Introduction

Breaking Open the Colonial Cupboard

"In the years before independence, people were beaten, their land was stolen, women were raped, men were castrated and their children were killed," explained Wambugu wa Nyingi in his witness statement during the 2009 Mau Mau claim. He concluded, "I would like the wrongs which were done to me and other Kenyans to be recognised by the British Government so that I can die in peace."[1] Nyingi ensured that his wish came true. In June 2013, the United Kingdom's foreign secretary William Hague announced that Britain was to pay out £19.9 million in costs and compensation to more than 5,000 elderly Kenyans whose abuse the British colonial government had authorized during the Kenya Emergency (1952–60).[2] Hague's announcement came after three surviving claimants – Paulo Nzili, Wambugu wa Nyingi, Jane Muthoni Mara, and the UK Foreign and Commonwealth Office (FCO) – reached a legal settlement for a lawsuit that had commenced more than ten years prior. The Mau Mau case, as Leigh Day, the law firm representing the claimants called it, was the first time in British history that "victims of colonialism were given the right to claim compensation from the British government for the abuse" they had endured.[3] The claimants alleged,

> that there was active participation by ministers and senior officials of Her Majesty's Government in the United Kingdom, and senior officers of the armed forces, in promoting through violence a policy of terror, intimidation

[1] Leigh Day, The Mau Mau claims, Wambugu Wa Nyingi, "Our Client's Testimony," www.leighday.co.uk/latest-updates/cases-and-testimonials/cases/the-mau-mau-claims/ [accessed June 2022].

[2] Press Association, "UK to Compensate Kenya's Mau Mau Torture Victims," *The Guardian*, June 6, 2013, www.theguardian.com/world/2013/jun/06/uk-compensate-kenya-mau-mau-torture [accessed August 2021].

[3] Alex Wessely, "The Mau Mau Case – Five Years On," *Leigh Day Blog*, October 6, 2017, www.leighday.co.uk/latest-updates/blog/2017-blogs/the-mau-mau-case-five-years-on/ [accessed October 2021].

and coercion by the Colonial Government and/or the British Army, and/or that ministers, senior officials and senior officers had a level of knowledge that through violence such policies were being practiced.[4]

The charges against the UK Foreign and Commonwealth Office included the practices of terror, intimidation, and coercion and the knowledge that such practices were carried out in the colony. This connection, between the tortuous activity of the colonial administration and the knowledge of that activity by the metropolitan government, rendered supporting documentary evidence crucial. However, the UK government had done its best over the last fifty years to ensure the inaccessibility of such evidence.

The path to the disclosure and thus historic settlement was not smooth. As one of the Leigh Day barristers summarized, "the case was strongly resisted by the Foreign and Commonwealth Office, the concern being that it would encourage many more skeletons to emerge from the colonial cupboard."[5] The colonial cupboard, in this case, was both figurative and literal. The UK government had organized the illegal concealment of documents, removed from former colonies in the transition to constitutional independence, which provided evidence of colonial atrocities. The Kenyan lawsuit threatened not only to hold the British government to account for the immeasurable loss of life during the Emergency but also to disturb the UK's tight control over colonial archives. In an attempt to avoid such a revelation, the Foreign and Commonwealth Office argued that the current government of the Kenyan Republic, as the successor of the Kenyan Colony, was liable for the crimes of the colonial government. Furthermore, the Foreign and Commonwealth Office contended that a fair trial was not possible due to the passage of time.[6] However, the

[4] [2012] EWHC 2678 (QB). High Court of Justice Queen's Bench Division, *Approved Judgment*, Richard George Bramwell McCombe (The Right Honourable Lord Justice). Case No. HQ09X02666, Royal Courts of Justice, London, October 5, 2012. www.judiciary.uk/wp-content/uploads/JCO/Documents/Judgments/mutua-fco-judgment-05102012.pdf [accessed September 2021].

[5] Daniel Leader, "The Mau Mau Litigation – Justice at Last," *Oxford Human Rights Hub*, November 3, 2015. https://ohrh.law.ox.ac.uk/the-mau-mau-litigation-justice-at-last/ [accessed October 2021].

[6] Foreign & Commonwealth Office, "FCO Statement on Mau Mau Court Judgement," *Gov.UK*, October 5, 2012. www.gov.uk/government/news/fco-statement-on-mau-mau-court-judgement [accessed October 2021].

legal team's persistent effort to identify and locate relevant documentation pertaining to the Emergency in Kenya resulted in the timely "discovery" of a "missing" archive that held thousands of sensitive documents related to the Emergency in Kenya. These documents corroborated the testimony of claimants and established an irrefutable case against the Foreign and Commonwealth Office.[7] They had broken open the colonial cupboard.

Historians played a crucial role in the Hanslope Park disclosure and Mau Mau case. David Anderson, Huw Bennett, and Caroline Elkins advised the claimants and their legal team and served as expert witnesses in the court proceedings due to their expertise. Elkins's *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya* (2005), Bennett's then doctoral dissertation "British Army Counterinsurgency and the Use of Force in Kenya, 1952–1956" (2007), and Anderson's *Histories of the Hanged: The Dirty War in Kenya and the End of Empire* (2005) supplied context for and validated the plaintiffs' claims. By providing insights into different aspects and episodes of the Kenyan Emergency (Elkins on the civilian, Bennett on the British military/counterinsurgency, and Anderson on capital punishment and forest aspects of the war), these revisionist works demonstrated the scale of purposeful violence with unprecedented clarity. However, the task of providing legal advice and supporting the case removed the power of interpretation and analysis from the historians, as Caroline Elkins explained in an article summarizing the process, and focused them rather on scrutinizing the archival record for relevant evidence, which made obvious the historical and ongoing obfuscation of the documentary record of British colonial rule in Kenya.[8]

In 2006, Leigh Day submitted a Freedom of Information request to the Foreign and Commonwealth Office for all "documents relating to the suppression of the Mau Mau" that the government was "refusing to release."[9] The Foreign and Commonwealth Office responded to

[7] Wessely, "The Mau Mau Case."

[8] Caroline Elkins, "Alchemy of Evidence: Mau Mau, the British Empire, and the High Court of Justice," *The Journal of Imperial and Commonwealth History* 39, no. 5 (2011): 731–48.

[9] Jack Michael Stuart Humphrey, "Keep Calm and Conceal: British Public Record-Keeping Practices and Policies, 1800–2018" (MA Thesis, Middle Tennessee State University, 2018), 75.

Leigh Day's request negatively. The office insisted that "all information held by the FCO relating to the emergency period has been transferred to [the National Archives]."[10] This was a lie. The request followed the knowledge of and/or suspicion by historians that a process of document destruction and removal took place in Kenya in the early 1960s.[11] Scholar Tim Parsons directed David Anderson to a file held by and accessible in the UK's National Archives (TNA), FCO 31/211/11, which contained correspondence between the Kenyan and British governments about the illegal removal of documents.[12] After four more years of back-and-forth between the Leigh Day and their team and the Foreign and Commonwealth Office, Anderson demonstrated in his witness statement that "the British administration in Kenya took steps before December 1963 to remove the UK records relating to the administration of the Mau Mau Emergency, so that these would not be among the records handed over to the incoming independent government."[13] As will be discussed throughout this book, awareness of record removal and destruction existed among historians beginning in the 1960s; however, records documenting this process were also subject to removal and destruction, making it difficult, but not impossible, to prove.

Mounting pressures resulted in an order from the High Court to the Foreign and Commonwealth Office to investigate the matter further. In January 2011, after much persistence by the legal team and historians, the Foreign and Commonwealth Office acknowledged that it held files pertaining to the Kenyan Emergency that it had not

[10] Anthony Cary, "The Migrated Archives: What Went Wrong and What Lessons Should We Draw?" *Cary Report on the Release of the Colonial Administration Files*, Foreign & Commonwealth Office, February 24, 2011, p. 10. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/625667/cary-report-release-colonial-administration-files.pdf [accessed September 2015].

[11] See volume 39, number 5 of *The Journal of Imperial and Commonwealth History* (2011) for a fuller reconstruction of the Mau Mau case and judgment from the perspectives of the expert witnesses (Anderson, Bennett, and Elkins).

[12] See footnote 24 in David Anderson, "Mau Mau in the High Court and the 'Lost' British Empire Archives: Colonial Conspiracy or Bureaucratic Bungle?" *The Journal of Imperial and Commonwealth History* 39, no. 5 (2011): 715. This reference appears as FCO 31/211 in the online catalogue of UK's National Archives.

