage, which was lacking in the last century, has been realized offered through the new development taking place in the field.[162] In 1996, the United Nations HABITAT Agenda or Istanbul Declaration recognized that cultural heritage is indeed an important element for sustainable human settlement development. From the declaration, it was established that heritage preservation policy stretched internationally to entire historic towns and urban areas by the end of the twentieth century leading to the integration of heritage values into the planning process in many countries.[163] Like any planning action, conservation is exceedingly becoming political and cannot succeed without political support. Proper legislation is required to provide the framework for protection and administration. Modern conservation came into being as an

---

[161] See Guidelines for Education and Training in the Conservation of Monuments, Ensembles and Sites (1993).

[162] Ibid.

[163] Ibid.

equally political choice, only this time imposed or recommended by organizations such as the United Nations and European Community.

The Charter on the Protection and Management of Underwater Cultural Heritage of 1996 is also deliberated to promote the management and protection of underwater cultural heritage. It centers on the precise characteristics and conditions of cultural heritage under water and should be taken in as an addition to the ICOMOS Charter for the Protection and Management of Archaeological Heritage, 1990.[164]

Underwater cultural heritage is taken to mean the archaeological heritage which is in, or has been removed from, underwater surroundings.[165] It comprises of submerged structures and sites, wreckage and wreck-sites and their natural and archaeological framework.[166] The underwater cultural heritage is an international reserve. A big part of the underwater cultural heritage is situated in an international state of affairs and obtains from international communication and trade in which ships and their stuffing are lost offshore.

---

[164]The ICOMOS Charter (1990).

[165] Ibid.

[166] Ibid.

The most recent ICOMOS Charter on Cultural Routes was developed in 2008.[167] On account of the advancement of the sciences of preservation of cultural heritage, the new concept of Cultural paths shows the progression of ideas with respect to the visualization of cultural assets.[168] There is also the growing importance of values related to their setting and territorial scale, which discloses the macrostructure of heritage on diverse stages.

This concept brings in a theory for a new ethics of preservation that regards these ideals as a universal heritage that goes further than national boundaries, and which needs joint labors. By regarding the innate value of every individual constituent, the Cultural Route takes into account and stresses the value of all its rudiments as substantive parts of a whole. It also facilitates the demonstration of the modern social conception of cultural heritage values as a reserve for social and economic sustenance.

The Cultural Routes Charter provides a more extensive notion of cultural heritage which needs new moves toward its handling within a much wider perspective so as to explain and protect important relationships directly linked with its cultural, natural and historical setting. Within this move the concept of Cultural Route is complex, innovative and multidimensional. It brings in and stands for a qualitatively new perspective of the theory and performance of preservation of the cultural heritage. Cultural Routes represent dynamic, interactive and evolving processes of human

---

[167]ICOMOS Charter on Cultural Routes (2008).

[168] Ibid.

intercultural relations that mirror the rich diversity of the contributions of diverse people to cultural heritage.

ICOMOS Charter on Cultural Routes proposes the basic devices for the development of information about, preservation, protection, evaluation, management and conservation of Cultural Routes and describes the fundamental plans, principles and criteria for correct use of Cultural Routes as capital for sustainable economic and social development With regard to their legitimacy and honesty, these lead to suitable conservation that enhances historical importance.[169] It also forms the basis for national and international cooperation that is crucial for undertaking investigations, preservation and development schemes related to Cultural Routes.

Preservation and restoration of monuments are frequently ensured through legislation and national service developed by nations.[170] Although member states like Kenya are supposed to ratify the conventions of 1972 and respect their provisions, the recommendations adopted by the General Conference of UNESCO lack the binding character. However, the UNESCO conventions and recommendations have in the past formed a strong foundation for the present study because they have cultural policy implications for AHM in the world.

---

[169]Ibid.

[170]UNESCO."Convention concerning the Protection of the World Cultural and Natural Heritage. Paris, 16 November 1972.

The conventions provide both legal and policy direction to the practice of AHM all over the world. Therefore, the literature reviewed under these Charters implemented by the General Assembly of ICOMOS; Resolutions and Declarations of ICOMOS Symposia; Charters adopted by ICOMOS National Committees; and other International Standards are relevant to the current study since they provided the yardstick against which the policies and practice of AHM in Kenya can be assessed and/or evaluated.

The link between management principles and archaeological heritage management and policy directions are only just beginning to be realized in many countries of the world including Kenya. Examination of current applied and theoretical directions reveal common concepts that could do with being developed more resolutely. Archaeology requires more expression of confidence in its prospective assistance, over and above, be more precise about its boundaries. Examples of archaeological understanding applied to policy issues in the NMK management are discussed here, indicating where substantial research is yet required.

Having legislated in 2006 the priority of archaeological heritage in all management decisions, Kenya is supposed to engage in creating fundamental principles and standards regarding management of its archaeological heritage. This study discusses five management areas central to the ongoing debates, focusing on the role and ability of the NMK in managing archaeological resources in the country. The areas of archaeological management of particular interest to this study include: natural regulation versus adaptive management of archaeological resources; factoring past human interactions with the environment into contemporary management practices;

understanding management variability in archaeological heritage; provision of resources necessary for AHM and the employment of historical and archaeological research in a multidisciplinary context to contribute to effective archaeological heritage management in the country.

Archaeological heritage management can take two extremes where a country can decide to allow "nature to take its course" with no active human management, or intervene constantly and deliberately to maintain a "slice in time."[171] Through the legislation of the National Museums and Heritage Act 2006, the government of Kenya has chosen the second option of constant and deliberate interventions aimed at maintaining timely archaeological heritage management in the country. However, within the national museums and other archaeological heritage, Kenya has examples approaching each of these extremes. Similar to Magne's assertion that in between the two extremes lie a tremendous range of practices and philosophies, the local AHM was found to be sandwiched between instances of various practices aimed at restoring the structures or processes of conservation and the destructive practices of mismanagement and inactivity on the side of archaeological heritage management institutions.

Cases of extreme dilapidation have been witnessed in many archaeological heritage areas, yet the Museums and Heritage Act 2006 provides the legal framework upon which all AHM practices in the country should be conducted. The fundamental question of interest to this thesis is; why are

---

[171]Martin, Pickford & Louis S.B. Leakey (1997). *Beyond the evidence*. University of Michigan:Januspublishers.

there cases of heritage mismanagement in Kenya several years after the enactment of the Museums and Heritage Act 2006? This work explores answers to this question in the subsequent chapters.

2.3 Conclusion

This chapter has discussed background to international legislation on Heritage Management. The relevance of international legislation to Kenyan situation has been explored as Kenya remains a state party to most of these international instruments including treaties, protocols and conventions. Kenya has a number of its heritage areas in the World Heritage List and as a result abides by the international standards. It is against this background that a thorough review of these instruments has been undertaken to judge whether Kenyan legislation and policies have been adequate for the country's heritage management.

CHAPTER THREE: HERITAGE LEGISLATION IN KENYA

3.1   Introduction

This chapter is presented in two parts. The first part deals with the legislations governing heritage

management in Kenya. The progressive development of legislation from colonial ordinances to

post-independence Kenya is examined with special emphasis on the National Museums and

Heritage Act 2006, which is the current protective legislation.

The second part examines The National Policy on Culture and Heritage of 2009 with a reflection

on the historical development of Heritage Management policies.

3.2 Legislation in Kenya since 1927

 Formulation of cultural heritage laws in Kenya has borrowed heavily from European concepts of

the protection of cultural property.[172] Traditionally, laws on the protection of cultural heritage

included provisions relative to the definition of cultural property.[173] Such provisions define

ownership and usage systems; the scope of protection required for these systems; regulate

archaeological excavation and chance discoveries; indicate the authorities and bodies charged with

the protection and consequently application of these legal provisions.

Protection of cultural property includes activities such as cataloguing, recording, listing, and

declaring heritage items as important publicly. It also includes respecting the rights and obligations

---

[172]ICOMOS Charter on the Interpretation and Presentation of Cultural Heritage Sites – 2008.

[173] Ibid.

of the owner, holder and public agencies that have links to the protected items and lastly, ensuring safety of the items by controlling trade involving such items.

3.2.1 The Ancient Monuments Preservation Ordinance of 1927

The first documented legal framework in Kenya for the preservation of monuments and objects of archaeological heritage is "The Ancient Monuments Preservation Ordinance of 1927".[174] The Ordinance was quickly repealed in 1934 with the same substance it was enacted by the Governor of the Colony of Kenya, following the advice and consent of the Legislative Council.[175] The Ordinance provided for the preservation of ancient monuments and antiquities. It also provided for the exercise of control over excavations in certain places, and the protection, acquisition of ancient monuments and antiquities, as well as, items of historical, archaeological, or artistic significance.

The Ordinance did not provide for institutions in the protection, management and preservation of monuments and antiquities. Instead, it provided for individual-based protection, management and conservation of monuments and antiquities. By notice in the Gazette, the Governor was authorized to proclaim any monument or relics to be a guarded monument or relic within the meaning of this Ordinance. However, the Ordinance gave a leeway through which protected monuments or antiquities could easily leave government hands into private individuals fraudulently.[176] This is

---

[174]The Ancient Monuments Preservation Ordinance (1927).

[175]ibid

[176]ibid

[175] Ndooro, W et al(eds) (2009). ICCROM:Cultural Heritage and the Law: Protecting immovable Heritage in English Speaking Countries in Sub-Saharan Africa. Iccrom Conservation Studies, Rome Italy.

one of the loopholes in law which the white settlers used to exploit culture and heritage resources belonging to indigenous communities since they had unfettered access to such heritage through the Governor. Use of 'Authority' to refer to Senior Commissioners or any person authorized by the Governor to perform the duties of conserving, preserving and managing monuments and antiquities was a clear case of unfettered discretion which is usually prone to abuse by unscrupulous public officers who take advantage of their position to loot the country's heritage and cultural resources.

3.2.2   The Antiquities and Monuments Act (*Cap* 215) and the National Museums Act (*Cap* 216) of 1984.

The Antiquities and Monuments Act (*Cap* 215) of the laws of Kenya was enacted primarily to oversee the operations of the NMK in order to ensure that proper standards of management of heritage were maintained. However, criticism of the Act was based on its inadequacy on addressing heritage management issues and fell within the limitations of inherited laws which Ndoro describes as borrowed from colonial masters. In substance, the Act was also almost a reproduction of the 1927 and/or 1934 Ordinance, a law that was passed when there were few threats to the archaeological heritage in the country. [175]

In the Act, definitions of heritage are narrow and leave out much of the heritage that is believed to be guarded by the same law. In such laws, just as was observed by Ndoro, the perceptions, lifestyles and cultures of the original populations have to a large extent been uncared for. In the Act, sections covering the protection of immovable heritage also covers movable heritage, such as objects or relics. However, the heritage administration of the country was not designed to mirror

the perceived division between movable and immovable heritage. According to Ndoro and Pwiti, this distinction requires the enactment of two distinct laws dealing with cultural heritage.

The declaration procedure in Cap 215 of the Laws of Kenya was conspicuously silent about the role of NMK in heritage management and ambiguously gave the responsible minister the powers to gazette cultural properties as national monuments. The publication in Kenya of such heritage properties appeared to be casually done over the years and in some instances, owner of antiquity or site where antiquity lies may decide not to cooperate with the government.[177] A closer audit of the Protective Act, Section 4 (2) for instance, only required that such notices be posted next to the immovable objects and /or delivered to the owner when the object is movable. There was no provision for sufficient explanation to the owner when the object is movable and what the notice entails, as well as, reasons as to why the state was interested in the property. This is probably why most of the notices were ignored.

The Act did not make provision for punishing those who declined to collaborate with the government once a property in private hands had been declared a national heritage. NMK had no legal backing to force an individual to surrender a property to the government once it was declared a national heritage. In the early 1980s, the Sirikwa holes near Kaptagat were declared a national monument but the owner refused to surrender them to the NMK.[178] The owner demanded compensation of an equivalent acreage of land by the government. However, when the government failed to compensate for the land, the owner refused to surrender the heritage and NMK had nothing to do in such a situation. The impasse remains unresolved till to today.

---

[177]Wandibba, S. (1984).History and Culture in Western Kenya. Nairobi: Gideon S. Were Press.

[178]ibid

Like the 1934 Ordinance, the Antiquities and Monuments Act cap 215 intended to provide for separate funds specifically for AHM. Instead, the National Museums of Kenya (NMK) was found to rely on the meagre resources within the various divisions of the museum system. As a result, there was great concern that the law was not adequate in addressing AHM challenges facing the country and thus the Act was repealed in 2006 and the National Assembly of Kenya enacted the National Museums and Heritage Act of 2006.

3.2.3: National Museums and Heritage Act, 2006

Currently, the official organization mandated by the Government of Kenya to protect, preserve, and control the use of Cultural Heritage in the country is the National Museums of Kenya which operates under the National Museums and Heritage Act 2006. The Act was ratified by the National Assembly of Kenya in August, 2006 to repeal the then Antiquities and Monuments Act cap 215[179] and the National Museums Act *Cap* 216. The 2006 Act herein cited as The National Museums and Heritage Act, 2006 with commencement date of 8th September, 2006 is an Act of Parliament meant to consolidate the law relating to national museums and heritage. It provides for the control, establishment, development and management of national museums and the protection, identification, transmission and conservation of the natural and cultural heritage of Kenya..[180]

Part One of the Act provides a short title of the Act and interpretation as the National Museums and Heritage Act, 2006, with interpretations of common terms applicable in Cultural Heritage

---

[179]The Antiquities and Monuments Act cap 215 (Repealed) was enacted in 1983 twenty years after independence.

[180]ibid

Management in Kenya. Terms defined under this Act include: Antiquity; Board; Cultural Heritage; Director-General; Exploration License; Export Permit; Geo-park; Heritage; Maintenance; Minster; Monument; Museum; National Museum; Protected Object; Natural Heritage; Object of Archaeological or Paleontological Interest; Object of Historical, Cultural or Scientific Interest; Open Space; Owner; Permit; Private Land; Protected Area; Protected Building; and the National Museums.

This section provides for the establishment of the National Museums of Kenya with continuous succession and general seal. It is, therefore, capable of suing and being sued; purchasing or otherwise acquiring, holding, disposing and charging of immovable and movable property; entering into contracts; borrowing money; and doing or carrying out all acts or other things necessary for the proper execution of its functions which may legally be done or acted upon by a corporate body.[181]

The NMK is supposed to serve as national depository for things of cultural, scientific, technological and human interest and a place where research and dissemination of information in all fields of cultural, scientific, technological and human interest may be carried out. It is supposed to identify, protect, conserve and transmit the cultural and natural heritage of Kenya.

The National Museums as an institution is given powers to buy or swap, acquire by gift, take on lease or otherwise, immovable or movable assets including an accessible museum for any purpose

---

[181]The National Museums of Kenya Act of 2006.

or linked with the national museums.[182] It is also allowed to lease, sell or exchange fixed property occasionally vested in the National Museums which is no longer, or not for the time being, requested for any such intention.[183]It also has powers to maintain, erect and improve buildings, including staff residence, to be used for any such reasons.[184]

The National Museums has powers to credit or charge fixed assets periodically vested in the National Museums as a precaution for repayment with or without interest, of any money on loan for the intentions of the National Museums; employ advisory committees for museums; acquire by way of purchase or gift, or accept by way of deposit or loan, any object of cultural, scientific, technological, historical or human interest; and sell, exchange or otherwise dispose of objects not needed for the goal of the National Museums and let somebody borrow objects vested in the National Museums to any institution or person whether within or outside Kenya.[185]

The National Museums is further given powers with consent of the Minister to form corporations to capture or aid in any of the functions of the National Museums; retain money acquired on the sale or taking away of mutable assets or by way of compensation for admission to a museum or by payment for admission to a museum or by way of grant or gift or otherwise, in the acquisition of any object which in the view of the Board it is desirable to acquire for a national museum or in adding interest in and increasing the utility in a national museum. NMK can also petition for and

---

[182]Part II of the National Museums of Kenya Act of 2006.

[183] Ibid.

[184] Ibid.

[185]Part II of the National Museums of Kenya Act of 2006.

accept and receive donations, subscriptions, bequests and devices (whether of immovable or movable property and whether fixed or restrictive) for the special or general intentions of a national museum or subject to any trust.[186]

The museum further has powers to charge for admission to a national museum, or to any exhibit, lecture, and conducted tour, course of orders or for publication or other facility. It can also, borrow, without or with security, moneys as may occasionally be required for any purposes of the National Museums; and in discussion with the National Council for Science and Technology, establish and run research institutions and set up new ones. The institution is also an authorized subject to the provisions of the National Environment Management Authority (NEMA) Act to carry out environmental impact assessments and to enter into alliances with other bodies or organizations within or outside Kenya in the furtherance of the NMK mission and vision statement.

Finally, National Museums has powers to open a bank account or accounts for the funds of the National Museums and accept moneys from any supplier and may use those moneys to pay its expenses in carrying out its function. Nonetheless, this opportunity has been abused by those accountable leading to demotions, dismissals, and/or transfers.

Part II describes the Board of Directors of the National Museums of Kenya and their tenure of office, termination of appointment of the Chairman and Members of the Board, disclosure of interest by Chairman and Members of the Board, meetings of the Board, delegation by the Board, protection of personal liability, liability of the Board in contract and tort, the Director-General, the

---

[186] Ibid.

staff of the National Museums of Kenya, appointment of Advisory Committee, and research functions of the National Museums among other areas. In as much the Chief Executive Officer is appointed through a competitive process, it is bound to have political influence given that culture is a powerful tool of the State. The Board of Directors is supposed to stand for certain environmental, scientific and educational institutions but this appears to have stopped to be the case.

There is also the provision for Annual Reporting, Financial Year, annual estimates, investment of funds, restriction of loans to Board members and staff, account and audit, and funds of the National Museums,[187] and all monies from any other source given as a contribution or lent to the National Museums.[188]

On Accounts and Audit, the Board initiates the keeping of all appropriate records and books of accounts of the income and outflow, properties and liabilities of the National Museums and are needed within three months from the end of the fiscal year to submit to the Controller and Auditor-General or an appointed auditor, the accounts of the National Museums together with a statement of income and expenditure during the year; and a statement of the properties and liabilities of the National Museums on the final day of that year. The Board is also obliged within three months after the end of each fiscal year, to put in order and submit to the Minister a report of the processes of the Board for the immediate previous year. This kind of transparency and accountability is vital

---

[187]Part III of the National Museums and Heritage Act of 2006 which outlines the Financial Provisions of NMK.

[188]Ibid.

for running of the institution. Money comes from the government and donors which if not checked can be abused.

Part IV on Heritage Declarations outlines the steps which the Minister is supposed to follow on declaration of monuments. According to Section 25 (1), after consultation with the National Museums the Minister may by notice in the Gazette declare an open space to be a protected area, a particular place or fixed structure which the Minister considers to be of historical significance, and a precise area of land adjoining or under it which is in the Minister's view needed for maintenance thereof, to be a monument; and a particular location on which a buried object or monument or archaeological or paleontological significance exists or is supposed to exist and a particular area of land bordering it which in the Minister's view is required for maintenance thereof, to be a guarded area.

Furthermore, the Minister can declare a particular object or type of object, regardless of whether or not part of it is a fixed structure, which the Minister regards to be of cultural, historical, or scientific significance, to be a guarded object; a building and particular area of land bordering it which in the Minister's view is needed for the maintenance thereof to be a protected building within the implication of this Act; or a geo-park to be a protected area within the meaning of this Act; and the notice is necessary to state that opposition to a proclamation made under this section is thought to be lodged with the Minister within two months from the date of publication of the notice.

Before it was a big problem because the Minister was a political figure, appointed without any background in culture or heritage, Today, Ministers, now referred to as Cabinet Secretaries are not

politicians and were appointed on merit. We give them some time to see any improvements, more so, the Cabinet Secretary for Sports, Culture and Arts who is a former Director of NMK.

Section (2) requires that a copy of every notice be published, if referring to a fixed object or location, be placed by the National Museums in an obvious place, on or close to that object or site or on the area to which it relates, and if referring to a particular movable object, be conveyed or sent out to the person in whose control that object is or is supposed to be. On the end of the time of two months, the Minister, after taking into account the opposition, if any, is required to verify or remove the notice.

Under Subsection (4) of the National Museums and Heritage Act 2006, an object or area of land can be declared as protected under the provisions of the Preservation of Objects of Archaeological and Paleontological Interest Act or under the Antiquities and Monuments Act. Furthermore, no proclamation made and published by the Minister under this section may be annulled without the approval of the National Museums. Land is a very controversial issue in Kenya from the colonial times. It becomes a big problem to enforce, especially when it relates to communal or ancestral land. In such instances the land belongs to every member of that community and compensation therefore, may be difficult. Where the people don't own land elsewhere they may resist relocation from their ancestral land. The country also has the contentious Ndungu Land Report which has not been implemented. (Ngungu Land Report).

Section (7) empowers the Director-General to make temporary or provisional declarations to objects or property that is in impending danger of serious spoil or devastation. An order made

under section (7) has effect in applying all the provisions of the Act including criminal punishments with instantaneous outcome as if the notice had been set by the Minister and confirmed under section (3). Section 26 is on Registers which requires the National Museums to maintain a register or registers of all collections, and all instruments under its control, as well as, all announcements made or reckoned to have been made by the Minister under this Act.

Part V on Searches and Discoveries outlines what constitutes an exploration license, conditions and forms of exploration license, entry on to land under exploration license, notification of discovery, restriction on moving on moving objects, and offences. Section 27 Subsection (1) places a requirement of an exploration license issued by the Minister before any exploration is undertaken.

Nobody is allowed by means of excavation or surface explorations to look for a buried monument or buried part of a monument, or for a buried relic, whether or not in a guarded area. Subsection (2) gives conditions for issuance of exploration license and states that before recommendations are made to the Minister for the issuance of an exploration license, the National Museums must satisfy itself that the applicant is competent by both training and know-how to perform an excavation or exploration in agreement with the latest scientific techniques and may require the applicant to satisfy it that he has the shore up, fiscal and otherwise, of a scientific or archaeological society or organization of repute.
The exploration license contain an agreement that the licensee, or the institution which the licensee represents, will, at such intervals or within such period as may be specified by that license, produce a detailed written report or publication on the results of the exploration and excavation, and is

required to deposit with the National Museums two copies of the report or publication (Subsection 3).

Furthermore, Subsection (4) stipulates that an exploration license may specify such limitations and circumstances as the Minister thinks is necessary in order to protect a monument from injury, removal or dispersion; in respect of antiquities for the removal of finds to a place in Kenya, or temporarily to a place outside Kenya for the purpose of only a special examination or preservative treatment. Cases of traffic in antiquity, theft, loss or damage of cultural property are not new in Kenya just like other countries. The possibility of issuing these licenses to unqualified researchers corruptly cannot be ruled out in a country where corruption is almost becoming a way of life. Should this happen, then a lot of our cultural heritage may be at risk of destruction.

Where a person discovers a monument or object of archaeological or paleontological interest, the person is required, within seven days, to give notice, indicating the precise site and circumstances of the discovery to the National Museums, and in the case of an object, he/she is required by law to deliver the object to the National Museums or to the District Commissioner to keep it. [Section 30]

No person is supposed to move a monument or object of archaeological or paleontological interest from the site which it has been found otherwise than in such manner and to such place as may be allowed by an exploration license, or by written permit from the Minister after consultation with the National Museums. This is captured in Section 31 and is very significant to AHM in the country.

Section 32 further deals with offenses and stipulates that any holder of an exploration license who fails to be conventional with any of the Minister's express or implied obligations under the license;

enters upon private land pursuant to the license without having given previous notice and such security, if any, as may have been directed; fall short of complying with the provisions of section 30; or moves a monument or object of archaeological or paleontological interest contrary to section 31, does an offence and on arrest is liable to a fine not more than one million shillings or to confinement for a term not greater than twelve months or to both such fine and imprisonment.

Cultural heritage is non-renewable and any offense committed in whichever form and magnitude should carry a more severe penalty to deter prospective offenders. One million Kenyan shillings or One year in prison is too lenient and may be construed like any other offence. The penalty should be deterrent like in the capital offences. The country cannot assign a value to destroyed site.

Part VI on Protected Areas provides for definition of trust land, control of access to protected area, compensation to owner of land in protected area, and related offences. According to Section 33, a protected area or part thereof is an area of Trust land which is set aside as such in accordance with the provisions of section 118 of the Constitution of Kenya. In order to control access to protected areas, Section 34 empowers the Minister by notice in the Gazette, to prohibit or restrict access thereto or any development thereof, or the use thereof for agriculture or livestock, or activity thereon which in the Minister's opinion is likely to damage a monument or object of archaeological or paleontological interest therein; place the protected areas under the control of the National Museums, on such terms and with and subject to such authorities and responsibility as he may direct; take or authorize the National Museums to take, such steps as are in the Minister's opinion necessary or desirable for the maintenance; and make or authorize the National Museums to make by-laws for controlling access thereto, with or without payment and the conduct therein of visitors thereto. This is envisaged to protect objects of archaeological or paleontological interest from damage through human activities or grabbing.

In order to enforce the law on non interference with protected areas, the Act provides for punishment for non adherence to the provisions of Section 34. According to Section 36, a person who enters upon a protected area or does therein any act or thing contrary to a prohibition or restriction of which notice has been given by the Minister under section 34 (a); or commits a breach of any-law made by the Minister or by the National Museums under section 34(d), commits an offence and on conviction is legally responsible to a fine not above one million shillings or to incarceration for a term not more than twelve months or to both such fine and confinement.

This penalty was believed to be a good starting point to discourage people from interfering with protected areas of archaeological or paleontological interest fearing the huge penalty tag. However, there have been cases where people have trespassed or grabbed it altogether. The case of Hyrax Hills pre-historic site is a pathetic situation. Land belonging to the museum has been grabbed and palatial residential buildings have been constructed.

Part VII of the Act on monuments outlines the responsibilities of a heritage warden, acquisition of monuments and antiquities, guardianship of monuments, agreements for protection or preservation of monuments, enforcement of agreements for protection of monuments, compulsory purchase of monuments, duties of National Museums to protect and maintain monuments, power of National Museums to relinquish rights over monuments, and offences.

The problem with it has been enforcement of the section as the wardens lack the powers to order compliance or at best report to the headquarters such cases. Part VII is significant to AHM in the country and to the current study because it lays the foundation for taking care of items of archaeological or paleontological importance in Kenya.

According to Section 37, a heritage warden, or any other person authorized in writing by the National Museums, may at any reasonable time enter and inspect a monument; or make photographs, measurements, drawings or other records of particulars of a monument; or if so required by the National Museums carry out, at the expense of the National Museums, repairs to a monument provided that where a monument is inhabited, not less than one month's prior notice in writing is given to the occupier of the intention to carry out repairs thereto. Section 37 provides for authority to repair and maintain in good conditions all the items of paleontological or archaeological interest and forms the basic components of AHM in the Act.

Furthermore, Section 39 Subsection (1) on guardianship of monuments states that the owner of a monument may, by written instrument, constitute the National Museums the guardian of the monument, if the National Museums agrees. It is further stated in Subsection (2) that the National Museums shall be the guardian of any monument which is the property of the Government or has no apparent owner. By providing for such an instrument which constitutes the National Museums as a guardian of monuments, the protection efforts of archaeological items by the Government of Kenya are well structured and purposeful.

Section 40 is on agreements for protection or preservation of monuments under Subsection (1) which states that the National Museums may enter into a written agreement with the owner of a monument and any other person or persons for the protection or preservation of the monument. Subsection (2) states that a contract under this section may give for all or any of the following issues: the maintenance of a monument; the custody of the monument and the responsibilities of any person who may be working in connection therewith; the occupation or use of the monument by the owner or otherwise; the restriction of the right of the owner or occupier to build or to do other acts or things on or near the site of the monument; and the amenities of access to be allowed

to the community or to any part of the public and to persons deputed by the owner or the National Museum to inspect or maintain the monument.

Others include the prerequisite that the National Museum be made aware of this in case the owner intends to offer land on which the monument is situated for sale, lease or other disposal thereof, and the right to be reserved to the National Museum to have first refusal of any such sale, lease or other disposal; the payment of any expenses incurred by the owner or by the National Museums in connection with maintenance of the monument; the removal of the monument or any part of it, to a place of safe custody; the duration of the agreement, with the provision for earlier termination thereof by any party thereto; the process relating to the resolution of any disagreement arising out of the agreement; and any other matter connected with the protection or conservation of the monument which is a good matter of concurrence connecting the owner and the National Museum.

Provisions for enforcement of agreements for protection of monuments in Section 41 (1) states that if the owner or any other person who is tied to the terms of an instrument which constitutes the National Museums guardian of a monument under section 39(3) or of an agreement for the protection and preservation of a monument under section 40 refuses to do an act which is in the opinion of the National Museums is both necessary for the protection, preservation or maintenance of the monument and the responsibility of the owner or other person in agreement with the terms of the instrument or agreement, or neglects to do the act within such reasonable time as may be fixed by the National Museums, the National Museums may authorize any person to do that act and the expense thereof, if and so far as it is established to have been the responsibility of the owner or other person, is supposed to be recoverable from that person. Subsection (2) further states that if the National Museums establishes that the occupier or owner of a monument which is the subject of any such instrument or agreement intends to build or to do any other act or thing in

contravention of the terms of the instrument or agreement, the High Court is mandated to grant an injunction to restrain that building or other act or thing, affecting the said monument.

The Act also provides for compulsory purchase of monuments under Section 42 which authorizes the Minister if he considers that a monument is in danger of being destroyed, injured or allowed to fall into decay, to acquire the monument by way of compulsory purchase under the provisions of the Land Acquisition Act. Section 43 outlines the duties of the National Museums to protect and maintain monuments. Section 43 (1) states that a monument which is for the time being owned by the National Museums, or under the guardianship of the National Museums as provided by section 39, or the subject of an agreement for its protection or preservation as provided by section 40, must be properly maintained by the National Museums, except so far as its maintenance is, by such guardianship or agreement the responsibility of the owner of the monument or of any other person. This section provides no room for laxity, negligence or complacency on the side of National Museums of Kenya which can jeopardize its responsibility of preservation and protection of monuments in the country.

However, in order to enforce laws on preservation and conservation of monuments in the country, the Act has defined the offenses punishable by law under Section 45. According to Subsection (1), a person who: destroys, removes, injures, alters or defaces or does any act that imperils the preservation of a monument; obstructs the exercise by a heritage warden or other duly authorized person of any of the powers conferred by section 37; or commits a breach of any by-laws regulating the entry of persons into a monument which is used for religious observances, or of any other

condition of access to a monument, commits an offence and if found guilty be liable to fine not exceeding one million shillings or a sentence of a term not more than twelve months or to both such imprisonment and fine, and on conviction of an offence against paragraph (a) may be instructed by the convicting court to pay to the National Museums for the purpose of making good any damage caused by that offence such sum of money as may be found by that court to be necessary to defray the cost thereof. Subsection (2) states that in the event of any threatened or continuing act contrary to subsection (1)(a) the High Court may on the application of the National Museums grant an injunction to restrain such act or its continuance.

Finally, Part VIII on antiquities and protected objects outlines the constitution of an antiquity, information concerning antiquities and protected objects, prohibition of removal of antiquities and protected objects and prohibition of sales of antiquities and protected objects, compulsory acquisition of antiquities and protected objects, and offenses. According to Section 46 (1), all antiquities lying in or under the ground, or on the surface of any land already protected under any law as a monument or being objects of archaeological, paleontological or cultural interest if discovered in a part of Kenya after the commencement of this Act, becomes the property of the Government. Subsection (2) further states that the Minister may, on the recommendation of the National Museums, by notice in the Gazette, disclaim the ownership of any such antiquity.

In order to guarantee security of antiquities and protected objects, Section 48 authorizes the Minister after consultation with the National Museums, by notice in the Gazette, to prohibit removal, without a permit from the Minister, of a specified antiquity or protected object, or of a

specified class or type thereof respectively, from the place where the antiquity or protected object or class or type thereof is then situated. Furthermore, Section 49 on Prohibition of Sales of Antiquities and Protected Objects bars any person without a permit from the Minister, from selling or otherwise part with ownership or possession of a protected object. Subsection (2) further outlaws the buying or taking by way of exchange any antiquity unless one has been licensed by the Minister in consultation with the National Museum to deal in antiquities. Finally, Subsection (3) outlaws the selling or giving by way of exchange an antiquity to a person who has not been licensed by the Minister in consultation with the National Museums to deal in antiquities. However, the provisions of this section do not apply to acquisition by the Government or by the National Museums of a protected object or antiquity by way of sale, exchange, gift, bequest or loan.

Section 50 on Compulsory Acquisition of Antiquities and Protected Objects states in Subsection (1) that if the Minister considers that an antiquity or protected object is at risk of being ruined, ill-treated or permitted to fall into decay, or of being unlawfully removed, the Minister may after consultation with the National Museums acquire the antiquity or protected object by way of compulsory purchase, on the grounds that acquisition is necessary in the interests of the utilization of the antiquity or protected object by preservation and display for the public benefit, subject to the prompt payment of full compensation as provided by section 75 of the Constitution. However, in Subsection (2) the Act provides that the power of compulsory acquisition under subsection (1) shall not be exercised if the owner of the antiquity or protected object is willing to deposit it with the National Museums by way of loan either permanently or for such period as the Minister deems

necessary, and has executed the necessary agreement for that purpose within one month after being invited to do so.

Section 51 on Offences provides that if a person without just cause fails to furnish the National Museums with full particulars of all objects in his possession which he knows or believes to be antiquities or protected objects, after being required in writing so to do within the period lawfully specified by a notice, as provided under section 47; willfully destroys or damages an antiquity or protected object; removes an antiquity or protected objected contrary to section 48; or sells or otherwise parts with ownership or possession of a protected object, or sells or buys or gives or takes by way of exchange an antiquity, contrary to section 49, that person has done an offence and shall on conviction be legally responsible to a fine not more than one million shillings or twice the value of the relic or protected object concerned, whichever is the greater, or to incarceration for a term not more than twelve months or to both such imprisonment and fine.

Section 23 on Accounts and Audit safeguards the use of funds allocated to NMK where it states that the Board is to ensure that proper books and records of accounts of the income, expenditure, assets and liabilities of the National Museums are all kept. According to the Section, the Board shall within three months from the end of the fiscal year present to the Controller and Auditor-General or an appointed auditor, the accounts of the National Museums together with a statement of income and spending during the year; and a statement of the assets and liabilities of the National Museums on the last day of that year.

The Controller and the Auditor General are in charge of auditing the accounts of the National Museums. However, they can appoint another board to audit different departments. The audit is conducted every six months after which the Controller and the Auditor General are expected to provide the audit report or the examination results to the minister. Furthermore, Section 24 on Annual Reporting requires that the Board should, prepare and submit a report of the audit and any queries to the Minister after every three months. The Section also provides an option to provide a report of financial operations to Minister by the board after every immediate preceding year. The minister is also charged with the responsibility of preparing an annual report for the National Assembly within three months and before the date of the next Assembly sitting.

Another area of importance to any serious AHM program is the issue of research that goes into any project before initiation. As evidenced by the National Museums and Heritage Act 2006, in consultation with the National Council for Science and Technology, NMK is mandated to maintain existing research institutions and establish new ones. However, all its activities have to be in accordance with the Environmental Management and Coordination Act, environmental impact assessment and other associations. All activities must also be approved by the Kenyan board maintained by different organizations and preserve the National museums. Section 17 of the Act permits the NMK to undertake research and conduct other activities related to technology, science, culture or human preferences such as lectures, writing, exhibitions or teaching in the limits of its financial and other resources. NMK is also mandated to carry out all such other lawful activities as may be approved to the National Museums to be appropriate and applicable to the achievement of the different goals of the National Museums.

Section 6 of the Act states that the composition of the Board of Directors of NMK which is the governing body of the National Museums, consist of a chairman appointed by the Minister after consultation with the President, four persons representing scientific interests appointed by the Minister, the Permanent Secretaries in the Ministry of National Heritage, Finance, Defense and not more than three persons appointed by the Minister. The appointment is conducted depending on the outstanding interest and efforts towards the activities of the national museums. Other members of the board include: one representative of the private sector, one representative of the Kenya Tourist Board; and a General Manager appointed by the Minister after liaising with the Board. In most cases the General Manager is an ex-officio member or a secretary to the Board.

According to this section, The Board is expected to have all its key functions which include control, development and general management evaluated by the Government. The Chairman and The Board have a Tenure of Office of three years with members eligible for re-appointment. The section has also provision for termination of appointment of the Chairman and Members of the Board. The Act provides for disclosure of interest by Chairman and Board Members who have a direct or indirect personal interest to the extent of becoming members of the board. Soon after the actual information has been attained and all facts relating to appointment of board members established, the nature of their interest to the Board is also determined. This is in line with Public Officer Ethics Act (2003) which was enacted to help fight corruption in government and ensure good governance practices within government departments.

3.3 Heritage Management Policies

The policies for the protection of archaeological heritage are outlined in the ICOMOS Charter (1990) which constitutes the basic foundation of the principles of Archaeological Heritage Management. It posits that principles should be integrated into planning policies at international, national, regional and local levels. The process of AHM involves identification, interpretation, maintenance, and preservation of significant archaeological sites and physical heritage assets. AHM receives most attention and resources in the face of threat, where the focus is often upon rescue or salvage archaeology. According to heritage scholars, possible threats include urbanization, large-scale agriculture, mining, prospecting, theft, and uncontrolled tourism.

AHM can be traced back to the rescue archaeology and urban archaeology undertaken throughout North America and Europe in the 1st half of the 20th Century. King observed that salvage projects were hurried interventions to identify and rescue archaeological remains before they were destroyed to pave way for large public projects or other construction. He reported that in the early days of salvage archaeology, it was nearly unheard-of for a project to be delayed because of the presence of even the most fascinating cultural sites, so it was incumbent upon the salvage archaeologists to speed up their work. Although many sites were lost, it is worth noting that much data was saved.

On the basis of the above observations, the management of threats facing AH in the world should follow a well defined system of actions and protocols guided by internationally accepted rules and regulations. System of action and protocol advanced for ARM by party states constitutes the policy framework of AHM in a country. Policies are meant to organize, regulate and order good practice and they are enforced by legislation. Archaeological Heritage Resource Management policies have

developed over time with the recognition of the economic and social importance of heritage and other cultural assets. However, the policy statements should take into consideration the aspirations, interests and values of the people for which protection and conservation is meant to serve.

There are, nevertheless, a wide variety of ways in which the powers of the state and its ability to directly control heritage resources are constructed in different countries, and analysis of how these operate on the ground and the possibilities and problems they present is worthy of discussion.. The primary methods by which state heritage authorities are given power to intervene in management of heritage resources is by institution of protective measures, taking control of property, usually by means of acquiring title thereto, or by instituting punitive measures. Heritage Management policy should come out strongly on pertinent issues affecting the heritage. This then would be a step towards ensuring a future for the cultural legacy of a country.

The exploitation of archaeological resources can be controversial, particularly where the scarce cultural heritage resources of developing countries are exported to satisfy the demand for antiquities in the developed world.[189] King vouched for the need to undertake serious conservation and preservation efforts on AH. Archaeological resources offer unique opportunities for income generation, for example, such opportunities may be in the form of tourism, or even in some cases the performance of traditional music and dance. Additionally traditional designs can be exploited in the fashion industry.[190]Popular culture was identified as an important economic asset which should be managed for the future generations to come.

---

[189]King, D.I., et al. (2008). Biodiversity and Conservation 17:2691–2700.

[190] Ibid.

Culture and Heritage Management policy is a step towards ensuring a future for the cultural legacy. Policies simplify the existing laws and offer guidance on how best the heritage should be conserved and managed.[191] In a nutshell, policies are a necessary prerequisite for any meaningful Heritage Management effort. A platform set by ICCOM requires the said policies to be curative. It is on this basis that the present study sought to examine the inter-phase between legal and policy frameworks and the practice of AHM in Kenya. An examination of the policies governing Heritage Management in Kenya specifically involves an analytic method, where the different aspects of AHM in the policy framework are weighed against the internationally accepted AHM standards as outlined in the ICOMOS Charter of 1990.

Policies and law governing HM in Kenya were critically examined in order to synthesize a holistic position of practice in the country. The analysis involved breaking down of the aspects of AHM practice into: aims of the National Policy on Culture and Heritage [2009], funding for AHM in the country; involvement of local communities and other stakeholders in planning and management of Archaeological Heritage; presence of inventories; institutional framework; research component; documentation, storage and retrieval systems. Other areas include: involvement of the private sector in AHM; integration of heritage into development efforts; punitive measures; and community empowerment component in heritage management.

---

[191]ICOMOS Charter on the Interpretation and Presentation of Cultural Heritage Sites – 2008.

3.3.1 The National Policy on Culture and Heritage of 2009

In order to establish how Kenya has organized the management of its Archaeological Heritage, this study examined the most current HM policy document in the country: the National Policy on Culture and Heritage of 2009. The policy was drafted by the Ministry of State for National Heritage and Culture under the Office of the Vice-President. In a brief introduction of the policy, the Government of Kenya recognizes importance of national heritage and culture to the sustainable socio-economic development of the country.

