Colonial Fragility: British Embarrassment and the So-called ‘Migrated Archives’

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ABSTRACT
In the aftermath of the Hanslope Park disclosure and the release of the ‘migrated archives,’ the United Kingdom’s (UK) Foreign and Commonwealth Office (FCO) had to supply a reason for how it came to pass those tens of thousands of classified records documenting Britain’s colonial administrations were stored in secret for half a century. Officially, the FCO responded that its own accidental neglect had resulted in the scandal. This article, by using archival materials released as part of the ‘migrated archives’ and research conducted at the Kenyan National Archive, argues that the contrary was true. In response to growing pressures from former colonies and international organisations, the FCO intentionally concealed ‘embarrassing’ colonial administrative files from public view as a strategy to preserve the UK’s diplomatic standing and political prowess amidst the geopolitical shifts caused by decolonisation and the Cold War. The article describes this strategy in the context of colonial fragility, or the cosmetic interest in protecting the UK’s reputation as a ‘good’ state, which in turn propagated harm along racialised lines by dislocating evidence of the colonial past.

KEYWORDS
Colonial fragility; Operation Legacy; migrated archives; decolonisation; secrecy

‘What strange twists of thought made the security forces think they always had God and Right on their side whatever crimes against humanity they committed?’ – Joseph Kariuki

‘The structures of ideology, at the most rarefied level of social and political belief as well as the more mundane level of everyday life, operate mostly ‘behind our back.’’ – Krishan Kumar

‘British people are more appalled by accusations of racism than they are of actual racism happening before their very eyes.’ – Nadine Batchelor-Hunt

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Introduction

On May 8 1945, Winston Churchill announced the end of WWII in Europe. In his speech broadcast from Downing Street he congratulated the British people and praised them for their victory against fascism. He began, ‘when shall the reputation and faith of this generation of English men and women fail?’ A reputation, he went on to say, based on an unyielding fight for freedom against tyranny and violence. Many since have further cultivated the idea of this legacy within different political framings. Historian Kit Kowol recently described the instrumentalization of WWII hero-narratives by the Conservative and Labour Parties in reconstructing a national identity in the aftermath of a war that transformed Britain’s global standing and domestic organization (The Conversation, 4 June 2020). Kowol argues that the modern formation of these political parties rests on the patriotic memory and imagining of Britain’s role in WWII. A majority in England continue to believe that their nation is responsible for victory against global fascism.

The idea that Britain fought and won a ‘good war’ as a champion of world progress chimed with earlier interpretations of British imperialism as a global carrier of civilisation. Further, many British colonists conflated their imperial experiences and WWII heroism into a single, patriotic narrative. For example, Ian Henderson, who served as a Colonial Police Officer in Kenya in the 1950s, framed his work through the lens of WWII. Henderson policed the forests around Mount Kenya during the Mau Mau rebellion/emergency, a period of conflict that led to Kenyan independence in 1963. Henderson wrote a memoir of his service that featured the capture of Dedan Kimathi, an important anticolonial leader during the rebellion, as its climax. He wrote, ‘If the Kikuyu are the Germans of tribal Kenya, Kimathi was their Hitler.’ By paralleling Kimathi to Hitler, Henderson wrote the Mau Mau rebellion into a narrative of absolute good versus evil, in which he serviced the former with moral righteousness. By way of contrast, Henderson was known in Kenya as the ‘torturer-in-chief’ (The Daily Nation, 15 April 2004). None the less, his efforts were recognised by Queen Elizabeth II with the Officer of the Most Excellent Order of the British Empire (OBE) award. Such was the power of narrative framing.