[13] Ibid., p. 707.

yet released to TNA.[14] That was just the tip of the iceberg. In fact, as would be acknowledged through a court-ordered, independent inquiry and subsequent reporting, the Foreign and Commonwealth Office retained tens of thousands of files from thirty-seven former colonies removed to London upon independence at Hanslope Park in Milton Keynes, Buckinghamshire. Hanslope Park is a compound the size of a small town, encircled by two fences, seven feet tall or higher, topped with razor wire. It is the home of Her/His Majesty's Government Communications Centre, a joint MI6, MI5, and Foreign Office facility. As journalist Ian Cobain summarizes, "Hanslope Park is one of the most secure facilities operated by any government, anywhere in the world. [. . .] It is a perfect place to bury difficult secrets."[15]

The Hanslope Park disclosure, as it came to be known, rocked British media. Headlines such as "Cabinet 'Hushed Up' Torture of Mau Mau Rebels" (*The Independent*, October 23, 2011), "The Colonial Papers: FCO Transparency Is a Carefully Cultivated Myth" (*The Guardian*, April 18, 2012), and "Foreign Office Hoarding 1 m Historic Files in Secret Archive" (*The Guardian*, October 18, 2013) rightly scandalized the dubious maintenance of colonial files in highly securitized facilities outside the legislative framework established by the UK's Public Records Act. However, reporting on the Hanslope Park disclosure placed this scandal in the context of "discovery." While the disclosure further clarified the extent and contents of these removed and secretly held records, awareness about them was wider and older than news coverage at the time let on. First and foremost, the Kenyan government was informed as early as 1964 that the outgoing colonial government removed files it did not wish to leave behind.[16] Equipped with this information, Kenyan politicians and archivists have

[14] Even internally, the FCO was reluctant to admit the existence of these files. See especially the exchange between Edward Inglett, the Kenya Desk Officer within the FCO, and the Information Management Group, the party responsible for the FCO's records management and "migrated archives." The Times Staff, "Email Exchanges between Edward Inglett and the Foreign Office," *The Times*, April 12, 2011, www.thetimes.co.uk/article/e-mail-exchanges-between-edward-inglett-and-the-foreign-office-5jx2sjtwbzh [accessed October 2021].

[15] Ian Cobain, *The History Thieves: Secrets, Lies and the Shaping of a Modern Nation* (London: Portobello Books Ltd, 2016), p. 103.

[16] This is explored at length in Chapter 7.

been trying to negotiate the return of removed records from the UK ever since. Furthermore, the narrative of discovery supported the Foreign and Commonwealth Office's official position on the matter: that a lack of time and resource within their department had prevented them from conducting a full sensitivity review of the records, and that they were unaware of their contents.[17] The opposite was true. The Foreign and Commonwealth Office spent considerable time over decades not only ensuring that these secret colonial archives remained secret but adding more and more sensitive documents to them.

The word "archive" means two things that are usually understood to be the same. An archive is a place where you can go, either physically or, increasingly, digitally. For scholars, it is a place of discovery, whereas for states, it is a place of control. For peoples in search of evidence, an archive can be a place for recognition, and following, of potential redistribution. An archive is also a collection of records, in other words — the *stuff* that fills the place. It is often assumed that the latter is located within the former, that an archive is the sum of these two parts. In the case of "migrated archives," however, this is not so. While these "migrated archives" reveal something about the time period they document, they reveal as much about the time period in which they were concealed. What they will say about the future "relational ethics" between the UK government and former colonies has yet to be decided.[18] What this book shows, however, is that the UK government concedes nothing without a demand, in this case made by a transnational coalition of survivors of colonial domination, human rights activists, lawyers, historians, and archivists whose pursuit of historical justice was unrelenting.

This book is the first full-length, systematic, historical analysis of the removal and concealment of sensitive records from Kenya to London by the British colonial government and the subsequent disputes over their custody. While the practice of removing certain documents from colonies transitioning to independence spanned not just the British Empire but other imperial reconfigurations in the second half of the twentieth century, the Kenya–UK case resulted in a watershed moment

[17] Cary, "The Migrated Archives."

[18] Felwine Sarr and Bénédicte Savoy, *Rapport sur la restitution du patrimoine culturel africain. Vers une nouvelle éthique relationnelle*, November 21, 2018. Translated by Drew S. Burk, pp. 67–68. http://restitution.report2018.com/sarr_savoy_en.pdf [accessed October 2021].

with global ramifications.[19] After fifty years of Kenya's pursuit of these records, a process marked by deception from the Foreign and Commonwealth Office, a reparations case seeking recompense for survivors of torture authorized by the UK Colonial Office during the Kenya Emergency (1952–60) resulted in their public release starting in 2011. However, the "migrated archives," as the UK calls these documents, remain in England, where costly travel and hostile borders limit the visits of peoples from former colonies.[20] In spring of 2024, the UK National Archives announced a project wherein parts of the "migrated archives" will be digitized in a "collaboration with the national archives of the nations to which the records relate," including Kenya. The announcement declared that the UK National Archives has "worked hard to demonstrate why archives matter as vital assets for democracy."[21] It makes no mention of the deliberate, decades-long concealment of these records, an effort that involved not only the Foreign and Commonwealth Office but the UK National Archives' predecessor, the Public Record Office. Furthermore, it does not elaborate how the project will manage questions of access, reproduction, or custody. Written in the "time of returns," this book thus historicizes the struggles to conceal and reveal colonial-era documents in order to strengthen current restitution debates with historical background.[22]

[19] For an overview of "displaced archives" resulting from decolonization processes in the nineteenth and twentieth centuries, see James Lowry (ed.), *Displaced Archives* (Oxford: Routledge, 2017).

[20] There is extensive literature and press coverage of the UK's "hostile environment" policy, designed in principle to make staying in the UK difficult for those without right to remain and in practice difficult for Commonwealth citizens. See for example Gargi Bhattacharyya, Adam Elliott-Cooper, Sita Balani et al., *Empire's Endgame: Racism and the British State* (London: Pluto Press, 2021); Nadine El-Enany, *(B)Ordering Britain: Law, Race and Empire* (Manchester: Manchester University Press, 2020); Additionally, there has been significant press coverage of UK Home Office prejudice refusing visas to African researchers, see The Daily Vox Team, "Systemic Prejudice in the UK, and Visa Refusals for African Academics," *The Daily Vox*, July 10, 2019. www.thedailyvox.co.za/systemic-prejudice-in-the-uk-and-visa-refusals-for-african-academics/ [accessed June 2021].

[21] "Digitising FCO 141 Records," nationalarchives.gov.uk, n.d., www.nationalarchives.gov.uk/about/news/digitising-fco-141-records/ [accessed May 2023].

[22] In their report on the restitution of African cultural heritage, Felwine Sarr and Bénédicte Savoy use the phrase "time of returns" to describe the emotional, logistical, and political process of restitution in a museums context. See Sarr and Savoy, *Rapport sur la restitution*, p. 51.

In doing so, it shows how record removal was a last official act of empire driven by the desire to self-fashion its memorialization, to create the conditions for British impunity, and to preserve imperial interests in the postcolonial era.

The Making of the Colonial Cupboard

In May 1961, a Colonial Office telegram from London issued instructions regarding the destruction and removal of classified documents from colonial offices around the British Commonwealth as twenty-two dependencies transitioned to independence. These instructions decreed that successor governments should not receive records that:

- Might embarrass HMG [Her Majesty's Government] or other Governments;
- Might embarrass members of the police, military forces, public servants or others, e.g. Police informers;
- Might compromise sources of intelligence information; or
- Might be used unethically by Ministers in the successor Government.[23]

The Kenyan National Archives inherited the remaining documents and the rest of the of the colonial paperwork went up in flames, was fed to an incinerator, or packed up and flown to London where it was stored under lock and key. In 1967, the Kenyan Government issued its first official request to the British government for the return of these records. This request, curtailed by smoke screening from the Commonwealth Librarian and the Colonial Office, began a fifty-year period of contestation between the two governments over the archive of British rule in Kenya. This book asks why the Colonial Office and the British colonial government wished to remove certain records from Kenya, why the Kenyan government wanted them back, and which other actors were involved in the process. In doing so, it analyzes what exactly the "migrated archives" are and what circumstances preserved and eventually unraveled their secrecy.