An overview of the policy indicate that culture takes diverse forms across time and space and the diversity is embodied in the uniqueness and plurality of the identities of groups and societies making up humankind.[192] The Government therefore recognizes the role culture plays in sustainable development and the achievement of a more satisfying moral, emotional, intellectual and spiritual existence[193].

In its policy statements, GOK commits itself to take all necessary steps to ensure the protection and promotion of culture and of cultural diversity among Kenyans. It further commits itself to taking all necessary steps to ensure the protection and promotion of the country's national heritage. According to the Policy, the GOK adheres to UNESCO's definition of heritage as the sum total of all the creativity in all its forms preserved, enhanced and handed over from generation to generation. Furthermore, the GOK recognizes the need for a Kenyan Culture and National Heritage Policy that takes the challenges posed by free trade, modernization and democracy into account,

---

[192]Government of Kenya, (1984).The Antiquities and Monuments Act Chapter 215. Nairobi: Government Printer. Revised ed.

[193]Government of Kenya.(2006). National museums and Heritage Act, Cap 216. Nairobi: Government Printer.

while at the same time reflecting good governance. There is also need for a policy that balances the need for respecting cultural diversity, with that for sustainable development and a respect for human rights.

Providing brief background information on pre-colonial Kenya, the National Policy on Culture and Heritage envisages a situation where different communities lived harmoniously with their socio-cultural, physical and natural environment. Colonialism disrupted institutions that kept society together. This can be considered a plausible argument, especially in light of the fact that it not only suppressed the various indigenous elements of local culture and heritage, but also alienated a number of Kenyans from their valued cultural practices. In addition, the colonialists also oversaw the passage of various legislations and the formation of a number of institutions with the sole objective of safeguarding or imposing their own culture, as well as political and economic interests.[194]

There was, therefore, the need for a post-independent Kenya to develop its own cultural and heritage policies to correct the situation and restore national pride. This policy was meant to help the country to overcome the challenges posed by modernization, globalization, liberalization, democracy and governance. The National Policy on Culture and Heritage recognizes Kenya as a multicultural society and requires a policy that recognizes this diversity. Further the country has a

---

[194]Kibwana, K. SmokinWanjala and Okech-Owiti, eds, (1996). The Anatomy of Corruption in Kenya: Legal Political and Socio- Economic Perspectives, Nairobi:LARION

huge cultural resource base which needs to be integrated with national economic and social development plans.

The Policy is aimed at placing culture and heritage at a centre stage of development. It encourages the selection of appropriate technology and knowledge suitable for national development. It comprises action- oriented objectives and methods whereby districts, county and national authorities support and encourage cultural and heritage development. This encourages Kenyans to participate in the promotion and development of culture, while at the same time enhancing cultural cooperation and exchange between countries regardless of the differences that may exist in terms of geography and language.

The Policy aims at creating a benchmark necessary for mainstreaming culture and heritage and setting standards, as well as, raising awareness and capacity building necessary for infusing culture and heritage as integral parts of public policy and development plans. The Policy identifies and outlines the major cultural institutions and components of Kenyan national heritage and culture.[195] Furthermore, the policy statement spells out the operational strategies that are to be utilized, as well as, identifies administrative practices, approaches and resources required for cultural regeneration and sustainable preservation of national heritage.[196]

---

[195]Government of Kenya (1962)."The Preservation of Objects of Archaeological and Paleontological Interest Ordinance Chapter 215". Nairobi: Government Printer Revised ed.

[196]ibid.

The Government also commits to take appropriate measures for the protection, conservation and preservation of tangible and intangible national heritage situated within its jurisdiction. The Policy has an objective of ensuring the fullest possible expression of culture and heritage in all their shades through ensuring that all cultures have equal access to art, as well as technological and scientific knowledge, including in their digital form. It also aims to ensure access to the means of expression and publicity for all cultures.

The Kenyan National Vision is based on the Government's conviction that its national policy shall consider culture and national heritage as one of the keys to the country's sustainable development at large and, in particular, the development of its economy and of its democratic values. This National Vision intends to enrich Kenya's international cooperation, especially in aspects related to information and transfer of technology.

Through the policy document, the Government of Kenya has acknowledged that culture and heritage is increasingly being threatened with destruction not only by the traditional causes of decay, but also by the changing social and economic conditions which aggravate the situation.[197] The Policy is, therefore, meant to ensure the preservation of National Heritage in all its forms. Once preserved, the record of human aspirations and experience is according to the policy

---

[197]Gunderson, L.H. et al. (1995). Barriers and Bridges to renewal of ecosystems and Institutions.NewYork: Columbia University Press.

enhanced and handed to future generations to further foster creativity regardless of the existing diversity, and at the same time inspire dialogue.

The position that cultural diversity is strength as opposed to a weakness is a bold one on the part of the Kenyan government, more so opting to view it as a positive, rather than a source of discrimination that negates national cohesion. One very important objective of the policy is to provide the means by which the Kenyan nation can carve out a strong and vibrant national identity that will ignite pride and patriotism in our nationhood. The Policy proposes the establishment of Constituency/District Community Culture Centres which should be the nucleus for the preservation, development, promotion, as well as, dissemination of culture. In particular, these centres are expected to facilitate intellectual dialogue necessary for the promotion of national unity through inter-community exchanges.

Government of Kenya recognizes that culture is dynamic and that the interdependence between environment and culture influences the manner in which communities harness resources and enrich the quality of their lives. In the policy statement on culture and environment, the GOK commits itself to work in collaboration with the local and international agencies to actively assist through the use of modern techniques and methods, as well as, indigenous knowledge, to preserve, conserve, and sustainably manage the environment, while conforming to heritage, culture and development.

The Government of Kenya has adopted preservationist approach to the management of its natural resources to bolster its AHM efforts and establish whether or not the policies serve the course of AHM in the country. AHM policies in Kenya are viewed against the International Council on Monuments and Sites (ICOMOS) Charter of 1990 which constitutes the basic foundation of the principles of Heritage Management which should be incorporated into the local, regional, national and international planning policies.

An examination of the laws governing heritage management in Kenya specifically involves an analytic method, where the different aspects of AHM in the legal framework are weighed against the internationally accepted AHM standards as outlined in the ICOMOS Charter of 1990.[198]

The legislation of individual nations is often based upon ratification of UNESCO conventions, such as the 1972 World Heritage Convention, the Valletta Treaty and the 2001 Convention on the Protection of the Underwater Cultural Heritage. Specific legislation is sometimes needed to ensure the appropriate protection of individual sites recognized as World Heritage Sites. The policies and laws governing AHM in a country should help in checking environmental pressures; controlling urban development; reducing warfare, communal conflicts, and poverty; and improve political will to preserve and conserve AH.[199] Others include: creating awareness of the value of heritage,

---

[198]Kamamba, D. (2005). Cultural Heritage Legislation in Tanzania. In W. Ndoro and G. Pwiti (eds.). Legal Frameworks for the protection of Immovable cultural Heritage in Africa. Rome: ICCROM Conservation Studies.

[199]Eboreime, J.O. (2005). Nigeria's Customary Laws and Practices in the Protection of Cultural Heritage: With special reference to the Benin Kingdom. In Z. Ndoro and G.(Pwiti eds.). Legal Frameworks for the protection of Immovable cultural Heritage in Africa. Rome: ICCROM Conservation Studies.Ecology,71(6), 2060-2068.

increase the level of funding, improve expertise and equipment, improve on inventories, reduce insecurity and illicit trafficking, eliminate clandestine excavation and outright looting.

One of the fundamental reasons in setting a foundation cultural legislation is to define heritage.[200] Definitions of heritage in legal instruments have to be very precise so as to avoid ambiguity.[201]Precision leaves no doubt with regard to what falls within the coverage of the law. The history of a country and the perceptions of heritage would normally govern definitions which are used in most legal instruments and these definitions in turn influence the development and administrative categorization of heritage in a given country.[202] Given that most heritage legislation in Africa was enacted during the colonial period, it is not surprising that the definition of heritage and its categories were influenced by the colonial experience.

The European colonial community imposed the typologies of heritage to be protected and definitions adopted were borrowed from other countries.[203] Many of the definitions equate heritage to the built heritage or to artifacts or objects from the past. Material aspects of heritage were, thus paramount in defining heritage and rarely were intangible aspects of heritage incorporated into the

---

[200]Ndooro, W et al(eds) (2009). ICCROM:Cultural Heritage and the Law: Protecting immovable Heritage in English Speaking Countries in Sub-Saharan Africa. Iccrom Conservation Studies, Rome Italy.

[201] Ibid.

[202] Ibid.

[203]Ndooro, W et al(eds) (2009). ICCROM:Cultural Heritage and the Law: Protecting immovable Heritage in English Speaking Countries in Sub-Saharan Africa. Iccrom Conservation Studies, Rome Italy.

definition of what heritage is.[204] The colonial definition as incorporated in the law also reflected the perception that for heritage to be of value, it had to be old or ancient.[205] Heritage sites and objects or items were, therefore equated with monuments, relics or antiquities and this perception was reflected in the titles of most of the heritage legislation.

Cultural diversity simply entails the acknowledgement of the distinct nature and value inherent in each culture, as well as, embracing it and the other communities that are interacting with it.[206] This ideal is captured in the contents and policies of the National Cohesion and Intergration Commission, whose mandate is to act on behalf of the Government to create national unity and cohesion. One of the main aims of the Government is to create a situation that encourages Kenyans to generate a vibrant and strong national identity that elicits pride and patriotism. The National Policy on Culture and Heritage ensures that efforts towards the development of national ethos and values are deliberate and promote national identity and pride, as well a,s essential national values.

The Policy proposes the establishment of Constituency/district Community Culture Centres.[207] The Community Cultural Centres will form hubs for the development, preservation, promotion and dissemination of culture and more significantly serve as centres of intercultural dialogue for

---

[204] Ibid.

[205] Ibid.

[206]Government of Kenya (2006).'to promote national unity in cultural diversity and, support the commitment of all citizens towards the development of the spirit of nationhood and patriotism.'

[207]Ibid

the promotion of national unity. Since 2009 when the policy came into force none of these centres have been established. It is further regrettable that some of the offices dealing with culture have not been devolved to the counties in the spirit of the 2010 constitution. Having policies on paper is one thing, implementing it is another; the latter is the most realistic.

A majority of development theories that have been put forth over the last few years tend to undermine the role that culture plays in development. For example, in the West, for an extended period of time, culture was portrayed merely as music, literature, art, and dance. However, it is now more highly regarded and recognized. Culture is now recognized as being much broader and quite important, especially as a dimension of the process of development. Furthermore, culture is recognized as a cornerstone in the shaping of national identity, as well as, in the celebration of its sovereignty and independence. Balanced and sustainable developments are only achievable by making cultural factors part of the strategies designed towards achieving them[208].

National Heritage also comes from the commitment to promote, preserve and maintain Kenya's heritage. This is epitomised by the ratification of the convention on the protection of the world hosted by UNESCO (United Nations Educational, Scientific and Cultural Organizations (UNESCO) meeting held from the 17th of October to 21st of November in 1972, during its seventeenth session.

The national development plans since independence has endeavoured to safeguard cultural diversity by promoting the various principles of diversity. The national development plan that was utilized between 1966 and 1970 encouraged the viewing of national heritage, culture and

---

[208]ibid

development in terms of equal opportunities, political equality and social justice. These principles

of operation ensured that sustainable development was modelled in a way that suited the African

way of life. Internationally, UNESCO continually underlined the important role of culture towards

development[209]. The protection, promotion and maintenance of cultural diversity are an essential

requirement for sustainable development for the benefit of present and future generations.[210]

Development is directly linked to integration of culture.[211] It is the responsibility of the government

to tap the local culture and heritage resources for national development. When for example, a

monument is located in a local community, there is need to use that resource in a way which

benefits the locals economically, socially, and culturally. If people understand that a monument, a

site or a museum in their midst is crucial to their socio-economic and cultural development, then

they are more likely to preserve, conserve and protect it from any form of threat. This is one way

in which locals can be integrated into the management of cultural and heritage resources that they

own.

The policies adopted by the government of Kenya serve to reaffirm its commitment towards

protecting the intellectual property rights of performers, creators and artists. For instance its

application of article 17 of the UDHR and of article 16 of the UDCD (Universal Declaration on

---

[209]UNESCO (1992) Convention on the promotion of cultural Diversity (CPPDCE) enjoins State parties to integrate culture in their development policies, in particular, to achieve poverty eradication.

[210]UNESCO (2000) "CPPDCE" provides that cultural diversity is a rich asset for individuals and societies.

[211]The African Charter on Human and Peoples' Rights (ACHPR)(2005). It provides that, "All peoples shall have the right to their economic, social and cultural development with due regard to their freedoms and identity and in the equal enjoyment of the common heritage of mankind. Every state shall ensure the exercise of the right of development".

Cultural Diversity), highlight its commitment to ensuring the enforcement of copyright laws and related laws. This is aimed at ensuring fair remuneration for any creative work; uphold the public's right to access culture while at the same time encourage contemporary creativity.

The government of Kenya recognizes that numerous opportunities innovations and proper intellectual property laws are capable of contributing towards protecting Kenya's cultural heritage. There is no denying that such an approach will encourage communities and individuals to achieve cultural, personal and economic development. This is not only in line with the World Intellectual Property Organization's definition of protection but also satisfies and caters for a number of concerns raised at various conventions regarding the promotion and protection of cultural diversity, as well as, its expression.

The economic potential of culture is also evident from the employment opportunities it provides through the various forms of cultural expression, be they traditional or contemporary. Furthermore, the cultural sector also adds to Kenya's ability to attract foreign tourism, creating opportunities to earn foreign exchange, as well as, improving its general economic potential. (National policy on culture and heritage 2009)

Research essentially means the critical and exhaustive investigation or experimentation with the aim of discovering new facts. It also involves the correct interpretation, revision of accepted

conclusions, theories and laws. The place of research in the NMK, therefore, is clearly stated in the National Museums and Heritage Act 2006, which states that every national museum shall:

a) Serve as a national repository for things of scientific, cultural, technological and human interest, and

b) Serve as a place where research and dissemination of knowledge in fields of scientific, cultural, technological and human interest may be undertaken.[212]

Research has been a great component of the NMK since its inception in 1910. It was essentially basic research aimed at contributing to a better understanding of the history of the East African peoples in particular and Africans in general. Gradually, the NMK engaged in serious and complex research. The Museum, for instance, began to liaise with the University of Nairobi in the programmes of the Institute of African Studies, which is concerned with ethnology and cultural anthropology.

In 1969, the museum took over the running of the Institute of Primate Research. This had been initiated by L.S.B. Leakey in 1960 and a lot of research activities have been carried out by the institute. The extension programme of coastal archaeology has led to great research in the areas of architectural studies, restoration, archaeological research and underwater archaeology.

---

[212]Government of Kenya (2010)Article 10 of the same Act also states:…The Board shall undertake so far as its financial resources permit to carry out, in consultation with the National Council for Science and Technology (NCST), research in natural history and conduct other scientific, cultural activities and disseminate knowledge on matters of scientific, cultural, technological or human interest by means of lectures, special exhibits, conducted tours or publications.

Since 1970, there has been the expansion of the museum research programmes. These research undertakings have been meant to help in the conservation of prehistoric, cultural and biological aspects of our heritage. Today, research goes on in all divisions, departments and sections within the NMK. A better understanding, therefore, of the research component within the NMK, is through the analysis of the present and on-going programmes and activities of the various divisions, departments and sections of the institutions.

The Division of Archaeology began in 1926, and has vigorously conducted research, documented, managed and disseminated its research findings to a wider readership through public lectures, conferences, and publications. Such archaeological researches have involved both the local and foreign researchers. Some of the research activities already conducted and on-going by the division include preliminary archaeological surveys in Nakuru and Nyandarua counties and re-designation of archaeological exhibits at Hyrax Hill. (NMK Annual Report 07/08)[213]

The division has also contributed towards the production of an educational film entitled "The Land We Live On" by World Wide Fund for Nature in conjunction with Lake Nakuru Conservation and Development Project for schools in Nakuru District. It was also involved in documentation and conservation research of rock art and the stone structures (*Ohingni*) of Western Kenya, research on the archaeology of the West of Lake Turkana, Magadi area and Kapthurin Formation in Baringo District. It has also conducted research on traditional animal husbandry and disease control among

---

[213]National museum of Kenya(2008)

the Maasai of Kajiado District, PIXE and XRF characterization of modern and prehistoric ceramics in the Lake Victoria basin.[214] The ongoing research programmes in the division is a Ph.D. research on the transition from food collecting to food production and between later Stone Age hunter-gatherer and food-producers in the Central Rift region.

The Division of Ethnography is a great centre for research and publication. It also does collection and acquisition of material culture, documentation and conservation of existing collections, public education through exhibitions and workshops. The division's research endeavours revolve around cultural activities. The ethnographic collections are used to foster economic, socio-cultural and political understanding. The conservation section within the division regularly conducts research on the ethnographic collection with the aim of assessing their condition and recommending preventive measures to curb deterioration. The most recent research activity was that investigating the traditional modes of peace and conflict reconciliation. The research was carried out among eight pastoral communities of Kenya (i.e. the Borana, Gabra, Rendille, Samburu, Pokot, Somali, Turkana and the Maasai). The findings were published in a book titled "*Honey and Heifer, Grasses, Milk and Water*". (NMK Annual Report 08/09).

---

[214]Mutiso G. Cyrus (1976). Kenya Politics, Policy and Society. Nairobi: East African Literature Bureau, p.80-84.

The Palaeontology Division, on the other hand, is renowned for fossil (plants, insects, reptiles and mammals) research in Kenya.[215] At present, there are many ongoing research activities in the division comprising both fieldwork and laboratory investigations. Most of these research activities are conducted in collaboration with foreign researchers and are long-term, such as, the Turkana Basin Research Project done on the western and eastern shores of the lake. The project began in 1968 and studies the prehistoric information preserved in the basin. The project discovered in 1994, the earliest authentic evidence of early human ancestor walking upright on its two legs, that is, the *Australopithecus anamensis*. More evidence of the *Australopithecus-anamensis* was recovered in 1995 and 1997. (NMK Annual Report 09/2010)[216].

The Baringo Project, on the other hand, investigates sediment outcrops in the Tugen Hills of Baringo District, which are believed to be 16 million years ago. Specific areas of research are the Lukeino Formation at Kapcheberek, Chemeron Formation, and Kapeng'at. It is a joint project between Yale University and the NMK. The Homa Bay Project on its part, examines, Pliocene and Pleistocene deposits at Kanam and Kanjera, which have been associated with the Oldowan Industrial kit. Kanam and Kanjera are open grassland making them unique in yielding early hominid activity yet it is known that the early man preferred caves and rock shelters.[217] This project

---

[215]Njeru, J. (2003). The Impact of Foreign Aid on Public Expenditure: The Case of Kenya. AERC Research Paper no. 135. Nairobi.

[216] National museum of kenya2009

[217] National museum of kenya2007

is also a joint venture between the NMK and the Smithsonian Institution. (NMK Annual Report 07/08)[218]

The Maboko Island Project has yielded marvellous finds including remains of *Kenya pithecus africanus* and *Nyanza pithecus pickfordi*. Much of the results of the research have been published. The research activities are co-ordinated between the University of Carbondale, Southern Illinois and the NMK.[219] The Olorgesailie Project is a collaborative work between the NMK and the Smithsonian institution. The project investigates the supposed link between the giant gelada baboon *Theropithecus Oswaldi* and the concentration of hand-axes in the main site. These investigations give insights about the geological history and climatic and environmental changes in the region in antiquity**.** (ibid)

Much of these reports are already documented. The Baragoi Field Project investigates the Nachola deposits in Samburu District. The region has been surveyed and early research yielded fragmentary remains of *Kenya pithecus*. This is also a collaborative project of Kyoto University, Japan and the NMK. The Songhor Project in Western Kenya seeks to unearth evidence of early man like creatures and animal remains and is principally coordinated by University of Miami, Ohio. (ibid)[220]

---

[218] National museum of Kenya 2010

[219] National museum of kenya2008

[220] Ibid

In addition a number of other projects have been completed including the Allia Bay fieldwork, which was a three-year project investigating evidence for *Australopithecus anamensis* and the animals that lived with this earliest ancestor of man on the eastern side of Lake Turkana. The Nabwal Hills Project investigated Oligocene and late Miocene sediments to the east of Lake Turkana and found some scanty fossil evidence.[221] The preliminary research culminated in a three year project in the Turkana Basin. Once the field research is completed, the division will embark on laboratory research to analyze the collected materials. Such will include the analysis of Holocene hominids recovered by the Turkana Basin, Songhor primates, Lothagam and Kanapoi animal remains. Investigation on the inner ear of early human ancestors and other primates using the CT scan will also be carried out. (NMK Annual Report 08/09)[222]

The Centre for Bio-diversity was established in 1992 in the spirit of fully utilizing the available resources in the museum in terms of researchers and collections. The mission of the centre is to help in achieving the national obligation to bio-diversity conservation. It has done this by developing research and action-oriented programmes to gather, analyze, store and disseminate bio-diversity data needed for sustainable utilization of biological resources. The on-going research activities include: The Tana River Primate National Reserve Project which supports the conservation of the unique and biological diversity of the Tana River Primate National Reserve. The bio-diversity conservation and sustainable use in the Eastern Rift Valley Lakes Project is a regional project, which comprises countries such as Ethiopia, Kenya and Tanzania.

---

[221] Ibid

[222] ibid

The studies are meant to maintain and improve bio-diversity conservation and sustainable utilization of resources within the Rift Valley Lakes and Wetlands. The NMK is also starting a Bio-diversity Assessment and Monitoring for Management of Mount Kenya as an offshoot of the Conservation and Management of Indigenous Forests with the Mount Kenya project. The project will survey, take inventory and set up monitoring systems for the bio-diversity of Mount Kenya eco-system. There is also the planned Botanical and Zoological Taxonomy for East Africa; the on-going World Bank funded Lake Victoria Management Programme; the Lake Victoria Exhibit Project and the East African Cross-Border Bio-diversity project.

The Herbarium unit is the oldest of all, having been started in Tanzania in 1902 as the East African Herbarium. In 1950, the Herbarium was shifted to Kenya and has since served all the three East African countries. Its major concern since its inception has been to collect plant species, identify and document them. After the breakup of the East African Community in 1977, the unit was left under Kenya Agricultural Research Institute. In 1982, the unit was moved to the NMK and continued with its initial mission (ibid).

There is already a specimen database within the department that uses a software programme called Botanical Research and Herbarium Management Systems. On-going field research includes the Taita Hills Botanical Survey involving both local and foreign researchers. There is also the project on Pastoral Indigenous Information System in Garissa, Wajir and Mandera districts. The unit has benefited a lot from the Department for International Development which has donated research equipment.

The Department of Herpetology conducts various researches on reptiles and amphibians with an aim of acquiring, curating and disseminating such information. Field Surveys have been conducted in Taita Hills, Mbololo, Kasigua, Ngaongao, Chawia, Shimba Hills, Kakamega Forest, Nandi Hills and Likia in Njoro .

The Ichthyology Department was created in 1997 and is a zoological unit charged with undertaking research on freshwater and marine fish. The research projects undertaken include the renovation and extension of the Nairobi Aquarium; the East African Ichthyic-diversity project which is trying to upgrade regional inventory of fresh water fishes and to develop a tissue sample bank for genetic research of East African fishes. The Mammalogy Department advises and develops methods of capture and study of mammals. Recent research work includes the study of the impact of SI Nino on the naked mole rats, survey of the Tana River Primate Reserve G.E.F. project (NMK Annual Report 08/09).

The Ornithology Department is one of the oldest of the NMK's departments whose major duty is to study avifauna, especially threatened bird species and habitats. Researches already conducted and ongoing include Important Birds Areas in Kenya; Forest Fragmentation in the Taita Hills; Water bird Monitoring – an annual event of water-bird counts in Kenya and migration studies at Ngulia in Tsavo West National Park. The department also offers field courses for bird guides, especially those in the tourism industry.

The Phytochemistry Department deals with the physiochemical potential of Kenya's indigenous plant resources, especially biologically active compounds from medicinal plants from Kenya employing ethno-botanical methods. The department has acted as a research base for even persons undertaking studies for higher degrees.

The Osteology Department principally undertakes research aimed at acquiring and preserving faunal material for comparative purposes in faunal analysis. Such osteological collection may be from human, reptiles, birds, mammals, fish, and rodents from archaeological and paleontological sites. The department is very active and is thronged with researchers both from within and abroad for training in faunal identification techniques (ibid).

The Palynology Department focuses on identification and cataloguing of pollen grains especially the fossil pollens from ancient lake bed sediments or swamps. The pollen grains are useful tools in the reconstruction of vegetation types of the past and, therefore, they contain information which is useful in the understanding of the climatic variations of the past. Students from local institutions of higher learning and foreign ones have conducted research with the support of the department.

The Department of Molecular Genetics was started in 1985 to provide data for taxonomic identification and variability on invertebrate disease vector and pest species. The genetic research is conducted using advanced molecular biology techniques in the fields of wildlife genetics, plant genetics, parasitological and microbial genetics. Much of the research revolves around human life.

Current research includes the Rhino Genetics Project which investigates the level of genetic diversity of the black rhino sub-species from Kenya and those from Zimbabwe; research on phylogenetic relationships in the Bovidae family; the Schistosomiasis project which investigates bilharzias disease; the Hyatid Disease Project which undertakes studies on the development of a diagnostic kit used in detecting a disease before it forms a hyadatid cyst; the Acacia albida project carried out to assess the genetic diversity of the albide species which is mostly found in the semi-arid andarid areas of Africa and the Middle East and the Acacia Senegal Project which studies the genetic variation among the different Acacia species in Baringo District and parts of northern Kenya. The Senegal species offers a good model species for diversity in speculation of woody species. This species is resistant to drought and fire (ibid).

Other areas within the museum where research is conducted include the Nairobi Botanic Garden, which has a wealth of plant resources and can be used for research purposes. There is also the ElangataWuas Eco-System Management Programme in Kajiado district which undertakes research on eco-tourism, bee-keeping, development of farm forestry and agro-forestry systems, traditional values of woody plants, traditional beliefs and practices, woodland management and women in development (ibid).

The Marine Bio-diversity Programs (MBPS) is a research-based project that overlaps the Malacology, Entomology (Invertebrate Zoology), Herbarium and Ichthyology departments. The programme utilizes expertise from Malacology to help collect medically important snails which are classifiied and studied to establish relationship with different habitats (lakes). The

entomologists collect invertebrates except that of moll uses. They offer services of identification of insect pest and their natural enemies and carries out some research on economically and medically important insects such as locusts, grasshoppers, termites, moths and butterflies.

In general, the MBP undertakes researches principally to provide information on marine conservation and coastal resources. Such researches have been undertaken on the mangroves, coral reefs and sea grass beds. Others include the Tana River Primate Research, the Kajiado District Wetlands Bio-diversity Survey and the Marine Aquarium at the Nairobi Snake Part. The last three have some overlap with the wetland programmes.

The Wetland Resource Programme (WRP) mainly co-ordinates and promotes inter-departmental research and educational activities relating to inland water and wetland resources. The WRP carries out research on ecologically and economically important wetland functions as well as animal and plant taxa. Some of the research and training endeavours recently carried out are the national wetland inventory which gathered and documented information on the status of Kenya's wetlands, wetland assessment in dry lands in Kajiado Districts, reproductive and foraging strategies of the African snipe, the wetland awareness and education project and the pollutant buffering capacity of wetlands.[223] There is also the research programme on sustainable use of dry land bio-diversity, which has so far conducted research on forest biotechnology and non-wood forest products, and on traditional technology in sustainable management of dry lands. (Ibid)[224]

Finally, the Library and Archives remain important areas for reference to researchers. Research materials of almost all areas of specialization are stored in the library. The NMK headquarter

---

[223]National Museum of kenya Annual Report (2007/2008).

[224] ibid

library is linked to libraries of organizations such as ICIPE, ILRI, and UNEP and they can borrow for members books that they do not have. The archaic materials have continuously been microfilmed to reduce risk of destruction while increasing the reading space.

Museums have undertaken research activities in all its divisions/departments and sections. Some of the research projects are on-going while others have been completed and are geared towards conservation and enhancement of the cultural resource. Most of the higher institutions of learning have got affiliations to the museums – the institutions have programmes where teaching of, say, archaeology are directly linked to museum programmes. Research programmes in the universities also enrich the museums through personnel training and opening up of new horizons of knowledge in museum system.

On the whole, museums depend on new initiatives to be meaningful and successful. These initiatives can only be explored for their viability and enhancements through constant staff training and research, hence, the museum policies or training and research. Training and research is in all departments of the museum because AHM is so multi-faceted to be left for one department alone (ibid).

The NMK has spearheaded research in all its Directorates with clearly defined agenda in line with the mission and vision of the institution. The Directorate of Research and Collection, Institute of Primate Research, Research Institute for Swahili Studies in Eastern Africa have on-going researches (NMK Research Policy 2010) in order to reinforce the National policy agenda.

Training component of the museum on the other part is meant to produce an efficient and productive workforce. It is meant to improve the potential of its personnel to train their colleagues and to conceive, develop and manage future training and other museum development activities. As mentioned earlier, such training should be relevant to the duties assigned to the personnel within the museums. Successful research and AHM projects depend ultimately upon qualified staff (NMK Research Policy 2010).

On tangible cultural heritage, it is important to note that these are essentially objects that are both immovable and movable, that are used by humans within any given environment (physical). Therefore, it is the outcome of product development and design, which incorporates human history, while at the same time adding value to humanity's future. This is embodied in the numerous archaeological findings that suggest the existence of a highly civilized past. Furthermore, contemporary architecture, and creations are a visible sign of the level of creativity inherent in Kenyans. As Kenyans continuously interact with other world technologies and cultures, there is need for this aspect to be evolved in a sustainable and relevant fashion.

Other areas covered in the policy include the desire to have Kenya national attire but this has not been realised since 2009. The promotion of visual arts, health and medicine has been encouraged in the policy. Visual arts for instance, is closely associated with a people's ways of life and tied to traditions. Traditional medicine has been promoted in the policy. On foods and drinks, the policy clearly spells out need to popularize and promote traditional crops and drinks, unfortunately the current Kenyan population do not appreciate this.

Historical Sites, monuments and physical environment management is clearly spelt out in the policy. Intangible heritage, performing arts, games and recreation, language, literature, electronic and printing industries heroes and heroines are protected by policy statements in the National Policy on Culture and Heritage of 2009.

3,4 Conclusion

This chapter has looked at historical development of AHM with specific reference to the international instruments of heritage management and their relevance and applicability to the Kenyan case. From the foregoing, it is noticeable that the protective legislation governing heritage right from 1927 with the amendments in 1932, 1983 and 2006 are not substantially different. There has been duplication and minor tightening of some sections which are not only inadequate but ambiguous. The National Museums and Heritage Act 2006 has also over emphasized tangible heritage over the intangible remains which the country has in abundance and may fast be disappearing.

The policy on culture seems to be a political tool used by politicians for their convenience. A more viable option is to establish a National Heritage Commission the arch-type of South Africa to regulate heritage management in the country. The Commission would play an advisory role over all aspects of culture in the country. In its current form, not much will be achieved. It has over emphasized and invested too much on cohesion and integration. Besides, it is more favorable to culture than heritage.

PART II

This section consists of four chapters arranged as follows: practice of Archaeological Heritage

Management in Kenya, Nairobi national museum, Fort Jesus museum, Kisumu museum, and

Thimlich Ohinga site.

CHAPTER FOUR: ARCHAEOLOGICAL HERITAGE MANAGEMENT IN KENYA

4.1 Origins of the Practice

National museum of Kenya was started in 1910. The process was initiated by the then colonial settlers and naturalists under the umbrella of the East Africa and Uganda Natural History Society, known to Kenya today as Nature Kenya. The initial site was at the current Nyayo House. Later in 1922, it moved to the present site of the Nairobi Serena Hotel and again moved to its present location, Museum Hill in the year 1930. On 22nd September 1930, it was opened under the name Coryndon Museum to honor the memory of Sir Robert Coryndon, a Governor of Kenya at one point. Due to public appeal for funds by the late Dr. Louis Leakey it became possible to construct cultural facilities that included among others the Mahatma Gandhi building, Aga Khan Hall, Churchill and other Galleries in the early 1940s and 1950s. In the early 1960s, Nairobi Snake park was built with the aim of educating the public about snakes and common reptiles. Later that year a botanic garden with live succulents and orchids collection were added.

When Kenya gained independence in 1963, Corydon Museum changed its name to the National Museums of Kenya (NMK). It continued its collection and expanded its focus to include Kenyan cultural heritage. NMK also expanded its assets and services beyond Nairobi by establishing other museums beginning 1969, and now has 25 regional museums, as well as, many heritage sites and monuments all over the country. Most of these are now open to the public. Through the National Museums and Heritage Act of 2006, NMK is mandated to safeguard national heritage by promoting sustainable utilization and conservation. NMK attempts to achieve this through research, documentation and collection of relevant information.

NMK's Vision is "to be a global leader in heritage research and management" and under the office of the Director General there are four distinct directorates which includes; The Directorate of Museums Sites and Monuments which is in charge of directing the activities of the different museums, sites and monuments. The directorate spearheads 'identification and documentation of sites, and gives guidance on the development of exhibitions as part of public education. It also looks into issues of policy, procedures and standards applied in the designation of sites as monuments and possible inscription into UNESCO World Heritage List.

Some of the activities the Directorate has undertaken in the recent past include the development of the magnificent *"HistoriaYa Kenya"* permanent exhibition and other temporary exhibitions. The Directorate has also opened more museums with the newest ones such as, Wajir Museum only opened on 19th April 2011 with its maiden exhibition strategically named; *"A window into Northern Kenya"*. The Directorate also coordinates the activities of UNESCO and therefore oversaw the inscription of Kenya Rift Valley Lake System and Fort Jesus into UNESCO's World Heritage List during the 35th World Heritage meeting held in Paris from 19th to 29th June 2011.

 Public programs development is a vital role the Directorate of Museums, Sites and Monuments undertakes (DMSM). The vision of DMSM is to promote, conserve and sustainably use Kenya's heritage for the benefit of Kenya and the world. Its Mission is to provide the best access to, and sharing of heritage with the people through processes and methods that reflect the need of our society. The mission is realized through exhibitions, education, outreach and public programs targeting different audiences.

NMK's audiences vary in terms of socio-economic, cultural, educational and professional backgrounds, as well as, in age and physical abilities. NMK has found a niche in complementing the school curriculum with School children forming 60-70% of the total Museum visitors and it has taken different approaches to ensure continued relevance to the different audiences including: Guided tours, lectures, seminars, workshops and thematic-audience-specific, and outreach programs.

4.2 Archaeological Heritage Management and Tourism

Kenya has a variety of cultural properties, which can support the nation's development agenda. They are popular destinations for tourists but also a source of pride for our people. The NMK has realized the importance of tourism (hereafter referred to as cultural tourism) in AHM. NMK is fully aware that tourism based on archaeological heritage can help conserve the heritage, as well as, bring numerous socio-economic benefits to the locality or country, through the generation of foreign exchange, creation of employment and the raising of environmental awareness.

This is evident from the high priority generally assigned to tourism planning and coordination. It is also evident from the fact that many of the protected areas are not deteriorating rapidly even when there are over-visitations and insufficient investment in protected area management.[225]In the course of the study, it became clear that in Kenya, there is collaboration between the Tourism Ministry and the NMK.

---

[225]The World Conservation Union (1996).

Tourists, for example, generally visit several archaeological sites and museums as part of their itinerary or package. The field of tourism finds cultural heritage attractive and this importance increases as tourists attach more value to different heritage facilities. Tourism has become the fast growing sector in the country contributing tremendously towards development.

The importance of cultural resources in the strategy of socio-economic development, mainly based on the tourism sector, becomes especially crucial to a country like Kenya which today is highly interested in the economic benefits of tourism. In fact, the demand of the tourism sector continuously tends to expand its "motivation" and "geographic horizons". The demand for cultural heritage, therefore, is on the rise and will always increase.

A steady growth has been observed in domestic tourism and the NMK has been co-opted to join the Domestic Tourism Council. It is now the policy of the government to promote domestic tourism alongside international tourism. This is in recognition of the fact that the local people must also be able to enjoy the tourist attractions and facilities in the country like the foreigners. A well-developed domestic tourism would be a more reliable and stable source of long term sustenance for the industry. This is because international tourism is subject to fluctuations due to circumstances beyond our control.[226]

Although tourism in Kenya has continued to be concentrated on the beach and game parks, we have a lot of other tourist attractions, which remain unexploited. The NMK has been undertaking

---

[226]Tourist Market Report (1987/88)

publicity and promotion of their activities and services through participation at agricultural shows throughout the country. Further, as a way of reaching the local population, exhibitions open to public, as well as, publications and, articles in local newspapers and television clips are used to educate the public. The major objective has been to educate the public by exhibiting major attractions in the museums.

To clearly understand and appreciate the potential and apparent contribution of museums and archaeological sites in the tourism sector and the latter in AHM, a round-up of what goes on in the heritage areas would suffice. Most of the museums have conserved, preserved and protected the heritage in them. They have also reached the public through their exhibitions.

Karen Blixen Museum is located in the suburb of Karen, 10 km outside Nairobi city centre, and is a popular tourist attraction. The museums' main attraction is the protected house that belonged to Baroness Karen Blixen, a former Danish farmer. It has a rare scenic beauty in the vicinity of Nairobi and is, therefore, popular with the holding of receptions.

In Kisumu Museum, exhibitions portray the material culture of the Western part of the country from the Rift Valley to the border with Uganda. One of the main attractions is a traditional Luo homestead and a massive Nile perch, which is on display and was caught from Lake Victoria. There is also a large fresh water aquarium. The Snake Park also forms an interesting area to visit as it show main specieis of snakes found in the western part of the country.

Kitale Museum's tourist attractions include; reptiles and birds exhibits, traditional homesteads which depict the cultures of Western Kenya peoples, zero grazing and biogas production. It has a large nature reserve situated in an indigenous forest and houses the rare De Brazza monkey. The

nature reserve is used as an educational facility in environmental studies, as well a,s for research in flora and fauna, and as a recreation area for members of the public.

The Kabarnet Museum is famous for its association with archaeological and paleontological sites nearby. Some of these include Kipsaraman, Chemoron, Ngorora and Chesowanja. Academic tourists, mostly, sojourn the area where they suckle on the siphon of knowledge on pre-historic cultures of the region. Visitors are also accorded the opportunity to see exhibits on Kalenjin culture that are displayed at the site.

Kapenguria Museum houses the cells where the six freedom heroes (Jomo Kenyatta, Kungu Karumba, Fred Kubai, Paul Ngei, Bildad Kagia, and Achieng' Oneko) were jailed and these are the main attractions. In the museum, there are audio compact, books and documents on the fight for freedom. Other attractions are the traditional homesteads, and ethnographic materials of the pastoral and agricultural communities of the Pokot, and the Senguer/ Cherangany.

Fort Jesus Museum is an important tourist destination at the coast and has continued to attract increasing numbers of local and overseas visitors each year. The Fort has a conservation laboratory and exhibits excavated materials and ethnographic materials providing an insight to the coastal peoples cultures.

Lamu town is unique in the sense that it is the only museum in Kenya which hosts several other museums within itself that is, the Lamu Museum, the Lamu Fort Environmental Museum, the Lamu Swahili House Museum and the German Post Office. The town has a rich cultural and

architectural heritage. It is the oldest living Swahili town on the Kenya coast dating back to the 10th century A.D. The Lamu museum exhibits some of the finest ethnographic collections of the Pokomo, Orma, Boni and Swahili material cultures. The Lamu Fort Environment Museum on its part serves as an exciting museum of natural environment with stimulating exhibits and an aquarium.

There is also the Lamu Swahili house museum, which exhibits a fine example of the 18th century Swahili architecture. Finally, there is the German Post Office which depicts the post office as it was during the time when Wituland was under the German protectorate. Swahili cultural centres are both in Mombasa and Lamu. They play an important role in the conservation of the material culture of the coastal communities. They are training centres for cultural art and crafts. Visitors come to the centres to see and buy some of the products.

Gede Museum is located near Malindi town. It is a popular site for visitors with various attractions such as the remains of the great mosque, palace, many residential rooms, and a Friday Mosque with a well and cistern. There are also other interesting scenes such as the butterfly ranch. Today, the museum has been expanded following the completion of the Gede Ruins Visitors Centre and a cafeteria service for visitors is now available.

Hyrax Hill Museum is located in the Rift Valley near Nakuru town. The site's major attractions are the exhibits of ethnographical material culture of the Rift Valley peoples, as well as, tools of Neolithic cultures in the Rift Valley. Visitors also have a chance to see evidence of prehistoric occupation where a stone walled fort and a group of shallow circular pits, called Sirikwa Holes (Cattle pens) have been maintained and burial sites of mound tradition.