Given the role WWII heroism and British benevolence have played in national imaginings, it is perhaps not surprising that according to a 2014 YouGov poll, a majority in England also maintain that its former empire is something to be proud of. The current Prime Minister, Boris Johnson, has made his own wistful reverence for Britain’s empire clear. Johnson stated in 2002 that ‘the best fate for Africa would be if the old colonial powers, or their citizens, scrambled once again in her direction; on the understanding that this time they will not be asked to feel guilty’ (The Spectator, 2 February 2002). This form of ‘postcolonial melancholia’, as Paul Gilroy calls it, is not only manifest in political speech, but in the popular historiography of the British empire.
and the sources on which it is based.\textsuperscript{5} In a Channel 4 series about the British empire released in 2003, Niall Ferguson framed British colonial projects as responsible for endowing the world with capitalism, Christianity, the English language, and ‘Western norms of law, order and government’\textsuperscript{6}. It was exactly these values, Ferguson contended, that Britain fought to preserve during WWII.

The prideful nostalgia for Britain’s empire was delivered quite a blow in 2011 upon the identification of hitherto concealed archival evidence of colonial violence. While Johnson and Ferguson were waxing on about Britain’s great empire, survivors of the Mau Mau rebellion were organising with lawyers and historians to launch a lawsuit against the United Kingdom (UK) Government for the use of torture during the uprising. The lawsuit, which was settled out of court in the plaintiffs’ favour, resulted in the first ever public acknowledgement that the UK Foreign and Commonwealth Office (FCO) had been holding in secret tens of thousands of British colonial administrative files from 37 now independent countries in the FCO’s Hanslope Park. This admission has come to be known as the Hanslope Park Disclosure and the files are collectively referred to as ‘migrated archives’. The Kenyan ‘migrated archives’ corroborated plaintiff statements and expert witness testimony related to the systemic use of torture in detention camps and the indiscriminate villagisation of Kenyans on the basis of ethnicity during the rebellion period. As expert witness David Anderson wrote, the case ‘put the entire reputation of the British Empire itself on trial’.\textsuperscript{7} The lawsuit and its publicity made clear to a national and international public how the British colonial administration in Kenya had violently operated its own form of tyranny and how it tried to cover it up.

Since the Hanslope Park disclosure, the ‘migrated archives’ have become a subject of great interest to scholars of the British empire and decolonisation, archivists, human rights lawyers and activists, amongst others. This journal published a special issue in 2011 including contributions from historians David Anderson, Huw Bennett, and Caroline Elkins, who served as expert witnesses in the Mau Mau case, in which they elaborated on their role in the trial and interpretation of the archival disclosure. In 2012, former Principal Records Specialist (Diplomatic and Colonial) at the National Archives of the UK, Mandy Banton published the first article which historicised the ‘migrated archives.’ Banton’s article, based on files that were already in the public domain at the time, examined British policy regarding the disposal of administrative documents at the time of decolonisation. Crucially, Banton also situated the Hanslope Park Disclosure in the longer historical context of attempts by independent countries to reclaim records removed by BCGs. While media rightly scandalised the disclosure in 2011, people across Britain’s former empire had been aware of, had announced and were dealing with the practice of colonial record removal and destruction since it began. As early as 7 September 1961, \textit{The East African Standard} published an article regarding the ‘Bonfire of Documents’ created by the administration through the burning
of its secret files. The high profile of the 2011 lawsuit, however, created a broader audience for this knowledge.

The scholarly discourse on the ‘migrated archives’ has lingered on the question of intent. Officially, the FCO claimed the colonial records were hidden by mistake. A court ordered report, conducted by a UK government diplomat, supported this by concluding that it was difficult for the FCO to keep ‘track of information held’ and that indifference and scant resource meant that the FCO simply did not keep up with all of the many records in its custody. Historian Anthony Badger, who was appointed as an independent reviewer to the committee overseeing the release of the ‘migrated archives’ into public domain at the UK National Archives, addressed the ‘legacy of suspicion’ amongst historians and the fear that the release of the ‘migrated archives’ would be further subject to some secretive conspiracy. Rather than historicise secrecy as a feature of colonial recordkeeping, Badger described his role in the process in a rectifying attempt at transparency. Further, he argued that the FCO could be trusted in the release process on the grounds that they had a ‘vested interest in avoiding the reputational risk of another embarrassment’. However, it was precisely this desire to avoid reputational embarrassment that led to the concealment of the ‘migrated archives’ in the first place.