The story of these files and their disputed ownership is characterized by UK attempts to avoid consequences for colonialism. This is evident

[23] UK National Archives, hereafter referred to as TNA, FCO 141/6957, Secretary of State to Government of Tanganyika (copy to Kenya), May 3, 1961.

in the way the UK government refers to them: the "migrated archives." This phrase is misleading on several levels. First and foremost: The records did not migrate. They were selected by colonial officials, according to instructions provided by the local colonial administration and/or the Colonial Office and their own subjective assessments. They were transported by pilots and ship captains from around the globe and brought to London. They were then organized by the Intelligence and Security Department and the Library and Records Department of the Foreign and Commonwealth Office. They were maintained by the Library and Records Department, which sometimes solicited the advice of the India Office Library and Records Department, the Public Record Office and later the UK's National Archives, various research departments of the Foreign and Commonwealth Office, and even legal counsel of Her Majesty's Government. In other words, the ongoing concealment of the "migrated archives" was an elaborate affair that involved many sections of the UK government over the course of several decades.

Secondly, at the time when these records were removed — they were not "archival." In some cases, colonial officials removed records that the outgoing British colonial governments did not wish for the incoming government to see. In Kenya, these included records documenting systematic and authorized abuse during the Emergency. Many of the records were no more than ten years old at the point of removal, and some were created as constitutional discussions were underway. In other words, some were salient political records of relevance to the formation of new states, both for governments that would forge new political orders in the aftermath of colonial domination and for peoples who continued to advocate their own visions of liberation. The initial removal of records prematurely relegated documents into inaccessible repositories at a time when the questions and problems to which they pertained were acute. Over time, especially in response to requests made by the Kenyan government and others for the return of such files, the Library and Record's Department came to view the "migrated archives" as not just a collection of sensitive and controversial documents but as a logic in its own right. The "migrated archives," and the limbo they formed, allowed the Library and Records Department to avoid the legislative demands of the UK Public Records Act to release government files after a certain closure period and in doing so control access to

sensitive colonial records.[24] The Library and Records Department purposefully created and maintained the "migrated archives" to be inaccessible. This inaccessibility allowed for their exact scope to remain unknown to those who requested their return. However persistent the Foreign and Commonwealth Office's deception over its "migrated archives" was, so too were Kenya's retrieval attempts. Thus, they are imbued with struggle.

One of this book's aims is to analyze the various meanings and values ascribed to the "migrated archives," a term employed by a range of actors to different ends. My use of the term refers to those documents removed from former British colonies and held at first at Hayes and Curtis Green repositories, later transferred to Hanslope Park, and kept secretly in an archival limbo until they were partially and gradually released to the UK's National Archives following the Hanslope Park disclosure. Depending on from where they were removed, their contents range from tax ledgers to allegations of abuse by detainees. They are thus bound together not by a rubric of sensitivity, but by a practice of concealment and dislocation. The Library and Records Department surveyed the Kenya "migrated records" in 1982 and summarized their contents as

> a heterogeneous collection ranging from potentially highly sensitive to possibly innocuous material. The greater proportion concerns Mau Mau and the Kenyan emergency. It includes intelligence committee summaries from all the Provinces and Districts for a considerable number of years, individual files on collective fines, several personal files on Jomo Kenyatta and others on Tom Mboya, Oginga Odinga and Arap Moi — to mention a few, a number of files about French, German, South African consuls, and the Indian and Pakistan High Commissioners. At the other end of the scale there is 1908 correspondence with Winston Churchill on railway freight-rates and a 1920 letter about the stabilization of the rupee.[25]

[24] For a summary of FCO and PRO/TNA indecision on whether or not the "migrated archives" were "public records" according to the UK Public Records Act, see: The Association of Commonwealth Archivists and Record Managers, "The 'Migrated Archives' ACARM Position Paper," November 25, 2017. https://acarmblog.files.wordpress.com/2018/10/acarm-position-paper-migrated-archives-adopted-20171125.pdf [accessed September 2019].

[25] TNA, FCO 12/357, LRD Memo, "Kenya: Migrated Archives," J. H. Smyth to Miss Blayney, July 7, 1982.

Although it was common knowledge in the Kenyan government after independence that the outgoing British colonial government had removed records, the exact extent, as enumerated above, was unknown.[26] Thus, while the UK government referred to its secretly held colonial-era records as the "migrated archives," it had a broader meaning to those unaware of their exact scope.

The term itself did not come into common use until 1972 when, during a congress of the International Council on Archives, the Keeper of the UK's Public Records and the Director of India's National Archives debated the rightful custody and location of colonial-era documents. The Director of India's National Archives used the phrase in order to refer to *all* records related to the UK's colonization of the subcontinent, meaning those removed to and those created in London. The phrase became a useful tool for other former colonies, not only from the British Empire, to claim archival restitution.[27] The ambiguity surrounding what exactly the "migrated archives" refer to has at once enabled broad discussion the problem of colonial-era documents and prevented the specific identification of the records removed by outgoing colonial governments and held in secret.

However decisive the Colonial Office and later the Foreign and Commonwealth Office's role was in the making of the "migrated archives," it did not act alone. Rather, pressure from international organizations and requests by the Kenyan government, as well as from other former colonies, produced key moments of decision-making wherein the Foreign and Commonwealth Office had to regularly choose whether to return records, release them as UK public records to the Public Record Office, or to maintain them in their limbo status. By arguing that the Hanslope Park disclosure was the result of struggle, this book focuses on the forces that contested the ownership and location of colonial-era Kenyan documents. By taking a multi-scalar approach, it analyzes the role of international organizations, namely, the International Council on Archives, bilateral negotiations between the British and Kenyan governments, interinstitutional entanglements

[26] In sum, Kenya's records consisted of 307 boxes, containing about 1,500 files. Smyth recorded that "there are 13 boxes of TOP SECRET material and 294 boxes of material classified SECRET and below. The main series are those from the offices of the Governor and the Chief Secretary and the Ministry of Internal Security and Defence." Ibid.

[27] This is explored at length in Chapters 5 and 7.

between universities in East Africa, the United States, and the United Kingdom, and the efforts of individuals with personal investment in the "migrated archives." Thus, while the "migrated archives" and contests thereover directly pertain to postcolonial nation-building projects, they are transnationally situated. At each of these scales, this book asks why certain actors were interested in control over the "migrated archives," or other Kenya colonial-era documents. On the one hand, the "migrated archives" created a limbo wherein controversial evidence of Britain's administration of its empire could exist inaccessibly, and on the other, they provided the independent Kenyan government a context within which it could self-fashion a unified Kenyan polity by referring to the Kenya National Archives as the rightful home to records related to historical processes still underway: namely demands for land and freedom. Other actors, such as Syracuse University and its financial partners, derived power through exploitative microfilming programs at the Kenya National Archives.

The "migrated archives" present a useful and unique unit of analysis for historicizing decolonization processes.[28] Today, decolonization is a familiar phrase used to make restorative justice demands.[29] However, for the time period covered here, it was not a term oft used by contemporaries. The first explicit mention of "decolonization" by an actor in this story was in 1983, twenty years after Kenya gained constitutional independence.[30] This is partly because what we

[28] To this end, Todd Shepard has recently argued that "The history of archives and decolonization asks how historical production and archives participate in defining what national sovereignty means post-decolonization." Todd Shepard, "'Of Sovereignty': Disputed Archives, 'Wholly Modern' Archives, and the Post-Decolonization French and Algerian Republics, 1962–2012," *The American Historical Review* 120, no. 3 (2015): 870.

[29] For the context of "decolonization" and higher education in the UK, see Priyamvada Gopal, "On Decolonisation and the University," *Textual Practice* 35, no. 6 (2021): 873–99. Broadly speaking, restorative justice is an approach to and theory of justice that emphasizes repairing harm caused by someone or something's actions, doing so through an encounter between all relevant parties, and with the aim of transforming people, relationships, and communities.