Narok Museum is located in Narok town. The exhibits include paintings, which reflect historical aspects of maa cultures, and photographs, which provide an understanding and appreciation of Maasai culture to a visitor. Other attractions to the visitor are traditional Maasai artefacts such as medicine, weapons, sticks, as well as snuff containers. The Maasai homestead model is painted there, thus together with the aforementioned, the visitor is offered an interesting and exciting opportunity to learn the culture of one of the most fascinating ethnic communities in Kenya.

Takwa Ruins is located on Manda Island on North Swahili Coast. The major attractions are the unique pillar mosque, remains of the 14th Century Swahili trading post, the sandy beach and the mangrove forests. It is a good destination for nature enthusiasts with picnic and camping facilities offered.

Jumba la Mtwana is also on North Swahili Coast near Mtwapa. Tourists sojourn Jumba to view the remains of domestic houses, mosques and tombs which thrived in the 13th Century and abandoned in about 17th Century. The sandy beach offers a magnificent attraction to the visitors. Today, however, the site is threatened with destruction owing to uncontrolled development.

Meru Museum is housed in the former colonial administration blocks. The museum shows the public ethnographic material culture of the Meru people. It also has Meru traditional homestead and gardens of herbal medicinal and edible plants. In addition, those who love reptiles can visit its snake park.

Olorgesailie is located about 80 Km south west of Nairobi towards Magadi. It has a well-maintained road towards it and semi-permanent cottages where visitors can camp. Visitors go to Olorgosailie to see tools of early man, faunal and floral remains preserved in the sediments.

Koobi Fora is located on the eastern shores of Lake Turkana right in Sibiloi National Park. It is very significant in terms of fossil discoveries in the region. The National Museums of Kenya in conjunction with Rutdgers University in the U.S.A. organize annual visits to last for six weeks where students are taught excavation methods, fossil hunting, litchis and faunal analysis. One can refer to it as academic tourism. The site has bandas, beach and an airstrip making it an accessible tourist destination.

Thimlich Ohinga is a 14th century fortification found in Migori County of Kenya. The major attraction is the vast complex of dry stone walls surrounded by numerous smaller stones, a manifestation of fortification in the interior of Kenya at this early period.

Nairobi Nature Trial is part of the Nairobi museum and a very popular place for resting and picnicking. Visitors go there to relax as they watch butterflies, grasshoppers and plants such as bamboo trees, Andinaria, Eucalyptus and ebony trees. It is an upcoming Botanic garden. Ololua Nature Centre is found next to the Karen Blixen museum in the Ololua forest reserve. Visits to the centre are coordinated by the Nairobi museum through its education department. The centre offers visitors a view of a typical dry equatorial forest of prime indigenous forest and Eucalyptus plantation. Visitors go there for bird watching and animal tracking guided by botanists

occasionally. The forest also harbours the rare pairs of crowned eagles and patches of herbaceous plants like the Aloe.

The fact that cultural heritage has become an avenue through which the conscious tourist starts to grasp a basic unique understanding of the past and/or living culture which has been welcomed in most countries. Provided these basic facts on heritage are understood and made to serve as guidelines for presentation and communication between tourists and the local population, cultural tourism remains a great potential in improving understanding and respect for different cultures. In the long-term, it may even be considered as a tool that can be employed towards the creation and preservation of peace.

Tourism based on exploitation of cultural resources needs to be grounded on well-founded principles and clear guidelines for the active involvement of local communities, protected area managers and private entrepreneurs. In order to facilitate an in-depth site-specific and regional research based on analysis of environmental and socio-economic impacts, there is need for greater guidance, and the creation of appropriate local and international tourism strategies.

The NMK, however, is caught in the middle, between the pressures of tourism and the urgent demands for conservation. There is need to balance the two. This task is already difficult and is only likely to become harder as tourism in the country grows even bigger.It was established that the only way in which tourism and archaeological heritage can flourish alongside each other is by guiding the development of tourism along lines which respect the limited capacity of such places to absorb the pressure of visitors and their activities. The NMK, however, is aware of the many

dangers which badly managed or uncontrolled cultural tourism poses for the country's archaeological heritage. Only tourism that is respectful of the heritage and the wellbeing of the people and their environment is being encouraged and promoted.

Although cultural tourism is a longstanding tradition, recent changes in the source countries in terms of social, demographic, cultural factors have increased the number of niche markets within destination countries, even leading to the creation of culture-oriented holidays. Though sun, sand and surf holidays are not expected to disappear, it has been realized that they have declined in relative importance as more and more visitors seek challenging, educational and/or relatively unique experiences. These changes have led to increased popularity for tourism involving culture and nature as attractions.

Festivals and events often performed in areas with cultural relics or at sites of cultural and natural significance are important dimensions of cultural tourism. They play important roles in helping to maintain cultural traditions and values while providing communities with the ability to create jobs and income. Handcrafts also form an important dimension of the region's cultural tourism experience. Tourism can be important in helping to maintain and develop traditional craft skills, though there is also the risk that increased demand leads to a loss of authenticity in terms of process and product.

Finally, as noted earlier, tourism depends heavily on cultural and natural attractions, many of which are world heritage sites and monuments. Conversely, tourism can make important contributions to protection and management of cultural and natural heritage – it can help finance the protection of heritage and at the same time keep traditions alive and raise the levels of appreciation for the heritage. On the other hand, tourism can damage heritage when not well managed. Museums, sites and monuments are assets from an educational and tourist point of view.

4.3 National Museums of Kenya (NMK)

The National Museums of Kenya was started in 1910, as a small institution, by a few private individuals who were mostly interested in the collection of natural science specimens. Over the years however, the museum has grown and today has within it centres of excellence in research, several regional museums, thousands of sites and monuments across the country. The National Museums of Kenya is today, a SAGA set up under an Act of Parliament, the National Museums and Heritage Act (2006) which gives the organization its mandate. The administrative structure of this organization is as set in Figure 2.

Figurer 2: Organizational Structure of NMK (Courtesy of NMK 2013)

Board of Directors

```
                          ┌──────────────────────┐
                          │   Director General   │
                          └──────────────────────┘
  ┌──────────┬──────────┬──────────┬──────────┬──────────┐
┌─────────┐┌─────────┐┌─────────┐┌─────────┐┌─────────┐
│Director ││Director ││Directorate││Directorate││Directorate│
│of       ││of       ││of Research││of Develop-││of HR and │
│Institute││Regional ││and        ││ment and   ││Administra-│
│of Primate││Museums, ││Collection ││Corporate  ││tion      │
│Research  ││Sites and││           ││Affairs    ││          │
│         ││Monument ││           ││           ││          │
└─────────┘└─────────┘└─────────┘└─────────┘└─────────┘
┌─────────────────┐
│  Audit Office   │        ┌─────────┐┌─────────┐┌─────────┐
└─────────────────┘        │ RISSEA  ││ Legal   ││Finance  │
                           │         ││ Office  ││Department│
                           └─────────┘└─────────┘└─────────┘
```
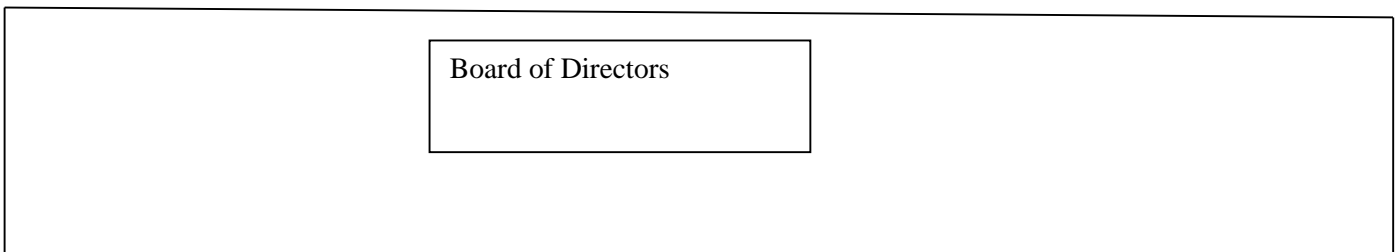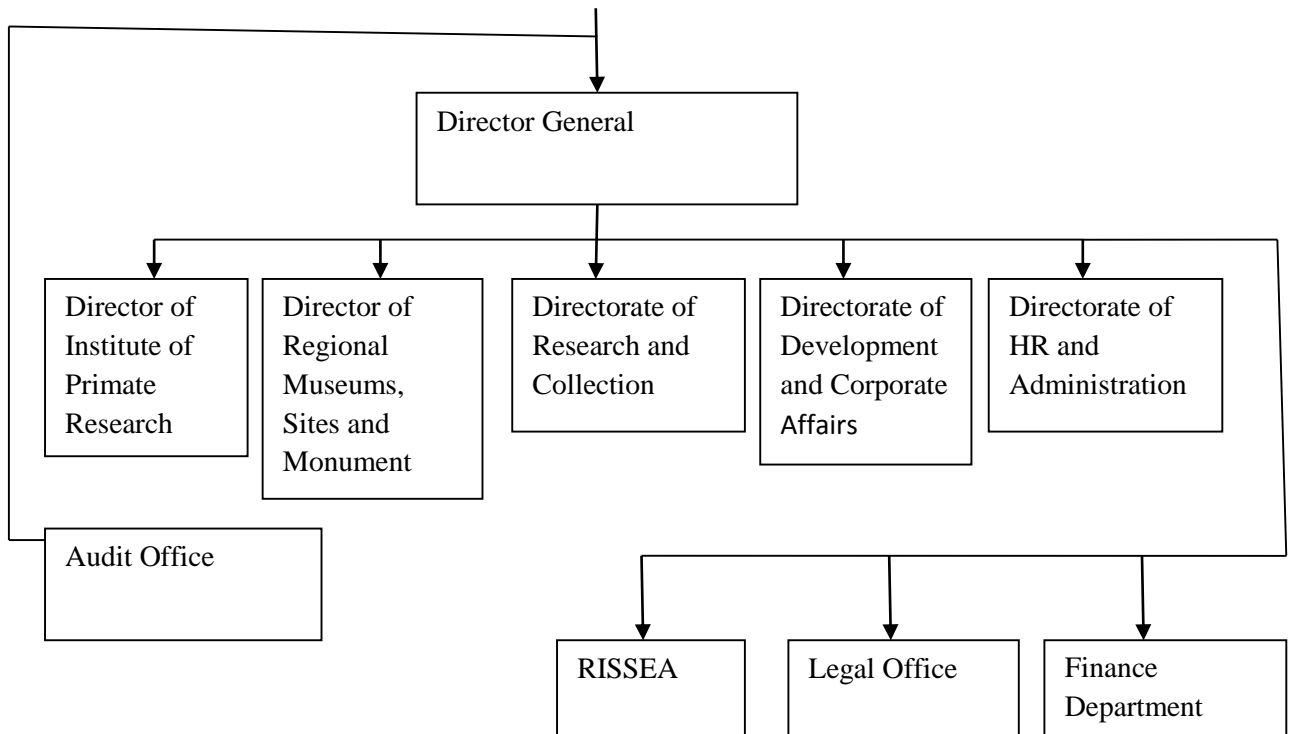
National Museums of Kenya (NMK) dates back to 1910 when a small museum was established in Nairobi by the then East Africa and Uganda Natural History (currently "Nature Kenya")[227] The group consisted mainly of colonial settlers and naturalists who needed a place to keep and preserve their collections of various specimens. Its first site was at the present Nyayo House.

The site soon became small and a larger building was put up in 1922 where the Nairobi Serena Hotel stands. It was not until 1929 that the colonial government set aside land at the Museum Hill and construction work started at the current site. It was officially opened in September 1930 and

---

[227]National Museums of Kenya, Strategic Plan2009-2014.

named the Corydon Museums in honour of Sir Robert Corydon, one time Governor of Kenya and a staunch supporter of the East Africa and Uganda Natural History Society.

In 1963, it was renamed the National Museums of Kenya soon after attainment of independence. Since the 1960s NMK has expanded its services and assets to include regional museums and has acquired under its jurisdictions sites and monuments which the Government has set aside as monuments of national heritage. Each of the regional museums has its own identity and develops its own programmes. The NMK has also established collaborative research and development as well as public programmes.

The role of the museum is similar to that of others all over the world. Museums are evolving as dynamic centres of socially vital and relevant research centres. This is a bold move away from the age-old concept of museums as only places where material and non-material heritage of the past is stored. Museums are now important centres of research and other academic engagements, and as a result they are finding themselves in a world of technical advancement and rapidly changing cultural and socio-economic environment.

The NMK has over the years engaged in research, education and other activities that have socio-cultural and economic implications thus contributing to the development of various communities in the country. The NMK aims to promote, preserve and develop Kenya's diverse cultural and

natural heritage through formulation and implementation of policies, documentation and dissemination of information for improved livelihood of the Kenyan people.[228]

The NMK is a complex multi-disciplinary corporation with diverse resources and activities with objectives of enhancing knowledge, appreciation, respect and sustainable utilization of the natural heritage resources for the benefit of Kenya and the world. It is the custodian of Kenya's rich and diverse heritage. The generation, documentation and dissemination of plant, fungal and animal collection, knowledge, information and innovation are essential for the conservation, preservation and sustainable utilization of Kenya's biological and cultural heritage.

The NMK contributes to contemporary issues including national cohesion and conflict resolution, for instance, among pastoralists and between different languages. The NMK works towards promoting cultural integration through its calendar of events and exhibitions that seek to promote national harmony. Fundamentally, the organization is moving from a passive into an active and proactive one that empowers Kenyans to know and appreciate their diversity. In implementing the above responsibilities, NMK contributes to the growth and development of the tourism industry which is a key sector under the economic pillar and to health and environment conservation under the social pillar in Vision 2030.

---

[228]National Museums of Kenya: Strategic Plan 2009-2014

CHAPTER FIVE: NAIROBI NATIONAL MUSEUM

5.1 Background

This chapter looks at the geographical placement and historical development of Nairobi National Museum (NNM) and examines the conservation history and the existing heritage programs, attendant problems facing the heritage area, and the possible interventions which can be implemented to protect the heritage.

Nairobi National Museum (NNM) is one of the flagship museums in Kenya.[229] It is a regional centre of excellence in heritage research and exhibition as part of museum public education. Its exhibition covers a wide range of areas, including, cultural and natural heritage topics..[230] It is located at the Museum Hill, approximately ten minutes drive from the Nairobi city centre and can be accessed by both public and private means.[231] Plate 5.1shows the front part of the museum.

---

[229]Njenga ,G. N. (2010).Synopsis of the history of Kenya before Colonization.Wisdom @ Strathmore Series.

[230]Patten M .A. et al. (2004) Habitat selection, acoustic adaptation, and the evolution of reproductive isolation.Evolution 58:2144–2155.

[231]http;//www.magicalkenya.com/index.php?option=com_content&task=view&id=826.html

Accessed on 04/05/2012

Plate 5.1: Front view of the Nairobi National Museums *(*Courtesy of NMK 2013*)*

Nairobi National Museum has developed as a centre for knowledge dissemination.[232] The International Committee of Museums (ICOM), the umbrella body that guides professionals and

---

[232]Appleton Charter for the Protection and Enhancement of the Built Environment (ICOMOS Canada) – 1983.

standards in museums generally agrees that the museum serves the society and its development through study, education and enjoyment. [233]

The NMK manages many Regional Museums, Sites and Monuments of national and international importance alongside priceless collections of Kenya's living cultural and natural heritage..[234] As a body it must respond to the growing needs of the society, NMK is working to contribute in a unique way of national development. National Museums of Kenya also carries out scientific research.[235]

The establishment of this first museum in Kenya can be traced back on March 25, 1909 when about ten people met at the house of Lieutenant F.J. Jackson for '…the purpose of intending to form a Natural History Society of East Africa…'[236] The Museum in Nairobi started in 1910 as a collection of natural history objects. The history of the institution dates back to 1910 when a museum was formed in Nairobi by the then East Africa and Uganda Natural History Society currently the East African Natural History Society (EANHS).[237]

---

[233]ICOMOS Principles for the Preservation and Conservation-Restoration of Wall Paintings- 2003.

[234] National Museums of Kenya, Background Information 2013, Available at www.nmk.co.ke

[236] L. S. B. Leakey, By the Evidence: Memoirs, 1932-1951, Chapter 8.

[237] Ibid.

In 1910, Eleven people with an interest in nature in British East Africa colony founded The East Africa and Uganda Natural History Society.[238] The group comprised mainly of colonial settlers and naturalists who needed a place to keep and preserve their collections of various specimens.[239] The main goal of the Society was to conduct an ongoing critical scientific examination of the natural attributes of the East African habitat. In 1911 they induced the Natural History Museum and library with an honorary curator.[240] Its first site was at the present Nyayo House where Aladdin Visa put up the money for a one-storey, two-room building.[241]

They managed to afford a paid curator in 1914. They engaged Arthur Love ridge, a herpetologist, who arrived in March, 1914. Loveridge improved on collections, with the members contributing generously. Since there was growth of the collection, more space was needed and soon, the Nyayo House became small. A spacious building was put up in 1922 where the Nairobi Serena Hotel currently stands. Museum was then, moved to the new building at the corner of Government Road next to Kirk Road. The new curator, a Mr. A. F. J. Gedye and a host of volunteers who included Sir Robert Coryndon, the then Governor of Kenya were introduced.

In 1927, Sir Robert Coryndon, the then Governor of Kenya died   and the wife, Lady Coryndon, established the Coryndon Memorial Fund to build a better museum for the society in memory of

---

[238]It descended to the East Africa Natural History Society, an international organization with outlets in a number of countries. In Kenya it is Nature Kenya.

[239]The group included two canons of the Church Missionary Society: The Rev. Harry Leakey (father of Louis Leakey) and The Rev. Kenneth St. Aubyn Rogers; some government officials then: C.W. Hobley and John Ainsworth, doctors, dentists, big-game hunters and plantation owners.

[240] L. S. B. Leakey, By the Evidence: Memoirs, 1932-1951, Chapter 8.

[241] Ibid.

her husband.[242] In 1929 the colonial government set aside land at the Museum Hill and construction work begun at the site. The building was ready by the end of 1929. Due to inadequate storage space the Natural History Society did not move in.[243] Old museum was bought by the government and the society used the money to increase the three rooms, and gave its collections to the museum management, but retained the library. Everything was moved to the museum. Lady Coryndon donated Sir Robert's books to it too. It was officially opened in Sept. 22 1930 and named Coryndon Museum in honor of Sir Robert Coryndon, a staunch supporter of Uganda Natural History Society. It was then followed by the appointment of Victor Van Someren, as the curator.

Corydon Museum opened in 1930 as a response to yet another eventful growth of the museum. However, somewhere along the line, the relationship between the museum trustees and the society became unstable and the two organizations appointed a committee which included Sir Charles Belcher, a Kenyan jurist, to stabilize it. The committee turned everything over to the museum except for the library in exchange for yearly payments for 15 years to the society.

Mary Leakey became part of the staff and Louis Leakey later joined in 1941 as volunteer curator.[244] He came in when Dr. Van Someren resigned after the board, which included Louis Leaky and also refused to fire Peter Bally in a personality conflict. The museum then became a center for Leakey operations. In 1945, Louis was hired as paid curator with a new house, as the old one had become

---

[242] ibid

[243]www.narurekenya.co.ke

[244] Leakey L. S. B. (1974). By the Evidence: Memoirs, 1932-51 Paperback. University of California: Harcourt Brace Jovanovich.

unfit for occupation. He improved the exhibitions and opened them to Africans and Asians by reducing the admission fee. [245]Initially the museum belonged to the whites only.

The 1950s saw a major expansion of gallery space and exhibitions. The museum became a base for Leakey operations until 1961, when Louis founded the Centre for Prehistory and Paleontology on the grounds nearby and moved himself and his collections to it. He resigned in favor of the next director, Robert Carcasson. In early 1960s, the establishment of the Education liaison service was realized.

When Kenya got independence in 1963, there was an attempt to rename the Coryndon Museum and in 1964, this was achieved and the Museum was renamed "National Museum" and was included in a new system, the "National Museums of Kenya." In 1967, Richard Leakey, was having irreconcilable differences with Louis Leakey, his employer in the Centre, and decided to improve the National Museum. His main objection was that it had not been Kenyanized. He and supporters formed the Kenya Museum Associates, which obtained an observer's seat for Richard on the board from Carcasson in exchange for a 5000-pound contribution. However, Richard did not do much observing, as he departed for the first Omo expedition.

The Kenya Museum Associates included Joel Ojal, the museum overseer in the government. On his return from Omo, Richard gave his ideas for improvement directly to Joel, who asked the

---

[245]Leakey, R. E. F. (1970) "Fauna and artefacts from a new Plio-Pleistocene locality near L. Rudolf in Kenya". Nature 226: 223-224.

chairman, Sir Ferdinand Cavendish-Bentinck, to place Richard in a senior position and begin replacing the board with Kenyans of Kenyan extraction, as there were only two out of 16 in that category. The penalty for inaction would be removal of government funding.[246]

NMK has expanded its services and assets to include Regional Museums, and has acquired under its jurisdiction Sites and Monuments which the Government has set aside as monuments of national heritage since 1960s. From 1969, the Museum expanded its services and assets beyond Nairobi, and established museums in Kitale, Meru, Kisumu, Lamu and Fort Jesus in Mombasa. In the post 1969 period, the Museums have grown and diversified.

In 1976 the Leakey Memorial building was opened and houses the administration, archeology and paleontology departments. The 1970s, 80s, 90s and early 2000s witnessed incremental and development of permanent and temporary exhibitions such as Human Origins Diorama, Koobi Fora, and Asian African, among others based primarily on the research work generated by National Museums of Kenya (NMK) scientists and other associates.[247]

National museum of Kenya has collections and exhibits, both temporary and permanent exhibits. Today the NMK mandates over twenty two regional museums, many sites, and monuments across

---

[246]Richard was at first offered a part-time executive position, which he turned down. Over the next few months much of the board was replaced and in May 1968 the new board offered Richard a permanent post as administrative director, with Carcasson to be retained as scientific director. However, Carcasson resigned and Richard became director.

[247]McGimsey III. (2004) "CRM on CRM: One Person's Perspective on the Birth and Early Development of Cultural Resource Management" Arkansas Archaeological Survey Research Series 61.

the country. Each of the Regional Museums has its own name and develops its own activities. The museum has also made Collaborations, Research and Development programmes, for instance, the Institute of Primate Research and RISSEA. The museum has lived to the long held tradition of generating and disseminating knowledge in a unique style that embraces both enjoyment and education.[248]

It has an auditorium with a sitting capacity of roughly 300 people which serves to hold different Museum functions. Also during this period, research and development programmes were developed and initiated. These included involving the University of Nairobi and the Institute of African Studies, specializing in ethnography and cultural anthropology.[249] The Casting Department sells important fossil discoveries to Museums worldwide, both for study and for exhibition.

The increase of its mandate and the staff numbers coupled with the dynamic environment in which NMK operates has put various challenges for the institution. NMK had to react to its operations to become more responsive to the changing circumstances. This meant moving towards developing museum as a place where people from all walks of life meet and have dialogue on various socio-

---

[248]Pickford, M. (1997). Louis S.B. Leakey: beyond the evidence. University of Michigan: Januspublishers.

[249]The Education department initiated programmes for the thousands of school children who visit the Museums every year.

economic chances. It called for NMK to develop activities that promote cultural dynamism in order to build a sense of nationhood and once belonging.

The exhibitions in the past decades attracted increasing visitor numbers. Most of them have been primary and secondary school pupils, college and university students from local institutions education institutions. Others include many domestic tourists from different parts of the country. A significant and growing number of international tourists have also been visiting the museum.

The European Union after conducting their studies released funds for the refurbishment of the Nairobi National Museum from October 2005 leading to the closure of the museum from October 15, 2005, until December, 2007. The ambitious expansion and improvement program was intended to give Nairobi Museum a major look and transformation into a world-class tourist attraction. This was the first major renovation since 1930. Other key developments undertaken included the construction of a new administration block and new commercial center, and improving NMK's physical planning.[250] Plate 2 shows the old entrance to the museum before this major renovation of the facility was carried out. This picture contrasts a great deal with Plate 1 showing the same entrance after the renovations.

---

[250]NMK, "National Museums of Kenya - Museum in Change," 2006-03-31, Museums.or.ke.

Plate 5.2: Old museum entrance before the 2005-2007 renovations (photo courtesy of NMK 2013)

National museum of Kenya undertook a major process of developing new exhibitions based on the key pillars that characterize heritage in Kenya, that is,history, culture and nature. For each exhibition, the process involved development of concepts, storylines, collections, scripts, patch

plans, draft designs, final designs, fabrication and ultimately installation of objects and information.

European Union funded project enabled the NMK to complete refurbishment and expansion of the infrastructure, develop a Master Plan for proposed galleries /exhibitions, and develop four (4) permanent exhibitions and two temporary exhibitions.[251] The permanent exhibitions include: the Cradle of Humankind, the Great Hall of Mammals, the Hall of Kenya, and the Cycles of Life exhibitions.[252] The temporary exhibitions include: Rock Art exhibition and chronology of the Museum. Six permanent exhibitions and an interactivity space that are planned for the remaining gallery spaces in the new Nairobi National Museum are available.[253] These include: Nature: Ecology of Kenya which entails Natural diversity and Geology of Kenya, History of Kenya from1850 to the present, and Kenya before 1850; Culture which also included Creativity gallery, and Cultural dynamism, and Mixed galleries of Discovery Centre Interactivity gallery, and Face of the Museum . Plate 3 is one of the exhibitions within the gallery being observed by visitors.

---

[251]McGimsey, C. (1972). Public Archaeology. New York, Seminar Press.

[252]Obudho,R.A.&S.O. Owuor (1997). "Sustainable Urban Development and Urban Conservation in Kenya". Paper Presented at the International Workshop on Urban and Monuments Conservation, Nairobi, 14-16 May, 1997.

[253]Miller, D. & Tilley, C. (1984), " Ideology, Power, and Prehistory, Cambridge: Cambridge University Press

Plate 5.3: One of the exhibitions at NNM being observed by visitors (Photo courtesy of NMK 2013)

In June 2008, The Nairobi National Museum re-opened its doors to the public, refurbished with a new look. The museum houses both temporary and permanent exhibitions to ensure it remains vibrant and interesting.[254] Other attractions within the grounds include the Nairobi Snake Park and the Botanic Garden and nature trail. It has commercial wing of restaurants and shops to ensure a memorable and totality experience. The refurbishment has changed the face of the museum to a modern centre created with a feeling of heritage, culture, arts and crafts. The museum now boasts of a visitors' centre furnished with a world class Coffee Lounge, Gift shops and a Book shop. Inside the museum, it is all wonderful with newly set up galleries that are amazing.

The modern museum also has a state-of-the-art open air amphitheatre that attracts children, comedians and other theatre arts as seen in Plate 5.4

Plate 5.4: Visitors enjoying the provisions of the modern open amphitheatre at NNM (Photo, courtesy of NMK 2013)

---

[254] See NMK, "National Museums of Kenya - Museum in Change," 2006-03-31, Museums.or.ke.

There has been persistent request by many Kenyans and even international visitors for the development and completion of these key exhibitions. These are exhibitions that remind and reveal where Kenya is coming from as a nation and highlights the diversity and beauty of the country's natural, historical and cultural heritage. They are exhibitions that will greatly contribute to improvement of domestic and international tourism as more local and foreign nationals come to the museum to study, appreciate and enjoy history, culture and nature presented in state of the art and innovative displays as depicted in Plate 5.

5.2 Conservation History and preservation Programs

Nairobi National Museum being at the NMK headquarters has advantage(s) over the regional museums. It has strong and permanent buildings. The headquarters has highly trained and experienced staff in all its departments. Out of the eight hundred sixty staff (860) within NMK as at October, 2012, the headquarters has five hundred forty six (546) staff. NMK headquarters has, therefore been able to expand its galleries to thirteen (13) and offesr adequate storage space and good equipment for CRM and exhibition space capable of accommodating huge displays as shown in Plate 6.

Plate 5.5: Exhibition display in one of the exhibition spaces at NNM (Photo, courtesy of NMK, 2011)

The Nairobi National Museum attracts more external funding compared to other museums in the country. The expansion and refurbishment was sponsored by the European Union. This has improved the display of the products of the museum. Currently, it was established that there is collaboration between the NMK in general with the local and international universities through research, grants and scholarships. Many museum staffs have been trained in western universities up to Ph.D. level through this initiative.[255]

---

[255]Ndooro, W. et al (eds). (2009). ICCROM: Cultural Heritage and the Law: Protecting immovable Heritage in English Speaking Countries in Sub-Saharan Africa. Iccrom Conservation Studies, Rome Italy.

The Nairobi National Museum has also established and works closely with the Nairobi county government and other stakeholders to ensure symbiotic and reciprocal responsibility in CRM. The headquarters was found to host many volunteer groups; interns and people on fellowship who have made a mark in the performance of the museum and benefited from the rich culture and heritage programs available. Some of the interns ended up being absorbed by the museum as members of staff. NNM receives a good number of tourists each year. **Figure 3** gives a summary of visitors to the museum since 2005.

Figure 3: Tourists that visited Nairobi National Museum between 2005 and 2012
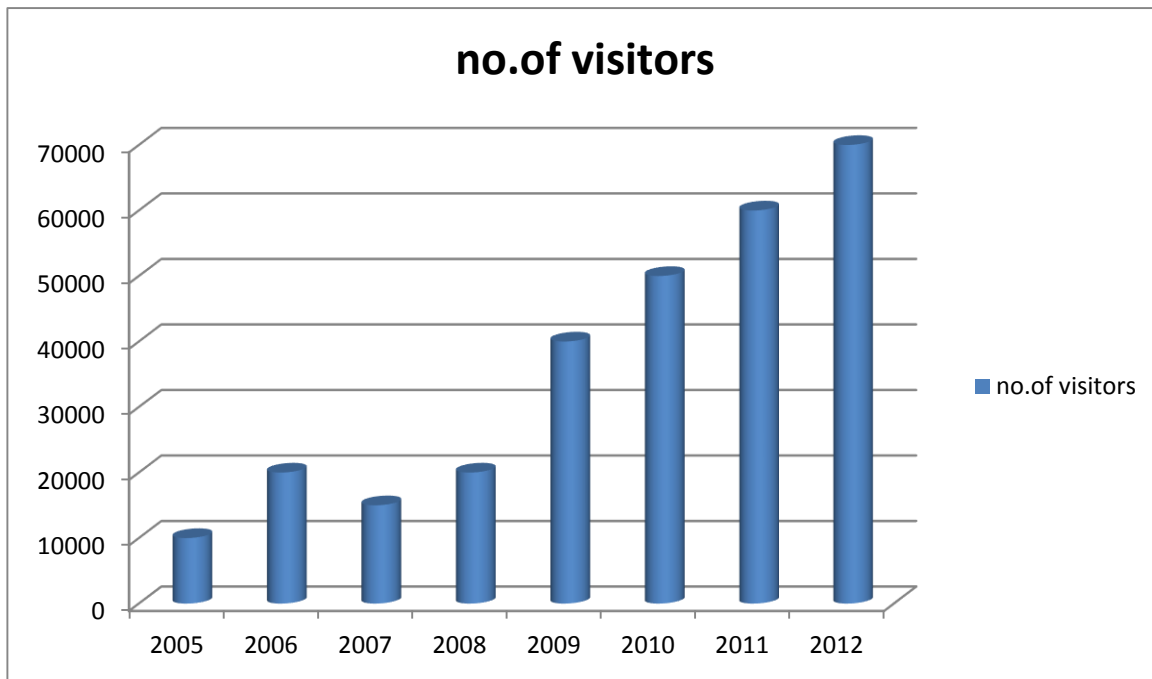
The number of visitors to the museum has been increasing steadily. The chart provided above shows clearly how the industry has been the core of Kenyan economy in which millions and millions of shillings is earned from the visitors both locally and international hence strengthening

our economy. Its only in 2007 /08 where Kenya faced post election violence and many international visitors were advised by their countries on the risk of visiting Kenya. The economy weakened and towards the end of the year after the agreement between the former president Kibaki and former Prime Minister Raila, conditions improved to allow for more tourists to come in.

5.3 Existing problems

Despite having enough staff at the NMK headquarters, service delivery still faces a number of challenges. There is, for example, duplication of duty by the staff. Some of the staff are under-engaged. As the headquarters, Nairobi attracts many researchers from outside and the museum staff are often attached to these foreign researchers who do not pay for any additional costs other than the normal stipulated charges. Consequently, the junior staff, who usually accompany the foreign researchers in the field are exploited for months while the foreign researchers gain a lot. [256]

Also, many vehicles are parked at the headquarters awaiting their foreign owners who use them less often for research and at times less than once per year. Those interview feel that the NMK should make such vehicles available to regional museums and other sites to meet the clearly visible transport needs of the various stations across the country.

---

[256]National Heritage Management of Kenya. (1997). "Cultural Tourism and Conservation in Kenya's Historic Towns". Paper Presented at the International Workshop on Urban and Monuments Conservation,   Nairobi, 14-16 May, 1997.

On staff levels, a worrying trend of reduction of staff even when NNM was expanding existed. This trend reduced the ability of NNM to handle issues of heritage management among other activities the museum is expected to carry out.

5.4 Possible Interventions to Protect the Heritage and Improve the Museum

The position of NNM as a centre of heritage education is crucial. AHM activities must therefore be upto date so as to enable international organizations that visit the museum to appreciate the efforts being made. From here, the excellent conditions of AHM can be duplicated to serve other regional museums.

Due to the above, NNM needs support from the County Government of Nairobi so as to acquire some of the spaces around the NMK headquarters where conservation activities can be expanded and enhanced. More so there is need to devolve conservation activities to the Counties in line with the spirit of devolution. This work has, therefore, proposed a new structure shown in Figure 4 to ensure that heritage management is keenly monitored across all the Kenyan Counties. The Director General and his deputies will be based at the NMK headquarters while the regional directors and assistant directors will operate at different parts of the country and in each county.

The above structure should go hand in hand with the willingness to devolve conservation and preservation and allocate fund for the associated activities. The local museums will have to be given some degree of autonomy over funds and administration, research and marketing.

There should be new policies on museum governance to reflect the aspirations of the local situations. For instance, there should be devolution of skilled and unskilled labour according to the site needs. There should also be training and recruitment policies to bridge gaps

To become a force for cultural development and increase revenue generation, Nairobi National Museum needs to exploit its potential as a regional institution and not a mere satellite of the headquarters in Nairobi. The character of the museum building and collections, visitor expectations and special needs of the local communities should all be taken into account in defining a vocation for Nairobi and even other local museums in general.

In keeping with its international significance and status as a prominent historical place in the region, Nairobi should be developed as a world heritage site for a very broad range of audiences. It should provide a gateway to the rich historical heritage in Kenya. Key areas that should be captured in order to improve conservation and maintenance of the museum include the following.

i) Development of appropriate conservation policy for the museum in order to maintain the collections. Currently, no conservation policy exists for NNM. The curator of NNM should be made directly responsible for effective conservation and interpretation of the museum and its collections. In the immediate short-term, much needs to be done in the way of sensitive conservation.

ii) Training of high quality guides capable of providing visitors with a memorable and informative tour around the site. Those who qualify would be employed by the Museum as official NNM guides and would be required to follow the stipulated way provided by the museum. Official guides would be required to attend periodic workshops in order to maintain high standards.

iii) Extension of the existing exhibition hall by building more exhibition centers and areas within the wider NMK compound. The aim of the Nairobi Gallery should be to explore the history of the Kenyan communities stressing the importance of cultures in the creation of a distinctive cultural diversity.

iv) Establishing ways and means to cooperate with tourism marketing and promotion organizations and the National Tourism Board in order to play an active role in helping to promote heritage tourism. An obvious area for cooperation would be in the production of brochures and travelers' manuals.

In order to reap the benefits of marketing initiatives and more structured links with the tourism industry while safeguarding the character of the Nairobi National Museum and a regional museum serving the public interest, Nairobi needs to develop a marketing policy and bring marketing and public relations skills into its management team.

5.5   Conclusion

From a humble research and exhibition center to an internationally recognized custodian of cultural and natural heritage of the country and the entire Eastern Africa region, the Nairobi National

Museum has indeed seen a great revolution. Nairobi National Museum has also undergone a major face-lift which helped to position the museum as an international culture and heritage hub in the region and beyond. Today, there is increased public participation and interest in the activities of the NNM as exhibited by the illustrations in this chapter. It also has its share of challenges which the management is grappling with. The problem of centrality in policy and bureaucracy is inhibiting quick interventions in conservation issues. Much of the approvals for heritage to regional museums and sites must be sanctioned from Nairobi.

Today, with devolution in museums, the problem is how to balance the problem of centrality in control against devolution. For instance, the headquarters is in dilemma on which functions and powers to devolve to the local level. This is a big challenge because some of the local museums and sites are not only understaffed, but lack the requisite skills. Coupled with other deficiencies at the local levels, the NMK policy on devolution is yet to take off.

CHAPTER SIX: FORT JESUS MUSEUM

6.1 Introduction

This chapter looks at the geographical placement and historical development of Fort Jesus Museum and examines the conservation history and the existing heritage programs, attendant problems facing the heritage area, and the possible interventions which can be implemented to protect the heritage.

Fort Jesus was established at the end of the 16ᵗʰ Century by the Portuguese in order to help govern the Indian Ocean Region. It represents the height of European military architecture and engineering of the period. Fort Jesus, built in 1591 by order of King Philip I of Portugal, King Philip II of Spain, then ruler of the joint Portuguese and Spanish Kingdoms, was located on Mombasa Island to guard the Old Port of Mombasa,. It was built in the shape of a man viewed from the air, and was given the name of Jesus.[257] Plate 6.1 shows an Arial view of the site and museum as shown by the arrows in the picture.

Plate 6.1: An aerial view of Fort Jesus Museum (Photo, courtesy of Steve Okoko of FJ Museum 2008)

---

[257]GaetanJuillard, (2007).<u>International Charter for the Protection and Management of the Archaeological Heritage</u> .

The history of sieges and occupations comprising of an extraordinary events has been marked in this fort. After serving as a prison point during the colonial era, it was eventually restored and converted into a site museum with the help of a grant from the Caloust Gulbenkian Foundation.[258]

The fort measures an area of about 2 acres within a strategic environment overlooking the entrance to the old harbour.[259] The Fort is currently used as a regional museum and exhibit modern administrative buildings, an exhibition hall, and a separate display of Omani Arab material culture,

---

[258]ICCROM Conservation Studies-8 (2009) in its observation outlining the intervention powers of the state.

[259]See ICOMOS Charter on Cultural Routes (2008).

ablutions, a preservation laboratory, an educational department, a bilharzias laboratory, a gift shop, a cafeteria, a carpenter's workshop and four museum stores.[260] .

Plate 6.2: Side wall of Fort Jesus facing the Ocean (Photo, courtesy of UNESCO, 2011)

The historic Old Town administrative centre including courthouse and the town hall is Adjacent to the fort. Outside the perimeter ditch are chains of early 20th century buildings, shaded by trees, which hubs workshops and technicians at the Swahili Cultural Centre.[261] Outside the main gate house is

---

[260]ICOMOS Charter on Cultural Routes (2008) established the basic principles and methods of research specific to the category of Cultural Route as they relate to other previously established and studied categories of cultural heritage assets.

[261]Gilbert, Erik, and Jonathan T. Reynolds.(2008)Africa in World History: From Prehistory to Present. New Jersey: Pearson Education, , p. 225

an attractive open space partly landscaped as an early 20th century park with memories of trophy guns from the war of 1914 to1918.[262] It has a well located visitor car park and from the square, is a slipway down to the seaward face of the Fort. On the sea bed below, is a partly excavated wreck of a 17th century Portuguese frigate.

6.2   Conservation and preservation Programs

The fort has ceramic design found on shards along the coast, artifacts recovered from the wreck, a frigate which sunk during the siege of Mombasa harbour in 1867 and material culture common to Kenya's coastal people. Recently, the fort developed feature for both the cultural history of the major indigenous groups and natural aspects of the coastal region within it.

More and more buildings have been established. Archaeology and education departments are housed at the Old Law Court Number 1 which is also used for conferences and meetings.[263] Other buildings around the Fort have allowed for the enhancement of the Swahili culture, with both training and commercial activities involving handicrafts and woodwork related to Swahili culture going on.. The Fort has one hundred (100) staff members working at different stations. It has a gift shop and cafeteria both operated by museum staff. Guided tours of the fort are available and arrangements to visit the Swahili Cultural Center, Mombasa Old Town are easily made.[264]

---

[262]Kirkman, J. (1974). Fort Jesus: A Portuguese Fortress on the East African Coast Clarendon Press: Oxford.

[263]Ibid

[264] In the evenings, the fort offers programmes focused on the history of the fort to visitors. It is an outdoor audio super. The evening programme is a joint venture between the NMK and a private firm. Besides, the fort has a conservation laboratory.

Fort Jesus Museum has in the recent past been associated with underwater archaeology. Survey work is on-going and will be followed by research documentation and eventual conservation of the recovered materials at the museum laboratory. Plate 9 shows the recovery process during the recent works.