In his analysis of the ‘migrated archives’ material related to the colonial abuse of power during the Mau Mau rebellion, David Anderson observed that ‘the avoidance of legal consequence [was] a foremost issue in administrative discussions.’ The same can be said of FCO discussions regarding the fate of documents removed from British colonies upon independence. This article attempts to clarify the matter of intent regarding the FCO treatment of the ‘migrated archives’ after the Colonial Office and local BCGs organised their evacuation from former colonies to London. In contrast to the excuse of accidental neglect, this article analyses FCO documentation, much of which was released as a part of the ‘migrated archives’, that makes clear the ongoing concealment of its colonial records was a strategic decision by the UK government to try to preserve its reputation, and thus political power and economic interests, during the geopolitical shifts following decolonisation.

Examining the ways in which the FCO handled the ‘migrated archives’ reveals a form of colonial fragility that did not disappear upon decolonisation. Based on Robin DiAngelo’s work, the Oxford English Dictionary defines ‘white fragility’ as ‘the discomfort and defensiveness on the part of a white person when confronted by information about racial inequality and injustice.’ Regarding white fragility and its function within white supremacy, Layla F. Saad elaborates that a white person’s ‘desire to be seen as good can actually prevent [them] from doing good’ and that reactions to white fragility can in fact actively cause harm. Though both DiAngelo and Saad describe individuals, the concept of white fragility can be expanded to describe structural power, which is of course constructed on the basis of individual behaviours. Colonial
fragility, in the case of the ‘migrated archives’, refers to the tendency to conceal and avoid the evidence of racialised violence and exploitation characteristic of colonial domination because of the ‘embarrassment’ it would cause the UK government. The UK government’s treatment of the ‘migrated archives’ exemplifies how its desire to be ‘seen as good’ perpetuated harm along racialised lines well after former colonies gained independence.

This article frames the history of the UK’s ‘migrated archives’ as a negotiation process between the FCO and the peoples and lands of Britain’s former empire, mediated at times by international organisations. While there is a focus on the UK-Kenyan case, the article discusses the role of India, Pakistan, Sri Lanka and Myanmar in mounting pressure on the UK for returning the India Office records. It begins with a discussion of cover-ups as a British colonial communications strategy before specifically examining the development of archival logics at the time of decolonisation (1950s–1960s). It then looks at activism by archivists from former colonies within international organisations, such as the United Nations Educational, Scientific and Cultural Organisation (UNESCO), directed at the restoration of removed archives (1960s–1980s). By analysing the ways in which the FCO responded to this activism, especially during the 1983 Vienna Convention, this article argues that the UK government interpreted the ‘migrated archives’ as a fitting strategy to hide away evidence of its more sinister political and economic entanglements in former colonies. Finally, it situates the UK ‘migrated archives’ problem more broadly in European approaches to custody over colonial documentation with a brief reference to the French-Algerian case. Though the literature regarding the ‘migrated archives’ has consistently acknowledged ‘embarrassment’ as an explicit criterion for the evacuation and concealment of documents related to British colonial rule, it remains an underexamined category. Throughout, this article frames embarrassment in the context of colonial fragility and argues that it is essential to understand both the reasons why the ‘migrated archives’ were removed upon decolonisation and why their existence was kept an official secret until 2011.

Cover-ups as a Feature of the British Colonialism

Narrative control was at the core of Britain’s ‘end of empire’ political strategy. Focused on avoiding embarrassment, which was determined according to the success of anticolonial resistance and the ways it laid bare both the hypocrisies and fragilities of the British Empire, the Colonial Office embraced secrecy and propaganda in an attempt to reassure the hearts and minds of Parliament, British voters, and the international order that the nation and its empire were not slipping from supremacy. Prior to WWII, the British empire was seen as responsible for ‘progressive political and economic institutions, which were gradually rooting both the ‘rule of law’ and commercial, agricultural and industrial development in native soil.’