[30] See Chapter 7, where in reference to the Vienna Convention (1983) Kenyan delegate S. K. Machui commented that "although decolonization is nearing completion there are still many outstanding issues connected with it for which no satisfactory solution has been found. This is particularly so in the case of archives." KNA AR/15/5, S. K. Muchui, "Report on the United Nations Conference on Succession of States in Respect of State Property, Archives and Debts," n.d.

understand today about the processes that resulted in the transfer of power from colonial to independent forms of rule, varied though the latter were, were unclear at the time they unfolded. There was nothing self-evident about the way in which Britain withdrew from Kenya nor was there anything inevitable about the way in which the Kenyan state formed afterwards. The history of the "migrated archives" makes this clear. The UK government formed its colonial archival limbo partly to create a reference repository for possible future endeavors.[31] The independent Kenyan government established the Kenya National Archives partly to preserve record of the colonial past for institutional continuity rather than to break from it. The political emphasis, as seen through the Kenya National Archives' early development, was on outmastering the colonial style of governance rather than deconstructing it. Therefore, the contemporary association with restorative justice and decolonization does not reflect Kenya's governmental approach to internal self-government or Africanization, terms used at the time. However, it does have an antecedent with those who pursued liberation before and after political independence, such as in the Mau Mau case. Historicizing the "migrated archives" in the context of decolonization brings into focus the inability of the involved actors to see into the political future, instead trying to freeze the past in an archival limbo. Further, concealing the "migrated archives" not only affected the writing of colonial history but how decolonization occurred, through the dislocation of evidence pertinent to political questions at the time.[32]

In response to the absence of colonial archives in current discussions within Europe on cultural restitution, Nairobi-based political analyst Patrick Gathara has argued that "returning colonial archives would

[31] Chapter 3 details how the application of the "W" system, as the protocol for record sanitization was referred to in Kenya, was regarded by security experts in London as a model for which other colonies could follow. There was a longer-standing habit of inter-colonial knowledge transfer regarding counterinsurgencies and concealment practices. In 1957, the Secretary of State for the Colonies requested a report from Kenya on the emergency to "most usefully [communicate] to other Colonial territories" the "valuable lessons" learned, with this background the secretive preservation of certain records relating to emergencies can be understood as part of a broader practice of internal reference within Britain's empire. TNA FCO 141/6415, Kenya Ministry of Defence to Chief of Staff, East Africa Command, December 18, 1957.

[32] This, especially the relationship between archival access and the making and justifying of sovereign postcolonial borders, is explored further in Chapter 7.

make Africans the curators of their own history."[33] Curation maintains analytic emphasis on purposeful selection. The power to select is serious. The narratives established by dominant modes of historical understanding can legitimize political power, the distribution of rights, privileges, and shape the course of justice. These related, yet, distinct uses of documents are referred to throughout as "historic" and "political" use. The records comprising the "migrated archives" pertain to issues such as land rights, state-sanctioned torture, and national boundaries. Access to them thus also accords access to their use in litigation and other processes of claim-making. The processes of selection behind UK efforts to conceal and Kenyan efforts to reveal the "migrated archives" are directly tied to ongoing struggles for recognition and redistribution that, though heavily marked by the colonial period, persist to the present day. It is precisely because of this connection between archival and political control that the UK government has invested so much in making the "migrated archives" inaccessible.

Curation also maintains analytic focus on the value-systems behind selection. The word "curate" comes from the Latin, *curare*, meaning to take care of. What were British colonial officers taking care of in their selection of documents to destroy and/or conceal? What were Kenyan politicians taking care of in their demands for restitution? What were Kenyan publics taking care of in their use of documentary evidence, including that revealed through the Hanslope Park disclosure? Generally, British imperial efforts to conceal records pertaining to colonial rule in Kenya and elsewhere have been part of wider attempts to delay and control processes of decolonization in accordance with British geopolitical interests. Kenyan national efforts to regain the "migrated archives" have been an assertion of national sovereignty and unity in the postcolonial period. However, as public historian and human rights advocate Stoneface Bombaa distinguishes, "Kenya is a free country but its people are not free."[34] The active civic search and use of documentation supporting emancipatory claims to rights, entitlements,

[33] Patrick Gathara, "The Path to Colonial Reckoning Is through Archives, Not Museums," *Aljazeera*, March 14, 2019. www.aljazeera.com/opinions/2019/3/14/the-path-to-colonial-reckoning-is-through-archives-not-museums [accessed September 2019].

[34] Stoneface Bombaa, interview by David Oyuke and Monique Angelyn, *Morning Mix*, radio recording, February 9, 2023, www.youtube.com/watch?v=-g4PDhYWw-w [accessed March 17, 2023].

and history comprises a third level of curatorial care shaping the "migrated archives."

Hidden in Plain Sight

Although prior to the Hanslope Park disclosure scholars had been quiet on British methods of colonial document concealment, they had not been totally silent. In 1967, Derek Charman and Michael Cook published an article in the *Journal of the British Records Association* commenting on their recent experiences assisting in the development of national archives in Kenya and Tanzania. In their account of the state of documents inherited by the independent Kenyan government, the authors wrote,

> The records of the Administration housed in the Secretariat, and in the provincial and district offices, are obviously indispensable for the study of the political history of the colonial era, but, sad to say, they suffered very severely at the hands of the outgoing officers. The removal of some archive material from a country in transition from colonial rule to independence may perhaps be justified as a somewhat dubious political expedient, but the wholesale destruction of records that took place in East Africa, particularly Kenya, [. . .] must be deplored on any grounds.[35]

Their readership included members of the British Records Association, an assortment of England-based archivists, researchers, librarians, institutions, and archive owners. By the time of the article's publication, the British Records Association's activities centered on "rescue work," wherein the association actively sought out records they believed to be at risk of wanton destruction from businesses, solicitors, and other private hands to offer preservation services.[36] Some of the association's members were also representatives at the International Council on Archives. Charman and Cook's revelations about British colonial destruction and removal in eastern Africa did not compel their professional audience to pursue the question of removed records within England at the time.[37]

[35] Derek Charman and Michael Cook, "The Archive Services of East Africa," *Archives: The Journal of the British Records Association* 8, no. 38 (1967): 71–72.

[36] Penelope Baker, "Back-Bone or Burden? The Role of the RPS in the BRA," *Archives: The Journal of the British Records Association* 53, no. 136 (2018): 27–44.

[37] "The Society's Chronicle: Annual General Meeting, 1967," *Journal of the Society of Archivists* 3, no. 7 (1968): 373–76.

Two decades after Charman and Cook's article, the Kenya National Archives' third director, Musila Musembi, published *Archives Management: The Kenyan Experience*.[38] In it, Musembi condemned the poor recordkeeping practices of the British colonial government in Kenya, including its destruction and removal of records upon independence. Musembi thematized British colonial concerns about record removal as a reputational exercise. Citing archival records available at the Kenya National Archives, Musembi quoted the Chief Native Commissioner in 1962,

> All of us, and His Excellency in particular appreciate the importance of undertaking this work before it is too late so that, just in case a future nationalist government wishes to erase all records of the colonial past and re-write history to accord with their point of view, there will be ample record of the efforts we made to turn this country into a civilized state.[39]

Musembi thus showed how colonial officers in Kenya viewed curating the documentary traces of their administration as a way to ensure their positive legacy as arbiters of civilization. However, the record destruction process was not as complete as the Chief Commissioner might have hoped or as Musembi might have feared. While awareness of the bonfires of colonial-era documents was widespread, it was less known that officials were instructed to destroy duplicates of sensitive records, known as "accountable documents." The secretariat sent originals to London. However, these instructions were incompletely and unevenly followed. After all, Musembi was able to cite documents preserved at the Kenya National Archives in order to write about colonial document destruction. Although Charman, Cook, and Musembi were unaware of the exact scope of destroyed and removed documents, since evidence of this had also been concealed, they nonetheless identified and decried British record sanitization long before the Foreign and Commonwealth Office confessed to the deed. Crucially, the Hanslope

[38] In Caroline Elkins's *Britain's Gulag: The Brutal End of Empire in Kenya* (London: Jonathan Cape, 2005), she cites Musembi in her "Notes on Methods." She writes, "When I began this project, the scope of what remained unknown or undisclosed about the detention camps and Emergency villages was enormous. This was largely a result of the British colonial government's concerted effort to purge most of its detention and villagization files prior to decolonization in 1963" p. 373.

[39] Musila Musembi, *Archives Management: The Kenyan Experience* (Nairobi: Africa Book Services, 1985), p. 20.

Park disclosure did not create but widened awareness of British record culling at the end of empire.