Plate 6.3: Recovery of archaeological materials during an under water archaeological work at Fort Jesus (Photo, courtesy of NMK Mombasa)

6.3 Attendant Problems

Fort Jesus Museum has no established conservation guidelines. Problems at the Fort, especially on

the walls, are usually detected, reported and fixed by masons working at the heritage area.[265] The

Curator usually does inspection and occasionally call for the repair of the affected parts.

The use of inappropriate cement rich materials on the Fort and a variety of approaches towards

preservation of the original faces is clearly evident. The Mazrui audience room, is in many ways

---

[265]http://whc.unesco.org/en/list/1295

very important for the interpretation of the Fort. It shows no signs of professional care and presentation. Tags are mounted on boards screwed directly to the wall. This evidently weakens the plasterwork, which is already badly damaged over large areas. Scrappy patch-up work over old painted decorations reveals ignorance of preservation and graffiti left prominently written in some of the plasterwork adds to a sense of abandonment.[266]

The exhibition space at Fort Jesus is restricted and most of the original structures are not suitable for housing conventional exhibits due to inadequate space, damp and other adverse environmental conditions.[267] Further, new buildings on the site are aesthetically unacceptable and greatly from the archaeologically and architecturally magnificent features of the site..[268] There is thus limited scope for exhibitions within the fort and the potential for presenting the site itself should be fully exploited. Fort Jesus itself is the most important collection and a visit to the fort should be primarily an exploration of the history and architecture of the ancient structures. With the important task of interpreting the site performed through interpretative panels placed along a discovery route around the fort, the program of the exhibition hall is able to fulfill a broader interpretative agenda. In keeping with Fort Jesus' status as having been a prominent historical place in the region, the exhibition hall should be able to present the history of the coast.[269]

---

[266]Abungu, G.H.O. (2006) "*Interview*" in New World Heritage Sites UNESCO

[267]Onjala, I. (1997) "Urban and Monuments Conservation Problems in Kenya: Attitudes in Cultural Heritage Management." Paper Presented at the International Workshop on Urban and Monuments Conservation, Nairobi, 14-16 May, 1997

[268]Government of Kenya ,(1984). The Antiquities and Monuments Act Chapter 215. Nairobi: Government Printer. Revised ed.

[269] Ibid

Quality professional guiding can greatly promote a visit to the fort. However, there are presently no identified Fort Jesus guides. Almost 20 unofficial guides have set themselves up at a post outside the fort and have organized themselves as an association, which outlaws non-members from taking visitors around Fort Jesus. They have a roster for guiding tourists around the Fort and the Old Town. None of the existing guides have had any form of training. Some of them provide mischievous information to their clients and according to visitors' comments from an experimental visitor survey; they are frequently mentioned as the least liked aspect of a visit to Fort Jesus. Currently, most tour guides bring tourists to Fort Jesus for a 30-minute stop on a city tour, which includes 6 other destinations.[270] The guides are very concerned about time and show the tourists around for 25 of their 30 minutes giving them a very short overview of the history of the fort. Most of the information are left out and then visitors are allowed five minutes for drinks or use of the cafeteria or gift shop (the tourists have usually already been briefed on where they will be taken for shopping and these are places where the guides get something). The tourists are not shown the outside of the fort and are in fact denied the full tour.[271] Much could be done, at very little expense, to improve guiding at Fort Jesus either by retraining existing guides or by recruiting and training new, official Fort Jesus guides. Any development of an official Fort Jesus tour that will be

---

[270]Government of Kenya, (2009) National culture and HeitagePloicy.Nairobi: Government Printer.

[271]Government of Kenya.(2006). National museums and Heritage Act, Cap 216. Nairobi: Government Printer.

marketable to tour operators as a quality 'tourist product' will depend crucially on the quality of the guiding.[272]

Despite having the conservation laboratory within the fort, the conservation store for excavated materials is in another building outside the fort. Several excavated materials in the archaeology store are just laid on the floor.[273] The whalebones on the dusty floor are a manifestation of lack of routine cleaning as shown in Plate 6,4

Even though the museum has been able to improve the outside landscape of the Fort by lighting systems, they have not been able to keep the grass low. The tall grass will soon cover the lights as is visible in Plate 11.

---

[272]Katana, P.J. (1997a) "Conservation and Management of Historical Landscape in Kenya with Reference to the Mijikenda Kaya". Paper Presented at the International Workshop on Urban and Monuments Conservation, in Nairobi, 14-16 May, 1997.

[273]King, A. (1995). Avoiding ecological surprise: Lessons from long-standing communities. Academy of Management Review 20:961–985.

Plate 6.4: The Excavated Materials Lying On the Floor
Source: Okelo, 2011

Plate 6.5: High grass around Fort Jesus Museum threatening control of the environment (Source: Okelo, 2011)

Retrieval of materials from where the heritage materials are kept at Fort Jesus is a big problem. Some of the trays above cannot be easily reached. From Plate 16, this is clearly visible. There is definitely the existence of poor storage of artifacts. Often it results into breakages. Some of the artifacts are simply piled on top of the others without cataloguing as shown in Plate 17.

Plate 6.6: Conservation Stores Is Over Packed and crowded

Source: Okelo, 2011

Staff membesr have tried to shelve most of the materials, but some of the shelves are made of soft

wood, which are weak, and bend downward under weighty objects.[274]

---

[274]King, D.I., et al. (2008). Biodiversity and Conservation 17:2691–2700 .

Also, archaeology store leaking roofs and ceiling as a common phenomenon. Plate 16 shows this

problem with artifacts facing threat of destruction through wetness.[275]

Plate 6.7: Artifacts piled without cataloguing at the archaeology store of
the Old Law Courts, Fort Jesus (source: Okelo 2012)

---

[275]King, T.F. (2008). Cultural Resources Laws and Practice.NewYork: AltaMira Press

The deteriorating condition and the uncontrolled development of many modern buildings around the conservation area threaten to destroy the special and unique architectural nature, and the special historic character and the Swahili culture that is the core of coastal region. These pressures also threaten Fort Jesus and its magnificent walls.

Environmental factors have also put pressure on conservation at Fort Jesus and acts as a catalyst in the deterioration of buildings. Coral lime on walls dissolve, as well as, the plaster and mortar used to put up the wall. This is visible in **Plate 6.8** below.

Water that hits the walls of these buildings also gets its way into the cracks and crevices in the plastered roofs, This contributes to deterioration. The building of structures around the Fort also threatens the outside landscape of the Fort. Examples include the kiosks, shopping areas that have cropped up around the Fort, including, the entrance as shown in **Plate 6,9**.

Plate 6.9: A Curio Shop Next To the Entrance at Fort Jesus.

Source: Okelo, 2012

The side of the Fort is threatened due to the playground. The impact of the ball hitting and bouncing from the wall creates weakening of the fabrics of the wall. Also, human and motor traffic posses major challenges to the Fort.

Weathering both chemical and mechanical, has posed threat. Chemical weathering has taken the form of collapse of the building blocks of the variety of architectural structures of the old town. As mentioned earlier, a characteristic coastal humid environment creates a condition best for the disintegration of the coral limestone building blocks. Water from the air has been known to collect

on the blocks gradually dissolving the grains of limestone creating cracks that expand into large

cracks, and finally weakening the walls that finally collapse.[276]

On the other hand, Mechanical weathering has taken the form of plant activity on the building with

the ability to destroy walls as shown **in Plate 6.10**.[277]

[276]Ngari, J.J. (1978) "Conservation, Regional Planning and Development". Paper Presented at the Conference on the Conservation of Historic Towns and Monuments, 18-26 February, 1978 Lamu, Kenya.

[277]Obudho, R.A. and S.O. Owuor (1997)."Sustainable Urban Development and Urban Conservation in Kenya".

Plate 6.10: Tree Growing On the Wall in the Old town just   opposite
Fort Jesus.(Source NMK, 2010)

Plants like Creepers and vines loosen the mortar on the walls as they grow. Their roots increase

due to annual growth; these cracks expand, increasingly weakening the walls. Tree roots

alternatively have been known to grow bigger and bigger beneath the walls eventually causing

cracks on walls leading to structural collapse.

6.3   Possible Interventions and Solutions.

For Fort Jesus to become a centre for cultural development and contribute towards increase in revenue collection there is need to develop its potential as a regional institution and not a mere branch of Nairobi.

In line with its international standard and status as a very important historical monument in the region, Fort Jesus as a world heritage site should provide a gateway to the rich historical heritage of the Swahili coast. Key areas to capture in order to improve conservation and maintenance of the Fort are as discussed below.

There is need to develop appropriate preservation policies for the Fort in order to enhance conservation. Currently, no conservation guidelines exist for Fort Jesus. To form the foundation for a well established conservation and preservation policy for Fort Jesus, a situational analysis of the site will have to be carried out and approved.[278] A long-term conservation plan based on regular and annual inspections needs to be set in place and provision made for a routine maintenance budget, which apparently does not exist now. The Principal curator of Fort Jesus should be made directly responsible for effective conservation and interpretation of the site. In the immediate short-term, much needs to be done in the way of sensitive preservation of the Fort..[279]

Everybody who visits the site would want to take guided tour and the option of taking an independent tour must be provided. For the visitor to be able to categorically understand and enjoy what they admire, the visit should be arranged and preparations made towards the same.. Any talks

---

[278]ibid
[279] Ibid

should cover themes developed using interpretative panels raised at points of interest along tour routes. Each panel placed along the route should have a plan of the site with the position of the panel marked on it and should form part of an interpretative pannel which refers the reader to the next.[280] The main theme can include a number of sub-themes which include scenic viewpoints and the exhibition hall itself. The creation of a convective route around the site in no way reduces the attraction of a guided tour and alternative themes should be established for guided tours. To make the most of the Fort's scenic location overlooking the entrance to the old harbour, one or two wooden observation points should be built at strategic places within the site. The protected and relaxed environment within the Fort could be promoted and extended by improving security and cleanness outside and by providing more places for relaxation and resting both inside and outside the Fort. A number of well-directed lamps could provide a very effective showcase of the Fort architecture at night.[281]

The outside landscape of the fort should be kept clean, clear and well lit. Visitors need a clean environment to relax and rest after the tour of the fort. The lamps outside the fort are being covered by overgrown vegetation.

The playfield outside the fort should be closed immediately. The banging and hitting of the wall of the fort during football matches only help to weaken the wall further. Fort Jesus currently needs to train highly qualified guides capable of providing visitors with a memorable and informative

[280]Ochieng' P.N. (2003) "Managing Ceramic Collections in Kenyan Museums"

[281]Okong'o, J.J. (1991) Archaeological Conservation and Cultural Resource Management in Kenya.Nairobi, National Museums of Kenya.

conclusive tour around the site. Three months Training including on-the-job experience and both written and practical tests should be provided in order to qualify (training could be auditioned by the Education Department). Those who qualify would be employed by the Museum as official attendants of Fort Jesus guides and would be required to put a special badge. Official guides would be required to attend periodic workshops in order to maintain high quality. Otherwise, as it is currently, there is no order as the freelance guides scramble for visitors outside the fort.

The current exhibition hall at Fort Jesus should be expanded by removing the partition wall dividing the temporary exhibition space from the secretaries' office and changed into a history gallery. Alternatively, a new gallery should be built as the present one has stayed the same for too long. The objective of Fort Jesus Gallery should be to propagate the history of the Swahili coast emphasizing the importance of trade and travel in the creation of a distinctive cosmopolitan civilization. The two options can be proposed for the development of the gallery. Either it be devoted to temporary exhibits on special topics relating to the history of the coast or it houses more general permanent exhibits dealing with major periods in the history of the coast.[282]Fort Jesus exhibition hall could be developed as a space for temporary exhibitions that reflect more local and contemporary issues by use of the veranda arcade. Exhibitions used on community themes will help to link the Fort with the immediate social environment, especially, if local resource people are brought into the exhibition development process.

---

[282]Onjala, I. (1994). Presented a paper on "Methodological Approaches for Environmental Impact Assessment in Agroforestry related activities" in UasinGishu District.

To increase local visitation and build closer links with the community, Fort Jesus should host special programs such as popular plays, dances and Taarab concerts during public holidays when local people are most likely to have time to visit the museum.[283]

There is need to build links with tour operators and tourism associations. The museum should develop one or more official tours around the site and market them through tour operators and organizations such as the Mombasa and Coast Tourist Association (MCTA) and the Kenyan Association of Tour Operators (KATO).The tours would have to offer high quality guiding and could include a visit to the showroom and grounds of the Swahili Cultural Centre behind the Fort. Such official Fort Jesus tours should take a minimum of one and a half hours in order to leave the tourists enough time to shop, relax and take refreshments.[284]

In order to work well, Fort Jesus should cooperate with tourism marketing and promoting organizations such as MCTA, KATO and the National tourism Board so as to play an active role in helping to promote more heritage tourism on the coast. An obvious area for cooperation would be in the production of brochures and travelers' guidelines. Reaping the benefits of marketing initiatives and more structured links with the tourism industry, Fort Jesus urgently needs to develop a marketing strategy and bring marketing and public relations skills into its management activities. Variety of up-to-date, colour souvenir guides and other information needs to be published to take advantage of the potential for revenue generation and marketing of what Fort Jesus and the coastal

[283]Pwiti and R. Soper (1996). "The Legal Basis of Conservation in Kenya: a view"

[284] ibid

heritage sites have to offer. In addition to improved guides, museum shops should also sell videos, exhibition catalogues, books, posters, postcards, maps, CDs and audiotapes. .[285]

Improvements to the layout, display and lighting of the merchandise in the museum would promote sales of the available, goods. Also, a minimum upgrading of the canteen environment and menu should be done to create some improvement in the profitability.[286] There is a range of opportunities available at the museum for revenue generation. These include establishment of partnerships or concessions with private entrepreneurs. However, negotiations on these require careful control to maximize on the benefits for the community, as well as, NMK. At present Fort Jesus has a contract with a private company, which performs a sound and light show 3 nights a week based on the history of the Fort. A low cost strategy for improving the profitability of the 'canteen' would be to hire it out as a concession to a local caterer who could turn it into a restaurant that reflects something of the local culture and utilizes local culinary skills.

Tourism associations representatives talk of considerable potential in establishing closer links with the tourism industry. These representatives hold the idea of a tour package included in the Fort Jesus ticket price involving a guided tour of the whole museum area. A representative of MCTA further proposed promotion of Fort Jesus package on a commission basis if the package was included in the overall entrance ticket charge. A KATO representative on the other hand would

---

[285] Ibid

[286] Ibid

rather get involved in any 'tour products' Fort Jesus might be thinking of developing and have one of the regional KATO members available for a discussion or brainstorming with Fort Jesus staff to implement it.[287]

What the tour operators would expect from the relationship would be net prices, in the case of the big operators, and commission in the case of the small ones. Both representatives think that Fort Jesus is a good entertainment venue for all kinds of functions and always sells well. However, in any accommodations and dealings with the tourism industry, Fort Jesus will have to be careful not to be used by the operators. For example, one operator would like to see Fort Jesus used as a venue for rock concerts.

There are potentially very beneficial arrangements to be made with the tourist industry in the area of joint marketing strategies. Mombasa now receives most (about 60%) of the international tourists to Kenya as captured in **Table 2** and **Figure 4**. However, the primary attractions for these tourists are the wildlife and the coastal resorts. The main selling point for the Kenya coast is the beaches while historical sites and monuments are simply footnoted as 'attractions' in tourist publications and brochures.

As one of the largest historic areas in Kenya, Fort Jesus is a must visit on all city tours but the general under marketing of coastal sites and monuments represents a major unexploited potential,

---

[287]ICCROM, Cultural Heritage and the Law: Protecting Immovable Heritage in English-Speaking Countries of Sub-Saharan Africa [2009]. Joseph Eboreime expounds the Challenges of Heritage Management in Africa, pp. 1-6.

which is recognized by tourism associations and by some tour operators. In a discussion with the Mombasa and Coast Tourism Association (MCTA), a representative indicated that there is need to co-ordinate the production of an updated brochure for Fort Jesus. Clearly, Fort Jesus has the potential to take on a much more active role working with the tourism sector for promotion, not only of the Fort itself, but for all the sites, monuments and museums of the coast.[288]

In terms of tourist potential the heritage area is ranked highly**.** The existing guides at Fort Jesus, Mombasa Old Town and other heritage sites of the coast are, however, out-of-date. The generally poor range of information and products on sale in the museum shop represents a major unexploited potential for revenue generation and for the marketing of what NMK has to offer at the coast.[289]

Fort Jesus is occasionally used for organizing wedding receptions and fund-raising events. The local Mombasa communities visit the Fort very infrequently and they tend to regard it as a place for tourists. Much could be done in the manner of developing suitable public programs in order to help build closer links between Fort Jesus and local Mombasa residents. Below is a table that shows how visitors clustered into groups have visited Fort Jesus for a period of nine years.[290]

---

[288] See King (2008) who expressed and further expounded a similar view.

[289]Kuhn (1970).

[290]ICOMOS CHARTER (1990), on the definition of Archaeological Heritage. This is the Charter for the Protection and Management of the Archaeological Heritage (1990) prepared by the International Committee for the Management of Archaeological Heritage (ICAHM) and approved by the 9th General Assembly in Lausanne in 1990.

Table 2: Fort Jesus Visitors Statistics Comparative Analysis Report For 9 Years: 2004 – 2013
Source: Fort Jesus Museum 2013

FINANCIAL YEAR	NON-RESIDENTS		EAST AFRICA		RESIDENTS		SCH. GROUPS		TOTAL
	ADULTS	CHILD	ADULTS	CHILD	ADULTS	CHILD	NON-RES	RES.	
2004/2005	51,851	2,522	0	0	62,764	11,597	0	28,976	**157,710**
2005/2006	47,120	2472	501	58	53,153	11,422	0	44,312	**159,038**
2006/2007	37,665	2051	972	122	48,982	11715	49	38,410	**139,966**
2007/2008	32,495	2020	947	188	54,047	11125	133	51,822	**152,777**
2008/2009	24,194	1348	1316	146	57,999	15547	144	42,419	**143,113**
2009/2010	27,314	1846	1550	238	62,870	17,028	_	61,494	**172,340**
2010/2011	36220	1880	1875	250	82545	17251	_	63213	**203,234**
2011/2012	29734	2172	1677	272	81986	17964	251	65297	**199,353**
2012/2013	19384	1457	1612	303	65893	14516	359	51742	**155,266**
TOTAL	**305,977**	**17,768**	**10,450**	**1,577**	**570,239**	**128,165**	**936**	**447,685**	**1 ,482,797**

The emerging picture shows that in all these groups, adults visit the site more often than children while in school groups residence visit more than non-residence. This variation is depicted **figure 3 and 4** below showing the number of visitors between 2004 and 2013.[291]

---

[291]NMK 2012 conservation and preservation of culture

Figure 4 Showing non-residence, East Africa and residence visits (adult and children)
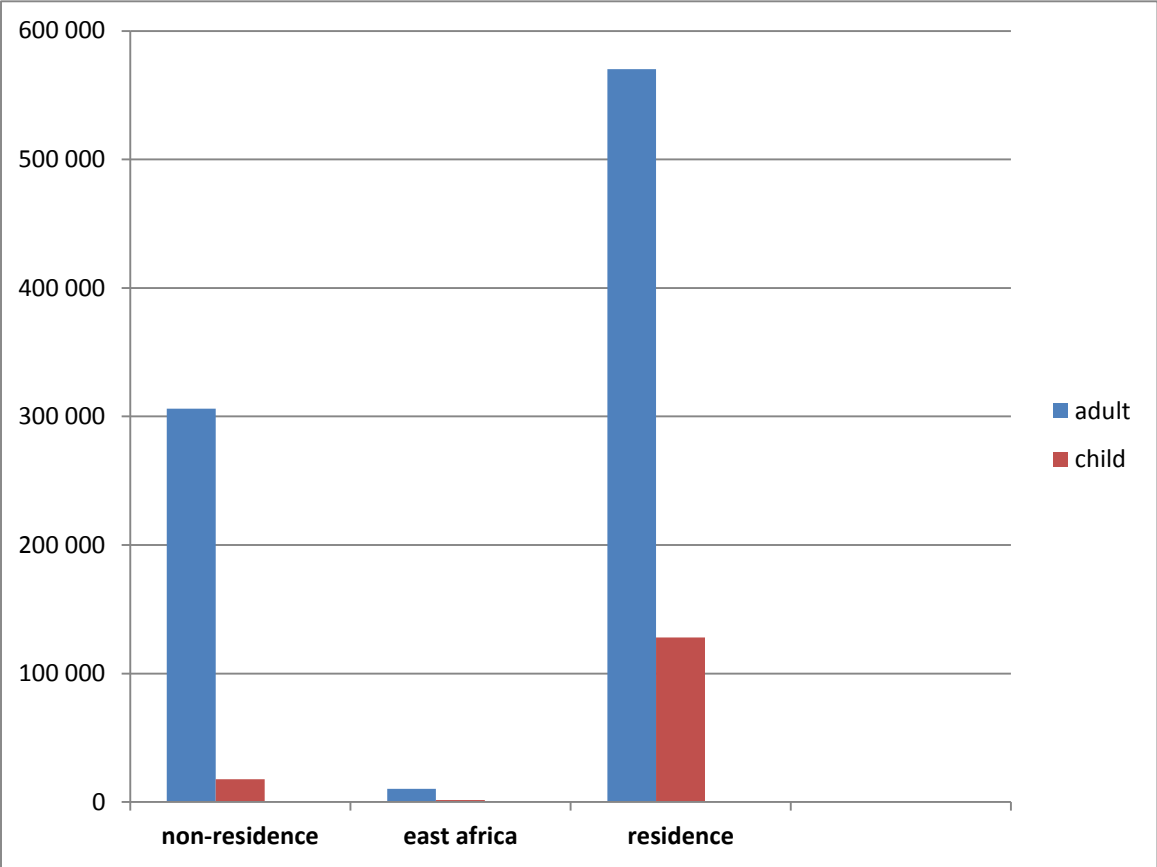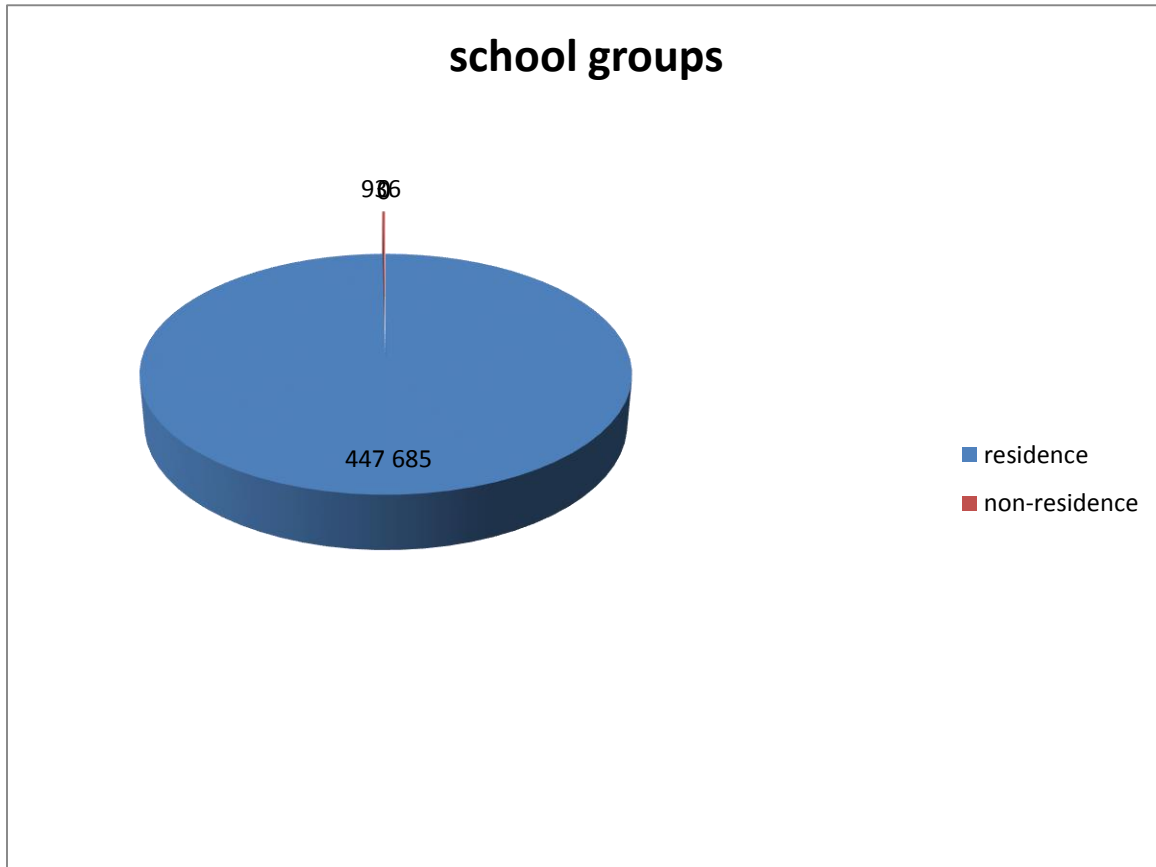
It's very important to show also how the years (2004-2013) have performed in terms of the total number of visitors to the site. This is graphically presented in Chart 4 with 2010-2011 and 2011-2012 recording the highest number of visitors.

Figure 6: Comparison of visitor statistics for Fort Jesus Museum for the period 2004 to 2013
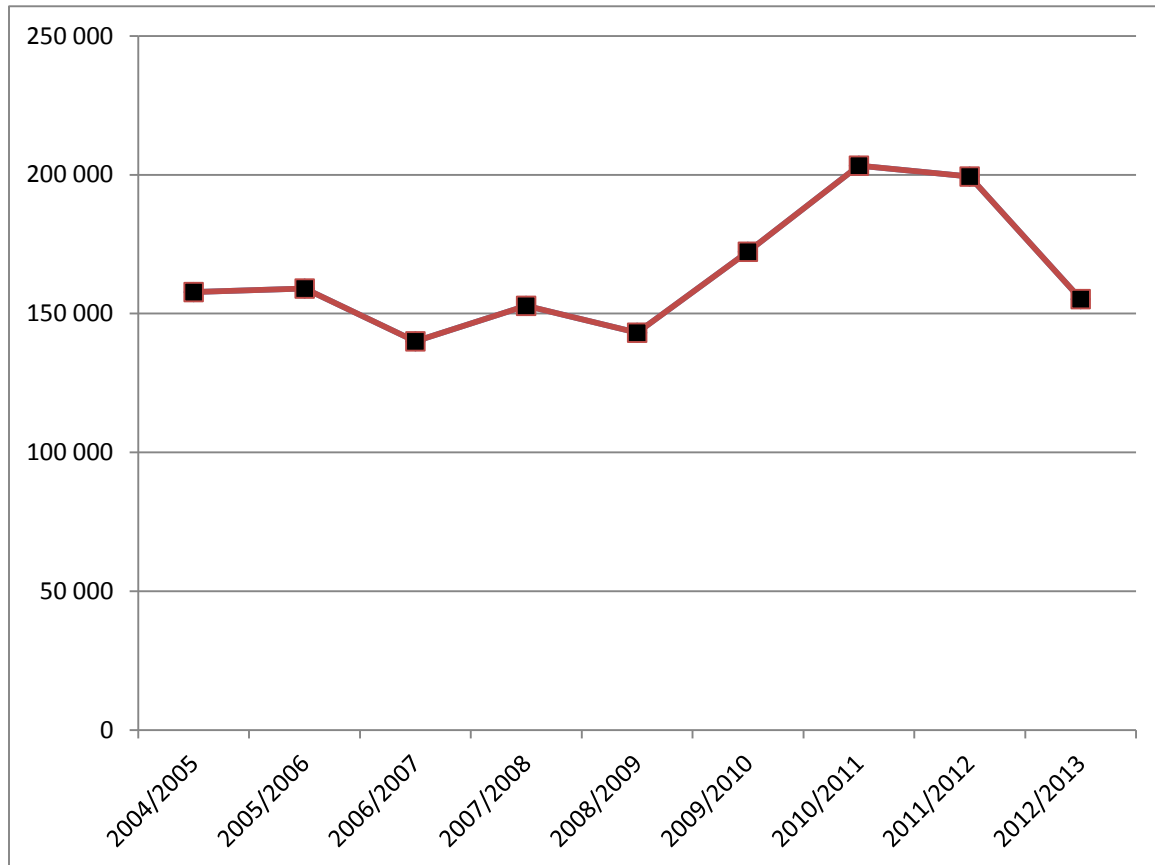
There are two activities suggested for Fort Jesus. One is a Coastal History Gallery which includes; temporary exhibits on unique subjects concerning the history of the coast and houses more general permanent exhibits. This activity would be more costly and would require considerable curatorial

vision to develop. It would require the collaboration of historians with special knowledge of the Swahili Coast and would turn Fort Jesus into an important museological landmark on the East African coast. The second activity might require the exhibition hall to be divided into a number of sections to correspond with major periods in the history of the coast, such as: The era prior the 15th century incursion of the Portuguese, dealing with the character of the trade to and from the east coast of Africa and the establishment of distinctive linked towns and city states along the coast. This section should link the archaeological evidence to the accounts of early travelers such as Periplus of the Erythrean Sea (2nd century AD), the Arab geographer Al Idrisi (12th century), Ibn Battuta (14th century). The era of the Portuguese, dealing with the Portuguese pioneering of the route around the Cape to the East and their determination to dominate the lucrative Indian Ocean trade, expressed in the building of Fort Jesus itself and resulting in the ruin of Swahili city states. Omani Arab era would deal with the expulsion of the Portuguese by the Omani Arabs at the invitation of Swahili leaders and the renaissance in Swahili building and crafts during the 18th century. Lastly, the British era would deal with initial British interest in trade and missionary work and abolition of slavery to colonization of the coast. The building of railways and introduction of steam ships that further undermined the economic role of the coast Could also be incooperated.[292]

Fort Jesus Wrecks exhibit which is presented completely without historical context could be revised and redesigned to fit into the third section of the Gallery. It relates directly to the Omani expulsion of the Portuguese in the latter part of the 17th century. For such exhibits to work well, they will require a limited choice of key archaeological and ethnographic objects along with high

---

[292]Shah, P.H. and Awori ,A.. ed. (1996). "The Management of Land and Land-Based Resources in Kenya: National Proposals for a Policy and Legal Framework"

quality graphics, field photographs and archival photographs.   This combination is likely to suit

the exhibition space, which is fairly restricted and monotonous.[293]

6.5   Conclusion

This chapter has presented Fort Jesus Museum or heritage area as an important heritage along the

Coast where AHM activities can best be understood. The museum has been recognized

internationally and this has enabled it to obtain adequate support both locally and abroad. The

Museum has been included on the list of UNESCO World Heritage Sites. This ensures constant

monitoring and support internationally. At the local level, the Museum has received great support

from the local authorities, private sector, individuals, tourism industry and the central government.

Such preferential treatment has been the bone of contention and jitters from the interior museums

and sites which feel that they have been neglected.

However, there are still observable weaknesses in the management of the museum and how it

handles archaeological heritage some of which remain in a state of neglect qnd deterioration, This,

therefore, calls for urgent and sustained momentum to fix the identified challenges if this rich

heritage is to be kept for upcoming generations. The site has a unique problem which is quite one

of its kind at the coast. Its problem is not conservation and preservation of heritage per se, but how

to manage its successes. Explosive tourism and dependence of other coastal sites on Fort Jesus is

---

[293]Sickels-Taves, Lauren B. (1999). The use of and need for preservation standards in architectural conservation.

ASTM International.

threatening the smooth running of programs. The other coastal sites are least visited, therefore, rely on Fort Jesus for financial and logistical subsidies.

Tourism activities at Fort Jesus should be coordinated, especially, tour guiding and coming up with an elaborate marketing plan. This can be achieved through the marketing department to cushion the Fort's income during low season. The activities of MOTCO and the Centre for Swahili Studies are not coordinated with the general conservation programs of Fort Jesus. These programs should be harmonized with the general management of the Fort.

CHAPTER SEVEN: KISUMU MUSEUM

7.1 Background

This chapter looks at the geographical placement and historical development of Kisumu Museum and examines the conservation history and the existing heritage programs, attendant problems facing the heritage area, and the possible interventions which can be implemented to protect the heritage. It is a heritage area where the activities of AHM take place.

Kisumu Museum is a regional museum under the management of the National Museums of Kenya. It is located in the largest city in western Kenya, Kisumu, whose name it takes. Within the city, Kisumu Museum is located on Kisumu-Nairobi high way road approximately 2 Km from the City Centre. Built around the concept of traditional Luo homestead, the museum was constructed by the Kenyan government with support from UNESCO, and was officially opened to the public in 1980.[294] It is not only as a recreational and educational centre for visitors, but also an educational conduit for the sustainability and maintenance of the biodiversity of Lake Victoria due to its nearness to this second largest fresh-water lake in the world.[295] Plate 7.1 shows one of the oldest sign board ever used in the 1980s qt Kisumu museum.

---

[294]Ayot ,H.,O. (1979). A history of the Luo-Abasuba of western Kenya, from A.D. 1760-1940

[295]Cultural Research Management, (1996) .Approaches to Heritage; Vol. 19 No. 8,

Plate 7.1: One of the First Ever Used Signboard In 1980
Source: NMK 2011
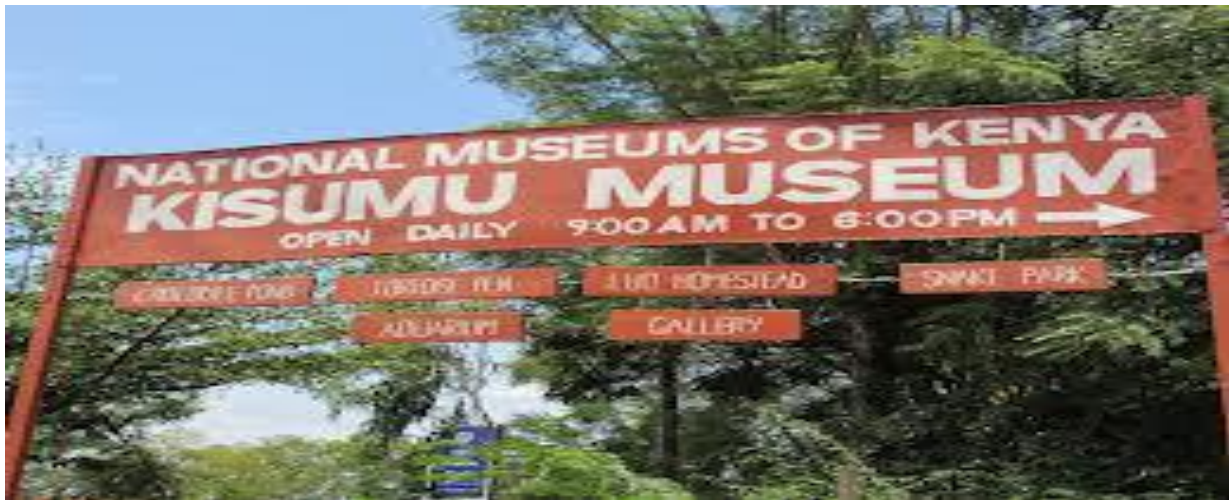
Kisumu Museum has exhibits presenting the cultural and natural heritage of the Western Region.[296] This region comprises of the former Nyanza and Western Provinces and parts of the former Rift Valley Province. Attached to Kisumu Museum are a number of locations and monuments of pre-historic and historic importance.[297] Plate 7.2 below shows part of the Kisumu Museum compound.

---

[296]National Museums of Kenya, (2009).Strategic Plan2009-2014

[297]www.enzimuseum.org/museums-of-kenya/museums-sites-monuments/kisumu

Plate 7.2: Part of the Kisumu Museum Compound (Photo, NMK 2011)

1

The museum keeps and provides information on cultural and scientific issues related to western Kenya.[298] Showcases in Kisumu are focused on the material culture.[299] The exhibition halls display a varied collection of fauna and flora, with distinguished animals being amphibians and reptiles collected from the western Kenya Region.[300] It has a small yet all-inclusive gallery with very

---

[298]National heritage management (2009)."Kenya national Heritage culture and policy", 100 Most Endangered Sites.

[299]Ochieng' P. N. (2003) "Managing Ceramic Collections in Kenyan Museums" Unpublished PGD Project Paper, Institute of African Studies University of Nairobi.

[300]Mwadime, W. (1992) "Conservation News for Kenya. Urban Origins in Eastern Africa".

informative and educational displays.[301] The displays include traditional clothing and adornment, fishing gear, basketry, agricultural tools and hunting artillery. Also being showcased are several dioramas, including a De Brazza monkey, a lion and the biggest Nile Perch ever caught in Kenya.[302].

Another main feature is the traditional Luo homestead..[303] A traditional Luo style of home construction, in this case meant for three wives, is situated nearby the main museum building. It consists of the husband's mud thatched hut and separate houses for each of the wives.

The museum also provides various features such as a snake park and a large fresh water aquarium. There are a wide variety of fish from Lake Victoria within the aquarium, which include different species from Lake Victoria and the local rivers and streams that drain into it.[304] **Plate 7.3 and 7.4** show some of the cultural materials under exhibition at the museum.

---

[301]National Museums of Kenya (2006-03-31), 'Museum in Change,"

[302]Ibid

[303]See www.enzimuseum.org/museums-of-kenya/museums-sites-monuments/kisumu.

[304]Ngari, L.K. and Okelo, D.O. (1997). "Traditional Conservation Systems in Kenya: The Case of Arts and Crafts".

Plate7.3: Some of the cultural materials on display at Kisumu Museum
(Photo courtesy of NMK 2013)

Plate 7.4: Some Musical Instruments at Kisumu Museum (Photo, courtesy of NMK 2013)

The snake park houses various kinds of snakes as is indicated in Plate 7.5 below. The non-venomous snakes are in a snake hole in the ground while the venomous ones are in glass cages. The poisonous snakes include the rhinoceros viper and species of cobras, mambas and adders. The outdoor pavilions also have a crocodile pond, and enclosures for different live exhibitions.

Plate 7.5: Different types of snakes kept at the snake park at Kisumu Museum (Photo courtesy of NMK 2013)

The exhibition provides the life style of the Luo and how this home was structured, example: The first wife's granary and house are situated notably at the back of the farmstead converse the main gate.[305] Subsequent wives have houses otherwise to her right and left in the order of their marriage. Sons build their houses next to the main gate of the compound in the order of their birth.[306] The

---

[305]Okong'o, J. J. (1991) Archaeological Conservation and Cultural Resource Management in Kenya. Nairobi, National Museums of Kenya.

[306]http://www.museums.or.ke

husband's hut is situated near the middle of the compound.[307] If his brothers have not created their own homesteads, they inhabit the rim of the compound near the middle.

A traditional Luo hut was made of wattle (woven twigs) and mud walls with a grass thatched roof.[308] The huts were round in shape, as was the homestead as depicted in **Plate 7.6** [309]

---

[307]"UNESCO. (2000). The Dakar Framework for Action. Education for All: meeting our collective commitments .

[308]Lipe, W. (1984). Values and Meanings in Cultural resources.In H.Cleere (ed) Approaches to Archaeological Heritage. Cambridge: Cambridge University Press.

[309]International Council of Museums - Committee for Conservation.(2012)

Plate 7.6: The Circular Huts in Shape, As Was the Homestead
Source: NMK 2010

7.2   Conservation History And Existing Programs

Currently, Kisumu museum has a total number of thirty five staff members based in Kisumu. Quite a number of cultural objects are susceptible to environmental weather conditions, such as, humidity, fluctuating temperatures, and exposure to light, especially, and ultraviolet light.[310] Such

---

[310]Heritagepreservation.org. Retrieved on 2012-06-29.

materials must be protected in a managed environment where such factors are controlled to maintain a suitable condition for conservation purposes. Protection of relics from sunlight,t such as, water color paintings for example is usually needed to prevent loss of pigments.[311]

Collections care is a crucial element of museum mandate. [312] It is a vital duty that must be handled by trained personnel who are well skilled in the preservation and conservationmethods to ensure safety of heritage objects on display, in store or on transit. Such skilled workers usually check the state of collections to establish whether or not conservation interventions are required. This process has been undertaken at Kisumu Museum and some of the activities aimed at collections care are summarized in **Table 3.**

---

[311]UNESCO."Convention for the Safeguarding of the Intangible Cultural Heritage. Paris, 17 October 2003.

[312]Macharia, F. (1997) "Modernity and Tradition Paper presented at the International Workshop on Urban and Monuments Conservation, Nairobi, 14-16 May, 1978.