However, the postwar period
oversaw the emergence of ‘Third World’ nationalism, underpinned by a staunchly anticolonial ideology, and the rise of the United States and Soviet Union as a threat to Great Britain’s seat in global power. The UK’s grip on its narrative was slipping. Destabilised, the UK’s Colonial Office approved ‘emergency’ measures in colonies in the throes of conflict, such as in Kenya, Malaya, Cyprus, Aden, Oman and Dhofar.\textsuperscript{15} Historian John Lonsdale explains, ‘the Emergency was a powerful weapon of bureaucratic politics with which administrators could attempt to reverse the decline of their prestige and authority …’\textsuperscript{16} As critical imperial historiography has demonstrated, emergencies were periods when the rule of law was suspended and colonial administrations enacted indiscriminate policies of detention, forced labour, and surveillance while also turning a blind eye to compromised instruments of legal justice, such as courts and systems of punishment.\textsuperscript{17} The emergency declared in Kenya (1952–1960) was no exception to this. Covering up the extent of the emergency period in Kenya became a dominant concern for the administration, especially as accounts documenting its brutality multiplied.\textsuperscript{18}

Official history became a way in which colonial administrations curated interpretations of their rule. For example, in 1957, then Governor Evelyn Baring of Kenya oversaw the appointment of F D Corfield, former Governor of Khartoum Province in Sudan, to investigate the history leading up to the emergency and the ‘deficiencies which made themselves apparent in the Government machine.’\textsuperscript{19} Corfield’s project required the intensive collation of material from across provincial government offices throughout the colony. He was granted full access to the intelligence reports and top-secret materials held across administrative departments, which were otherwise stored under lock and key in steel cabinets bolted to the walls of securitised administrative offices.\textsuperscript{20} To this day, Corfield is the only researcher to have ever had the privilege of such complete access. As a state-appointed historian, Corfield was under a clear mandate that ‘the purpose of [his] examination would not be to allocate responsibility for anything done, or not done, before the Emergency or during the Emergency.’\textsuperscript{21} Furthermore, since Corfield would have unfettered access to secret documents, Baring deemed it in the name of the public interest that ‘part of the report would … be withheld from publication.’\textsuperscript{22} It was hoped that official censure would not only assuage colonial anxieties upon decolonisation but also distract from assigning responsibility for the cause and consequences of its failures. Mr. Travadi, member of the Kenya Legislative Council summarised it differently, stating Corfield’s enquiry was ‘like a white man producing a white document, defending white men and whitewashing everything for the white men.’\textsuperscript{23}

While Corfield was wrapping up his report, the British Colonial Government in Kenya faced imminent expulsion as independence drew nearer. Thomas Neil, the very official who oversaw Corfield’s work, began to coordinate the consolidation, destruction and removal of classified documents as the Kenyan government responded to the terms of Operation Legacy.\textsuperscript{24}
exercise of record removal served two main ends: curating and collecting the records upon which the British Empire would be memorialised and evacuating damning evidence from public view. The Colonial Office in London and the Governor in Nairobi made a point to single out the records Corfield used as being top priority to remove to London, far from the reaches of anyone who might challenge the Colonial Office’s view of itself, as though violence and dissent were only blemishes on Britain’s colonial past, concealable through the right rearrangement of administrative documents.