Following the Hanslope Park disclosure there was a rush of writing and reflection on the apparent archival revelation and its implications for future research. In Stephen Howe's introduction to the *Journal of Imperial and Commonwealth History* (JICH) special issue in 2011 that addressed the Mau Mau case, he opened, "There are few instances [. . .] of historians' work clearly and directly reshaping the course of history itself."[40] Excitedly, Howe forecast that the release of the "peculiarly" named "migrated archives" would lead to a reappraisal of the end of the British Empire. Indeed, recent scholarship on the British Empire routinely cites the "migrated archives" in methodology sections and references to FCO 141, the series formed by the release of the "migrated archives," furnish many a bibliography.[41] However, David Anderson, in his article in the same JICH issue, confirmed that the suspicion "that documents from the former colonies were returned to the UK at the end of empire" was a long and commonly held pre-Hanslope position among historians.[42] Moreover, as Caroline Elkins pointed out in her contribution to the same special issue, revisionist historiography of the early 2000s, written without the "migrated archives," had already "provided the evidence necessary to launch a [legal] claim."[43] What, then, was to be learned from their release?

The history of the "migrated archives" extends beyond their contents and contexts of their creation. Examining the struggle to conceal and reveal colonial documents brings into focus how postcolonial secrecy, the delay of justice, and sovereignty disputes have characterized decolonization processes. After 2011, scholars published a number of articles historicizing the "migrated archives" and answering some key questions as to why these records were taken, why they were kept in secret, and what should happen to them.[44] In 2012, Mandy Banton, former

[40] Stephen Howe, "Mau Mau Judgement – Flakking the Mau Mau Catchers," *The Journal of Imperial Commonwealth History* 39, no. 5 (2011): 695.

[41] FCO 141 is the series that the FCO and TNA released as the "migrated archives" following the Hanslope Park disclosure.

[42] Anderson, "Mau Mau in the High Court and the 'Lost' British Empire Archives," 707.

[43] Elkins, "Alchemy of Evidence," 733.

[44] See Edward Hampshire, "'Apply the Flame More Searingly': The Destruction and Migration of the Archives of British Colonial Administration: A Southeast Asia Case Study," *The Journal of Imperial and Commonwealth History* 41,

Principal Records Specialist (Diplomatic and Colonial) at the UK National Archives, responded to the Hanslope Park disclosure and the Cary report, which exonerated the Foreign and Commonwealth Office of any mal-intent, by researching whatever material already existed in the public domain that could shed light on how and why the "migrated archives" came to be.[45] In doing so, Banton also demonstrated that traces of the mass project to conceal records existed, again — hidden in plain sight. Banton established a historical context for the "migrated archives," which identified "security concerns" as one of the guiding principles determining record removal. However, written before the release of FCO 141 files, the article stops short of arguing that the ongoing maintenance of the "migrated archives" was due to similar considerations. This book addresses her concluding question, "why has a veil of secrecy remained over the so-called 'migrated archive'?"[46] While some have argued that "the machinations of internal bureaucratic politics" resulted in the preservation of the "migrated archives," this book argues that they were preserved for two additional reasons: (1) as a possibly useful reference for the UK Foreign and Commonwealth Office and (2) put simply, to retain the British government's dwindling power. In other words, their keepers saw preserving the "migrated archives" as a way to borrow time until the political future of Britain in its former empire clarified.[47]

no. 2 (2013): 334–52; Gregory Rawlings, "Lost Files, Forgotten Papers and Colonial Disclosures: The 'Migrated Archives' and the Pacific, 1963–2013," *The Journal of Pacific History* 50, no. 2 (2015): 189–212; Caroline Elkins, "Looking beyond Mau Mau: Archiving Violence in the Era of Decolonization," *The American Historical Review* 120, no. 3 (2015): 852–68; Nathan Mnjama, "Migrated Archives: The African Perspectives," *Journal of the South African Society of Archivists* 48 (2015): 45–54; David Phillips, "The 'Migrated Archives' and a Forgotten Corner of Empire: The British Borneo Territories," *The Journal of Imperial and Commonwealth History* 44, no. 6 (2016): 1001–19; Shohei Sato, "'Operation Legacy': Britain's Destruction and Concealment of Colonial Records Worldwide," *The Journal of Imperial and Commonwealth History* 45, no. 4 (2017): 697–719.

[45] Mandy Banton, "Destroy? 'Migrate'? Conceal? British Strategies for the Disposal of Sensitive Records of Colonial Administrations at Independence," *The Journal of Imperial and Commonwealth History* 40, no. 2 (2012): 321–35. Anthony Cary was appointed to carry out an internal report that examined why the FCO had not previously released the "migrated archives."

[46] Ibid., p. 333.

[47] David M. Anderson, "Guilty Secrets: Deceit, Denial, and the Discovery of Kenya's 'Migrated Archive,'" *History Workshop Journal* 80, no. 1 (2015): 157.

Examining the history of the "migrated archives" also clarifies the consequences of historical research. In 2016, in response to the publication of a popular history book written by journalist Ian Cobain, historian Philip Murphy criticized the interpretation of the Hanslope Park disclosure as an unprecedented revelation of the extent of British violence within colonies.[48] Murphy argued that such a framework overestimated the success of Britain's sanitization efforts, where previous scholarship had already evidenced the brutality of empire.[49] Murphy responded to an accusation he found in Cobain's book, that "historians had complacently accepted the official line of British policy in Kenya and had been hoodwinked by carefully sanitized archives."[50] While Murphy's defense is legitimate, the specific documentation that the disclosure availed was essential to the case's success, especially in establishing that it would not have been possible to file the case without it in light of the statute of limitations. Furthermore, the role of historians and modes of historical thinking have gone unaddressed in the literature on the "migrated archives," except in the important aspect of bringing about the disclosure. However, historians acted as both whistleblowers and co-conspirators in the story of the "migrated archives." Priya Satia's recent work reframes historians not just as authors of but agents in history-making, especially in the context of the British Empire, by establishing certain thought styles that mythologized colonial exploit as progressive and benevolent.[51] These thought styles informed Margery Perham, Robert G. Gregory, and Richard Cashmore who, through the course of their academic engagement with East Africa, assisted in the extraction from Kenya of colonial-era records and the control thereof.[52]

[48] Philip Murphy, "It Makes a Good Story – but the Cover-up of Britain's Savage Treatment of the Mau Mau Was Exaggerated," *The Conversation*, October 17, 2016. https://theconversation.com/it-makes-a-good-story-but-the-cover-up-of-britains-savage-treatment-of-the-mau-mau-was-exaggerated-65583 [accessed November 2021].

[49] Namely Bruce Berman, *Control and Crisis in Colonial Kenya: The Dialectic of Domination* (London: James Currey, 1990); Robert Edgerton, *Mau Mau: An African Crucible* (New York: Free Press, 1989); and Wunyabari O. Maloba, *Mau Mau and Kenya: An Analysis of a Peasant Revolt* (Bloomington: Indiana University Press, 2004).

[50] Murphy, "It Makes a Good Story."

[51] Priya Satia, *Time's Monster: How History Makes History* (Cambridge, MA: Harvard University Press, 2020).

[52] This is addressed in Chapter 4.

History-writing has shaped the making and unmaking of the British Empire. Many of the actors involved in the removal, destruction, and concealment of the "migrated archives" had studied history themselves. British imperial historical thought first accused Africa and Africans as being without a history, provided a civilizational narrative that aimed to explain a racialized hierarchical human society, and finally resulted in removing records that documented the violence, ignorance, and brutality of colonial administrations, especially those that lay bare the contradictions between the imperial lies of uplift and the attempts to subjugate. In his memoir, Josiah Kariuki attributed the "explosion" in Kenya in 1952, that is, the Emergency, to the colonial "distortions and misunderstandings" of history that explained colonial rule as a benevolent gift of civilization from Europe to still primitive Africa.[53] Scholar E. S. Atieno-Odhiambo summarized that nationalist movements across Africa were "in part a challenge to this notion of Africans as a people without history" and that "liberal historiography in the 1960s sought to help Africans recover and reclaim their own histories in consonance with the attainment of political independence."[54] The emergence of a postcolonial body of Kenyan historiography, written by Kenyans, yielded scholarship on the precolonial past in order to reaffirm political, ethnic, and cultural communities outside the frameworks established by a colonial worldview.[55] Thus, modes of historical thought are essential to understand the context in which the Kenyan government pursued the retrieval of overseas archives.

Kenya's first independent politicians and historians had divergent approaches to the past but held in common that history was a powerful tool for establishing and justifying claims.[56] This common denominator resulted in early support for the Kenya National Archives.