Table 3: Conservation Activities at Kisumu Museum

S/N	OPPORTUNITIES	ACTIVITIES	INDICATORS	STRENGTHS	TIMEFRAME
1	Kisumu Museum needed an ablution block	A design was developed and quotations sought. Funds were source for and the tender for the construction of the block was awarded.	1. Design and Quotation acquired 2. Funds acquired and ablution constructed	Standard ablution facilities available for use by staff and visitors	Completed
2	Kisumu Museum lacked ticketing office and there was need to construction one	Design and Quotations Source funds Tender and Construction	1. Design and Quotation acquired 2. Funds acquired 3. Ticketing office constructed	The Museum boasts of a modern ticketing office which has greatly improved its revenue collection.	Completed
3	Construction of *Od- Mikayi* (First Wives House)	Design Quotation Source for Funds Construction	1. Hut designed 2. Quotation raised 3. Funds acquired 4. Hut constructed	The construction of *Od Mikayi* has improved the Luo homestead which is a center of attraction at the museum.	Completed
4	Reinforcement of snake pit barrier.	Removal of rotten timber Replacement of Timber and painting	Rotten Timber removed Timber replaced and painted.	Kisumu museum snake park is safe for public viewing.	Ongoing
5	Renovation of Snake Pit	Repair of water pond Beautification of water pond Renovation of perimeter walls	1. Water pond repaired 2. Leakage from pond stop and water reeds planted Wall brought down and reconstructed	The museum boasts of a classic Snake Pit with standard well renovated ponds.	Ongoing
6	Creation of sun basking area for Rock Python	Modification of python cage to	Part of the roof was removed	A standard Rock Python cage is in place.	Completed

		allow direct sun rays Adjust water pond	and water pond renovated		
7	Parking area for the physically challenged	Signage Landscaping	Parking signage erected and rocks and boulders removed	The Museum has a parking which caters for the physically challenged.	Completed
8	Initiate Tendering and Procurement procedures	Request for Bids through a Tender Notice Opening and Evaluation of Tenders	Tender advertised Bids Opened and Evaluated Tenders Awarded	Procurement of goods, works and services and disposal of museum assets is done in accordance with the Public Procurement and Disposal Act of 2005.	Completed
9	Rabbit Breeding	Construction of breeding house Acquisition of Rabbits Supply of Food Sale extra to other Museums and institutions to control over breeding	1. House constructed 2. Rabbits acquired 3. Food Supplied 4. Excess Rabbits sold	A vibrant rabbit breeding project which has helped to stock other museums with plans of starting the same.	Ongoing
10	Security metal detector gadget	Acquired Security Staff Trained	1. Gadget Bought 2. staff trained	Kisumu museum has enhanced security checks which guarantee users of their safety and wellbeing.	Completed
11	Main Entrance Signage	Old signage brought down New Signage put up..	Signage removed New high raised signage erected in museum land.	Main entrance signage is part of an international good practice that helps to direct visitors.	Completed
12	Uniforms for Staff	Uniforms for Security Staff Dust Coats for Auxiliary staff and gumboots	Uniforms purchased Dust coats and boots purchased	Smart and motivated staff who provide quality services to clients.	Regular
13	Team Building	Source funds Contract Consultant	Funds were acquired, consultant contracted. Staff took part in team building	One strong team able to deliver on the organization's mission and objectives.	Regular

14	Collection Management	Documentation of all collections Labeling with Text of all collections on display Cleaning and dusting of collections	All collections documented All collections on display have text Collections are free of dust	Well Managed collection of artifacts and other heritage resources,	Regular
15	Capacity Building	Training in Exhibition Development Education Collection Conservation	At least a total of nine staff trained (three in each area)	Staff training has improved performance of staff members on collection conservation, exhibition development, and general museum management.	Regular
16	Breeding of Traditional Sheep	Three Sheep acquired	1. Sheep acquired and incorporated in Traditional Homestead Exhibition	This has added onto the rich culture and heritage attraction in the lakeside town museum.	Ongoing
17	Music and Legends Exhibition	1.Fabrication and Installation 2.Opening of the exhibition	1.Exhibition Installed 2.Exhibition opened to the public	The museum prides itself with an exhibition which is rare among the local museums and sites.	Completed
18	Development of E-programs for Museum Basics and Evolution	Design and development of the software program Testing of the program Presentation of the program	Program designed Program tested and verified in relation to school curriculum Program presentations	Kisumu museum has adopted e-technology which has greatly improved its efficiency and service delivery.	Ongoing
19	Out Reach and In reach Program	Program designed and developed Testing Presentations	Program designed Program tested and verified in relation to school curriculum and presented	Kisumu museum outreach and in reach programS has strengthened its stakeholder network.	Ongoing

Source: Adapted from kisumu museum management plan 2009-2014

In terms of tourism potential**,** Kisumu museum is moderately placed as the number of visitors is not that great compared to other flagship museums, such as, Fort Jesus and Nairobi National Museum.. The number of visitors, however, has been rising steadily. The improvement of visitation shows clearly how important the museum is and its economic potential. **Figure 7** shows this rising trend in a six-year period beginning 2008.

Figure 7: Visitor statistics for Kisumu Museum between 2008 and 2013
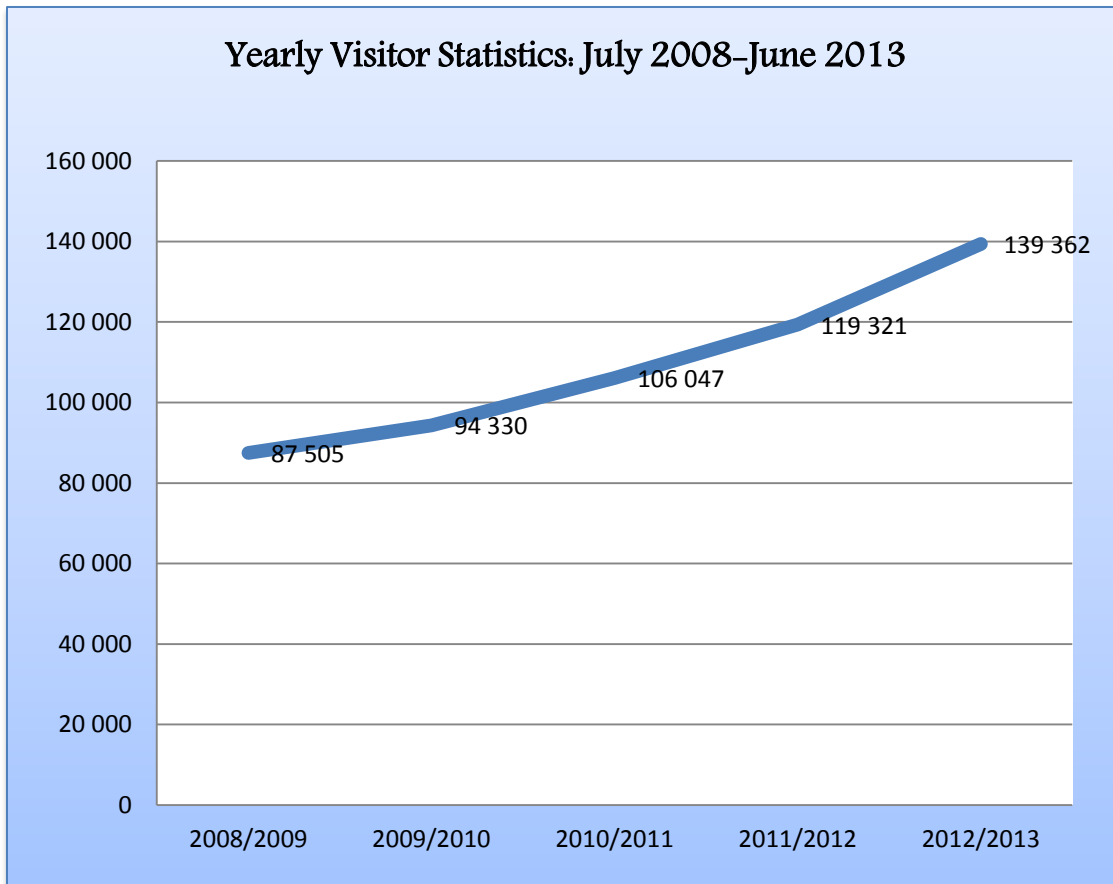
Figure 8: Visitor statistical variation at Kisumu Museum

Legend: ■ Column1
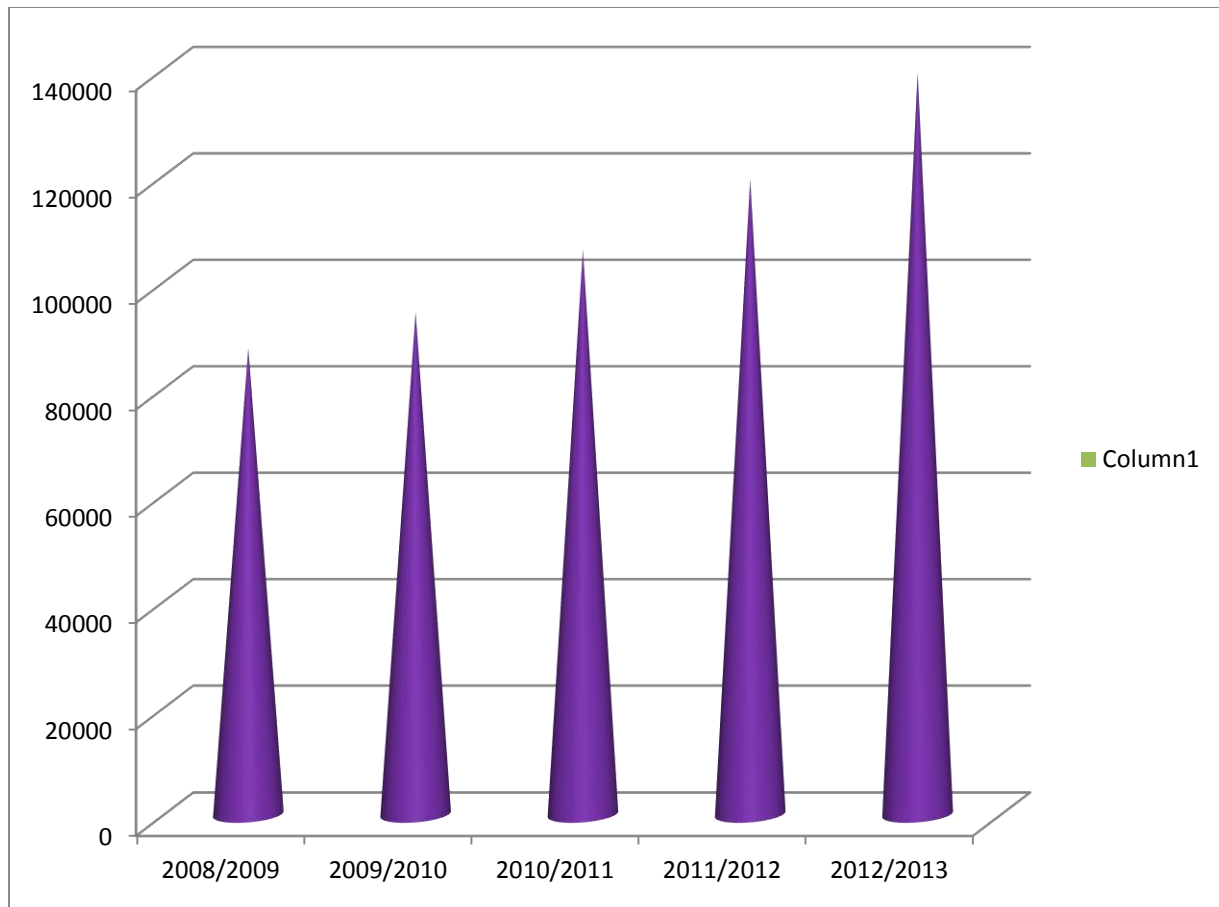
7.3 Attendant Problems

Kisumu museum manages a number of other sites and site museums within the western Kenya Region. The staff members both at Kisumu Museum and at other satellite stations are not adequate to carry out the heavy responsibility of effective heritage management in the region The numbers are minimal relative to the massive area and the mandate of the museum in heritage management.[313]

Out of the total number of staff members, only a few are senior staff well skilled in conservation work.[314] There are only one showcase personnel, one artisan and one animal husbandry assistant.

---

[313]Patten MA, Erickson RA, and Unitt. P. (2004) Population changes and biogeography

[314]Government of Kenya.(1980). Report of the Civi Service Review Committee 1979 -1980.

237

These are the very crucial categories in preservation and their number should therefore be increased. Sometimes, the junior staff members handle sensitive museum objects and this compromises the integrity of objects, especially, excavated materials that are at times found heaped in storerooms.

Besides, a large number of the staff members are not skilled in conservation work. What this means is that effective heritage management as is expected by the international conventions and the National Museums and Heritage Act 2006, as well as, the National Policy on Culture and Heritage of 2009 discussed earlier in this work, cannot be appropriately carried out. The staff have minimal knowledge to manage the areas they have been assigned duties. NMK, however, has identified this as a problem and has put in place training programs in collaboration with other institutions and organizations, such as, the British Museum. Trainees have started gaining skills on cultural material handling and care, exhibition design, conservation and environmental and public education among others. These form important initiatives in archaeological heritage management.

Plate 7.7 shows how poorly materials are kept within the museum. This may indicate lack of proper management strategies which require cultural materials to be catalogued, analyzed and stored properly for future users. This case and the situation shown in **Plate 7.7** further indicate that storage space is a major problem that NMK needs to address urgently so as to improve heritage management standards.

Plate 7.7: Poor handling of archaeological materials at Kisumu Museum where materials are heaped behind the showcases. (Photo courtesy of NMK 2013)

 Urbanization is another problem that threatens this museum since it is located at the centre of Kisumu City. Modern structures are coming up around the museum and encroachment is observable characterized encroachment and grabbing of museum land. Socio-economic activities which include roads and pipeline constructions, uncontrolled development of recreational areas also pose threats to the beautiful museum environment.[315]

---

[315]Government of Kenya.(1983). National Museums Act, Cap 216.

7.4 Possible Interventions

Currently, Kisumu Museum receives fewer visitors compared to Nairobi and Fort Jesus museums. The museum has not been marketed well and effort needs to be put to upgrade visitation by carrying out proper marketing. Moreover, there is need to take quick measures that will make the museum to attract the local community and foreign tourists alike. The existing programs should be restructured taking into account visitor needs, strength of the museum, as well as, character and needs of the region..[316]

Visitors to Kisumu Museum expect more than the museum can offer..[317] The rich history of the city itself is not depicted in the exhibitions and NMK, therefore, needs to blend all these with the current exhibitions found in the galleries and the entire museum compound.

The museum serves an important function in carrying out conservation to help communities preserve their perishable cultural heritage.[318] It also has the role of giving much needed educational services and remains a centre for cultural activities and programs.

While it is appreciated that a new and 3rd gallery has been built in the museum, a new office block constructed, broadening of exhibits to include intangible heritage "Ber gidala" developed and history of religion portrayed, the archaeology gallery should aim essentially to reveal and explain

---

[316]Goodland, R. and M. Webb. (1989). "The Management of Cultural Property in World-Bank Assisted Projects: Archaeological, Historical, Religious and Natural Unique Sites.

[317]ibid
[318]Ibid

the archaeological significance of the region in the context of the cultural developments in the region.

Exhibitions should be changed every now and again to attract interest from all people even those who have visited the museum before.[319] They should not be permanent in the true sense of the word but should be changed and updated periodically, for example, the Luo homestead and the Nile perch should have new themes added to them to make them attractive and relevant today.

Those in charge of Tour operators do not include Kisumu museum as part of their function as is the case of Nairobi, Fort Jesus and even Gedi.[320] The staff members need to develop programs on official tours of the heritage facilities under Kisumu museum. A small number of well-trained guides could be a considerable asset to the NMK in Kisumu and would be essential for the development of such a program.

7.5   Conclusion

Kisumu museum serves not only as a recreational and educational centre for visitors, but also as an educational centre. It is suitable for the study and understanding of the biodiversity of Lake Victoria. It is rich in information to culture and heritage on the whole of Western Region..Nevertheless, there is a

---

[319]Busaka, B. M. (2006). "Conservation of the Archaeological Heritage in Kenya's National Parks: A Critique of Policy and Practice in the Tsavo" Unpublished M.A. Thesis, Kenyatta University.

[320]Sickels-Taves, Lauren B. (1999). The use of and need for preservation standards in architectural conservation. ASTM International.

conspicuous lack of an effective archaeological heritage management strategy which exposes the

museum to many weaknesses. For effectiveness in this area and to be able to implement the

requirements of the international conventions and national laws, NMK needs to take keen interest

in developing the staff and improving on the facilities thereof.

CHAPTER EIGHT: THIMLICH OHINGA SITE

8.1 Background
This chapter looks at the historical and geographical background of Thimlich Ohinga Cultural

Landscape and explores some of the archaeological heritage management strategies that have been

used at the site or heritage area.

Thimlich cultural landscape is situated in Migori County some 181km south of the city of Kisumu.[321] The site lies on a lightly inclined hill situated by road 46 Km northwest of Migori town in Kiwiro sub-location, North East Kadem location, in Nyatike District which is in Migori County. It can be accessed through Migori or Homa Bay towns.[322] Figure 2 shows the transportation network and position of Thimlich Ohinga Cultural Landscape. Some parts of the roads leading to the site are rough and require mostly four-wheel drive vehicles. During dry seasons, however, the 20 Km stretch off the Homa Bay-Karungu road and the 46 Km Migori-Thimlich road are both accessible by any form of transportation.[323]

The monument consists of circular dry stonewalls spread over the hill as shown in Figure 3. The main enclosure Kochieng' which measures approximately 140 meters in diameter shares its northeastern wall with the Blacksmith enclosure while Kakuku enclosure is believed to be an extension of the same. [324]These may have been extensions of the main enclosure constructed during the phases of population pressure. They are, however, treated as independent and individual enclosures.[325] Two other enclosures are located further uphill with Koluoch found at the southeast having its extensions running to only about 10 m from the eastern walls of the Kakuku which is

---

[321]www.museums.or.ke

[322]Onjala O. Isaya,(2003) Spatial distribution and settlement system of the stone structures of south-western Kenya

[323]Wandibba, S. (1984).History and Culture in Western Kenya. Nairobi: Gideon S. Were Press

[324] ibid

[325]The National Museums of Kenya, Tourism Circuit, National Museums of Kenya, 2011.

adjoined to the main enclosure.[326] Plate 8.1 gives an Ariel view of Thimlich Ohinga Cultural Landscape.

History of Thimlich Ohinga can be traced back to the first nilotic settlers to the south of Winam Gulf. These settlers sent out scouts from their initial settlement at Ramba (the present day Kalamindi Secondary School) to survey the land for possible areas for expansion. The scouts brought a report of stone structures nestled in the woods of a gently sloping hill, overlooking a vast wooded grassland and valley further south. A pioneering group consisting of the Kabuoch-Kachieng, inspired by the prospects of finding a ready-made settlement site with suitable grazing and agricultural land, arrived on the hill sometime after 1688. As they climbed the slopes of the hill they encountered not only the beautifully constructed stone structures, but also a thick and dense forest containing some wild animals. [327]

Plate 8.1: An Aerial view of Thimlich Ohinga Cultural Landscape from google maps

---

[326]Shackleton R. M. (1942)Geology of the MigoriGold Belt, Report No. 10

[327]Onjala O. Isaya, (1990)A contribution to the study of the South Nyanza stone structures with special emphasis on architecture, distribution and settlement history of the region.

Most of the thick vegetation covers the hilly regions. The state of the area prompted them to call this site Thimlich Ohinga, which translates as 'stone-built structures in a scary jungle'. This name has been passed on through time to the present and is currently used to refer to the whole of the cultural landscape under the National Museums of Kenya management.[328] The name is now synonymous to the complex stone structures found at the site, but not those found elsewhere within the southwestern Kenya Region.[329]

---

[328]Ayot, H. O.(1981), South Nyanza Historical Texts Volume I

[329]Ogot, B. A., (1967). History of the Southern Luo, Nairobi, East African Publishing House.

The occupation of the site goes back to about 500 years.[330] Oral tradition mentions early Bantu groups, such as the Wagire and Kamageta as some of the site's occupants. This implies that the site was constructed and occupied before or between 1590 and 1680, when most of the Bantu groups roamed and settled in the southwestern Lake Victoria region.[331] These dates also fall within the same range of dates attained through radio metric dating methods (Carbon 14) which has been used at the site.[332] They, however, remain to be confirmed through additional and better controlled collection and dating of materials from the site.[333]

There have been several Successive occupations by different groups with indication of norm at the site. Oral history is clear that the site was characterized by periodic occupation and abandonment till the time it was last abandoned in the early twentieth century. By the time the Nilotic Kabuoch-Kachieng group took over the site sometime after 1688, Bantu groups had occupied the site. The newcomers expanded the existing structures and built others further uphill. They were, however, forced to move eastwards on hearing of prospects of a better land. The place then fell under the

---

[330]Wandibba, S. (1984). "The Role of the Museum in National Development" Paper Presented to a Seminar on Development of Kenya Culture and its Role in National and Individual Development, Kilaguni Lodge, 8-12 April, 1984 Kenya.

[331]Ayot ,H.,O. (1979). A history of the Luo-Abasuba of western Kenya, from A.D. 1760-1940.Nairobi, Kenya Literature Bureau.

[332]Kokwaro. O. John and Timothy Johns, Luo Biological Dictionary, East African Educational Publishers, 1998.

[333]Willems W.J.H. (2008). Archaeological resource management and preservation. In: Kars H., Heeringen R.M. van (Eds.) Preserving archaeological remains in situ. Proceedings of the 3rd conference 7-9 December 2006.Geoarchaeological and Bioarchaeological Studies. Amsterdam: Institute for Geo- and Bioarchaeology, Free University. 283-289.

control of the Kanyamkago people led by Chief Ndisio, who was a magician as they expanded their territory southwards. [334]

The group eventually established themselves across River Kuja some 20 Km from Thimlich Ohinga. Here, Ndisio established his headquarters and controlled much of the region that included Thimlich area.[335] The control of such a wide territory could not be sustained and soon Thimlich fell into the hands of the Kadem people who were also expanding southwards from their Raguda settlement in present-day Karungu region.[336] For reasons not clear to us, the Kadem later handed over the site to the Kanyamwa who stayed there until the start of the open and nucleus family settlement systems in the early twentieth century.[337]

Throughout the period of occupation, the site experienced minor modifications in terms of additional walls and repairs. Most conspicuous ones include additional structures constructed further uphill. The Kabuoch-Kachieng people mainly built these structures.[338] The main enclosure also exhibits a wall that was pulled down at the northern side, which was followed by an expansion to add more room at this side of the enclosure. When it was done and by which group, it is not clear to us yet. What is evident, however, is that the occupants were faced by an influx of

---

[334]Onjala O. Isaya and Kamaru E K. (2005), ThimlichOhinga, Traditional Conservation Practices in Africa.

[335]Ayot, H. O., (1979).A History of the Luo-Abasuba of Western Kenya C1760-1940.

[336] Ibid

[337]Weru Daniel Ichang'i, (1990). The Migori Segment of the Archaean Nyanza Greenstone Belt Kenya: geology, geochemistry and economic mineral potential.

[338]The National Museums of Kenya, Tourism Circuit, National Museums of Kenya, 2011.

immigrants and were forced to tear down and expand the occupied area. The attached enclosures to the main enclosure, especially, to the northeast also portray signs of additions as population growth occurred through time.[339]

Complete abandonment of the site occurred in the 1920s. [340]There was no more active occupation within the enclosures. Families that lived outside the enclosure continued to use land within the enclosures for livestock grazing and crop cultivation.[341] This period coincided with the end of inter-clan conflicts and/or land acquisition demands. People opted for smaller or individual open settlements as the area became free of dangerous wild animals.[342] Perhaps more significant is the fact that after World War I (1914-1918) and with the establishment of British colonial rule, there was a breakdown of family and lineage ties.[343] There were no longer large groups controlled by powerful chiefs and as a result shortage of labor to construct and maintain the massive stone structures. [344]

---

[339]Chikumbi, D.C. (1997). "The Need to Develop Cultural Heritage Policies: A Step Ensuring a Future for the Cultural Legacy"

[340]Abungu, G.H.O. (1993). "The Museums Role in Heritage Management and Conservation".In Proceedings of Museum Education Seminar No. 4. Learning Through the Museums at Tom Mboya Labour College, Kisumu, Kenya 22-28th August, 1993, pp 85-93.

[341]Burrows, G.S. (1975). Development of Cultural Tourism (Kenya) ,Paris: Unesco.

[342]Colony of Kenya.(1937). Preservation of Objects of Archaeological and Palaeontological Interest Ordinance No.LIII.

[343]Colony of Kenya.(1927). Ancient Monuments Preservation Ordinance of 1927.

[344]Cultural Research Management, (1996) .Approaches to Heritage; Vol. 19 No. 8,

The site was left to decay and only survived the threats of time because of its unique in-built stability, which is the reason it has become a recognized cultural heritage in the world. In 1982, the site was put under the custody of the Government of Kenya after the gazettement process and handed over to the National Museums of Kenya (NMK) as one of the country's national monuments. Currently, NMK has seven members of staff at the site with the responsibility of managing the site.[345] It is only recently that researchers and relevant world organizations have combined forces to assist in the work of conservation[346].

Within the main structures, smaller enclosures which were used as cattle kraals still exist. The main enclosure called Kochieng has six of these while the others have one each except for the uphill complex, which has two.[347] There are also a couple of tiny structures which were food processing areas. Besides the kraals, the enclosures also contain support heaps or buttresses at strategic sloppy positions to ensure stability.[348] Most of these were raised to half the height of the walls, especially along the downhill side to accommodate the weight of the walls relative to the effects of the slope. Within the enclosures are depressions, which archeologists have identified as

---

[345]Demas, M. (2003).Consevation and Management of Archaeological Sites

[346]Dobby, A. (1978). Conservation and Planning

[347]American Antiquity (1965).Archaeological Systematic and the Study of Culture Process. 31:203-10.

[348]The National Museums of Kenya, Tourism Circuit, National Museums of Kenya, 2011.

house depressions. The majority of these are in the main enclosure, which seems to have been recently occupied.[349]

Between the enclosures are passageways and corridors lined with low walls of stone.[350] Some of these disappeared during the time of abandonment but have been recreated as part of the on-going restoration work. An area that has been designated as an industrial site is also found just outside the northeastern wall of the main enclosure. Here, iron smelting and working occurred, as indicated by the presence of a furnace area containing smooth stones, which are the result of iron shaping. Pieces of tuyere litter this particular area. [351]

Also found in this area is a mound consisting of iron slag and pieces of refuse including broken pottery. An ancient version of the game known today as Bao Game, carved on a piece of rock was also found nearby and could indicate that the area was equally used as a leisure spot where games were played.[352] The area is large enough and could have easily accommodated both activities

---

[349]Dobby, A. (1978) Conservation and Planning. London, Hutchinson and Co.

[350] Nyanza and Western Kenya Tourism Development Plan, Tourism Trust Fund, Kenway Publications an imprint East African Educational Publishers Ltd, 2009.

[351]ICOMOS. (1990). Newsletter of ICOMOS. Vol. 10.No. 3.

[352]Joy, N.F. (1996) "Report on Preventive Conservation Survey of Kitale, Kisumu and Meru Regional Museums". Nairobi: National Museums of Kenya.

especially if the game was to be played during short resting periods in the course of the iron working process.[353]

In terms of the nature of the walls, these consist of neatly arranged stones of irregular shapes and sizes. The building was done in three phases that ran concurrently. The outer and inner phases of the walls were joined together using a third phase consisting of smaller stones that pressed down the end of the stones of the outer and inner ones.[354] Due to lack of distinct shapes of the rocks used, the walls do not exhibit any course-line, as is common in modern stonewalls.

The nature of the walls at Thimlich Ohinga, shown in **Plate 8.2**, differs from that of Great Zimbabwe shown in **Plate 8.3**. The latter resembles those of modern building with clear course line on the wall.

Plate 8.2: Nature of the walls at Thimlich Ohinga (Photo courtesy of NMK 2010)

[353]Katana, P.J. (1997) "Strategy for the Management of Sites and Monuments in Kenya". Dissertation for the PGD in Social Science, University of Birmingham.

[354] Ibid.

Plate 8.3: The Great Walls of Zimbabwe showing neat course line (Photo courtesy of NMK 2011)

At Thimlich Ohinga, the stones were simply put together through an interlocking system that enhanced stability. No mortar was used in the building of the walls, which range in height from 1.2 to 4.2 meters. The average thickness of the walls is approximately 1 meter. The thickness of the walls increases at the entrances to about 2-3 meters wide.[355] This was a stability mechanism to

---

[355]National Museums of Kenya (2006), 'Museum in Change,"

create maximum strength at these points, which were constantly in use. Specific slabs or rocks were used at these points.

Other features found are structures that include gates measuring about 1m wide and 1.5 m high. The main enclosure, Kochieng' has three gates. The third one was blocked during the Kanyamwa period of occupation and had to be re-opened.[356] Kakuku, which adjoins this main enclosure, has one beautifully preserved gate adorned with engravings on the main stone lintel. The adjoining Blacksmith enclosure has two gates facing east. The uphill enclosures had previously blocked gates which have since been opened. Almost all the gates have got rock engravings at the lintels, both on the outside and inside.

The walls also contain buttresses and features mainly in the inside sections of gates. Extended or notched areas on the walls by the gates have been thought to mark locations for watching out for any unwanted visitors to the enclosures. [357]These watch stations are, however, confined to major entrances. They are only sufficient to hold a single seated person.

The physical description of the site cannot be complete without a mention of the traditional Luo homestead that was constructed in the early 1980s as an exhibition. [358]This has a replica of the first wife's house facing the main entrance and other replicas for the second and third wives on the

---

[356]Tlaxcala Declaration on the Revitalization of Small Settlements (1982).Considers initiatives for safeguarding communities living in small settlements and the traditional environment of such places.

[357]Guidelines for Education and Training in the Conservation of Monuments, Ensembles and Sites (1993).

[358]http://www.experiencefestival.com/wp/article/ecotourism-in-western-kenya-lake-victoria.html.

sides. Towards the gate are the houses for the sons (*simba*) and a cattle kraal and granary (*dero*) at the center of the homestead. [359]

8.2   Conservation and Preservation History

Traditional methods of conservation were put into use to ensure stability of the site.[360] From the early twentieth century, however, such conservation methods changed or disappeared as the site was abandoned and not actively utilized in everyday activities. New conservation methods were only introduced after 1982 when the site was placed under the custodianship of the National Museums of Kenya.

Two staff members were posted at the site with the responsibility of clearing portions of the site for public viewing while ensuring that the structures did not suffer any major interference that could lead to collapse. [361]This arrangement remained in place until the close of the 1990s when international support was successively sought to boost the conservation efforts.[362]

---

[359]http://www.travel-library.com/tours/africa/kenya/kisumu/lake_victoria_and_kogelo.html .

[360]http;//www.magicalkenya.com/index.php?option=com_content&task=view&id=826.

[361]Johnson, M. (1999). Archaeological Theory: An Introduction. Singapore: Wiley- Blackwell Publishing.

[362]http://www.travel-library.com/tours/africa/kenya/kisumu/lake_victoria_and_kogelo.html

A new approach to conservation was then adopted with an increased number of workers and the participation of professionals. A series of conservation activities aimed at ensuring the protection and preservation of the site has since been put in place.[363]

Activities to Enhance Site Protection have been formulated to help in the conservation. Thimlich Ohinga Cultural Landscape was gazetted and declared a national monument on 25th September 1981 and confirmed as a national monument on 27th May 1982 under the then Antiquities and Monuments Act which was repealed and replaced with the National Museums and Heritage Act Cap 216, 2006. In 1999, fencing of Thimlich Ohinga Cultural Landscape started and was completed in 2000. This was followed by a detailed condition survey of the cultural landscape undertaken by conservation officers from NMK.[364]

Site protection has become a major priority in the on-going conservation work and plans for future maintenance. Currently, a barbed wire fence that will be reinforced with a green hedge runs throughout the perimeter of the site. This is aimed at controlling unauthorized entry and reducing the anthropogenic factors. The fence also helps in the control of visitors who now access the facility from one point at the entrance, where they report at the ticketing office before proceeding

---

[363]Wanyama, B & J. Mireri (ed.) (2006). World Heritage in Young hands: Skills Development Course for eastern and Central Africa. UNESCO, Kenya National Commission for UNESCO.

[364]Katana, P. J. (1997b) "Strategy for the Management of Sites and Monuments in Kenya". Dissertation for the PGD in Social Science, University of Birmingham.

on a guided tour of the site.[365] In such tours the visitors use designated paths and are not allowed to climb on the walls, as was common in the past.[366]

Apart from the protective fence around the cultural landscape, restoration work has also involved the removal of encroaching vegetation on, within and near the walls. Periodic strategic clearing has been undertaken to ensure adequate vegetation control. The NMK has the challenge of increasing the number of staff at the site to deal with the fast growing vegetation and tame some species of plants, such as *lantana camara* that is very destructive. At Thimlich Ohinga, this plant is seriously targeted for destruction and wherever it is seen it is completely uprooted.[367]

The need to carry out restoration work has been evident since the time the National Museums of Kenya took over the management of the site. This need was, however, only realized after 1999, when the site was first nominated by the WMW and put in the list of 100 most endangered sites in the world. Subsequent funding led to the start of conservation work in November 2000. A detailed condition survey was carried out to assess the state of the walls and the factors that caused deterioration. This was trailed by a phase of planning for restoration work. Traditional masons were identified and hired for the work. Materials required, including tools and machinery, were purchased and transported to the site. By June 2001 the main restoration work on the walls started

---

[365]http://www.kenyaview.com/kisumu.htmlAccessed on 19/03/2013.

[366]http://enzimuseum.org/museums-of-kenya/a-history-of-the-national-museums-of-kenya.html.

[367]Burrows, G. S. (1975). Development of Cultural Tourism (Kenya) ,Paris: Unesco.

with three traditional masons and six casual workers working together to put back the walls to their original state.[368]

Restoration work was done according to the traditional methods. The three phase wall system was applied with other traditional forms being strictly adhered to under the direction and specifications provided by archaeological analysis of the architectural style. The height, thickness and location of other features such as the gates were all established following measurements provided by early studies at the site.[369]

Table 4: Visitor statistics at Thimlich Ohinga for the period 2001 to 2011

S/N	YEAR	RESIDENTS	NON-RESIDENTS
1	2001	5	2
2	2004	15	5
3	2005	187	15
4	2007	137	39
5	2008	206	22
6	2009	205	59
7	2010	284	40
8	2011	199	48

Source: www.museums.or.ke

---

[368]Busaka, B. M. (2006). "Conservation of the Archaeological Heritage in Kenya's National Parks: A Critique of Policy and Practice in the Tsavo" Unpublished M.A. Thesis, Kenyatta University.

[369]Cambell, M. (1978). "Tourism." Paper Presented at the Lamu Conference on the Conservation of Historic Towns and Monuments', 18-26 February, 1978 Lamu, Kenya.

Majority of the visitors are local residents from the nearby community, schools, universities and research organizations within the country. The non-resident visitors are mainly researchers and students from international universities and research centers. However, there has been growth in terms of visitors with the year 2010 and 2011 recording the highest scores as seen in **figure 9 and 10** below.

Figure 9: Visitors' Attendance Ratio between Residence and Non-Residence

Visitors Attendance at Thimlich Ohinga

visitors
0%

visitors
0%

visitors
48
19%

visitors
199
81%

■ residence
■ non-residence
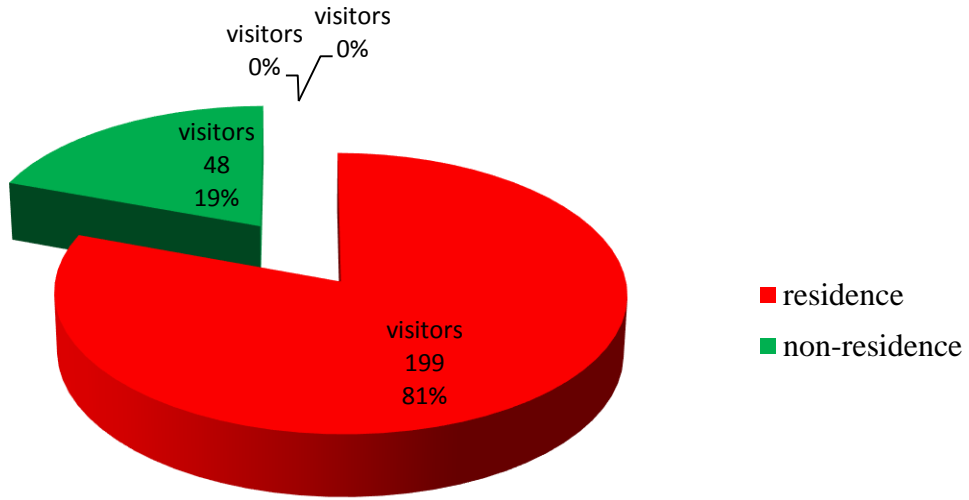
Figure 10: Performance of Visitors Attendance in the Successive Years
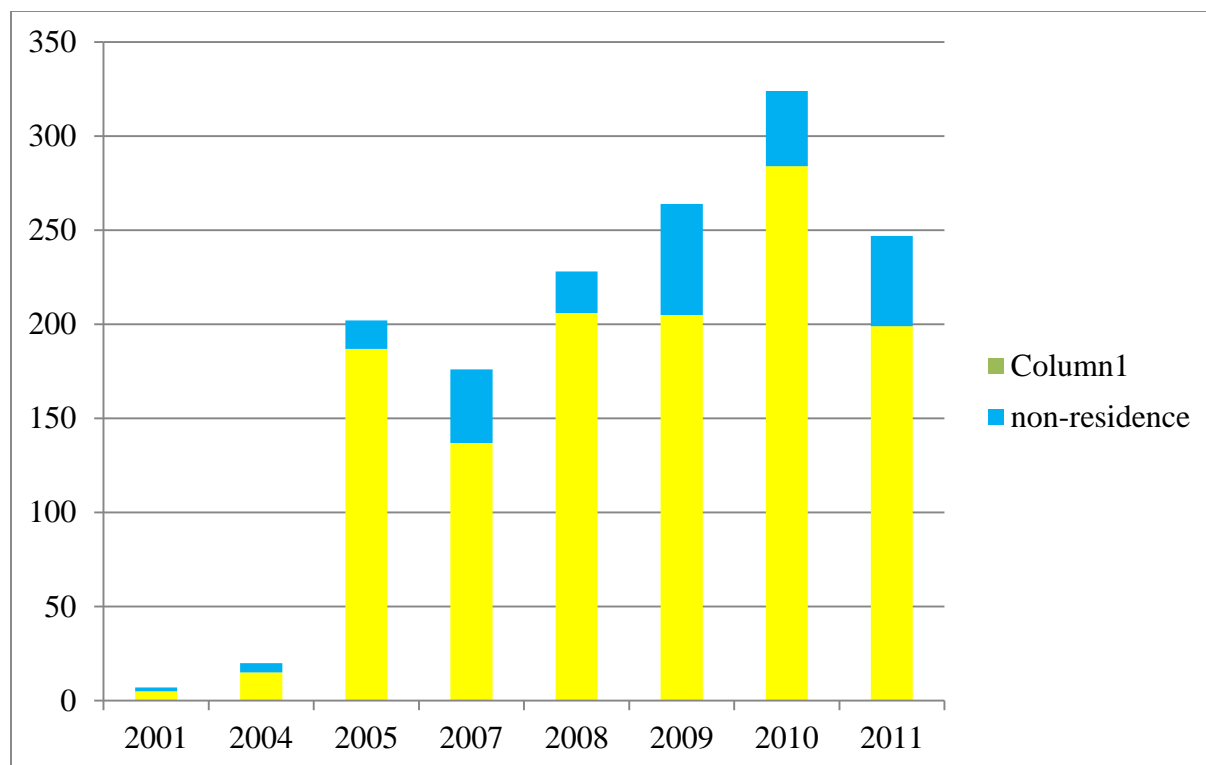
8.3 Conservation Problems

Thimlich Ohinga has a total number of only eight workers which is not adequate for the site's huge

conservation demands. Conservation activities have been on the rise at the site with much of the

work done by experts from NMK headquarters and casual workers from within the community. In

2001 to 2003 the American Express Company, through the World Monuments Watch, funded the

first major restoration of the walls of Thimlich Ohinga. The funds, however, was not enough to

cover the entire site and much of Koketch enclosure was not restored. In the period 2007 to 2008,

therefore, the Ministry of State for National Heritage, through the National Museums of Kenya,

funded another phase of restoration of the walls and excavation works at Koketch enclosure, the

industrial area and the Blacksmith enclosure. In 2011 to 2012 funding from the Archaeological

Institute of America was further used to carry out restoration of Koketch and Koluoch enclosures,

261

as well as, restoring corridors. Funding was also used to facilitate community involvement in restoration works and erection of interpretation panels.[370]

Maintenance of the Walls is amajor problem that requires steady funding. Portions of the walls keep on collapsing and these must be repaired every now and again. Such repair work as shown in **Plate 8.4** is expensive and requires constant funding that NMK needs to put in place.

Plate 8,4: Restored walls following a major conservation initiative at Thimlich Ohinga Cultural Landscape(source : Okelo 2013)

---

[370]Falanruw, M. V. C. (1984). People Pressure and Management of Limited Resources on Yap. In Mc Neely, J. A and K. R. Miller (eds.) National Parks, Conservation and Development. The role of protected areas in sustaining society. Washington, D.C: The Smithsonian Institute Press. Pp. 348_358.