**Souvenirs and Secrets: Colonial Record Removal upon Independence**

Record removal was a wider colonial practice than just Operation Legacy. From 1890 to 1912, the Imperial British East Africa Company sent at least 110 treaties from eastern Africa to London on matters which influenced the territory later known as Kenya. In 1912 these treaties were returned to Kenya, presumably to service an administrative role in the colony. In September 1963, Kenya’s final colonial Governor MacDonald decided to send them back to England ‘for safe keeping on account of their historical value which is thought will be better appreciated in London than elsewhere.’ Shortly after, in October 1963, the Governor’s Office in Nairobi sent a further five wooden crates packed with secret administrative documents on board Royal Air Force Britannia to the Colonial Office in London. This shipment included the defence committee papers relating to the emergency. The paperwork accompanying the crates clarified that upon shipment, the Kenyan Colonial Government was rid of responsibility for the records. In November 1963, the Governor’s Office arranged to ship another three crates of secret records which included original documents related to the constitution of Kenya, Kenyan trade unions and African political associations, activity of the Governor’s Office and the Legislative Council, counter-insurgency measures against Mau Mau, four bundles related to Jomo Kenyatta, large envelopes containing Mau Mau leader Dedan Kimathi’s documents and a full set of the Kenyan Intelligence Committee minutes. The assortment consisted of records essential to piece together not only colonial activity and strategy during the emergency, the background to independent Kenya’s formation, but also the experiences of individuals under colonial rule. Finally, on 2 December 1963, Mr. M J Sawyer travelled from Nairobi to Gatwick airport with a strongbox filled with ‘all outstanding tribal treaty documents.’ Sawyer was picked up by a civil servant and brought immediately to the Colonial Office upon his arrival in order to deposit the treaties. Governor MacDonald ensured the details of his travel and the delivery of the treaties.

Looking at the reasons behind the evacuation of various colonial documents gives a sense of how the colonial government wished to self-fashion its legacy both through promotion and concealment. The decision to ship treaties from
Kenya to London was based on an assessment of their historical value and the desire for British institutions to own them, where they would sit as relics of Britain’s empire. The Governor’s Office did not bother presenting any kind of diplomatic pretense for their removal. By contrast, the Governor’s Office sent records from Kenya to London according to several criteria spelled out by metropolitan instruction, which stipulated that any 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.\(^{29}\)

should not be left behind for independent states. Taken together, the above points present a strategy protective of colonial intelligence and the activity of the administration during the emergency period. Furthermore, ‘embarrassment’ is a perennial criterion for British colonial cover-ups. Vague and idiosyncratic, the concept of ‘embarrassment’ invokes civil servants’ obligation to protect the British crown, personified by the Queen. What is perhaps most striking about ‘embarrassment’ is that it is triggered not by the acknowledgement of wrongdoing but by the exposure of a certain behaviour to a specific audience. The implication is that the Colonial Office did not see anything wrong \emph{per se} about the detention camps, systems of forced labour, and corporal punishment that characterised the end of colonial rule in Kenya but that wider awareness of these practices might invite negative judgement that would have undesired political ramifications. Corfield summarised this dilemma as ‘the necessity of conducting what must still, in effect, be an autocracy on democratic lines, and of being answerable ultimately to a democratic Parliament which has … little or no practical experience of the difficulties which face these Governments of still primitive peoples.’\(^{30}\) Colonial racist ideology was central to the systemic deceit and propaganda that led to the ‘migrated archives’ problem.

The removal of records from colonies throughout rule but especially at decolonisation was a common practice across the British empire. Special attention was paid to defence, intelligence, security, and geographical departments in order to maintain discreet disposal of classified materials. Upon decolonisation, when British colonial administration overlapped with incoming ministers of the emerging independent governments, colonial governments administered a new classification system to prevent incoming officials from reading certain records. This parallel recordkeeping system, referred to as ‘Watch’ or ‘Personal’ series, facilitated ease of removal. Corfield’s report and the removal of records from Kenya are but one example of Britain’s handling of its colonial archives in the attempt to save face and monopolise the terms with which their colonial projects could be explained. Colonial records were destroyed and removed
from the Indian subcontinent in the late 1940s, from the Gold Coast (Ghana) in the mid-1950s, and from across other territories until at least 1994.\(^{31}\)