[53] Josiah Kariuki, *"Mau Mau" Detainee: The Account by a Kenya African of His Experiences in Detention Camps, 1953–1960* (London: Penguin, 1964), p. 41. Chapter 3 elaborates further on the maintenance of this narrative amid the Emergency, especially through the commissioned report by F. D. Corfield.

[54] E. S. Atieno-Odhiambo, "From African Historiographies to an African Philosophy of History," in Toyin Falola and Christian Jennings (eds.), *Africanizing Knowledge: African Studies across the Disciplines* (New York: Routledge, 2002), p. 16.

[55] This is explored in Chapter 6.

[56] Most recently, Anaïs Angelo has drawn attention to the ways in which elites in Kenya attempted to redefine authority through a written account of the past that accorded with their political aspirations. Anaïs Angelo, *Power and the Presidency in Kenya* (Cambridge: Cambridge University Press, 2019), p. 40.

Although prominent scholars such as Bethwell Ogot and powerful politicians such as Joseph Murumbi played key and active roles in the formation of the Kenya National Archives, neither published much on the institution's significance. As Kenya-based media covered the search for the "migrated archives" throughout the 1970s, an understanding that Kenya "is devoid of all research materials" developed.[57] However, while African history is more associated with methods such as the use of oral, artifactual, archaeological and, more recently, genetic sources, the early establishment of a national archives in Kenya provided the first generation of professional historians with centralized documentary sources for which they did not need to leave the country to consult.[58] This is not to be taken for granted in a geography of archival access that continues to privilege researchers in countries like England where, through record removal and metropolitan accumulation, significant repositories documenting Kenya's history formed.

The outgoing British colonial government's removal of Emergency-era documents matched the incoming African government's desire to "bury the past" and, with it, Mau Mau.[59] The struggle for land and freedom continued after political independence and Kenya's first Prime Minister, later President, Jomo Kenyatta favored a rhetoric of national unity to conceal the persistence of liberation claims on the one hand and his strategic distribution of land and power on the other. Doing so led to the repression of Mau Mau, both as a memory and as a movement. As historian Maina wa Kinyatti writes,

> Writing the history of Mau Mau has been a controversial issue. Between 1963 and 2002, the government of Kenya used intimidation, revolvers and tanks to prevent the writing of this glorious chapter of Kenyan history. To justify their position, they, as their colonial predecessors, defined Mau Mau as a terrorist movement [. . .] They made sure that the history of Mau

[57] Writing for *Inside Kenya Today* in 1978, Paul Maina commented, "It is no surprise therefore that foreigners can write the history of Kenya sitting back in their own countries using Kenya's acquired records [. . .] while the indigenous Kenya African can hardly write about his country since he is devoid of all research materials."

[58] This is discussed further in Chapter 6.

[59] Upon the lifting of the Mau Mau ban in 2003, David Anderson summarized that, "when [Kenyatta] came to power in 1963, [he] tried very hard to bury the past, to put May Mau behind him," Martin Plaut, "Kenya lifts ban on Mau Mau," *BBC News*, August 31, 2003.

Mau would not be taught in Kenya's schools, colleges and universities unless it was in a distorted version.[60]

By introducing these dynamics into the history of archival retrieval between the Kenyan and UK governments, this book brings different levels of power struggle into focus. Attempts by the Kenyan government to recover removed records corresponded with a broader pursuit for a national identity, that positioned Kenya as a single polity, and the rightful home to its "migrated archives," in relation to the UK. However, disputes within Kenya about the past corresponded with ongoing conflicts about land and liberty.[61]

Current restitution debates, as they unfold in European discourse, do little to acknowledge the dynamic environments wherein records, artifacts, art, objects, or human remains would be restored.[62] This is partly due to the fact that "the Global North is dominating the writings on this subject."[63] The question of archival restitution is still actively discussed and debated among African scholars and archivists.[64]

[60] Maina wa Kinyatti, *History of Resistance in Kenya* (Scotts Valley: CreateSpace Independent Publishing Platform, 2010), p. xiv.

[61] These themes are further elaborated in Chapter 7.

[62] For example, in the Sarr/Savoy report, in the subsection entitled "Which Africa for Which Restitutions?" only French processes and practices of object removal are differentiated, not the varying political contexts in which these objects would be returned. Sarr and Savoy, *Rapport sur la restitution*, p. 46.

[63] Francis Garaba, "Migrated Archives: Time for Closure to Turn the Wheels of Reconciliation and Healing for Africa," *Journal of the South African Society of Archivists* 54 (2021): 3.

[64] Most recently, Nathan Mnjama, who worked on the Inter-ministerial Committee on Retrieval of Kenya Archives from Overseas Countries' survey team in the UK, has argued that the UK, and other former imperial powers, should publicly acknowledge that "it was wrong to transfer records from their colonies and not institute measures for the return of the concerned records to the places of origin." Nathan Mnjama, "Migrated Archives: The Unfinished Business," *Alternation* 36 (2020): 392. In response to Mnjama's case, Francis Garaba has argued that African archives and their keepers discard the repatriation pursuit "because there is over-documentation of the colonial record in our repositories and these records are often biased or incorrect." Garaba, "Migrated Archives," 1. However, Ellen Ndeshi Namhila argued in 2016 that the dislocation and under-documentation of former African subjects in colonial administrations has resulted in the inability for many to establish claims to land and other benefits and generally states that the use of colonial archives by Africans remains an under-researched issue. Ellen Ndeshi Namhila, "Content and Use of Colonial Archives: An Under-Researched Issue," *Archival Science* 16 (2016): 111–23.

Recently, Francis Garaba has argued that rather than pursue the return of colonial-era records, which already "overload" Africa-based archives, these institutions should prioritize the preservation of documents that "reflect the history of Africans as told by Africans."[65] There are several initiatives in Kenya that are prioritizing exactly that. African Digital Heritage, founded by Nairobi-based digital heritage specialist Chao Tayiana Maina, oversees digital projects that help to preserve African heritage, largely in Kenya.[66] In 2017, Wanjiru Koinange and Angela Wachuka founded Book Bunk to restore "some of Nairobi's iconic public libraries," notably the McMillan Memorial Library.[67] In 2018, a group of women based in Kenya and the UK came together to form the Museum of British Colonialism, which works in both countries in order "to creatively communicate a more truthful account of British colonialism."[68] In early 2021, Stoneface Bombaa and April Zhu launched the "until everyone is free" podcast and public history project "in the spirit of archiving forgotten histories" to "create a radio story about Pio Gama Pinto: a Goan-Kenyan freedom fighter assassinated in 1965."[69] These are only a handful of examples of a robust, dynamic, and diverse public history ecology in Kenya that rests on a long tradition of "homespun history."[70] They prove that restoring colonial-era documents to Kenya, in which the lives, legacies, and rights of its peoples are inscribed, need not be at the expense of other preservation efforts. Further, the Hanslope Park disclosure is itself a constituent part of contemporary African history, not only in the sense that it has made available documents with which to reconstruct the

[65] Garaba, "Migrated Archives," 8.

[66] For example, founder Chao Tayiana oversaw a digital visualization project of detention camps from the Kenya Emergency period resulting in an interactive map that reconstructs the Emergency geography of detention.

[67] "Our Story," *Book Bunk*, 2020. www.bookbunk.org/about/our-story/ [accessed November 2021].

[68] "Home," *Museum of British Colonialism*, n.d. www.museumofbritishcolonialism.org/ [accessed November 2021].

[69] Paukwa, "Until Everyon Is Free," *Paukwa*, June 15, 2021. https://paukwa.or.ke/until-everyone-is-free/ [accessed November 2021].

[70] Derek Peterson and Giacomo Macola use the phrase "homegrown historians" to describe those of Africa's historical thinkers who look at the past "from a partisan vantage point." Derek Peterson and Giacomo Macola, "Homespun Historiography and the Academic Profession," in Peterson and Macola (eds.), *Recasting the Past: History Writing and Political Work in Modern Africa* (Athens: Ohio University Press, 2009), p. 5.

colonial past, but that it is, in and of itself, the result of African emancipatory struggles.