Before the 2000, most of the wall portions had fallen and remained under vegetation cover. This state was more conspicuous with the hill structures where vegetation was the thickest. The condition survey carried out in November 2000 revealed the state of conservation of the walls. Specific features within the walls, particularly gates, were most affected. Several of these were completely blocked by the collapsed walls. The fallen parts, blocked gates and the caving and unstable portions of the walls posed a threat to the entire wall system as they attracted other factors like plant growth that led to further deterioration of the walls.[371]

Due to the condition survey, a major intervention involving wall restoration was started during the second half of 2001. The restoration was carried out under the name 'Thimlich Ohinga Cultural Landscape Restoration Project'. The project was made possible in part by the American Express Company through the World Monuments Watch (WMW), a program of the World Monuments Fund (WMF). The main enclosure Koluoch and the adjoining ones were completely restored and all entrances put in use. Restoration also included all the features on the walls such as watch-stations at the gates and wall buttresses, as well as, at the hill structures. [372]Restoration of the walls and entrance corridors was completed in 2012. There has been a key alteration to the state of the walls at the site. Plates below show some of these changes and the progress of the restoration work.

---

[371]"Education | EDUCATION –".UNESCO. Retrieved 23 April 2010

[372]"UNESCO Headquarters Committee 107th session 13 Feb 2009"

However, one of the major challenges which persist to date is the continued maintenance and other conservation practices to ensure stability of the walls.[373]

Following the November 2000 condition survey, a number of factors were identified as responsible for the deterioration of the site's structures. These may be divided into anthropogenic and environmental factors. Anthropogenic factors include first and foremost the lack of monitoring and maintenance of the structures.[374] Since the last active occupation and abandonment in the early twentieth century, the walls were not maintained. This led to the collapse and dilapidation of several parts. [375]

This situation seems to have been worsened by imposed loads such as people and animals climbing on the walls throughout the subsequent years. Such loads result from visitation and grazing of animals at the site. Due to absence of designated visitor paths as they walked through the various parts of the site, people were forced to climb onto sections of the walls. Grazing led to animals mainly goats rubbing on and climbing on the structures. This made stones fall off the structures, given that no cement or mortar was used to bind them together.

[373]"UNESCO • General Conference; 34th; Medium-term Strategy, 2008–2013; 2007" Retrieved 8 August 2011.

[374]Appleton Charter for the Protection and Enhancement of the Built Environment (ICOMOS Canada) – 1983.

[375]Patten M .A. et al. (2004a) Habitat selection, acoustic adaptation, and the evolution of reproductive isolation.Evolution 58:2144–2155.

With additional activities such as cultivation within the enclosures and collection of firewood, the above factors led steadily to the falling of stones from various portions of the walls. However all this has since been taken care of with controlled measures put in place to prevent recurrence of the same.

Problems of nature which include the action of wind, lightening, earth tremors and slope action against the exposed walls at the site is also a major conservation problem. For centuries the walls took the impact of these natural factors with the result that some portions collapsed or were seriously affected.[376] The environmental factors contributed about 40% of the damage at the site. Other natural factors have included plant growth on or near the walls, ants and anthills along the walls which act as a wedge that pushes apart the stones on the walls as the roots become bigger. Tree branches also lean on the walls exerting pressure that occasionally leads to collapse.[377]

Strong winds are common in the area. Any leaning tree branches over the walls, therefore, pose major threats to the stability of the walls.

Major archaeological investigation of the entire cultural facility is, however, yet to be realized. Past excavations and other forms of investigation have concentrated on the main enclosure and its adjoining structures only. Future work should take a holistic approach and cover the entire cultural landscape. Archaeologists should seek an understanding of the use of space within the cultural

---

[376]Smith, Laurajane(2004). Archaeological theory and the Politics of Cultural Heritage. edited by Ian Hodder.Newyork and USA, Routledge

[377]Shitemi, N. L. (1997). "The Role of Literature and Language Studies in the Management of Our Cultural Heritage". Paper Presented at the International Workshop on Urban and Monuments Conservation, Nairobi, 14 – May, 1997.

landscape. They should also come up with more definite date for the site based on excavations, modern dating methods and available oral literature.[378]

The natural landscape does not only consist of the walled monuments but also contains archaeological materials, some of which are visible above the ground. While the NMK has regulations that do not allow unauthorized digging/excavation at such sites, it would also be appropriate to have information signs showing some of the visible archaeological areas and materials.[379] This will serve as educational and protective measures. Features that should be considered include the house depressions and their associated features, locations of past excavations, the ironsmith site area and its associated features and other points of interest within and on the walls. [380]The on-going conservation project and the NMK have the responsibility to ensure substantive signage so that visitors will better understand the site. When people understand the site, they will automatically contribute to its protection.[381]

A lot of facilities , such as, water, electricity, telephone, internet and all weather access roads are yet to be made available for the site's visitors. Even accommodation is a problem and visitors are

[378]Wilson ,E. O. (1978) .On Human Nature. America: Harvard University Press

[379]Kristiansen, K. (1989) "Perspectives on the Archaeological Heritage: History and Future". In Archaeological Heritage Management in the Modern World, ed. by H .F. Cleere. London: Unwin Hyman.

[380]The Work of U.N.E.S.C.O. (Hansard, 26 January 1949).Hansard.millbanksystems.com. "United Nations Conference for the Establishment of an Educational and Cultural Organisation.Conference for the Establishment of an Educational and Cultural Organisation. Held at the Institute of Civil Engineers, London, November 1945.

[381]"UNDP, UNESCO, UNICEF, and The World Bank. (1990). Final Report. World Conference on Education for All: Meeting Basic Education Needs. 5–9 March 1990, Jomtien, Thailand. (WCEFA Inter-agency Commission: New York). database"

not able to access descent places during their visit to the site. There is therefore need to establish accommodation facilities similar to those found at Great Zimbabwe site as shown in Plate 8.7.

8.4 Possible Solutions

The government should put in place policies that will ensure funding so as to promote effective and sustainable conservation and management strategies. Appropriate laws should be enacted spelling out clear administrative strategies for the protection of heritage. The government should further encourage contributions from communities that continue to interact with heritage facilities wherever they are found.

Plates 8.5: Stakeholders Meeting on conservation Held On Site 2011
Source: Okelo 2011

Also, more consultative meetings like the one shown in **Plates 8.6 and 8.7,** where professionals and specialists exchange ideas on management and conservation should be encouraged in order to remain on top of AHM demands both locally and internationally. This will help update the practitioners with the latest international standards of AHM and challenges that may arise can then be effectively dealt with.

Plate 8.6: Workshop On Kenya's Archaeological And Cultural Heritage Site Around Lake Victoria Held On 7th To 8th May Kisumu 2012

Plate8.7: Participants Group Photo at the Kisumu Workshop on the conservation of Thimlich Ohinga Cultural Landscape

Lastly, the government should encourage public-private-partnerships in order to enhance conservation and promote cultural tourism. The government should actively lend a hand to individuals, private and public institutions and/or organizations in managing and marketing Thimlich Ohinga as a cultural centre important in terms of education and general conservation matters. This site is very potential and is likely to become a world class if necessary facilities, such as, water, electricity, telephone, internet better all weather access roads are made available.

PART III

This part comprises one chapter namely: summary, discussion and conclusions. It therefore examines the strengths, weaknesses, opportunities and threats of legislation and policy statements. The interaction of the guardians in the SWOT profile is important. For example, the strengths can be leveraged to pursue opportunities and to avoid threats and the heritage managers can be alerted of weaknesses that might need to be overcome in order to successfully pursue opportunities.

CHAPTER NINE: SUMMARY, DISCUSSION AND CONCLUSIONS

9.1   Introduction

This chapter presents a discussion of the research findings on the practice of AHM in Kenya The purpose of the work to assess the adequacy of legislation and implication of policies on heritage management, examine practice and capacity of NMK in heritage management and undertake a situation analysis of selected sites and monuments is undertaken in the background of the results obtained from the four heritage areas sampled as case studies.

9.2   Discussion of Results and findings

In the past two decades, NMK has been positioning herself as a leader in heritage management and embarked on serious projects so as to realize this. By late 1990s, NMK got fiscal support from the European Union under the National Museums of Kenya Support Programme (NMKSP) in which the institution was to be completely transformed. As popularly known, the "Museum in Change" program was geared towards making NMK an externally searching organization that acts in response to visitors' needs while giving excellent products and services. The main facets of the program are highlighted below.

i) Infrastructural Development

This concerned the improvement and expansion of Nairobi Museum and building of a novel commercial centre. This was geared towards giving Nairobi Museum a major facelift thus transforming it into a world-class tourist destination. This was the first time that the Museum was carrying   out   a   major   facelift   since   it   was   officially   opened   in   1930. Other key developments in this component included the construction of a new management block (now named Heritage House) and improvement of NMK's physical planning.

(ii) NMK's Legal Reform

Previously, NMK was functioning under two Acts of parliament namely: the National Museums Act (*Cap* 216) and the Antiquities and Monuments Act (*Cap* 215) which were relics of the colonial laws. The Legal reform entailed the preparation of the Heritage Bill which was passed by parliament in 2006 to assist NMK efficiently deal with the implementation of laws regarding heritage management in Kenya. The Museums and Heritage Act of 2006 is a gracious effort to make certain the protection of Kenya's rich and varied heritage. It was also aimed at establishing a new legal framework for Heritage Management that was to house some of the international protocols and conventions on heritage for which Kenya is a signatory.

(iii) Organizational Review

This included the evaluation and development of a suitable organizational structure and 'right sizing' for the institution. The new structure was incorporated in the NMK's Strategic Plan for 2004 – 2007. The new structure of NMK, which was agreed upon and implemented in 2007 is as shown in **Figure 2,** at the top of the management is the Board of Directors which issues policy directions to the institution's management headed by Director General who is the organization's Chief Executive Officer. The organization also has an audit office which reports direct to the Board. Under the office of the Director General are five directorates namely, the Institute of Primate Research, Directorate of Regional Museums, Sites, and Monuments, Directorate of Research and Collections, Directorate of Development and Corporate Affairs, and Directorate of HR and Administration. Below these directorates are two other distinct departments, Resarch Institute for Swahili Studies in Eastern Africa (RISSEA) the Legal Office and Finance Department. The management reforms were undertaken to improve service delivery, creates value for money,

273

and maintains a cutting edge service delivery in heritage management. The Assistant Directors in charge of Fort Jesus museum, Kisumu Museum and Thimlich Ohinga still have to wait for approvals from Nairobi to commence a project. Such delays are not helpful in cases of emergency interventions.

(iv) Public Programs

The peak of the new developments was to forge a new brand for NMK. This was intended to place NMK as the destination choice in heritage tourism consequentially creating a strong, vibrant and progressive organization. Further, this was aimed at anchoring NMK as the 'custodian of heritage' with a clear mandate of heritage management.

The National Museums and Heritage Act, 2006 gives the role of NMK as serving as national repositories for things of scientific, cultural, technological and human interest; serving as locations where research and dissemination of information in all fields of cultural, scientific, technological and human concern may be undertaken; discovering, protecting, preserving and broadcasting the natural and cultural heritage of Kenya; and to support cultural resources in the framework of economic and social development. The section on functions of NMK is of interest to the current study to help in understanding policy framework adapted to guide AHM in the country.

NMK can purchase or exchange, take on lease, or acquire by gift or otherwise, movable or immovable property including an existing museum for any purpose of or connected with the national museums; sell, lease or exchange immovable property from time to time vested in the

National Museums which is no longer, or not for the time being, required for any such purposes; put up, uphold and enhance buildings, including staff residence, to be used for any such purpose; and credit or charge immovable possessions once in a while vested in the National Museums as security for compensation with or without interest, of any money on loan for the purposes of the National Museums.

NMK can also carry out activities, such as, appointing advisory committees for museums; acquiring by way of gift or purchase, or accept by way of loan or deposit, any object of scientific, cultural, technological, historical or human interest; trade, sell or otherwise arrange the items not needed for the intention of the National Museums and lend items vested in the National Museums to any institution or per whether within or outside Kenya.

Furthermore NMK Act 2006 gives powers to NMK with consent of the Minister to form companies to take over or assist in any of the functions of the National Museums. This is a good window of opportunity for AHM in the country to inject into the field of Heritage Management the corporate management skills which are more proactive and result based as provided for in the theoretical framework of this study. However, it was an area of interest to this study to establish whether any policy has ever targeted the formation of any state-private sector corporation to supplement the management efforts of NMK in the field of Archaeological Heritage in this country. None exist at state level, but the NMK is partnership with private sponsors as exhibited in its Research Policy of 2010.

Through the Act, NMK is also mandated to apply money received on the sale or disposal of movable property or by way of payment for admission to a museum or by way of gift or grant or otherwise, in the purchase of any object which in the opinion of the Board is desirable to acquire for a national museum or in furthering interest in and increasing the utility in a national museum. It is in the public domain that NMK charge funds for services they render to the public and other utilities under their control. Therefore, it is not the question of whether they receive money or not but how they use the money they receive and the value derived from such spending decisions. It is believed that a good spending policy would guarantee proper maintenance of archaeological heritage in the country and, therefore, any time AHM in the country is under threat, questions as to whether or not funds meant for the AH program have been prudently spent.

NMK has powers to solicit and accept and receive subscriptions, donations, devices and bequests for the general or special purposes of a national museum or subject to any trust; and charge for admission to a national museum, or to any lecture, exhibit, conducted tour, course of instruction or other facility, or for publications, such fees or prices as the National Museums may, subject to any regulations made under this Act, think fit. Policies put in place to ensure that resources obtained through such sources are prudently spent are fully accounted for to the last coin, are a subject of interrogation in the current study. Policies for resource utilization should be water tight so as to leave no room for misappropriation and corrupt deals and it is up to the current study to establish whether or not the current NMK Act of 2006 has adequately addressed the issue of management of public resources within the jurisdiction of NMK.

According to the NMK Act, The National Museums may receive moneys from any source and may apply those moneys to defray its expenses in carrying out the functions and exercising the powers conferred on it by the Act including the reimbursement of expenses incurred by members of the Board in attending meetings of the Board. NMK is mandated to open a bank account or accounts for the funds of the National Museums. This is meant to ensure transparency and accountability and is a welcome move that is supposed to help safe-guard public funds and ensure that they are used for intended purposes only.

The Act stipulates that the annual estimates makes provisions for all the estimated expenditure of the Board for the financial year including the payment of salaries, allowances and other charges in respect of the staff of the National Museums; the payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the National Museums; and the proper maintenance of buildings and grounds of the National Museums. Others are the funding of training, research and development activities of the National Museums; the attainment, preservation, repair and replacement of the paraphernalia and other movable possessions of the National Museums; and the conception of such reserve funds to meet prospective or dependent liabilities in relation to the retirement benefits, insurance or replacement of structures or equipment, or with regard to such other issues as the Board may deem fit.

Part IV on Heritage Declarations states that after consultation with the National Museums the Minister may by notice in the Gazette declare an open space to be a protected area within the meaning of the Act, a specified place or immovable structure which the Minister considers to be

of historical interest, and a specified area of land under or adjoining it which is in the Minister's opinion required for maintenance thereof, to be a monument within the meaning of this Act; and a specified location on which a hidden monument or thing or archaeological or palaeontological importance exists or is thought to exist and a precise area of land adjoining it which is in the Minister's view requisited for maintenance thereof, to be a guarded area within the meaning of this Act.

Other areas which can be declared protected include: a specified object or type of object, whether or not part of an immovable structure, which the Minister considers to be of historical, cultural or scientific interest, to be a protected object within the meaning of the Act; a structure and particular area of land bordering it which in the Minister's judgment is needed for the safeguarding thereof to be a guarded building; or a geo-park to be a sheltered area within the connotation of the Act; and the notice given provides for objections to a declaration Made under the section to be stuck with the Minister within two months from the date of publication of the notice.

Section 31 on Restriction on Moving Objects states that no person is allowed to move a monument or object of archaeological or palaeontogical interest from the place where it has been discovered otherwise than in such manner and to such place as may be allowed by an exploration license, or by written permit from the Minister after consultation with the National Museums. Section 32 on offenses states that a person who engages in search contrary to section 27 or becomes unsuccessful to conform with the provisions of section 30; or moves a monument or item of archaeological or palaeontological significance contrary to section 31, does an offence and shall on conviction be

legally responsible to a fine not more than one million shillings or to incarceration for a term not above twelve months or to both such fine and incarceration.

Part VI outlines Protected Areas and control of access to protected areas. According to Section 34, the Minister may, in respect of a protected area, from time to time by notice in the Gazette, prohibit or restrict access thereto or any development thereof, or the use thereof for agriculture or livestock, or activity thereon which in the Minister's opinion is liable to damage a monument or object of archaeological or palaeontological interest therein; put the protected areas under the direct control of the National Museums, on such conditions and with subject matter to such duties and powers as he may direct; take or approve the National Museums to take, such course of action as are in the Minister's view crucial or desirable for the maintenance thereof; and make or approve the National Museums to make by-laws for controlling admission thereto, with or without compensation and the conduct therein of visitors thereto.

Part VII on Monuments spells conditions for inspection and repair of monuments by a heritage warden, or any other person authorized in writing by the National Museums, may at any reasonable time enter and inspect a monument; or make photographs, measurements, drawings or other records of particulars of a monument; or if so necessitated by the National Museums perform, at the expenditure of the National Museums, repairs to a monument. This condition holds given that where a monument is occupied, not less than one month's preceding notice in writing is given to the inhabitant of the intention to perform repairs thereto.

Section 40 on the Agreements for Protection or Preservation of Monuments states that The National Museums may enter into a written agreement with the owner of a monument and any other person or persons for the protection or preservation of a monument and that an agreement under this section may provide for the maintenance of a monument; the custody of the monument and the duties of any person who may be employed in connection therewith; the occupation or use of the monument by the owner or otherwise; the limitation of the right of the owner or inhabitant to construct or to do other acts or things on or near the location of the monument; and the amenities of admission to be allowed to the public or to any part of the public and to persons deputed by the proprietor or the National Museum to check or maintain the monument.

9.3 Desktop research findings

An examination of the policies governing Heritage Management in Kenya specifically involves an analytic method, where the different aspects of AHM in the policy framework are weighed against the internationally accepted AHM standards as outlined in the ICOMOS Charter of 1990. A good policy on heritage defines what it protects in some detail and ought to state clearly at the beginning the purpose of the policy and then provide a glossary of definitions of specific terms used.

Based on the above observations, the management threats facing cultural heritage in the world should follow a well defined system of actions and protocols guided by internationally accepted rules and regulations. Sanford and Neumann (2001) observe that a defined system of action and protocol advanced for ARM by party states constitutes the policy framework of AHM in a country. Policies are meant to organize, regulate and order good practice and they are enforced by legislation. Archaeological Heritage Management policies have advanced over time with the acknowledgment of the social and economic importance of heritage and other cultural property

(King, 2008). However, the policy statements should mirror on the aspirations, interests and values of the people for which protection and conservation is meant to serve.

A heritage policy would be a step towards ensuring a future for the cultural legacy. ICCOM policies simplify the existing laws and offer guidance on how best the heritage should be conserved and managed. They offer a general standpoint and practice on how the heritage should be managed; what should be allowed, to what extent and to what specifications. In a nutshell, policies are a necessary prerequisite for any meaningful Heritage Management effort. A platform set by ICCOM requires the said policies to be curative, anticipatory or reactive.

Nevertheless, there are a wide variety of ways in which the powers of the state and its ability to directly control heritage resources are constructed in different countries, and analysis of how these operate on the ground and the possibilities and problems they present is worthy of undertaking. While outlining the intervention powers of the state, ICCROM Conservation studies outlined the primary methods by which heritage authorities are given power to intervene in management of heritage resources. The do this by putting in place protective measures, taking control of property, usually by means of acquiring titles thereto, or by instituting punitive measures. Within the Kenyan heritage management process this provision is prescribed in law but there has not been a situation where it has been implemented. One situation which almost tested this was in 1995 when the then Manor Hotel in Mombasa was accused by Fort Jesus museum of emptying their refuse at the site of the shipwreck in the ocean. When the museum staff went to the Hotel to stop this nothing was done and the disposal continued.

Most African countries have outdated laws which have failed to meet the contemporary realities of integrated development, customary and community rights and value systems. As such, the legislation or policies available fail to address issues of poverty, employment, interests of youths, gender, land use and rights. Eboreime study also found out that, where legislation exists, it tends to conflict with other legislation on environment, land planning, urban and rural development, traditional and cultural rights and community values.

Based on this, the present study examined the policies and practice of AHM in Kenya. Policies and law governing AHM were critically examined in order to synthesize a holistic position of practice in the country. The analysis involved breaking down of the aspects of AHM practice into: funding for AHM in the country; involvement of local communities and other stakeholders in planning and management of Archaeological Heritage; presence of inventories; institutional framework; research component; and documentation, storage and retrieval systems. Other areas include: involvement of the private sector in AHM; integration of heritage into development efforts; punitive measures; and community empowerment component in heritage management.

In order to establish how Kenya has organized the management of its Archaeological Heritage, this study examined the current AHM policy document in the country: the National Policy on Culture and Heritage of 2009. The policy was drafted by the Ministry of State for National Heritage and Culture in the Office of the Vice-President. In a brief introduction of the policy, the Government of Kenya (2009) recognizes the importance of national heritage and culture in the socio-economic development of the country.

The overview of the policy statement further indicate that culture takes diverse forms across time and space and the diversity is embodied in the uniqueness and plurality of the identities of groups and societies making-up humankind. GOK further observes that inclusion of policies that encourage the participation of all citizens, are not only a prerequisite, but guarantee social cohesion, which is important for peace. Therefore, the Government recognizes the role culture plays in sustainable development.

The GOK committed itself to take all necessary steps to ensure the protection and promotion of culture and of cultural diversity among Kenyans. It further commits itself to take all necessary steps to ensure the protection and promotion of the country's national heritage. According to the Policy, the GOK adheres to UNESCO's definition of heritage as "the sum total of all the creativity in all its forms preserved, enhanced and handed over to future generations. Furthermore, GOK recognizes the need for a dynamic Kenyan Culture and National Heritage Policy that is cognisant of the challenges posed by democracy, free trade and modernization. The National Policy on Culture and Heritage outlines a circumstance where different communities lived in harmony with their socio-cultural, physical and natural environment. However, that changed with the onset of colonialism. An observation is made that colonialism not only alienated Kenyans from a number of their cultural practices, but also suppressed various important elements of their indigenous culture and heritage. Furthermore the legislations imposed were mainly aimed at entrenching the foreign culture, and safeguarding their political and economic interests.

There is, therefore, the need for a post-independent Kenya to develop its own cultural and heritage policies which can rectify the situation and restore national pride. This policy was meant to help the country to overcome the challenges posed by modernization, globalization, liberalization, democracy and governance. The National Policy on Culture and Heritage of 2009 recognizes Kenya as a multicultural society and requires a policy that recognizes the diversity since the country has a huge cultural resources and talents, which should be incorporated into the national agenda.

The National Policy on Culture and Heritage 2009 is aimed at placing culture and heritage at the centre stage of development. It encourages the selection of appropriate technology and knowledge suitable for national development. It comprises actionable objectives and methods whereby districts, county and national authorities support and encourage cultural and heritage development.

The National Policy on Culture and Heritage was aimed at creating the benchmark necessary for mainstreaming culture and heritage and setting standards as well as raising awareness and the capacity building necessary for infusing culture and heritage as integral parts of public policy and development plans.

The Government shall promote culture as the centrepiece and driving force behind human, social and economic development, and shall encourage cultural pluralism. Secondly, the Government shall take appropriate measure for the protection, conservation and preservation of tangible and intangible national heritage situated within its boundaries. This Policy has an aim to encouraging the expression of culture and its various facets. The government's conviction that national heritage

and culture must be one of the keys to sustainable development will be the basis for Kenyan National Vision. Furthermore, this belief will also inform the approach adopted towards the development of democratic values. One of the intentions of this National Vision is to enhance Kenya's international cooperation, more so when it comes to aspects related to transfer of technology and information.

The GOK acknowledged that culture and heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by the changing social and economic conditions which aggravate the situation. According to the GOK, national heritage efforts currently in place form a bold statement that Kenya values its diverse cultures which according to it does not impact national cohesion

The policy's main intention is, therefore, to promote cohesion and provide an avenue through which a vibrant national identity can be forged. This Policy proposes the establishment of Constituency/District Community Culture Centres which should be the epicentres of intellectual dialogue for the promotion, preservation and creation of culture, hence overseeing the promotion of national unity through community interactions.

GOK recognizes that culture is dynamic and that the interdependence between environment and culture influences the manner in which communities harness resources and enrich the quality of their lives. In a policy statement on culture and environment, the GOK commits itself to work in collaboration with the local and international agencies to effectively oversee AHM. This has been

adopted by the NMK in the conservation and preservation of Thimlich Ohinga. Locally available materials have been used in restoration work that has used traditional knowledge(Onjala, 1994).

The Government of Kenya has adopted preservation and conservation policies to bolster its AHM efforts and establish whether or not the policies serve the course of AHM in the country. However, AHM policies in Kenya are viewed against ICOMOS (International Council on Monuments and Sites) Charter of 1990 which constitutes the basic foundation of the principles of Archaeological Heritage Management which should be blended with planning policies at local, regional, national, and international levels.

Legislations employed by individual nations is often based on their ratification of UNESCO conventions. Examples include the 1972 World Heritage Convention, the Convention aimed at protecting underwater cultural heritage (2001) and the Valletta treaty. However, specific legislation is at times necessary for the protection of individual sites that are classified as World Heritage Sites.The policies and laws governing AHM in a country should help in checking environmental pressures; controlling urban development; reducing warfare, communal conflicts, and poverty; and improve political will to preserve and conserve AH. Others include: creating awareness of the value of heritage, increase the level of funding, improve expertise and equipment, improve on inventories, reduce insecurity and illicit trafficking, eliminate clandestine excavation and outright looting. On this universal standard local policy has not performed well. There is still limited funding and public awareness on the country's heritage.

Definitions of heritage in legal instruments have to be very precise so as to avoid ambiguity. Precision leaves no doubt with regard to what falls within the coverage. The history of the country and the perceptions of heritage would normally govern definitions which are used in most legal instruments and these definitions in turn influence the development and administrative categorization of heritage in a given country. Given that most heritage legislation in Africa was enacted during the colonial period, it is not surprising that the definition of heritage and its categories were influenced by the colonial experience. The 2006 Act, like the predecessor laws are full of legal jargon and ambiguity making their interpretation difficult.

The European colonial community imposed the typologies of heritage to be protected and definitions adopted were borrowed from the mother countries. Majority of the definitions equate heritage to the built heritage or to artifacts or objects from the past. Thus, material aspects of heritage were paramount in defining heritage and rarely were intangible aspects of heritage incorporated into the definition of what heritage is. The colonial definition as incorporated in the law also reflected the perception that for heritage to be of value, it had to be old or ancient. Heritage places and objects or items were equated with monuments, relics or antiquities and this perception was reflected in the titles of most of the heritage legislation.

9.4 Results

During the research period all the respondents were allowed to answer the questions that were delivered to them in a structured way. The questions were divided into three categories targeting museum officials, policy makers and local communities. Beginning with the AHM officials to

know whether officials of NMK were aware of the laws governing the archaeological heritage, 95% knew about archaeological laws used while 5% were not aware because they were not directly involved with heritage since they bear the lowest responsibility in the institution. This is depicted in Figure 11 qnd 12 below.

Figure 11: Awareness of the Laws Governing Archaeological Heritage
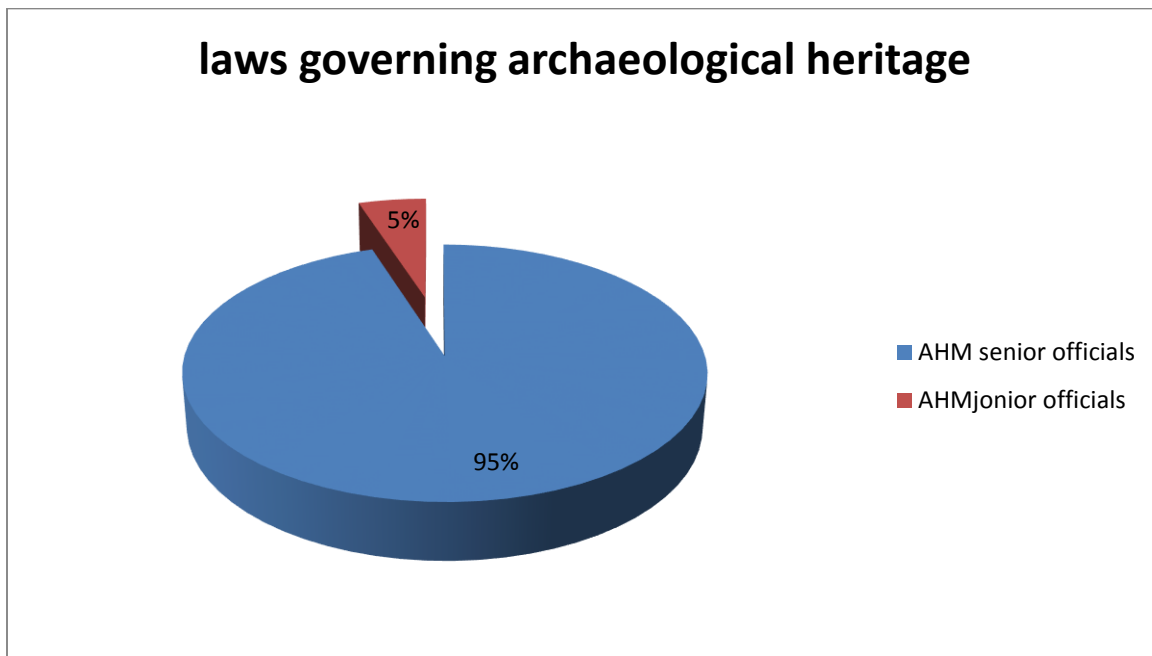
Considering the mode of operation or procedure in the practice of AHM, most of the officials, (82%) were aware of the procedures used for AHM, especially, the senior staff members. On the other hand 10% of the junior staff members were not involved in any procedures as they are usually allocated other duties that do not conform with AHM procedures as shown in Figure 11.

Figure12: Mode of Operation and Procedure in the AHM Practice
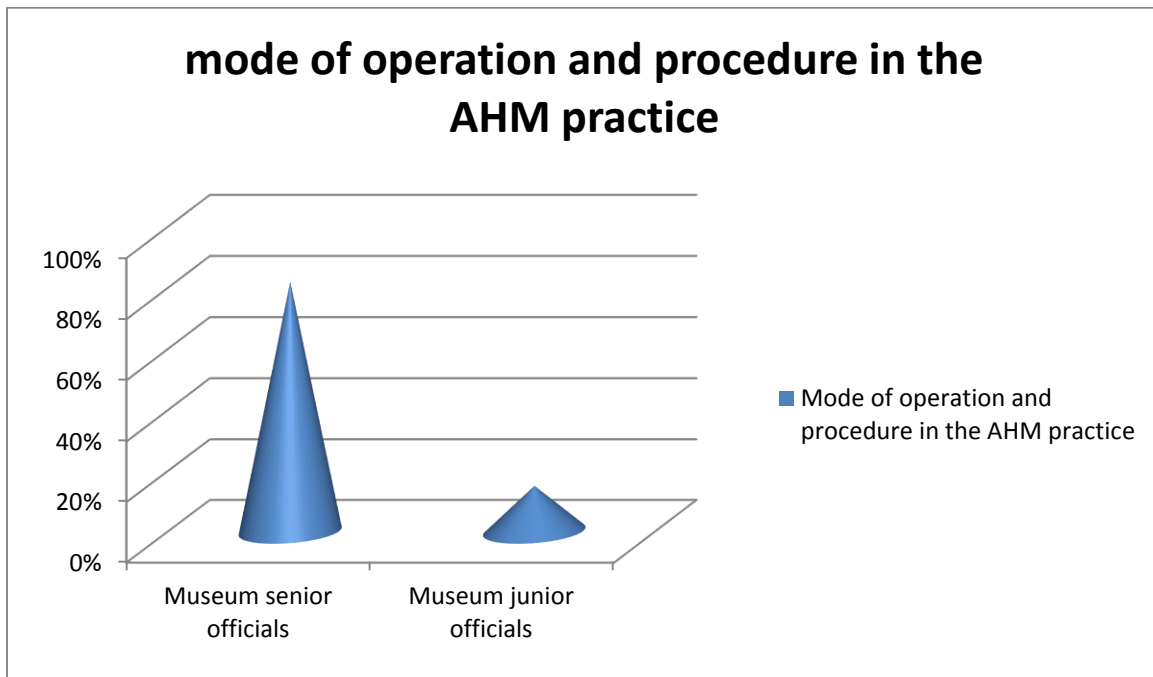
When the respondents were interviewed on the policy formulation process, the responsibility of interpreting and enforcing protective acts, here they said that only top officials have a say and responsibility while the other officials are not involved as shown in **Figure 12.**

Figure 13: Policy Formulation Process, The Responsibility Of Interpreting And Enforcing Protective Acts

policy formulation process, the responsibility of interpreting and enforcing protective acts

```
100%
 90%
 80%
 70%
 60%
 50%
 40%
 30%
 20%
 10%
  0%
      :museum senior officials    Museum jonior officials
```

—— policy formulation process, the responsibility of interpreting and enforcing protective acts
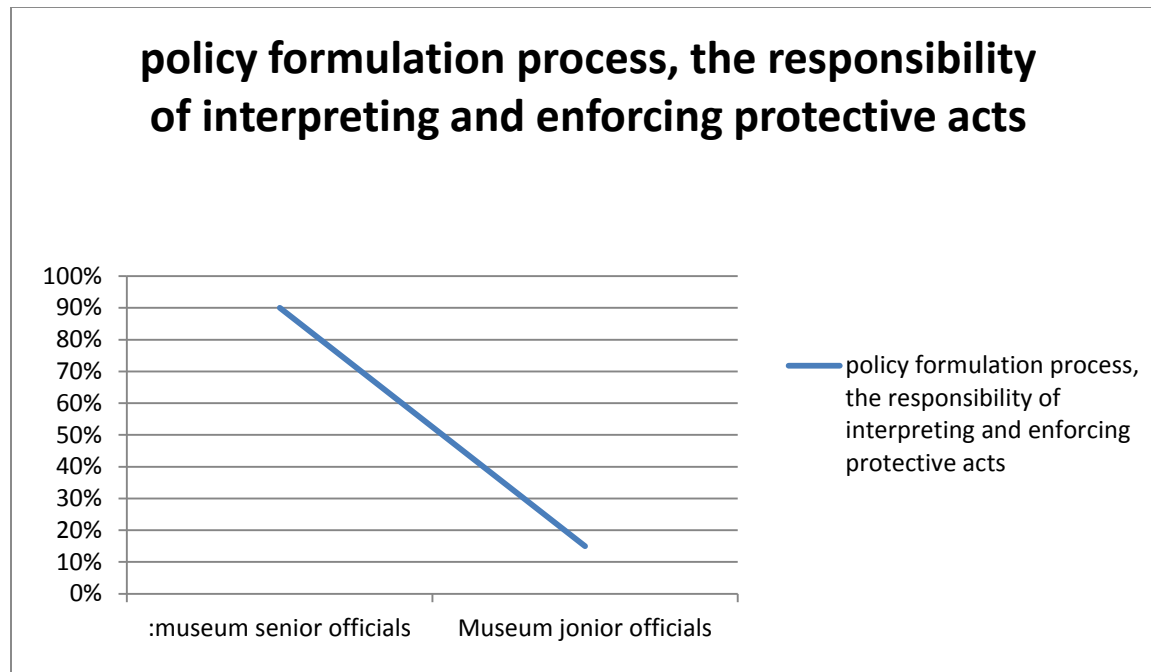
Also, the key issue of financing the AHM projects was asked from the respondents in all the four sites and it emerged that 80% of the finances comes from the fee paid by the visitors. This question raised the concern of how the sites are able to receive or train the people on how to protect and use the policies effectively. Therefore, it raised the challenges with most of the museum officials (70%) agreeing that financing is a problem. It was noted that 88% of the employees were employed based on ethnic affiliation as shown in **Figure 14.**

Figure 14: analysis of the finances, its challenges and employment ethnic affiliation
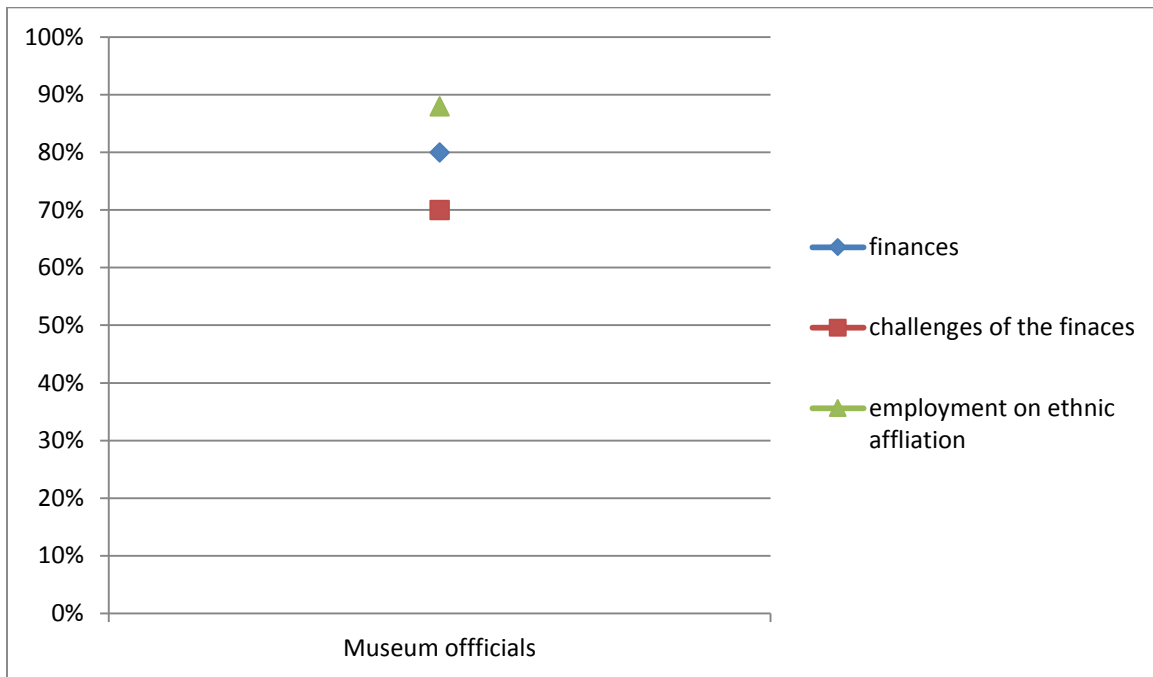
Figure 14 reveals that there is considerable conformity with policies in AHM. However, formulation of most of the policies is usually not participatory as only senior museum officials are involved.
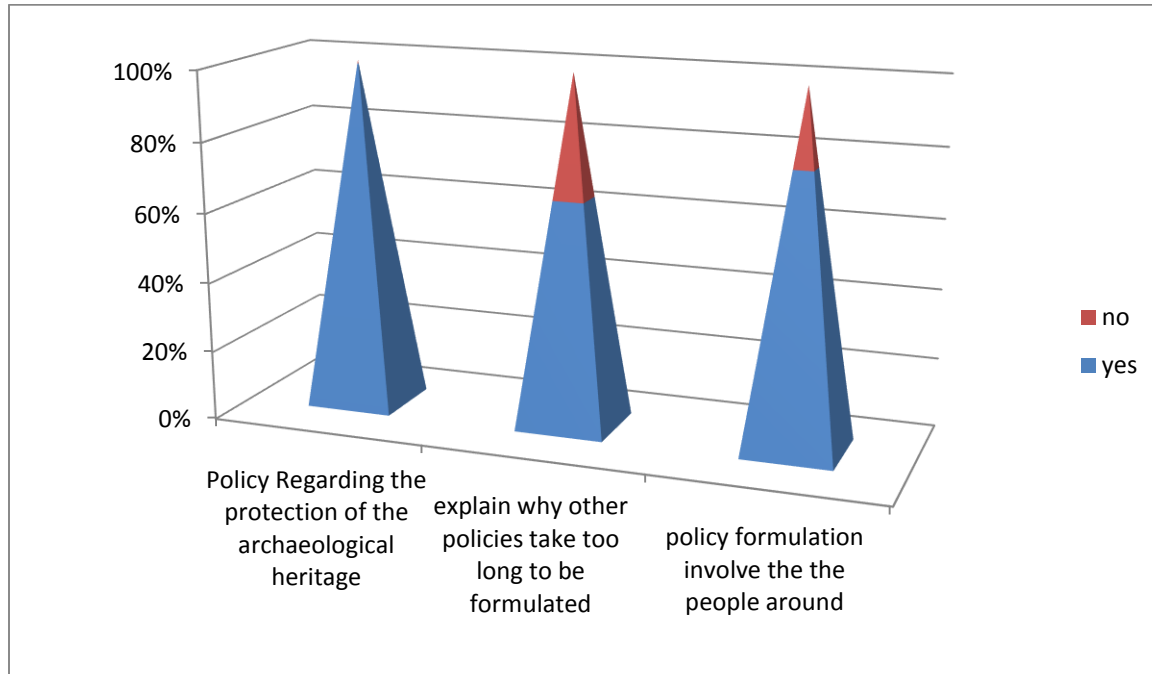
The third category involved questions to the local communities. It was realized that very few locals own antiquities and monuments even though about 90% of the community members understand the value of heritage. In terms of AHM, it was found that community members are often not involved in the process. This then raises the question as to whether the communities should be involved in AHM programmes. Most people felt that they should be involved and training should be provided to ensure effectiveness of all the people involved.