The movements of colonial records stood in stark contrast to the migration restrictions the UK government placed on peoples upon decolonisation. The 1962 Commonwealth Immigrants Act ‘drastically restricted immigration rights to Britain’s Commonwealth citizens,’ making clear the metropolitan government’s commitment to British xenophobia through the enactment of new border regimes.\(^{32}\) In the aftermath of the Notting Hill race riots of 1958, whereby white gangs and mobs assaulted Notting Hill residents of West Indian background, the immigration act was based on the UK Home Office’s assessment of ‘the long-term social consequences of the presence in this country of large and growing coloured communities that are unlikely to be assimilated.’\(^{33}\) Rather than confront Britain’s problem with racism, the government decided to double down on racialised hierarchies as the design for allocating rights and privileges to individuals. While the UK government pushed people from former colonies away from its borders, it smuggled in the documents relating to those very peoples and their colonial past. Administrators sent records from all over the earth: spanning from Palestine to southern Africa; Malaya to the Bahamas. These documents filled up Hayes Storage facility where they were stored under lock and key taking up over 6 kilometres of shelving. A former ammunition factory, Hayes Storage became the site where evidence of British Colonial violence across the globe sat in archival limbo.

**Custody or Origin? Laying Claim to the Colonial Past**

In November 1963, W T Wright of the Foreign Office wrote to E H Jones of the Commonwealth Relations Office regarding the destruction and preservation of documents in Kenya. He wrote, ‘The disposal of these papers is a matter to be decided between [us] since the basic consideration is one of custody and not of origin.’\(^{34}\) Wright’s assertion privileged the administrative hierarchy of British colonial governance in which the metropolitan Colonial Office trumped local administrations conveniently at the time when local administrations were withdrawing because of the emergence of independent governments. The relationship between ownership and location expressed by Wright is emblematic of the imperial assumption that a metropolitan centre could lay proprietary claim to what it wanted, where it wanted by simply insisting on its own legitimacy in doing so. However, Wright failed to foresee both the awareness of and resistance against record smuggling amongst the leadership emerging in newly independent nations.

On the 25 July 1967 Mr. Kibinge, the Permanent Secretary of the Kenya Ministry of Foreign Affairs wrote to the British High Commission in order to begin negotiating the return of ‘all documents removed from Government Ministries and State House during the pre-independence period’ from London back to
Kenya. Two years earlier, the independent Kenyan government assented to an act of parliament which enshrined a new Kenyan National Archives into being. The act granted the Chief Archivist the authority to ‘take such steps as may be necessary to acquire and have returned to Kenya any public records of historical value to Kenya which maybe have been exported before the establishment of the National Archive.’ Regarding removed records, Kenya National Archives employee Miss B M Khasenye remarked, ‘it at times happens that vital documents disappear leaving very adverse consequences … in the whole drama of nation building.’

Jomo Kenyatta, Kenya’s first president, re-worked memory in the early years of Kenya’s independence. To flatten unresolved tensions from the emergency period, which had been orchestrated as a civil war, Kenyatta declared a new national slogan: ‘Forgive and forget.’ By contrast, his administration tried to construct a new, unifying national memory through institutionalising historical narrative, such as through the national archives. For Kenyatta, the retrieval process was not only a matter of symbolism but of personal gratification. His own belongings had been confiscated by the British Colonial Government upon his arrest and detention throughout the emergency and he was intent on having them restored.

After Mr. Kibinge requested the return of all the documents removed from Kenya prior to independence, the British Head of Records – Mr. Gregory – audited the files received in London and found that that most of them ‘concerned the Emergency and Mau-Mau.’ Before responding to the request, Mr. Cheeseman, the Departmental Record Officer in the Commonwealth Office, identified three possible courses of action: 1. To return all the records 2. To review the material and return all-non sensitive material. 3. Declare all records as property belonging to Her Majesty’s Government (HMG) and refuse any further request for their return. The third option provided Gregory and Cheeseman with their solution. On 7 November 1967 they suggested that the Kenyan government be told that ‘it was general practice for the administration of the Dependent Territories to withdraw, shortly before independence, certain documents, the property of HMG, which it was not possible to hand on to a successor government.’ They emphasised that the ‘removal of these documents was in accord with the usual policy’ and that there would be no further negotiations.