Methods, Sources, Terms

This book takes the "migrated archives" as both source and subject.[71] In order to reconstruct the UK Colonial Office's mass production of secrets through recordkeeping practices, the research for this book relies on documents created and preserved within that very system. In that way, this project is only possible as a result of the Hanslope Park disclosure. The "migrated archives" have largely punctuated historiography rather than elicit direct historical analysis. As a result of the Hanslope Park disclosure, the Foreign and Commonwealth released its "migrated archives," partially and gradually, largely into the FCO 141 series. The first tranche was released on April 18, 2012, and, according to the UK National Archives, represented 16 percent of the entire collection.[72] According to its website, the release of the "migrated archives" concluded in 2016 and to date the 141 series consists of 19,957 files and volumes.[73] I specifically consulted those that dealt with security and disposal of documents in Kenya during colonial rule, Intelligence and Security Department files covering the process of record removal, Library and Records Department and Foreign and Commonwealth files relating to the creation, maintenance and defense of the "migrated archives," the files consulted and compiled by F. D. Corfield, and files documenting the reorganization of Kenya's intelligence system. An irony of the "migrated archives" is that since British colonial officials believed their documents to be protected by classification schema that would prevent an unsympathetic reader from handling them, they contain an unexpected candor, making it

[71] Following and expanding on Ann Laura Stoler's work in *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton: Princeton University Press, 2009).

[72] The National Archives (UK), "Colonial Administration records," archived on April 5, 2012. https://webarchive.nationalarchives.gov.uk/ukgwa/20120405101122/http://nationalarchives.gov.uk/about/colonial-administration-records.htm [accessed November 2021].

[73] The National Archives (UK), "Foreign and Commonwealth Office and predecessors: Records of Former Colonial Administrations: Migrated Archives," n.d. https://discovery.nationalarchives.gov.uk/details/r/C12269323 [accessed November 2021].

possible to understand the making of the "migrated archives" as a self-conscious act of political and personal censorship. Due to the focus on recordkeeping practices, not only the contents of documents figure into the coming analysis but so do their forms, classifications, marginalia, and other traces of the activities surrounding their creation and use. In this case, file notes created an invaluable window through which to understand, reconstruct, and analyze practices of secrecy. Given the centrality of "embarrassment" as a criterion to remove records, I paid particular attention to the emotional traces in correspondence and to the things so obvious they went unsaid in these files.

The end of Britain's formal empire during the second half of the twentieth century resulted in the reconfiguration of several of its governmental departments, especially those that worked directly with former colonies. These changes are important to note, in addition to their historical significance, as orientation to archival catalogs that are structured according to the governmental offices they document. For example, the Colonial Office (CO) was responsible for dependencies and the Commonwealth Relations Office (CRO) for newly independent states until 1966. In 1961, the Department of Technical Co-operation (DTC) formed and assumed responsibility for many activities previously handled by the Colonial and Commonwealth Relations offices, which merged with the Foreign Office in 1968 to become the Foreign and Commonwealth Office (FCO). These changes took place at the same time as the early formation of the "migrated archive" limbos in London, further clouding their provenance.[74]

Documents preserved by the Kenya National Archives that record the institution's history form a core part of this book's sources. The Kenya National Archives is both a branch of Kenya's government and the institution responsible for ensuring the proper preservation of all documents produced by the government. It therefore has a well-preserved collection of its own institutional records. Especially useful was the ARC (CGO) series, which consists of papers on the central government archives, which accumulated during and after the colonial administration, and the KNA series, which replaced ARC (CGO) soon after political independence. Within the KNA series are three files on

[74] This section owes thanks to a reviewer for pointing out the importance in explaining these structural changes and helping to make them appear more precisely in this text.

the "retrieval of the migrated archives," hitherto unused in published historical research. They provide heft to the reconstruction of Kenya's archival restitution advocacy, in the Kenya National Archives' own terms. KNA daily files provide an impression of the everyday work and concerns of its staff, which was especially useful in writing Chapter 6 on the origins of the institution. Due to the international entanglements of KNA, these records were complemented by files held by the UK National Archives, UNESCO's digital repository, and at the University of Oxford's Weston Library. My analysis of KNA's auto-archive focused on both establishing a general institutional chronology and the self-understanding of its staff and overseers regarding the institution's significance and value in order to contextualize the retrieval attempts of the "migrated archives" in a broader political context during the first decades of nation-building.

Margery Perham's papers held at the Weston Library figure substantially in the second half of this book. Recent efforts by students, activists, and some employees to "decolonize" Oxford University have resulted in a program to "decolonize the curriculum."[75] These efforts acknowledge that "curricular design has been historically male and white."[76] While the Bodleian Libraries at Oxford have published an online section on anti-racism in academia, an important gesture to the movement's demands, less attention has been paid to the institution's own role in constructing the largely male and White curriculum that it is now preoccupied with deconstructing. Papers held in Perham's personal collection (MSS PERHAM), deposited in Rhodes House, now Weston Library, make clear Perham's awareness of the covert project to remove records not just from Kenya but across East Africa. The response, as documented throughout MSS 257, resulted in the Oxford Colonial Records Project (OCRP) and the "rescue" of personal papers belonging to ex-colonial officials and settlers. Perham and her colleagues feared "the risk of malicious and ill-informed attack on the

[75] See especially the 'Rhodes must fall' campaign in Oxford. André Rhoden-Paul, "Oxford Uni Must Decolonise Its Campus and Curriculum, Say Students," *The Guardian*, June 18, 2015. www.theguardian.com/education/2015/jun/18/oxford-uni-must-decolonise-its-campus-and-curriculum-say-students [accessed November 2021].

[76] Bodleian Libraries, University of Oxford, "Anti-Racism in Academia: Decolonizing the Curriculum," April 30, 2021. https://libguides.bodleian.ox.ac.uk/c.php?g=686589&p=4907734 [accessed November 2021].

record of thousands of inarticulate British men and women who had given devoted service in the Colonies."[77] In other words, they feared that postcolonial historiography might tarnish the reputations of the individuals who imperial historians most revered. While Foreign and Commonwealth Office files documenting the making and concealing of the "migrated archives" were not released until 2011, explaining the absence of a systematic study of covert record removal, Perham's papers have been accessible since 1980. As a collection of correspondence, meeting minutes, and publications, they document not only the ambitions behind the Oxford Colonial Records Project but also the cooperation between Perham, the UK's Department of Technical Cooperation, the British colonial government in Kenya, Syracuse University, and the Intelligence and Security Department of the Colonial Office. Either these records were systematically overlooked by researchers, reference to record removal was taken for granted, or their readership appreciated their inherent controversy and chose to remain silent.

In order to further flush out the range of entangled interests and actors involved in the making and maintaining of the "migrated archives," this book draws on collections at the George Padmore Institute, London School of Economics, and UK Parliament. These provided source material related to the enduring liberation struggles of Kenyans after independence, the concern of British MPs over first the Emergency and later the fate of the "migrated archives," and the dubious microfilm project spearheaded by Syracuse University. Specifically, it makes use of the Stansgate Papers at Parliament, the Andrew Faulds Papers at London School of Economics, the Committee for the Release of Political Prisoners, Kenya papers held at the George Padmore Institute, and the finding aids and other related publications on the Syracuse Microfilm project held by the university.

Between 2018 and 2020, I was fortunate to visit the necessary archives. Therefore, when COVID-19 struck Germany, where I was resident in March 2020, it did not substantially disrupt my research plans. Through the generosity of friends and colleagues, I was able to obtain scans of key documents from both TNA and KNA that I had

[77] Oxford University, Weston Library, MSS PER 260.8, John J. Tawney, "An Exercise in Partnership: The Oxford Colonial Records Project and Rhodes House Library," *Bodleian Library Record*, 1974, p. 114.

hitherto not accessed. Otherwise, where I would have traveled to Paris to consult the UNESCO archives, I have relied on their online repository of digitized sources, which forms key parts to Chapters 5 and 7. Although oral history interviewing did not constitute a core element of this book's methodology, David Anderson, Mandy Banton, Robert Maxon, Musila Musembi, Francis Mwangi, Leon Spencer, and Anne Thurston all generously agreed to either be interviewed or respond to written questionnaires that have also informed the following analysis.[78] Lastly, since the making of the "migrated archives" was an exercise of dislocating records from peoples the UK feared would use them against their interests, this book examines crucial absences. For example, in Chapter 5, which discusses the combined efforts of individuals at Oxford, the Department of Technical Co-Operation, Syracuse University, the British colonial government in Kenya, and the Intelligence and Security Department, I raise the issue of who was excluded, intentionally or incidentally, in order not to reproduce the historiographical erasure that the making of the "migrated archives" attempted. In doing so, it brings scholars and politicians such as Bethwell Ogot and Tom Mboya into the fold by pointing to their absence at key organizational meetings at Oxford.