Another question was aimed at finding out who should manage the heritage facilities. The result here was that professional should manage but the local communities should also be increasingly involved. This, therefore, led to the next question on the decision making process where 72% said

that they do not participate in the decision making process and so they needed policy change in order to to be part of the decision making process. The last question asked was as to whether the communities still had their traditional methods of management, only 45% said yes while the rest said that the methods have been eroded over time since most of the cultures have been modernised. This is depicted in **Figures 16 and 17.**

Figure 16: Antiquities, Value Of Heritage, AHM Programmemes, Communities' Involvement And Forms Of Training
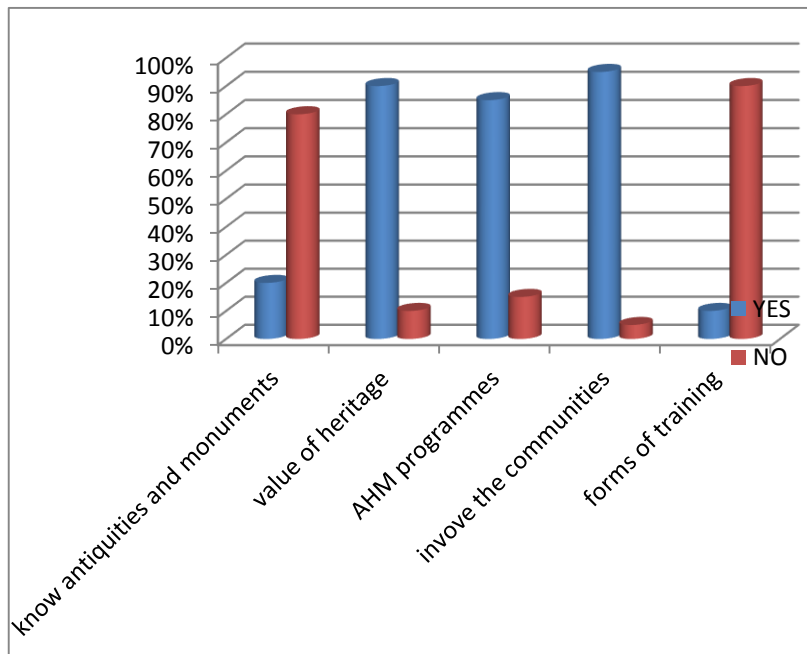
Figure 17: Traditional Methods of Management and Decision Making Process
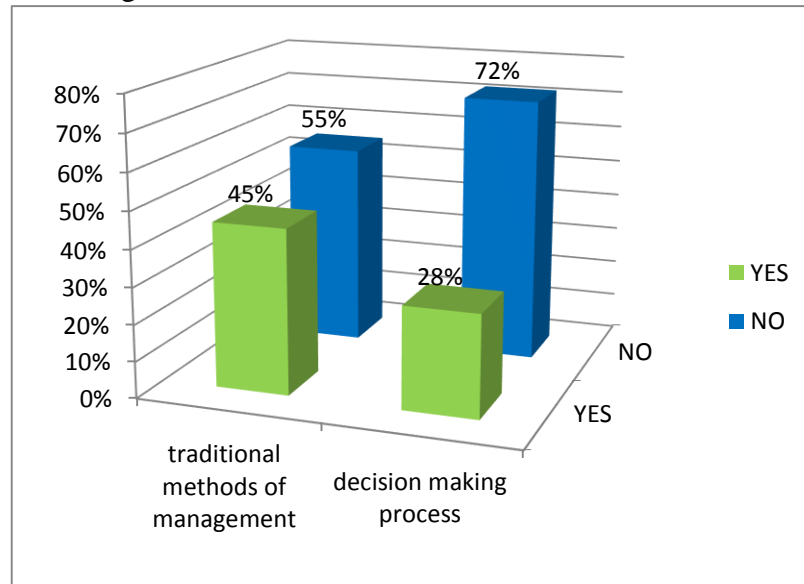
9.5 Adequacy of Legislation

The study's first objective was to assess the adequacy of legislation and implications of heritage policies or heritage management. The following findings were made; Policies to a great extent affect the practice of AHM in Kenya. The country uses the National Policy on Cultural and Heritage of 2009, which governs her culture and heritage resources. This policy document covers areas of training and research. Research and training are conducted in all departments. The Antiquities and Monuments Act, *cap* 215 and National Museums Act, *cap* 216, have been consolidated into the National Museums and Heritage Act, 2006.

There are other legal and regulatory frameworks governing national policies on cultural property conservation, namely; National Environmental Management and Coordination Act, 1999 ; Physical Planning Act; National Culture and Heritage Policy of 2009; Convention for the

protection of the World Cultural and Natural Heritage of 1972; World Heritage Convention of 1972; World Heritage Convention on Intangible Heritage, 2003; By and large, the existing legislations is adequate in many ways. *Cap* 215 and *Cap* 216, which were repealed have been revamped in line with ever-increasing and ever-changing challenges. Cap 215 did not provide for the protection of the environmental setting of the projected heritage, except by purchase. However, the current Act has a provision for the protection of the environmental setting of heritage.

The "declaration" procedure was rather casual and not official. It was silent about the NMK's role and ambiguously gave the responsible minister the powers of gazettement. The current Act has tried, to a large exten,t to outline the role of NMK in the declaration and gazettement of a national culture or heritage resource. The gazzetement notice was not very binding to the owner of the land where the cultural property was discovered. The notices were, therefore, at times rejected or ignored. However, in the current dispensation, it is punishable by law to ignore any notice issued by NMK or the Cabinet Secretary responsible. The penalty meted to offenders was minimal and people intentionally defied the Act. However, the current Act has made an attempt to define penalties for various offences under the Act. The current Act has also made the punishments more severe but the abuse still persists.

The legal framework has also some weaknesses which are hampering the process of heritage management. There is a conspicuous absence of Heritage Management in the new Constitution (2010). Article 11 of the Constitution (2010) on Culture defines culture as the cumulative civilization of the Kenyan people and the foundation of the nation.

9.6 The existing practice of AHM

This was the second objective and it was found that the existing practice of AHM revolved around discovery, registration, utilization, development, prosecution, general conservation procedures both in the field and museums.

These practises, however, are dogged by many problems which include shortage of skilled manpower, limited financial resources and lack of financial autonomy, documentation problems, poor storage procedures and lack of control of who takes care of small things like the keys.

Other problems include a very broad NMK mandate that cannot be effectively realized, lack of an all-inclusive cultural policy, centralization of authority at the NMK headquarters in Nairobi, lack of strategic planning and integration among regional museums and heritage institutions, routing of tourists to visit regional museums.

Security problems include lack of disaster management mechanisms, theft or   trafficking in antiquity, lack of regular monitoring by security personnel and lack of health and safety programmes in most of the region museums.

9.7 Discussion

This study investigated the protection legislation, policy and practice of Archaeological Heritage Management in Kenya. AHM involves the survey, collection and management of data; the protection and/or salvage of archaeological resources in the face of modern development and illicit trafficking; and the education and training of professionals and the public. Kenya is one of the few countries in the world endowed with an abundant archaeological heritage embodying historic towns, sites, monuments and artefacts. Records obtained from The National Museums of Kenya (NMK) indicate that Kenya has a total of seventeen (17) museums and nine (9) sites and monuments which is above the endowment level of many world nations. Furthermore, it is one of the few countries in the world that boast of the longest and most complete record of man's biological, as well as, cultural evolution.

The endowment in archaeological resources within the borders of the country has come with great responsibility on the side of the Government and the people of Kenya. There is need to protect and properly manage those resources on behalf of and for the benefit of present and future generations. Consequently, Kenya is among the few African countries which have a long record of protective policy and legislation for heritage management. By 1927, the country had enacted the Ancient Monuments Preservation Ordinance which was shortly replaced by the Preservation of Objects of Archaeological and Paleontological Interest Ordinance of 1934. This was incorporated into Kenya's Statute Books as Chapter 215 of the Laws of Kenya. Later, the National Museums Act (Cap 216) was operationalzed to further assist in streamlining management of heritage resources in the country.

In 2006, the Government brought through parliament amendments to the two Acts of parliament, that is, the Antiquities and Monuments Act (Cap 215) and the National Museums Act (Cap 216) which were considered outdated. As a result, The National Museums and Heritage Bill [2006], was enacted to ensure protection of Kenya's rich and diverse heritage. The study established that the new legal framework for Heritage Management has domesticated some of the international protocols and conventions on heritage to which Kenya is a signatory.

The dangers which increasingly threaten culture and heritage in the country also necessitated a policy intervention on a large scale to save the country's heritage for posterity. Hence, in 2009, the government adopted a National Policy on Culture and Heritage which was meant to streamline CHM in the country, enhance inclusion and participation of all citizens, and ensure that Kenyan taxpayer get value for money. The policy has its foundation in the ICOMOS Charter of 1990 which was a response to the many threats to archaeological resources and involves designing the means and methods of mitigating the impacts of the identified threats by developing and implementing policies and legislation at the international, regional, national and local levels.

The policy for the protection of archaeological heritage involves monitoring and evaluation of archaeological sites, artifacts and inheritance. Reactive monitoring also known under the denomination "State of Conservation" (SOCs) provides information to the World Heritage Committee when the state of conservation of a World Heritage property is affected by projects, works, disasters or exceptional circumstances. The information provided is centralized by the World Heritage Centre, which consults the concerned States Parties and the Advisory Bodies

before submitting a Report on the state of conservation to the World Heritage Committee. The policy provides a framework for culture and heritage.

In particular, cultural diversity as articulated by the policy was meant to widen the range of options open to every citizen. However, threats to archaeological resources are still a reality despite protective legislation and policy measures put in place by the government to manage archaeological heritage in the country. This led to the current study of protective legislation, policy and practice of AHM in Kenya. The study was necessitated by the fact that some of the country's museums and heritage sites are still neglected and in a state of disrepair, while others lack the basic amenities and infrastructural network required to preserve and maintain the sites.

Instances were reported of local communities mining construction stones from some sites, graze animals on others, while creating footpaths, roots and roads on others. Most of these communities are oblivious of the damages their actions cause to archaeological sites, artifacts, monuments, and other cultural heritage in their midst. As a result, there has been loss of valuable heritage which the country needs for its socio-economic and cultural development.

The study looked at the concept of archaeological heritage and established that it is a fragile and non-renewable cultural resource. The concept of AHM or CRM, or cultural heritage has been applied in conservation protection, preservation and restoration of archaeological sites and monuments in countries all over the world. Property of archaeological heritage value once

approved by the World Heritage Committee is inscribed on the World Heritage List and this marks the beginning of the duty of States Parties, the World Heritage Centre, the World Heritage Committee, the Advisory Bodies and the international community as a whole to ensure the conservation of the property.

As already mentioned, the unprecedented growth of the World Heritage List, means it now encompasses over 850 sites. Land use must therefore be controlled and developed in a way that minimizes destruction of the archaeological heritage. In order to achieve this, it was established that policies for the protection of archaeological heritage should constitute an integral component of policies relating to land use, development, and planning, as well as, of cultural, environmental and educational policies. Transferring elements of heritage to separate locations is considered a violation of the principle of preserving the heritage in its original context.

International bodies, such as, the World Heritage Centre, World Heritage Committee and the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) were formed to provide strict guidelines for the protection of cultural heritage. ICCROM, the only institution worldwide that is mandated to promote heritage conservation, currently has 103 associate members and over 100 member states. The main aims of ICCROM are to raise awareness, improve the quality of conservation and ensure cultural heritage benefits humanity.

Archaeological Heritage Management requires the full participation and corporation of the people on the ground where the actual act of preservation and conservation takes place. All people have

a right and duty to defend and preserve their cultural heritage, because cultural values are an essential part of a society's identity. Therefore, the heritage of a country must be managed, interpreted and made accessible and understandable to all people.

All these tasks must be carried out in an informed manner by trained personnel to make a lasting contribution to nation-building, integrated environmental management and physical planning. In so doing, cultural assets are preserved for the future. Active participation by the general public is, thus, a necessary part of policies for the protection of the archaeological heritage.

The following discussion on the SWOT analysis focuses on the studied sites and how they relate to land policies, indigenous knowledge, inventory, compensation, policy and legislative framework, institution framework, training and research.

9.7.1   National land use policy

Land is the principal determinant of peoples' heritage. Therefore, all decisions, plans and designs pertaining to its use, control and ownership must integrate people's ideals, concerns and aspirations. They must all be in decision –making concerning its management and its related resources. This requires an institutional framework or provisions in the law, through which public participation can be guaranteed and where consensus is reached and compromises and concessions are voluntary and openly made.

a) Indigenous knowledge

Cultural industry forms a principal basis of a national land policy. Indigenous knowledge systems, perceptions, cultural values, customary tenure systems, indigenous institutions such as the council of elders, or women's organizations should be respected and their roles embodied within the policy framework. To effectively manage cultural resources, in the country, there is need to rationalize all aspects pertaining to allocation, utilization and management of land and land resources so as to ensure that they are in tandem with the set principles of sustainable human development. There is also need to harmonize sectoral policies, plans and programme on the allocation, utilization and conservation of land and land-based programs so as to achieve an integrated approach to the sustainable management of resources.

b) Inventory

There is need to consolidate inventory, data, collection, monitoring and assessment of the status of land and land-based resources, with the aim of providing meaningful data and strategic information for national land use planning, resource allocation and resource management programme. There is need to provide for a viable institutional arrangement, necessary for a national early warning system required to alert the relevant policy-making institutions and implementing agencies, on current, potential and emerging threats to the ecological and economic sustainability of land and land resources; and to establish appropriate guidelines, to control and direct modes of land use, production systems and technological choices, within different ecological regions and socio-economic zones of the country. This can be done in line with the principles of the national land policy.

9.7.2. Legislation

An appropriate compensation system should be devised, which determines the real market value of land including estimates at what the cost of the land is at the time of the acquisition. The Land Acquisition Act should be amended to include provisions for precise determination of the market value of land and of damage and loss. It will allow interested parties to challenge the commissioner of lands and provide for the delivery of notices to interested parties by post or registered mail other than just the Kenya gazette. The first priority should be to grant alternative land instead of monetary compensation.

Policy development and enactment are quite often ineffective if the process is not complemented with viable reforms in the prevailing legal regime. The existing legal framework cannot adequately serve the proposed land and cultural policies without radical overhaul of its foundations within the Kenyan constitution. The government should, therefore, review, rationalize and consolidate legal and institutional mechanisms governing access and use of land and land-based resources within a viable policy framework, as proposed.

Kenya urgently requires a consolidated and coherent legal framework on land and land-based resources, working within a comprehensive policy on the management of land and land based resources. The primary purpose of such a law would be first and foremost, to establish the judicial basis of land and land-based resources within the country's constitution. The law should clearly

state what should be permitted and what should not be permitted in terms of resources management.

The guiding principles of the resource management policy should form the basis of the protective laws to ensure equity, cultural integrity, people's participation and sustainability. The law should further be guided by the objectives of the resource policy and seek to enforce their implementation. Good laws cannot be effective without concomitant enforcement, a process that ensures compliance with legal requirements. The Kenyan case should involve a combination of compulsion – best exemplified by criminal sanctions, inducement for example through the offer of incentives, education and persuasion.

The enforcement of the laws in Kenya will still depend on: the justifiability of the laws sought to be enforced, an efficient enforcement system, that is, enforcement officials, the judicial process and so on, the involvement of the public in the enforcement process, that is, whether the public have the right to bring action, self-enforcement and availability of information to the public.

Review and harmonization of sectional laws is necessary if heritage is to be effectively managed. While a basic protective law will provide a consolidated framework for other sectional statutes related to the cultural resources, it is imperative that they are reviewed to ensure harmonization with the objectives and principles of the cultural policy. Review of statutes, such as, town planning, land planning, local government by- laws, land acquisition acts and so on is necessary to eliminate overlaps, conflicts, contradictions, and gaps in as far as the law governing cultural resources is concerned. In most cases, reviews have been done but should be open to public participation. In

other cases, work has been to review acts and should therefore be implemented, for example, the Local Government Act and the Land Planning Act.

9.7.3. Institutional Organization

There is the urgent need to decentralize authority from the headquarters in Nairobi to the regional museums for more efficient and effective management. Decentralization will also lead to flexibility of the regional museums and integration of the whole range of competencies and skills, either drawn from the regional museums themselves or from the headquarters.

Decentralization should go hand in hand with enough power and authority to plan and implement, to develop partnerships, to undertake legal procedures, and to make emergency decisions as may be required.

Each regional museum then, on the basis of the activities undertaken and financial resources allocated, will run its own CRM program, such as, recording and documenting movable, immovable and non-material cultural heritage; taking care of and creating awareness of the cultural heritage; increasing the knowledge of cultural heritage; articulating the significance of cultural heritage for development; achieving sustainable use of cultural heritage; and ensuring that resources are utilized efficiently and effectively to achieve the above aims.

The task of each regional museum will then be to identify, evaluate, keep and make accessible records and information on material and non-material heritage; conserve, and assist in conserving

cultural heritage; develop and facilitate creative use of collections, museum spaces, historic buildings and sites, written, audio-visual and photographic archival materials, and non-material expressions of living culture; obtain economic benefit for NMK and the local communities; establish core human resources, individual skills and team working and develop partnerships, as well as monitor achievements.

NMK and the other regional museums seem to have coordination problems. Each regional museum should have curators, conservation officers, archaeologists, collection conservators, exhibition designers, education officers. SWOT analysis of the studied sites show that most museums need more qualified staff for restructuring and reorganization in the regional museums, especially to boost staffing levels and service delivery. Recommendations are made below in order to achieve this goal.

i) Curators
The curators be relieved from administrative duties not related directly to the sites and collections under their responsibility and be closely engaged in collection care Each curator has, under his care major sites, collections, and other cultural items that require their constant attention. The curator's role should include organizing and coordinating the professional management of sites and collections under his care; supervising the administration of sites and activities under his care; being involved in research at the sites and collections under his care; interpreting and advising on interpretation of the sites and collections under his care; being primarily responsible for the conceptual development of exhibitions and interpretative routes for sites; developing links with

the communities and; carrying out fund raisin; and liaising with other disciplines for the success of his or her work.

ii) Conservation Officers

In respect of the gazetted monuments and their environs within the region, including those occupied and managed by government departments and agencies such as NMK, the role of a conservation officer should be t establish general standards and codes for conservation and maintenance relevant to each site: monitor condition of gazetted sites and buildings: administer conservation control procedures: provide specialist advice on designs, specifications and materials for conservation, maintenance and adaptation of buildings and sites: advise architects and engineers, contractors, subcontractors, craftsman and material suppliers; administer and control grant/loan programs; advice and support NMK in the application of legal sanctions manage and train NMK staff and liaise with other professional in other disciplines.

iii) Archaeologists

The archaeologist's primary responsibilities must concentrate on activities related to monitoring and preserving the sites. They should record, document and monitor all known sites; advise on the maintenance of records; assess impact of change; advise on protection/conservation priorities; advise on legal responsibilities/sanctions and advise on site exposure regimes.

v)   Collection conservators

Collection conservators should have the prime responsibility of the museum collections. The role of a collection conservation officer should be to:

Institute general codes and standards for the conservation of museum collections, Monitor conservation conditions of collections throughout the museum, including storage, exhibition areas, and any other areas that might be required by the activities (joint responsibility with the curators); administer conservation control procedures; provide specialist advice on conservation requirements for exhibitions, removal of collections, maintenance and transformation of the museum facilities where collections are or might be located; examine objects; carry out restoration works; serve the community, by giving advice to private owners of objects; administer and control grant/loan programmes; advice and support NMK in the application of legal sanctions; manage and train NMK staff involved with exhibitions, manipulations of objects, cleanliness, security, in matters related to preventing conservation; and lastly Liaise with other disciplines (curators, conservators, archaeologists, educators etc.).

v) Exhibition designers

They should report to the curators, and shall be responsible for translating exhibition concepts into exhibition designs.

vi) Education officers

The education officers must not be used as school-teachers. Their responsibilities should be brought close to the movable collections and the immovable heritage, and include: making accessible knowledge of movable collections and sites; interpreting; stimulating interest to the cultural heritage and the museum activities and facilitate educational use of museum and serve the community.

The sites under the curator's responsibilities should be run by site wardens. It is recommended in this study that audio-visual resource centers be established in all regional museums under the prime responsibility of an anthropologist. We also recommend that these disciplines report to, and be coordinated and administered by a Regional Director, reporting to the NMK Chief Executive.

vii) Develop exhibits

To improve exhibition creation process and produce successful exhibits, the NMK needs a strategy for exhibition development that clearly recognizes the basic requirements of the curatorial approach. The curatorial approach to exhibition development is not well- understood within much of NMK, even by senior staff. This is partly because none of the past and few of the present NMK management have had museological training.

A medium-term strategy for exhibition development will require the building of curatorial skills in all the regional museums. However, these skills are in short supply within NMK as a whole. Supporting resources such as libraries and archives are also lacking or inadequate in the museums as are production workshops and exhibit designers. This makes it difficult to develop exhibitions

for regional museums. The potential for regional museums to develop their own exhibitions is an achievable long-term objective but there is an immediate need for an exhibitions developer for the regional museums with clearly defined responsibilities who should be able to train curators while at the same time facilitating the practical development of new exhibitions.

The exhibitions developer should work closely with the public relations, conservation, exhibits, audio visual and education departments, with the library and archives and with local communities. She/he should also work closely with fund-raising committees and groups such as the Kenya Museums Society.

viii) Exhibits production
Exhibition production skills and facilities are heavily centralized at the NMK headquarters, Exhibits Department. These skills and facilities need to be strengthened and diversified. It is recommended that the Exhibits Department maintains a range of core exhibition production skills and facilities while also allowing curators and exhibit developers to make use of specialist creative skills (designers and artists) that exist outside the museum.

All regional museums should be equipped with basic exhibition production facilities to cope with essential day-to-day exhibition maintenance and with installation of new exhibits. In the long-term, they should be provided with their own exhibits departments.

ix) Improve collection management

The present weakness of regional museums in the area of collection management means that preservation of collection, as well as, their effective use for cultural, educational and recreational purposes is severely restricted.

A strategy for building collection management in regional museums must address a number of core deficiencies including: lack of clearly defined collection management objectives, lack of training in collection management practices and lack of resources and facilities.

The effectiveness of collection management practices are closely tied with conservation capacities and the quality of storage facilities. They are directly relevant to exhibition development. Therefore, a strategy for building collection management should, of necessity, be part of a wider programme involving development in all these areas.

In line with the development of new galleries for museums with new missions and public programme collection management policies need to be written for each museum in order to help them fulfill their objectives. Collection management policies should clearly articulate the purpose of the museum and the aims of its galleries; what uses should be made of the collections, what objects should be collected and from where or from whom they should be collected, how objects should be acquired, what documentation procedures and standards should be adopted, what procedures should be adopted for lending objects from the collections and for receiving loans, and the methods through which objects can be removed from the collections.

To maximize the benefits to the museum staff, collection management policy writing should be conducted as a training exercise with a cross-section of museum staff members participating.

Job descriptions should be reviewed in order to clearly define collection management duties, with museum curators being made responsible for co-coordinating collection management activities. Positions for documental lists should be created at coastal museums with duties in the areas of accessioning; documentation; cataloguing, indexing; filing; inventorying; photo documentation and store management.

Filing cabinets and secure storage units for documentation are important requirements for facilitating collection accessibility and ideally should be installed in a documentation room or office. Every museum should have a camera for use in photographic documentation of collections.

Documentation should be standardized as far as possible for ease of access and in order to help combat illicit traffic in cultural objects. New documentation standards developed by the Ethnography and Paleontology departments of Nairobi Museum should be adopted by the regional museums.

x) Improve conservation capacities
Preservation of collections is a primary responsibility of museums on which public confidence depends. Furthermore, the effective performances of many museum activities, such as exhibit mounting, collection management, building conservation, are highly dependent on the museum's conservation capacities. It is, therefore, crucial for NMK to improve conservation capacities and to extend them to all regional museums.

xi) Development of traveling exhibition

Presently, only a minority of tourists who come to the Kenya Coast pay a visit to the museums. Many leave Kenya having had little or no contact with its rich cultural and historical heritage.

It is a necessity due to a variety of reasons including the need to offer a richer tourism product if Kenya is to sustain the competition of other emerging destinations in Africa and the Indian Ocean. Therefore, NMK must reach out in an effort to "capture" those tourists who are presently its non-clients – such as holiday makers who go only for the beach or the safari experience.

This can be done by organizing travelling exhibitions, on themes that visitors can more easily relate to and that have a direct effect of enhancing their holiday. These exhibitions can be brought to holiday resorts.

Where applicable, the co-operation of other museums should be sought to develop jointly the traveling exhibitions. The exhibits should mostly consist of panels and video materials.

It can be arranged in a manner that tourism facilities which host them will have to pay at flat rate or agreed rate having the exhibition on their premises; or the NMK rent space within the tourist attraction areas and charge the tourists directly.

Regardless of the arrangement chosen, the tourist facilities will offer additional attraction, the NMK at the same time will benefit from the exercise by increasing awareness among the tourists and by selling its publications.

Overall, the appropriate institutional arrangement for cultural heritage management would be an independent commission-established by the constitution (for example, the National Heritage Commission) which will cooperate with the museums through a governing body. The commission would have the usual attributes of a legal entity and would assume the role of public trustee and all national heritage will be vested in the Board (the governing body). The commission would comprise the local government, museum, land, planning staff and environmentalists. The constitution can then be used to set the terms of office.

xii) Training and Research

In a fast-changing world like today, museums need to have well-trained personnel to run them. Given the nature of the regional museums and the problems they face, it is necessary that specifically tailored training programs be evolved for personnel. In planning this specifically tailored programme, principles that should guide the museums should include: the educational background of the staff to be trained, the type of regional / local museums the staff will work after training; the period of training; and the environment in which the museum is situated.

The above guidelines would enable NMK to plan available and positive training programme that would be relevant and useful to the trained staff, the local museum and the local community in which the museum is located. The training programme should be practical and functional. The training should be practical for instance, spending more time in workshops, learning conservation techniques, actual documentation of objects in the museum stores are more beneficial rather than

merely attending seminars. To achieve this, classroom work should not take more than a third of the entire training period while the remaining time should be devoted to practical work.

The training should focus on museum organization, collections, conservation, exhibition and education. It should last for at least one year with staff progress being monitored throughout the programme and a tutor provided if needed, or upon request. In terms of functionalising the training offered should aim at equipping the trained staff with the skills to work successfully in the local museum. Trainees should acquire relevant skills, develop expertise and be exposed to various stimuli that will enable them to be practically functional museum staff at the end of their training. Functionality of training is very significant, because some of the regional museums work in is very small, with a very small staff. This makes it necessary that the trainees be encouraged to be versatile and adoptive to a variety of situations. After the training, they are expected to be all-round, generalists of museum work and master of all. They may function as curators, exhibition officers, education officers, conservators, administrators and so on.

In order to produce such staff for the local museums, there is need for attachment to the NMK headquarters for at least six (6) months and formal training in higher institutions of learning. Attachment to the headquarters will expose the trainees to the various aspects of museum work and give a general training that will introduce them to the right museum culture. Formal training will enable them to acquire basic museological techniques on conservation, restoration and preservation of museum collections. Such training would enable them to develop and run conservation and educational programs in their regional museums. To achieve a tailored training

programme, the type ofcollection at the regional museums should be known, as the facilities available.

9.7 SWOT Analysis

In presenting the conclusions of this work, a SWOT analysis has been provided in Table 5 below which summarizes the findings of this work. This section also gives recommendations that can enable NMK to enhance AHM processes in Kenya. These conclusions have been provided using information from the four sampled heritage areas.

Table 5: SWOT Analysis for the Heritage Areas studied

S/N	STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS
1	There is deliberate attempt to train and have experienced staff	Lack the staff motivation intrinsic, extrinsic and institutional support	The long term, coordinated and integrated management approach to CRM. Requires whole community approach to be effective in the long run	Economic environment development pressure
2	Integrated and all-inclusive management framework coordinated approach to planning and implementation of programs	Lack of inventories	Legislative framework, review and expand NMK Act of 2006.	Environmental pressure
3	The sites that exist have permanent or refurbished buildings.	Weak and inadequately defined legislation (There is no mention of Culture and Heritage Management in the	Come up with a heritage policy to effectively enforce compliance	Human vandalism, theft, neglect, destruction

		Constitution [2010] of Kenya.		
4	The exhibits are well maintained in some of the sites.	Lack of resources, human resources, funding and equipment	Resources establish integrated CRM program, substantially increase resources, expand staff levels to provide extension, coordination and monitoring functions	Political and regulatory environment
5	Sites' catwalks well cleared	Community awareness and involvement – very low as political issue, low level of awareness or understanding of the seriousness of threat to general political pressure at government level to respond to problems	Community education and awareness, establish comprehensive and pro-active community education and awareness program, conservation groups substantially raise profile of CRM, provide improved support supervision and training friends groups, volunteers etc	New technology
6	Significant cultural resource value variable coordination raging from modified to high conservation significance	Communication and co-ordination of program	Communication and coordination programs, establish partnership programs	Social and cultural changes
7	Generally good level of knowledge and information available for CRM within the NMK – good basis for further development.	Research and training generally limited role of tertiary institutions in CRM, limited re-training of staff		
8	Increased role and responsibility of the local authority			
9	Committed and dedicated staff within NMK, agencies and community groups with			

	broad range of knowledge and skills			
10	Growing network of community groups and volunteers undertaking conservation works			
11	Growing shot in attitude and awareness of need for conservation within land management bodies, planners and broader community			

9.8 General Conclusions

The study set out to investigate policy and practice of AHM in Kenya. To do this, the following general question was posed "what is the current status of AHM in Kenya in terms of policy and practice? It was discovered that the country has not come up with a national policy regarding its heritage. The legislation, however, has been revamped but cannot be as effective without a policy to guide its operations. Policies are meant to set standards and to regulate practice of AHM. We were able to review the documents on legislation and undertook a situation analysis on the selected

sites with the aim of highlighting the strengths and weaknesses of the policy and practice of heritage management in the country.

Limitations, however, were noted or accessibility to certain pertinent information such as policy documents on, for example, training policy. These were considered sensitive information and were guarded. There were also difficulties in getting some of the ministry and museum officials for interview. Funds and time were great constraints to the study considering that there were numerous issues and places to be investigated. These, however, were addressed as suggested by the recommendations of the study.

The study confirmed that policies influenced the practice of AHM. Even with the new Act, nothing much can be achieved without a corresponding policy in place. This further renders the legislation inadequate. The SWOT analysis model employed in the study was sufficient. The model brought to the fore the strengths, weaknesses, opportunities and threats to heritage management in the country. Perhaps this suggests an integrated approach for AHM in Kenya, where all stakeholders and disciples are summoned.

The practice and legislations in Kenya are comparable with that of South Africa, particularly in terms of declaration procedures, permit system and penalties imposed on offenders. However, they differ in details and thoroughness. While in south Africa there is a clear policy on impact assessment on archaeological record before any development is undertaken, in Kenya it is exactly the opposite, save for the few interventions in isolated cases such as the Sondu-Mirui hydro-electric power project where NMK undertook impact assessment before the project commenced.

No SWOT analysis was applied to archaeological sites and tourism..However, it was noted that Kenyan sites and museums studies have pursued development strategies based on cultural tourism. Archaeological heritage is an important tourist attraction, in the form of art, museums and their related activities. A visitor to Kenyan museums and sites is not only attracted by its historical and art but also by its anthropology - a relaxed lifestyle, the hospitality of its inhabitants, dwelling places and diet.

The opportunities offered by cultural tourism have been used as strategic factors to reshape the future of the local communities and to move towards more advanced and diversified urban or rural economic and social systems. This was the case with Fort Jesus museum and the Mombasa Old Town. The museums have had a long lasting involvement in the field of visual arts.These are ancient paintings, and many fine collections of art both ancient and modern. Over the years, the museums have offered several national and international exhibits of these arts. Every year, thousands of tourists to the museums are attracted by these exhibits, and then take the chance to visit their archaeological heritage sites.

The national and international media always give good coverage of the museum events and activities; videos and postcards of the activities are produced to market the museums and at the same time protect the heritage. Recently, for instance, the NMK undertook rapid campaigns to protect the endangered sea turtle from extinction through the sale of stamps with turtle pictures to the public.

Based on the findings of the study, there is a seemingly good working relation between the Ministry of Tourism and the NMK. The NMK and the government are aware of the dangers of poor management of cultural tourism as this poses danger to the country's heritage.

Uncontrolled cultural tourism can destroy the palaeo-ecology and bio-diversity around the sites. Protenous residues brought in by the visitors make some of the paintings, inscriptions to quickly fade away - due to alga growth which thrive on high humidity like the case of Fort Jesus and other coastal sites. Besides, the principal protein source in human breath because human breath has polled and bacterial content (IUCN; 1996).

Damage caused to our cultural substance and identity is even more serious. Unlike ecological damage, no amount of financial or technical resources can buy or make good the loss. In Mombasa, Fort Jesus museum and the Old Town in particular, local people have wished to forsake their cultural roots because of the changes brought about by tourism.

Tourism in this area has had a major impact on the process of tradition creation of the coastal societies. The coastal societies have learnt new ways of life because their culture is economically vulnerable and politically subordinate to the international tourists' cultures (Personal observation; cultural tourism: 1999).

They government and the NMK have, therefore, put in place policies for the development of tourism infrastructure, tour routes, training of human resources, coordination with other sectors and the creation of regional and local programmes and guidelines for promotion and marketing, and minimizing environmental impacts on the sites. If anything, tourism has played a big role in the expanded support for the protected areas such as Fort Jesus Museum, Nairobi Museum, and Kisumu Museum.

It was observed that the NMK has expanded its mission from being custodians of cultural heritage to addressing itself to issues of the more dynamic contemporary world. Museums and sites have become places where people sojourn to see new things, share new ideas and have dialogue on various socio-economic issues. In addition, they are concerned with more current issues such as health, unemployment, street children, and ethnic reconciliation, pluralism, democracy among others (Bi-annual Report 1995/97).

One of the findings of this study was that there is a policy for training and research in the museums. Research is carried out in almost all departments at the museums by local and foreign experts. The researchers are both short and long-term countrywide. In terms of training, there is no specification for a distinction between regional museums and national museums training. The training of museum staff, therefore, does not bear in mind the immediate needs of the community it is serving. When training is done at the national level, the local community interests is served last, yet the collections of the regional museums are a reflection of the local history, the local culture, and the local heritage and the local materials of the local community.

The regional museums studied, plus others, tell a story that is unique in content and relevance, as this reflects the history and growth of the community, and highlights the landmarks of the community's evolution. The importance of regional museums is apparent when we realize that, because of their uniqueness, they tend to possess an imposing wealth of exhibits of cultural interests, materials of great ethnographic value, and they serve as centres of great psychological value to the community.

Overall, protecting cultural heritage and, therefore, people's livelihood can be successful if everyone participates in formulating the normative basis of the protective legislation. This, however, must first be preceded by sound policies and institutional frameworks. Thereafter, the legal framework around these needs to be put in place by professionals, how well this legal framework operates will depend entirely on how people use the law or the opportunities they have within the law.

Most the museum officials are aware of the protective legislation on the heritage and accompanying policies. There is great tourism potential in all sites and museum studied. Fort Jesus museum, however, has extensive tourism activities that need to be controlled. Thimlich Ohinga needs to market vigorously if it has to attract more visitors. The county government of Migori should improve on the infrastructures, electricity and water availability to make the site more attractive.

The NMK can diversify its products by focusing on the social welfare of the local community to boost their AHM efforts. For instance, building resource centres for the girl child, health service and other outreach programmes.

There is need to employ, recruit and train more staff for the sites and museum, Thimlich Ohinga has no senior staff. The few who are there are junior staff with basic secondary education.

Conservation programmes can no longer rely on the government support because the recurrent expenditure of the museum has been increasing over the years. The NMK should, therefore, embark on an aggressive proposal writing to win funds for heritage programs. The NMK cannot also afford to continue letting the researchers from outside to take the lead on the conservation issues,

9.9 Recommendations

There is need to investigate the viability of a Francophone culture and heritage legislations and policies for the Kenyan culture and heritage. This arises from the fact that the current law and policies which have been inherited from an Anglophone origin (Britain- the former colonial master) seems to be inadequate in culture and heritage management for Kenya. There are many success stories of heritage management that have been reported in Francophone countries. Kenya may, therefore, need to borrow heavily from such countries.

BIBLIOGRAPHY

Abungu, G.H.O. (2006) "*Interview*" in New World Heritage Sites UNESCO.

Abungu, G.H.O. (1993). *"The Museums Role in Heritage Management and Conservation"*. In Proceedings of Museum Education Seminar No. 4. Learning Through the Museums at Tom Mboya Labour College, Kisumu, Kenya 22-28th August, 1993, pp 85-93.

Agar, M. (1980). *The Professional Stranger: An Informal Introduction to Ethnography*. New York, Academic Press.

Aldrick, J. (1997). *"The Inventory of Buildings of Mombasa Old Town: A Working Tool for Cultural Resource Management"*. Paper presented at the International Workshop on Urban and Monuments Conservation, held in Nairobi, 14-16 May, 1997.

American Antiquity (1965). *Archaeological Systematic and the Study of Culture Process. 31:203-10.*and University of Amsterdam, at Golf Hotel - Kakamega.

Anderson, D. and R. Grove (eds.) (1993). *Conservation in Africa: People, Policies and Practice*. Cambridge: Cambridge University Press.

Anderson, N. and A. Fredell (1996). *"A Future for the Past? An Interdisciplinary Essay of the Relation Between Organization and Archaeological Heritage Management in the Institutionalized Form of Fort Jesus Museum, Kenya"*. Nairobi: National Museums of Kenya.

Anyang Nyong'o P. (1989) *"State and Society in Kenya: The Disintegration of National Coalition and the Rise of Presidential Authoritarianism."*AfricanAffairs Vol. 88 No. 351. p.46.

Ayot ,H.,O. (1979). *A history of the Luo-Abasuba of western Kenya, from A.D. 1760-1940*. Nairobi, Kenya Literature Bureau.

Bachmam, K. (1992),*Conservation Concerns: A Guide for Collectors and Curators*, Washington and London: Smithsonian Institution Press.

Bahn, P.G. (ed.) (1996). *The Cambridge Illustrated History of Archaeology*. Cambridge: Cambridge University Press.

Benjamin Crabtree and William Miller (Eds.) (1999). *Doing Qualitative Research* (2nd edition). London: Sage, 406 pages, ISBN 0-7619-1497-8

Bennet, R. (1997), *Management, 3rd EditionHarlow*, England: Pearson Education.

Binford, L.R. (1962). *"Archaeology as Anthropology*". American Antiquity 28:217-25.

Borg, W and M.D. Gall. (1983). *Educational Research: An Introduction*. NewYork: Longman.

Bormann, B. T., P. G. Cunningham, M. H. Brookes, V. W. Manning, and M. W. Collopy. (1994). *Adaptive ecosystem management in the Pacific Northwest*. Gen. Tech. Rep. PNW-GTR 341. Portland Oregon: United States Department of Agriculture, Forest Service, PNW Research Station. 22 pp.

Bray, W. and D. Thrump (eds.) (1972). *The Penguin Dictionary of Archaeology*. Harmondsworth: Penguin.

Burgess, R.G. (1984). *In the Field: An introduction to Field Research*. London: Allen and Unwin.

Burrows, G.S. (1975). *Development of Cultural Tourism (Kenya)* ,Paris: Unesco.

Busaka, B.M. (2006) "*Conservation of the Archaeological Heritage in Kenya's National Parks: A Critique of Policy and Practice in the Tsavo*" Unpublished M.A. Thesis, Kenyatta University.

Bwana, O. (1978) *"Kenya Coast Historical Sites and Monuments".* Paper Presented at the Conference on the Conservation of Historic Towns and Monuments, 18-26 February, 1978 Lamu, Kenya.

Camara, A. (1997) *"Towards a New Policy to Protect Sites and Monuments in Senegal". In Museums and Archaeology in West Africa, ed. by C.D. Ardouin.* Washington, D.C Smithsonian Institution Press, pp. 81-93.

Cambell, M. (1978) "*Tourism.*"Paper Presented at the Lamu Conference on the Conservation of Historic Towns and Monuments', 18-26 February, 1978 Lamu, Kenya.