Despite Cheeseman and Gregory’s backdoor deal, questions related to records removed by British colonists persisted. In 1972, Dr Shitla Prasad, the Director of India’s National Archives brought the issue of archives related to colonial rule to the fore of the international archival community’s attention at the International Congress of Archives in Moscow. Prasad’s comments on the matter include the first documented use of the phrase ‘migrated archives’, by which he referred not only to records ‘removed from the colonies and placed in metropolitan custody’ but also to ‘those created and always maintained in metropolitan countries in connection with the administration of
their colonies. His definition was different than the FCO’s subsequent internal use of the phrase, which referred to the records removed from former colonies and stored in secret. The archives of Prasad’s concern were held by the India Office in London. Unlike the records that the British Colonial Office evacuated and held secretly at the Hayes Storage facility, the existence of documents removed from the lands now known as India, Pakistan, Sri Lanka and Myanmar was commonly known. Prasad stated that ‘the developing countries feel strongly and unanimously that these ‘migrated archives’ must be restored to them.’ Prasad addressed the conference at large with these remarks but was in direct conversation with Jeffery Ede, Keeper of the Public Record Office, the UK government’s official archive. Ede responded by stating that former metropolitan countries could not be expected to provide former colonies with such records as ‘free gifts.’ The congress resolved that sovereign states should decide between themselves how to deal with contested archives in the form of bilateral cultural agreements. The Kenyan government invested considerable resource in attempting to do just that.

By 1973, the Inter-ministerial Committee on the Retrieval of Migrated Archives formed in Nairobi. It was composed of senior government officials from the office of the President, Ministries of Natural Resources, Foreign Affairs, Finance and Planning and the Attorney General’s Chambers. The committee was assigned to gather information about the whereabouts of Kenyan records in the UK and elsewhere and petition for their duplication or return. Kenya became an important node in the developing constellation of postcolonial archival politics. For example, the Eastern and Southern Africa Regional Branch of the International Council of Archives formed in 1969 and held its first conference in Nairobi. In a period of comfortable funding in the decade after independence, the Kenya National Archives cultivated a diverse set of partnerships, from the Yugoslav Committee for Economic and Technical Co-operation to Gaddafi’s installed Libyan archive; from the United States Library of Congress to the German Foundation for International Development. Through wide involvement with archival partners around the world, the awareness of the ‘migrated archives’ problem grew, partly due to Kenyan insistence.

‘Migrated Archives’ and International Mediation

After Prasad’s intervention in 1972, international organisations continued discussions related to the ‘migrated archives.’ At its 18th session in Paris in October 1974, UNESCO invited its member states to ‘give favourable consideration to the possibility of transferring documents from archives’ from metropolitan collections back to former colonies within the framework of bilateral agreements. The following year, the International Council on Archives (ICA) hosted a conference on ‘Planning of Archival Development
in the Third World’ in Dakar, which concluded with the wish that ‘the docu-
ments taken away from the Third World as a result of historical circum-
stances be restored to the respective countries.’ Between 1972 and 1976,
the UN adopted several resolutions regarding ‘the protection and restoration
of cultural and historical archives.’ This trend resulted from the participa-
tion of archivists and politicians from formerly colonised countries
within archival development organisations. In a 1973 conference of heads
of state of Non-Aligned Countries in Algiers, members adopted a Declara-
tion on the Preservation and Development of National Cultures that stressed
‘the need to reaffirm national cultural identity and eliminate the harmful
consequences of the colonial era.’ In 1976, Sri Lanka adapted two resolutions
to restore ‘works of art and manuscripts to the countries from which they
have been looted.’ These developments not only indicate the popularity
of ‘migrated archives’ as a relevant topic within the Third World and inter-
national organisations but also reveal an evolution in the analytical framing
of the problem from ‘migrated’ to ‘looted’ as nations launched claims for
restitution.