This book uses contested terms. Chapter 1 provides an explanation of the term *Emergency* and why it is used more often than Mau Mau Uprising/Rebellion. Namely, this book is concerned with how the British colonial government and Colonial Office concealed their activity in authorizing and carrying out human rights abuse in Kenya, first as a counterinsurgency measure and later as a matter of decolonization. Therefore, reference to the Emergency maintains analytical focus on the activity of the administration that it aimed to cover up rather than the myriad struggles of African nationalism. The origins and meaning of *Mau Mau* have been contested since at least the onset of the Emergency. Its meanings and uses have proliferated since, especially as a political instrument by both party politicians as well as populations seeking to tap the phrase for its references to freedom struggles. This study is related to but not directly concerned with the history of Mau Mau and therefore uses the term as a shorthand to refer

[78] Some of these interviews and/or questionnaires were conducted in 2016 as a part of the author's MA Thesis, "The Mau Mau Papers: A Case for Repatriation" (UCL, 2016).

to the wide-ranging political vocabulary it has enabled before and after independence. The phrase "migrated archives" refers to those records removed by the UK government for specific geopolitical and reputational concerns. While Chapters 5 and 7 acknowledge the various meanings attributed to the phrase, which continue to evolve, this analysis is focused on the habituation of colonial secret-keeping in the UK after empire. The term "postcolonial" figures into this book as a chronological marker to distinguish time periods following political independence. It does not indicate a rupture in colonial structures, power, or thought. Finally, this book does not completely avoid reproducing certain colonial categories. Terms such as *European*, *Asian*, and *African* appear throughout. These terms were introduced by colonialists as a way to name and try to enforce a tripartite society based on racial segregation in the creation of a settler colony. They have since been appropriated and formed the vocabulary for Africanization, the process following political independence. Their use is thus historically framed but nonetheless demonstrates the difficulty in extricating historical thought from the language of colonial social orders. By way of contrast, both *White* and *Black* are capitalized as a sign of agreement with the current discussion on how both words refer to social categories with specific histories.[79]

Structure and Contents

This book centers on the 1950s–80s. This chronological span begins with the Emergency period, in which the bulk of the documents that would eventually constitute Kenya's "migrated archives" were created and ends shortly after the coup attempt against President Daniel arap Moi and the related suppression of historical scholarship in Kenya, including a pause of the "migrated archives" retrieval program. This period, early 1950s to mid-1980s, allows focus on both the ruptures and continuities brought on by decolonization processes in Kenya and Great Britain. This time period thus presents institutions such as the Kenya National Archives and the UK Foreign and Commonwealth

[79] See Kwame Anthony Appiah, "The Case for Capitalizing the *B* in Black," *The Atlantic*, June 18, 2020 and Nell Irving Painter, "Why 'White' Should Be Capitalized, Too," *Washington Post*, July 22, 2020.

Office as inextricably grounded in a colonial context with which their functions continue to negotiate.

The processes analyzed herein are largely set in Nairobi, London, Oxford, and Syracuse, all important sites in the formation of different archival collections resulting from different political ambitions. Broader contexts such as decolonization, the Cold War, the formation of the Commonwealth, and European integration all figure into the specific story of the Kenya–British "migrated archives," showing how inextricable these processes and periods are from one another, and are referenced accordingly.[80] What follows from this introduction is largely chronological apart from the fifth chapter, which provides an overview of the development of an international archival order wherein the "migrated archives" were named and debated. The chronology is otherwise divided into two parts that hinge on the struggle to conceal and/or reveal the colonial past. Each chapter analyzes a key process in the formation of the "migrated archives," including the ambitions for understandings and functions of their custody.

Chapter 1 analyzes the recordkeeping practices established in Kenya during the Emergency through the reorganization of colonial intelligence services. In doing so, this chapter identifies and analyzes the British colonial government's politics of concealment that form the basis of the "migrated archives." Chapter 2 analyzes the regulation of colonial archives in Kenya as a method of racialized secret-keeping that involved cooperation between the Colonial Office in London and officials based in Kenya. It demonstrates that the regulation of its archives was one of several strategies of the colonial administration to control access to information and intelligence pertaining to the Emergency. Chapter 3 examines the programmatic consolidation, destruction, and removal of sensitive documents in Kenya and East Africa to London as constitutional negotiations were underway as a way to simultaneously curate, in ways favorable to British interests, materials for the writing of colonial history and for the making of a

[80] Especially relevant literature here includes Odd Arne Westad, *The Global Cold War: Third World Interventions and the Making of Our Times* (Cambridge: Cambridge University Press, 2005); Elizabeth Schmidt, *Foreign Intervention in Africa after the Cold War: Sovereignty, Responsibility and the War on Terror* (Athens: Ohio University Press, 2018); Frank Gerits, *The Ideological Scramble for Africa: How the Pursuit of Anticolonial Modernity Shaped a Postcolonial Order, 1945–1966* (Ithaca: Cornell University Press, 2023).

postcolonial political order. It presents recordkeeping as a political project through which the outgoing colonial government in Kenya attempted to strategically furnish the incoming independent government with documents that would facilitate structural continuity during the transition to political independence while at the same time removing those which might jeopardize British interests, at the personal and governmental levels. Chapter 4 widens the view on those interested in controlling Kenya's colonial-era documents at the time leading up to and directly following political independence to include British and US-American academics and the formation of area studies. It historicizes the formation of archival collections in Nairobi, Oxford, Syracuse, and London as the result of entangled interests held by Oxford and Syracuse Universities, the British colonial government in Kenya, the Department of Technical Co-operation, and the Colonial Office, namely, its Intelligence and Security Department.

The second part of this book deals with the struggles to reveal the "migrated archives." It begins with Chapter 5 and an overview of the development of the International Council on Archives and its role mediating custodial disputes over colonial archives. This chapter, admittedly, interrupts the book's narrative. Chronologically, it covers the late 1940s through the 1970s and largely examines the council's main conferences during the period in order to trace the emergence of the notion of the "migrated archives" and debates over their custody. Like the role of international organizations themselves, this chapter is significant but somewhat detached from the realm of everyday activity surrounding Kenya's "migrated archives." However, as is demonstrated by the chapter, it provided important resources with which former colonies advocated the return of political documents as a matter of postcolonial sovereignty. These advocacy efforts were stalled by the reconfiguration of imperial hegemony upon which the International Council on Archives was based. Chapter 6 returns to Nairobi as the site of the Kenya National Archives and the capital of a government in the throes of establishing its forms and functions in the aftermath of independence. It examines how Kenyan politicians, historians, and archivists employed the national archives as an instrument for nation-building, burdened though it was by the colonial origins of the institution. Chapter 7 frames Kenyan attempts of archival retrieval as a matter of decolonization at the international, bilateral, and national levels. Importantly, it also draws attention to how the

concealment of the "migrated archives" effected political activity within not only Kenya but also England, as a country undergoing its own re-nationalization process at the end of empire.

In conclusion, this book suggests that Hague's 2013 announcement of reparations to the Mau Mau case claimants is not where this saga ends. Instead, it insists on greater attention to colonial archives in current restitution debates, especially because of their unique value not only in historical scholarship but as evidence with which peoples can make claims in light of ongoing liberation struggles. Debates on ownership, location, and use of colonial-era documents have persisted across Africa since the onset of colonial domination. They continue. In 2018 and 2019, archival scholar James Lowry conducted an international survey of disputed archival claims over the ownership of records, many of which are colonial-era, in which twenty-seven claimants registered. Of those against the UK are the national governments of Swaziland, Malta, Uganda, Kenya, Jamaica, South Africa, and Bahrain.[81] Except for the latter, all of these countries are represented in the "migrated archives." Where this book attends to the UK–Kenya case, further research on the making of the "migrated archives" at a larger and intersectional scale would do much to reveal the imperial duress inherent in archival formations worldwide.[82]

[81] Riley Linebaugh and James Lowry, "The Archival Colour Line: Race, Records and Post-Colonial Custody," *Archives and Records: The Journal of the Archives and Records Association* published online October 11, 2021. www.tandfonline.com/doi/full/10.1080/23257962.2021.1940898 [accessed November 2021].

[82] Following Ann Laura Stoler's work examining how colonial histories prefigure the unequal conditions of the present in *Duress: Imperial Durabilities in Our Times* (Durham: Duke University Press, 2016).