Chapman, A.J. (1973). *Funniness of jokes, Canned laughter and recall performance*. Sociometry, 36, 569-578.

Chapman, J. (1994). *Destruction of a Common heritage: the archaeology of zar in Croatia and Hercegovina*. Antiquity 68: 120 _ 6.

Chikumbi, D.C. 1997. *"The Need to Develop Cultural Heritage Policies: A Step Ensuring a Future for the Cultural Legacy".* Paper presented at the International Workshop on Urban and Monuments Conservation, Held in Nairobi, 14-16 May.

Childe, V.G. 1936. *Man Makes Himself.* London: Watts.

Christopher, Ehret,(2002). *The Civilizations of Africa: A History to 1800 a History to 1800*

Clarke, D.L. (1968) *Analytical Archaeology*. London: Methuen.

Cleere, H.F. ed. (1989) ,*Archaeological Heritage Management in the Modern World*. London: Unwin Hyman.

Clewlow, C. William, Jr.; Pastron, Allen G.; Hallinan, Patrick S. (1973).*Crisis in American Archaeology: An Introduction (The). Kroeber Anthropological Society (non-series).* California: University of California.

Colony of Kenya. (1927). *Ancient Monuments Preservation Ordinance of 1927*.

Colony of Kenya. (1937). *Preservation of Objects of Archaeological and Palaeontological* Interest Ordinance No.LIII.

Cook, I. and M. Craing. (1995) *Doing Ethnographies: Concepts and Techniques inModern Geography* (CATMOG) 58.

Cortner, H.J. (1996). *Institutional barriers and incentives for ecosystem management: a problem analysis*. Gen. Tech. Rep. PNW- GTR: 354. Potland, OR: US. Department of Agriculture, Fisheries Service, Pacific Northwest Research Station.

Cottrell, L. (1974) *The Concise Encyclopaedia of Archaeology*. 3rd ed. rev. London: Hutchinson.

Cultural Research Management, (1996) .*Approaches to Heritage*; Vol. 19 No. 8, National Park Service Cultural Resource. Preservation in the Pacific Basin Vol. 19 No. 3 U.S. Department of the Interior, National Park Service, Cultural Resources.

Daily Nation, Thursday March 2, 2006.

Demas, Martha (2003). *Consevation and Management of Archaeological Sites: The GCI project bibliographies Series*. The Getty Conservation Institute, September, 2003. Los Angeles, California.

Demas, Martha. (1990). *Chapter IVProtective SheltersPreserving the Archaeological Record: Post-Excavation Site Conservation*, 231–313.MA thesis, Cornell University.

Dey, I. (1993). *Qualitative Data Analysis*: The User-Friendly Guide to Social Scientists. London and New York, Routledge.

Dobby, A. (1978*) Conservation and Plannin*g. London, Hutchinson and Co.

East African Standard, Thursday March 2, 2006.

Eboreime, J.O. (2005). *Nigeria's Customary Laws and Practices in the Protection of Cultural Heritage: With special reference to the Benin Kingdom*. In Z. Ndoro and G.(Pwiti eds.). Legal Frameworks for the protection of Immovable cultural Heritage in Africa. Rome: ICCROM Conservation Studies.Ecology,71(6), 2060-2068.

Ehret C., *The civilizations of Africa*: A history to 1800 J. Currey Publishers, 2002, ISBN 0852554753.

Fagan, B.M. (1972) *In the Beginning: An Introduction to Archaeology*. Second edn. Boston, Toronto, Little, Brown & Co. (ed). (1996). The Oxford Companion to Archaeology. Oxford, Oxford University Press.

Falanruw, M.V.C. (1984*). People Pressure and Management of Limited Resources on Yap*. In Mc Neely, J.A and K.R.Miller (eds.) National Parks, Conservation and Development. The role

of protected areas in sustaining society. Washington,D.C: The Smithsonian Institute Press. Pp. 348_358.

Feilden, B. (2003). *Conservation of Historic Buildings*. London: Butterworth Heinemann.

Feilden, B.M. (1994). *Conservation of Historic Buildings*. London, Butterworth − Heinemann.

Flannery, K.V. (1968) *"Archaeological Systems Theory and Early Mesoamerica. In Anthropological Archaeology in the Americas*, ed. by B.J. Meggers. Washington, Anthropological Society of Washington, pp. 67-87.

Fraenkel,J.R., and Wallen, N. E. (4th Ed.). (2000). *How to Design and Evaluate Research in Education.*San Francisco: State University. The McGraw-Hill Companies.

Frankford Nachmias, C and D. Nachmias (1992) *Research Methods in Social Science*: 4th ed., London: Edward Arnold.

Friedmann, J. (1987) *Planning in the Public Domain: From Knowledge to Action, Princeton*, NJ: Princeton University Press.

Gaetan J. (2007). *International Charter for the Protection and Management of Archaeological Heritage*, ICHAM.

Gay, L. R. (1996). *Educational research: Competencies for analysis and application*. Upper Saddle River, NJ: Merrill.

Gerzel, C. (1970), *The Politics of Independent Kenya*, 1963 - 8, Nairobi: EAPH. p. 26

Gideon Cyrus Mutiso (1976). *Kenya Politics, Policy and Society*. Nairobi, East African Literature Bureau, p.80-84,

Gillman, Clement(1944).*An Annotated List of Ancient and Modern Indigenous Stone Structures in Eastern Africa* .Tanganyika :Notes and Records No 17.

Githitu, M. (1997) *"Looking at Cultural Heritage from the Perspective of a Corporate Approach to Urban Management."*Paper Presented at the International Workshop on Urban and Monuments Conservation in Nairobi, 14-16 May, 1997.

Glaser, B.G. and A.L. Strauss. (1967). *The Discovery of Grounded Theory: Strategies for Qualitative Research.* London, Weiedenfeld and Nicolson.

Global Village Partnerships, (2010), *Best of Kenya* Vol. 1, p. 18. GVP-Kenya: Intermac Communications Limited.

Global Village Partnerships. (2010). *Best of Kenya* Vol. 1, p. 18. GVP-Kenya: Nairobi:

Goodland, R. and M. Webb. (1989). *"The Management of Cultural Property in World-Bank Assisted Projects: Archaeological, Historical, Religious and Natural Unique Sites*. Washington D.C: World Bank.

Government of Kenya. (2010*). Kenya National Census Report: Population of Nairobi City*.TheReport was produced by The Ministry of Planning, National Development, and Vision 2030. Nairobi: Government Printer.

Government of Kenya, (2009) *National culture and Heitage Ploicy*.Nairobi: Government Printer.

Government of Kenya, (2009) *National Culture and Heitage Policy*. Nairobi: Government Printer.

Government of Kenya. (2007).*Stages of privatizing Telkom December 21,* 2007. *The* government *is also planning to offload shares of*Safaricom.*.

Government of Kenya. (2007). *Treasury Offloads Government Shares in Safaricom by 20 per cent. Ministry of Finance.*Press Release on 23rd September, 2007.

Government of Kenya. (2006). *National museums and Heritage Act, Cap 216*. Nairobi: Government Printer.

Government of Kenya (2005). *Kenya's Economic Growth Rate Since Independence*. Nairobi, Government Printer.

Government of Kenya ,(1984). *The Antiquities and Monuments Act Chapter 215*. Nairobi: Government Printer. Revised ed.

Government of Kenya. (1983). *Antiquities and monuments Act, Cap 215.* Nairobi: Government Printer.

Government of Kenya. (1983). *National Museums Act, Cap 216*. Nairobi: Government Printer.

Government of Kenya. (1983)*. Policy Implications in the Management of Kenya's Marine Protected Areas.*Nairobi: Government Printer.

Government of Kenya. (1980). *Report of the Civi Service Review Committee 1979 1980*. The S.N.Waruhiu Report. Nairobi: Government Printer.

Government of Kenya. (1973). KENYA: *An Official Handbook*. Nairobi: East African Publishing House.

Government of Kenya (1962). *"The Preservation of Objects of Archaeological and Paleontological Interest Ordinance Chapter 215".* Nairobi: Government Printer, Revised ed.

Government of Kenya .(1927)*. Report on colony and protectorate of Kenya for 1927.*

Graduate Training Programs Conference (1988). *Conservation Management May 8, 1987,* Canada :Queens University, Kingston,

Graham, L.R. (1967). *The Soviet Academy of Sciences and the Communist Party, 1927-1932.* Princeton: Princeton University Press.

Gunderson, L.H. et al. (1995*). Barriers and Bridges to renewal of ecosystems and Institutions.* NewYork: Columbia University Press.

Guston, D. H. and D. Sarewitz. (2000) . *Shaping Science and Technology Policy*: The Next Generation of Research. Madison, WI: University of Wisconsin Press.

Haber, s. (1964)*. Efficiency and Uplift: Scientific Management in the Progressive Era, 1890-1920 .*Chicago: University of Chicago press.

Herrick, C. and D. Sarewitz. (2000). *Ex post evaluation: a More effective role for scientific assessments in environmental policy. Science,* Technology and Human Values 25(3): 309-331.

Herrman, J. (1989). *"Translated by Katherine Judelson) "World Archaeology – the World's Cultural Heritage" In Archaeological Heritage Management in the Modern World*, (ed) H.F. Cleere. London: Unwin Hyman, pp. 30-37.History, Principles, and Practice . University of Michigan:W. W. Norton & Company.

Hobey, C . (1990). *A colonial administrator in 1900*.USA.

Hodder, I. (1990), *"Style as Historical Quality", in HASTORF, M. C. A. C., The Uses of Style in Archaeology*, Cambridge: Cambridge University Press,

Hodder, I. (1990). *"Style as Historical Quality"*, in HASTORF, M. C. A. C., The Uses of Style in Archaeology, Cambridge: Cambridge University Press,

Holling ,C.S. (1995). *Barriers and bridges to the renewal of ecosystems and institutions*. Edited with L. Gunderson and S. Light (editors) New York, NY: Columbia University Press.

Holling, C. S. (ed.) (1978). *Adaptive Environmental Assessment and Management*. NewYork: Wiley. ISBN 0-471-99632-7.

ICOM, (1998). *Newsletter of ICOM*. Volume 5, No. 2.

ICOMOS. (1990). *Newsletter of ICOMOS.* Vol. 10. No. 3.

IMF . (2012) . *Loans Advances in Kenya. Press Release: Executive Board Completes Fourth Review Under the ECF Arrangement for Kenya and Approves US$110.5 Million Disbursement.*
Intermac Communications Limited.

J. A. Movshon, B. E. I. Chambers and C. Blakemore (1972), *Interocular transfer in normal humans, and those who lack stereopsis*.Perception 1, 483-490.

Johnson, F.A. and Williams, B.K. (1999). "Protocol and practice in the adaptive management of waterfowl harvests.". Conservation Ecology 3 (8).

Johnson, M. (1999*). Archaeological Theory: An Introduction*. Singapore: Wiley_ Blackwell Publishing.

Joy, N.F. (1996) *"Report on Preventive Conservation Survey of Kitale, Kisumu and Meru Regional Museums"*. Nairobi: National Museums of Kenya.

Kalo, A.M. (1997) *"Museums and the Archaeological Heritage in Burkina Faso". In Museums and Archaeology in West Africa, ed. by C.D. Ardouin*. Washington, D.C: Smithsonian Institution Press, pp. 77-80.

Kamamba, D. (2005). *Cultural Heritage Legislation in Tanzania. In W. Ndoro and G. Pwiti (eds.). Legal Frameworks for the protection of Immovable cultural Heritage in Africa*. Rome: ICCROM Conservation Studies.

Kamugisha, J.R. (1993), *Management of Natural Resources and Environment in Uganda: Policy and Legislation Landmarks 1890-1990*, Regional Soil Conservation Unit, Swedish International Development authority, Nrb.

Katana, P.J. (1997a) *"Conservation and Management of Historical Landscape in Kenya with Reference to the Mijikenda Kaya"*. Paper Presented at the International Workshop on Urban and Monuments Conservation, in Nairobi, 14-16 May, 1997.

Katana, P.J. (1997b) *"Strategy for the Management of Sites and Monuments in Kenya"*. Dissertation for the PGD in Social Science, University of Birmingham.

Kathuri, J.N., & Pals, D.A.(1993). *Introduction to Educational Research*. Njoro: Egerton University Press.

Kibunjia, M. (1996) ”*The Status of Archaeological Collections and Resources in Africa*". In G. Pwiti and R. Soper (eds). *Aspects of African Archaeology*. Harare, University of Zimbabwe Publications pp.

Kibwana, K et al. (1996*). The Anatomy of Corruption in Kenya: Legal Political and Socio-Economic Perspectives*,Nairobi:LARION.

Kibwana, K. Smokin Wanjala and Okech-Owiti, eds, (1996). *The Anatomy of Corruption in Kenya: Legal Political and Socio- Economic Perspectives*, Nairobi:LARION

King, A. (1995). *Avoiding ecological surprise: Lessons from long-standing communities*. Academy of Management Review 20:961–985.

King, D.I., et al. (2008). *Biodiversity and Conservation* 17:2691–2700 .

King, T.F. (2008). *Cultural Resources Laws and Practice* . NewYork: AltaMira Press.

Kombo, D.K. and Tromp, A.L.D. (2006). *Thesis Writing: An Introduction*. Nairobi: Pauline's Publications.

Korten, D. C. (1984). *People_Centred development: Towards a framework. In D.C Korten and R.Klauss (eds.) People_Centered Development. Pp. 299_309*. United Kingdon, West Hart, CT: Kumarian.

Kristiansen, Kristian (1989) *"Perspectives on the Archaeological Heritage: History and Future"*. In Archaeological Heritage Management in the Modern World, ed. by H.F. Cleere. London, Unwin Hyman pp.

Kuhn, Thomas S. (1962). *The Structure of Scientific Revolutions* (1st ed.). University of Chicago Press.

Kuhn, Thomas S. (1970). *The Structure of Scientific Revolutions*. Enlarged (2nd ed.). Chicago: University of Chicago Press.

Kuhn, Thomas S. (1996). *The Structure of Scientific Revolutions* (3rd ed.). University of Chicago Press.

Kuhn, Thomas S. (2012). *The Structure of Scientific Revolutions*. 50th anniversary. Ian Hacking (intro.) (4th ed.). University of Chicago Press.

L. S. B. Leakey(1978).*The white Kikuyu . Indiana University*: McGraw-Hill publishers.

L. S. B. Leakey. (1978).*The white Kikuyu* . Indiana University: McGraw-Hill publishers.

L. S. B. Leakey(1974).*By the Evidence: Memoirs, 1932-51 Paperback.* University of California: Harcourt Brace Jovanovich.

L. S. B. Leakey(1974)*By the Evidence: Memoirs,1932-51 Paperback.*University of California: Harcourt Brace Jovanovich publishers.

Leakey, R.E.F. (1970) *"Fauna and artefacts from a new Plio-Pleistocene locality near L. Rudolf in Kenya".*   Nature 226: 223-224.

Learned, E.P. (1969) *Business Policy, Text and Cases, Homewood*, IL, Irwin.

Lee, K. N. (1993). *Compass and gyroscope: integrating science and poli-tics for the environment.* Washington D.C: Island Press.

Lee, K.N. and Lawrence, J. (1986*). Adaptive Management: Learning from the Columbia River basin fish and Wildlife program;*. Environmental Law 16: 431_460.

Lindsay, Alexander J., Jr. and William D. Lipe (1974) *Introduction. In Proceedings of the 1974Cultural Resource Management Conference, Federal Center, Denver,* Colorado:

edited byW. D. Lipe and A. J. Lindsay, Jr., pp. vii-xiii. Museum of Northern Arizona Technical Series No. 14. Flagstaf W. D. Lipe and A. J. Lindsay, Jr., pp. vii-xiii. Museum of Northern Arizona Technical Series No. 14. Flagstaff.

Linstrum, D. (1978) *"Control of Development".* Paper Presented at the Conference on the Conservation of Historic Towns and Monuments, 18-26 February. 1978 Lamu, Kenya.

Lipe, W. (1984).*Values and Meanings in Cultural resources*. In H. Cleere (ed) Approaches to Archaeological Heritage. Cambridge: Cambridge University Press.

Lipe, William D. and Alexander J. Lindsay, Jr. (1974) *Proceedings of the 1974 Cultural Resource Management Conference,* Federal Center :Denver, CO. Museum of Northern Arizona Technical Series No.14. Flagstaff.

Macdonald, K.C. (1976). *Geomagnetic reversals and the deep drill hole at DSDP Site 332*. Journal of Geophysical Research 81.

Macharia, F. (1997) *"Modernity and Tradition Paper presented at the International Workshop on Urban and Monuments Conservation*, Nairobi, 14-16 May, 1978.

MacLaren , A.N (2006). *Protecting the Past for the Public good: archaeology and Australian heritage law*, Phd thesis, University of Sydney.

MacLaren , A.N .(2006). *Protecting the Past for the Public good: archaeology and Australian heritage law*, P h. d thesis, University of Sydney.

Martin ,Pickford (1997)*Louis S.B. Leakey: beyond the evidence*.University of Michigan:Januspublishers.

Marx, K. (1906) Capital: *A Critique of Political Economy*. New York, The Modern Library, Random House.

Masakhalia, Y.F.O. and Richards,G. (1978) "*Development and Conservation*". Paper Presented at the Lamu Conference on the Conservation of Historic Towns and Monuments, 18-26 February, 1978 Lamu, Kenya.

Mazera, N. (2007). *"Heritage Sites win a Spot at High end of Tourism Circuit"* Daily Nation, Tuesday 24th April, 2007.

Mbote, W.N. (1978) *"Planning for Conservation of Historic Towns and Monuments".* Paper Presented at the Conference on the Conservation of Historic Towns and Monuments, 18-16 February, 1978 Lamu, Kenya.

Mc Gimsey III (2004) *"CRM on CRM: One Person's Perspective on the Birth and Early Development of Cultural Resource Management"* Arkansas Archaeological Survey Research Series 61.

Mc Lain, R and R.G. Lee. (1996*). Adaptive Management: promise and pitfalls*. Environmental Management 20: 437_448.

McCracken, G. (1988). *The Long Space Iinterview*. London/Newbury Park/Delhi, Sage.

McGimsey, C. (1972). *Public Archaeology*. New York, Seminar Press.

Miller, A. (1999). *Environmental program solving: psychological barriers to adaptive change*. NewYork: Springer_Verlag.

Miller, D. & Tilley, C. (1984), " *Ideology, Power, and Prehistory*, Cambridge: Cambridge University Press.

Miller, D. & Tilley, C. (1984). " *Ideology, Power, and Prehistory, Cambridge*: Cambridge University Press.

Miller, D., Rowlands, M., Tilley, C. ed. (1989). *Dominion and Resistance*, New York: Routledge.

Monowe-Seisa, S. (1998). *"The Challenges of Recasting Cultural Policies for Development: National and Global Context"*. In Cultural Policies For Development (ed) K. Gobotswang & M. Bolane, Proceedings of Botswana Preparatory Seminar for the Stockholm Inter-governmental Seminar held at Gaborone, 16-18 February, pp. 18-20.

Movshon, J.A et al (1972). *Interocular transfer in normal humans, and those who lack stereopsis*. Perception 1, 483-490.

Mugenda and Mugenda (2003) *Research Methods*: Acts Press, Nairobi.

Mugenda, O.M.. & Mugenda, A.B. (I 999). *Research Methods*. *Quantitative and Qualitative Approaches*. Nairobi: African Center for Technology Studies (ACTS) Press.

Mutiso G. Cyrus (1976). *Kenya Politics, Policy and Society*. Nairobi :East African Literature Bureau, , p.80-84.

Mwadime, W. (1992) *"Conservation News for Kenya.   Urban Origins in Eastern Africa".* In Proceedings of the 1991 Workshop in Zanzibar (ed) P.J.J. Sinclair & A. Juma. Stockholm: The Swedish Central Board of National Antiquities, pp. 114-115.

National heritage management (2009). *"Kenya national Heritage culture and policy", 100 Most Endangered Sites. World Monument Watch*, New York: World Monument Fund. (2004), 100.

National heritage management of Kenya. (1997). *"Cultural Tourism and Conservation in Kenya's Historic Towns".* Paper Presented at the International Workshop on Urban and Monuments Conservation,   Nairobi, 14-16 May, 1997.

National Museums of Kenya (2006), '*Museum in Change,*"

National Museums of Kenya Act of 2006.

Ndooro, W et al(eds) (2009). *ICCROM:Cultural Heritage and the Law: Protecting immovable Heritage in English Speaking Countries in Sub-Saharan Africa*. Iccrom Conservation Studies, Rome Italy.

Ndoro ,Webber, Mumma ,Albert and Abungu, George (2009).*Cultural Heritage and the Law: Protecting Immovable Heritage in sub-Saharan Africa*. Rome, Italy: Printed by Ugo Quintily S.p.A.

Ndoro, W. et al (eds) .(2009). ICCROM: *Cultural Heritage and the Law: Protecting immovable Heritage in English Speaking Countries in Sub-Saharan Africa*. Iccrom   Conservation Studies, Rome Italy.

Ndung'u Commission Report, Annexes Vol.1 p. 796-974, Vol. 2 Annexes p. 590-680.

Neumann, T. W., R. M. Sanford. (2001). *Cultural Resources Archaeology: An Introduction*. London and USA Rowman and Littlefield ,Walnut Creek, CA: altamira Press.

Ngari, L.K. and Okelo, D.O. (1997). *"Traditional Conservation Systems in Kenya: The Case of Arts and Crafts".* Paper Presented at the International Workshop on Urban and Monuments Conservation, Nairobi, 14-16 May, 1997.

Ngari, J.J. (1978) *"Conservation, Regional Planning and Development".* Paper Presented at the Conference on the Conservation of Historic Towns and Monuments, 18-26 February, 1978 Lamu, Kenya.

Njenga, G. N. (2010*). A synopsis of the history of Kenya before Colonization*. Wisdom at Strathmore Series,

Njeru, J. (2003). *The Impact of Foreign Aid on Public Expenditure*: The Case of Kenya. AERC Research Paper no. 135. Nairobi.

Nyamu, H.J. (1975). *The State of the Civil Service Today*, Nairobi: Government Printers.

Obudho, R.A. and S.O. Owuor (1997). *"Sustainable Urban Development and Urban Conservation in Kenya".* Paper Presented at the International Workshop on Urban and Monuments Conservation, Nairobi, 14-16 May, 1997.

Ocelyn, M. (1998). *Cultural Atlas of Africa*(revised edition) . Checkmark Books.

Ochieng' P.N. (2003) "*Managing Ceramic Collections in Kenyan Museums"* Unpublished PGD Project Paper, Institute of African Studies University of Nairobi.

Odhiambo, Mbai C. (2003), *Public Service Accountability and Governance in Kenya since Independence*. African Journal of Political Science, Vol. 8, No. 1, p. 118.

Odhiambo, W. & Kamau, P. (2003). *Public Procurement: Lessons from Kenya, Tanzania, and Uganda*. Working Paper No. 208. Paris: Organization for Economic Co-operation and Development (OECD). p.17.

Okong'o, J.J. (1991) *Archaeological Conservation and Cultural Resource Management in Kenya*. Nairobi, National Museums of Kenya.

Onjala, I. (1994). Presented a paper on "*Methodological Approaches for Environmental Impact Assessment in Agroforestry related activities"* in Uasin Gishu District.

Onjala, I. (1990). *A Contribution to the study of the south nyanza stone structures with special emphasis on architecture, distribution and settlement history of the region*. M.A Thesis. University of Nairobi.

Onjala, I. (1997) *"Urban and Monuments Conservation Problems in Kenya: Attitudes in Cultural Heritage Management."* Paper Presented at the International Workshop on Urban and Monuments Conservation, Nairobi, 14-16 May, 1997.

Orodho, J.A. (2004) *Techniques of Writing Research Proposals and Reports in Education*. Nairobi: Masda Publishers.

Otieno, Gladwell (2011, March). *All that Glitters*? An Appraisal of the Goldenberg Report. Nairobi: Africa Center for Open Governance. The study was commissioned by the Open Society of East Africa.

Patten M .A. et al.(2004) *Habitat selection, acoustic adaptation, and the evolution of reproductive isolation.Evolution* 58:2144–2155.

Patten M.A, Bolger D.T .(2003) *Variation in top-down control of avian reproductive success across a fragmentation gradient*. Oikos 101:479–488.

Patten MA, Erickson RA, and Unitt. P. (2004) *Population changes and biogeographic affinities of the birds of the Salton Sink*, California/Baja California: Studies in Avian Biology27:24–32.

Patten MA, Smith-Patten B.D. (2004). *Linking the Salton Sea with its past: The history and avifauna of Lake Cahuilla*. Studies in Avian Biology27:12–17.

Patten, M .A .(2004) *Correlates of species richness of North American bat families*. *Journal of Biogeography*31:975–985.

Pickford, M. (1997), *Louis S.B. Leakey: beyond the evidence.* University of Michigan: Janus publishers.

Plenderleith, H.J. (1956). *The Conservation of Antiquities and Works of Art: Treatment, Repair, and Restoration*. London: Oxford University Press.

Plog, F.T. (1975). *"Systems Theory in Archaeological Research".*Annual Review of Anthropology 4, 207-223.

Pwiti and R. Soper (1996). *"The Legal Basis of Conservation in Kenya: a view".* In G. (ed). Aspects of African Archaeology. Harare, University of Zimbabwe Publications pp. 809-812.

Raymond ,M .Lee(1993). Doing Research on Sensitive Topics. London: SAGE publication Inc.

Roy, A .and P. Smith (eds)(1994). *Preventive Conservation Practice, Theory and Research: Pre-prints of the contributions to the Ottawa Congress,* 12-16 September 1994. International Institute for Conservation of Historic and Artistic Works. 6 Buckingham Street, London WC2N 6BA.

Sagemo, P.O. (2002). *Management Dynamics: Towards Efficiency, Effectiveness and Productivity.* Nairobi, East African Publishing House.

Sarewitz, D.et al. (2000*). Prediction: Science, Decision Making, and the Future of Nature*. Washington, DC: Island Press.

Schaafsma, C.F. (1989). *"Significant Until Proven Otherwise: Problems Versus Representative Samples".* In Archaeological Heritage Management in the Modern World, ed. by H.F. Cleere. London: Unwin Hyman, pp. 38-51.

Schiffer, M.B. (1976). *Behavioural Archaeology*. New York, Academic Press.

Senge, P. M. (1990). *The fifth discipline. The art and practice of thelearning organization*. New York. :Currency Doubleday.

Serageldin, I. (1998). *Culture and Development at the Millenium*: The Challenges and the Response World Bank, Washington DC.

Shah, P.H. and Awori ,A.. ed. (1996). "*The Management of Land and Land-Based Resources in Kenya: National Proposals for a Policy and Legal Framework".* Summary Report on the Environmental Law Review Project Nairobi: KENGO.

Shitemi, N.L. (1997). *"The Role of Literature and Language Studies in the Management of Our Cultural Heritage"*. Paper Presented at the International Workshop on Urban and Monuments Conservation, Nairobi, 14 – May, 1997.

Sickels-Taves, Lauren B. (1999). The use of and need for preservation standards in architectural conservation. ASTM International.

Smith, Laurajane(2004). *Archaeological theory and the Politics of Cultural Heritage.edited by Ian Hodder*. Newyork and USA, Routledge.

Smith, Laurajane. (2004). *Archaeological theory and the Politics of Cultural Heritage. edited by Ian Hodder*. NewYork and USA: Routledge.

Spriggs, M. (ed).(1984). *Marxist Perspectives in Archaeology*. Cambridge, Cambridge University Press.

Stahl, A. (1992). *"Valuing the Past, Envisioning the Future: Local Perspectives on Environmental & Cultural Heritage in Ghana "In Culture and Development in African*. ed. by I. Serageldin & J. Toboroff. Washington D.C., The World Bank. pp. 411-424.

Stankey, G. H., and B. Shindler. (1997). *Adaptive Management Areas: achieving the promise, avoiding the peril*.U.S. Forest Service General Technical Reportpnw-gtr-394. Pacific Northwest Research Station, Portland, Oregon, USA.

Steward, J.W. (1953). *"Evolution and Process"*. In Anthropology Today, ed. by L. Kroeber. Chicago: University of Chicago Press. pp. 313-326. (1955). Theory of Culture Change. Urbane, University of Illinois Press.

Strauss, A. and J. Corbin. (1987*). Qualitative Analysis for Social Scientists*. New York: Cambridge University Press.

Taylor, W. W. (1948), *A Study of Archaeology*, Menasha: American Anthropological Association, ISBN 0-906367-12-3, OCLC 9714935.

The World Conservation Union (1996).

Trigger, B.G. (1995). *A History of Archaeological Thought*. Cambridge, Cambridge University Press.

Wallen, N.E. and Fraenkel, J.R. (2001). *Educational research*: A guide to the process (2nded.), Mahwah, NJ: Lawrence Erlbaum Associates, Publishers.

Wallen, N.E. and J.R.Fraenkel. (2001). *Educational Research: A guide to the process*. Mahwah, N.J: Lawrence Erlbaum Associates.

Walters, C. J. (1986). *Adaptive Management of Renewable Resources*. NewYork: MacMillan.

Walters, C. J. 1997. *Challenges in adaptive management of riparian and coastal ecosystems. Conservation Ecology*: URL: http://www.consecol/org/vol1/iss2/art1.

Walters, C. J., & Holling, C. S. (1990). Large-*scale management experiments and learning by doing*. North America: University Press of Virginia.

Wandibba, S. (1984). *"The Role of the Museum in National Development"* Paper Presented to a Seminar on Development of Kenya Culture and its Role in National and Individual Development, Kilaguni Lodge, 8-12 April, 1984 Kenya.

Wandibba, S. (1984). *History and Culture in Western Kenya*. Nairobi: Gideon S. Were Press.

Wanyama, B & J. Mireri (ed.) (2006). *World Heritage in Young hands: Skills Development Course for eastern and Central Africa*. UNESCO, Kenya National Commission for UNESCO.

Wass, P. (1995), *Kenya's Indigenous Forest Status, Management and Conservation*, The World Conservation Union, Overseas Development Administration (UK).

Watson, T.N. (1978). *"Historic Towns as Living Communities"* Paper Presented at the Lamu, Kenya Conference on the Conservation of Historic Towns and Monuments, 18-24 February, 1978.

White. L.A. (1945). *"Diffusion Versus. Evolution": An Anti-evolutionist Fallacy*. American Anthropologist 47: 339-356.

Wilden, A. (1972). *System and Structure: Essays in Communication and Exchange*, 1st and 2nd ed. London: Tavistock Publications,

Wilden,Anthony (1972),*System and Structure: Essays in Communication and Exchange*, 1st and 2nd ed.london: Tavistock Publications,

Willem, J,H.Willems. (1998*). Archaeology and Heritage Management in Europe*: Trends and Developments. European Journal of Archaeology Vol. 1(3): 293. London: Sage Publications.

Willems W.J.H. (2008). Archaeological resource management and preservation. In: Kars H., Heeringen R.M. van (Eds.) Preserving archaeological remains in situ. Proceedings of the 3rd conference 7-9 December 2006. Geoarchaeological and Bioarchaeological Studies. Amsterdam: Institute for Geo- and Bioarchaeology, Free University. 283-289.

Williams, D.F. and Wandibba, S. (1984). *Petrological examination, in Cunliffe*, B. 1984, Mf 8, D13-E3.

Wilson ,E.O. (1978) .*On Human Nature*. America: Harvard University Press.

Wilson and Loyala .(1982) *A new species of the fish Amia from the Middle Eocene of British Columbia*.University of Alberta, Palaeontology 25 (2), 413-424.

Wilson, E.O. (1978). *On Human Nature*. USA: Harvard University Press.

Wittenberg, J. (1997). *"Urban Conservation on the African East Coast: The Example of Lamu, Kenya"*. Paper Presented at the International Workshop on Urban Monuments Conservation, Nairobi, 14-16 May, 1997.

Woodhead, P. (1985). *Key Guide to Information Sources in Archaeology*. London, Marsell Publishing.

World Bank(2009-2010), *Regional Economic Survey*, p.23. para.4.

World Monuments Watch (2000) *One Hundred Most Endangered sites, A World Monuments Fund Program*. Founding Sponsor, American Express Company.

Yahya, S.S. (1997). *"Conservationist and Developer: Friends or Foes?"* Paper Presented at the International Workshop on Urban and Monuments Conservation held in Nairobi, 14-16 May.

Yassin, A. (1994). *"A Study of the Conservation of Kenya'sBuilt Heritage with Particular Reference to the Old Towns of Lamu and Mombasa"*. M.A. Thesis, University of Birmingham, England.

2. **Archival Research**
   (i) Colonial Ordinances, 1927, 1932.

   (ii) Conventional information(paper Work)

   (iii)Non-conventional information (e.g. Microfilm)

   (iv)These materials were obtained at the Kenya National Archives in Nairobi and Provincial Archives in Kisumu and Mombasa.

3. Interviews and Discussion with target audience such as local population, NGO's, National Museums of Kenya officials, Ministry of Heritage and Academics.

   - A questionnaire for the separate groups/audiences was used. This is attached herewith.

4. **Observation;**
   (i) The on-going conservation a program was observed and photographed.

   (ii) In Thimlich Ohinga it involved participant observation in the projects.

   (iii)An observation sheet was used as a "Checklist List". The sheet sample is herewith attached.

5. **Media**
   a) This source included internet blogs, newspapers, print and electronic media, documentaries etc.

APPENDIX 2 List of Websites Visited

1. http://oxford.acadenic.edu/ChristopherMorton/Papers/520273/Paro-_Manene_Exhibition.html. Accessed on 21/09/2012.

2. http://www.iccrom.org/africa2009 Accessed on 17/3/2012.

3. http://www.museums.or.ke/content/blogcategory/71/116 accessed on 18/09/2012

4. http://www.nicheafricaholidays.com/kenya/lakevictoriasafaris.html accessed on 21/09/2012

5. http://www.travel-library.com/tours/africa/kenya/kisumu/lake_victoria_and_kogelo.html Accessed on 28/10/2012.

6. http://www.experiencefestival.com/wp/article/ecotourism-in-western-kenya-lake-victoria.html. Accessed on 21/09/2012.

7. http;//www.magicalkenya.com/index.php?option=com_content&task=view&id=826.html Accessed on 04/05/2012

8. http://www.budgetkenyaholidays.com/kisumu/city-sightseeing-tours.html Accessed on 21/09/2012.

9. http://www.citiestotravelto.com/kisumu Accessed on 30/10/2012.

10. http://www.nileguide.com/destination/kisumu-kenya/best/things-to-do/historical-44 accessed on 21/09/2012.

11. http://www.milimaniresort.co.ke/attractions.html Accessed on 07/04/2013

12. http://www.photos.prm.ox.ac.uk/luo/page/exhibition.html Accessed on 30/06/2012

13. http://www.kenyaview.com/kisumu.html Accessed on 19/03/2013

14. http://www.museums.or.ke/content/blogcategory/14/20 Accessed on 22/11/2012

15. http://www.experiencefestival.com/wp/article/ecotourism-in-western-kenya-lake-victoria.html Accessed on 21/09/2012

16. http://enzimuseum.org/museums-of-kenya/a-history-of-the-national-museums-of-kenya.html.
    Accessed on 18/09/2012

17. http://en.wikipedia.org/wiki/National_Museums_of_Kenya Accessed on 18/03/2013

18. http://www.mongabay.com/reference/new_profiles/133kn.html Accessed on 04/04/2012

19. http://www.whc.unesco.org/en/tentativelists/5504 19/09/2012 22/05/2012

20. http://www.archaeological.org/news/currentprojects/10307 Accessed on 24/09/2012

21. www.enzimuseum.org/museums-of-kenya/museums-sites-monuments/kisumu.

APPENDIX 3

INTERVIEW AND QUESTIONNAIRE GUIDE (see the attached discussion guide)

QUESTIONS FOR MUSEUM OFFICIALS

1. Which laws govern archaeological heritage in Kenya?

2. What are the strengths and weaknesses of these laws?

3. Is there a cultural policy regarding AHM in Kenya?

4. If yes, explain its salient features.

5. Is there any mode of operation or procedure for practice of AHM?

6. Do you liaise with other agencies in your AHM work?

7. If yes, which ones and what do they do?

8. What process do you go through before engaging in an AHM project?

9. Are you charged with the responsibility of interpreting and enforcing the protective Acts?

10. If yes, what problems do you face in dispensing this duty?

11. Are you involved in the cultural policy formulation process?

12. If no, what is your reaction to non-participation in the process?

13. If there will be a cultural policy, what would you like to be taken into account?

14. What measures have you put in place to solve some of the problems in Qn. 15.

15. Who in the museums is directly responsible for AHM?

16. What do you protect?

17. How many professionally trained staff do you have in the AHM section?

18. How do you finance AHM projects?

19. What are your successes and failures in AHM so far?

20. What still needs to be done?

21. Do you involve the local people in the AHM programmes?

22. If so, what role do you play?

23. Why do you manage archaeological heritage?

24. How should archaeological heritage be effectively managed?

25. Who should manage the heritage?

26. What should be the professional qualification for the heritage managers?

27. What are the policies for recruiting archaeologists in the museums?

28. Do you have specialized training in AHM?

29. Do you have professional training in heritage management?

QUESTIONS FOR POLICY MAKERS ON CULTURAL HERITAGE

1. Is there a cultural policy regarding the protection of archaeological heritage?

2. If yes, explain its salient features?

3. If no, why has it taken you too long to come up with one?

4. Who is/are involved in the cultural policy formulation?

5. How should the archaeological heritage be managed?

6. Who should manage the heritage?

QUESTIONS FOR THE LOCAL COMMUNITIES
1. Do you have antiquities and monuments around you?

2. Of what value is this heritage to you?

3. What benefits has it brought to you as an individual or as a community?

4. Are there AHM programmes for them?

5. If yes, what is your exact role(s) in such programmes?

6. Do you have any problem(s) with the AHM manner the projects are carried out?

7. Are there problems in having the heritage on your land or next to you?

8. What would you like to be done for the better management of the heritage?

9. Have you been educated/trained on the importance of this heritage?

10. If yes, what has been the nature of the training?

11. Who should manage the heritage?

12. Do you participate in the decision making process over the heritage around you?

13. If so, what are you required to do?

14. Do you have traditional management methods for this heritage?

APPENDIX 4

OBSERVATION SHEET(see the attached sheet)

This gives specifications – location, surrounding, drainage, outside lighting, physical security, electricity wires, the museum building, exhibition, fixtures, and fittings, supports, inside environments, storage, and object's in the store and so on.

	Name of site/cultural property	Observed programme	Problems observed	Remarks
1.	Thim Lich Ohinga	i. ii. e.t.c	i. ii.	
2.	Fort Jesus Museum	i. ii. e.t.c	i. ii. e.t.c	
3.	Nairobi National Museum	i. ii. e.t.c	i. ii. e.t.c	
4.	Kisumu National Museum	I ii e.t.c	i ii e.t.c	

APPENDIX 5

LIST OF INFORMANTS

1. Dr. Idle Farah   Director General, National Museums of Kenya

2. Dr. Hassan Wario   Cabinet Secretary, Ministry of Culture, Sports and Arts and Former Director, Museums Sites and Monuments.

3. David Mbuthia   NMK, Nairobi.

4. Langat Kiprop   Ag. Director, Museums, Sites and Monuments.

5. Isaya Onjala   Ass. Director, Western Region Museums

6. Wycliffe Oloo   Chief Curator, Kisumu Museum

7. Mbarak Abdullah   Principle Curator, Fort Jesus.

8. Jambo Haro   Head of the Cultural Heritage Research, Coast Region.

9. Caesar Bita   Head, Underwater Archaeology.

10. Mohammed Mchulla   Laboratory Analyst, Fort Jesus.

11. George Ghandhi   Laboratory Analyst, Fort Jesus

12. Jimbi Katana   Former Curator, Fort Jesus.

13. Joel Nyapala   Security, Thimlich Ohinga

14. Silas Nyagueth   Caretaker

15. Julius Opolo   Maintenance

16. Laban Swallo   Botanical Manager

17. Charles Polo   Security

18. Aggrey Ogunde   Maintenance

19. John Odoyo   Maintenance

20. Joseph Oyugi	Maintenance
21. Francis O. Adhiang'	Community Elder, Thimlich Ohinga
22. John Okeyo Oyomno	,, ,, ,, ,,
23. Ochieng' Ngore	,, ,, ,, ,,
24. Jannes Opolo Akoth	,, ,, ,, ,,
25. Ogile Joseph Jakech	,, ,, ,, ,,
26. Micah Otieno Abongo	,, ,, ,, ,,
27. Musa Ogile Okomo	,, ,, ,, ,,
28. Michael Ngore Othoo	,, ,, ,, ,,
29. Wilikista Ologi	,, ,, ,, ,,
30. Nereah Onang'o	,, ,, ,, ,,
31. Angelina Ochieng	,, ,, ,, ,,
32. Grace Owaga	,, ,, ,, ,,
33. Sara Lwomba	,, ,,