As a result of its 1974 resolution, UNESCO Director-General Amadou-
Mahtar M’Bow invited the Kenyan government to nominate representation
for a special committee of governmental experts to advise on the ‘exchange
of original objects and specimens among institutions in different countries’
in 1976. The head of Kenya’s National Archives, Dr. Maina David
Kagombe explained the significance of such a meeting to his government
regarding the ‘retrieval of the Kenya migrated archives overseas.’ Despite
Kagombe’s advocacy, no Kenyan representative sat on the working group.
Instead, the group charged with looking into ‘the possibility of transferring
documents from archives constituted within the territory of other countries,’
was represented by: A W Mabbs, Deputy Keeper of Public Records, London;
S N Prasad, Director of India’s National Archives; A Wagner, Consultant
from the Bundesarchiv, Koblenz; and C Kecskeméti, head of the Secretariat
to the International Council on Archives.

The committee’s 1976 meeting resulted in three significant outcomes per-
taining to the ways in which the international community would address the
issue of ‘migrated archives.’ Firstly, the working group produced the report
that attempted to create a typology for archival disputes between two or
more states. The report stated the problem as follows:

Changes in territorial boundaries and sovereignty have deprived many countries
of at least part of their rightful archival heritage. It is important to all nations
and to mankind generally that the problem of providing access to archives,
and their restitution in cases where such action is required should be dealt
with urgently …

Problems usually arise in one of the following circumstances:
a) Changes in sovereignty over a given territory without the creation of a new state
b) Transfers which took place during wars, or as an effect of military occupation;
c) The emergence of new states through the splitting of former political entities;
d) The effects of colonisation and de-colonisation …

The above list of different circumstances resulting in the succession of or production of sovereign states reflected the complexity of geopolitical reconfiguration following WWII. Ideally, the list would have provided ‘an intellectual framework in which the involved parties could find consensual solutions.’ However, not all parties were interested in finding consensual solutions and were in fact explicitly interested in exploiting conceptual ambiguities for the purpose of self-interest. As such, the comprehension of the list came at the expense of useful particularity. By framing the problem of archival disputes between states so broadly, the colonial context receded into the background. The absence of historical context depoliticised the discourse. This was not an accidental omission.

A few months after his participation in the working group, Deputy Keeper of the UK’s Public Record Office Mabbs wrote to Bernard Cheeseman at the Foreign and Commonwealth Office’s Library and Records Department with a rundown of the meeting. In his letter, Mabbs made his position clear: ‘Although [the report] names me as ‘rapporteur’ I disclaim responsibility for the UNESCO jargon in which it is presented.’ He proceeded to describe ‘the persistence with which Prasad argued the case for the return of the India Office Records without once identifying them’ but that he had succeeded in ‘relegating what Prasad considered as a major point of principle to an unobtrusive part of the Report, and in considerably weakening the form of words which he tried to get through the Committee.’ Mabbs forwarded a copy of his letter to Joan Lancaster, Director of the India Office Library and Records since 1972.

At the time of the meeting, disputes over the ownership of the India Office Library and Records had been ongoing since shortly after India’s independence in 1947. Both India and Pakistan approached the British government regarding the rightful ownership and distribution of the archives of the East India Company, the Board of Control, and the India and Burma Offices, which were kept in London. In response, the UK Government unilaterally put the question of legal ownership to the Law Officers of the Crown in 1956. Myanmar, Nepal, and Bangladesh also confronted the UK Government regarding certain parts of the India Office records. In 1971, the UK offered an ownership scheme as response to the requests by India and Pakistan. The
solution had been decided upon behind closed doors by a privately appointed judicial committee and no doubt made very few concessions, which resulted in no replies from either government. Instead, Prasad arose as a formidable spokesman for the restitution of ‘migrated archives’ and the UK Government solicited further legal advice as to how to protect their own claims to the India Office Library and Records.

The second major outcome of the 1976 meeting was a draft resolution proposed to the General Conference of UNESCO that would become, together with articles drafted by the International Law Commission, the basis for the 1983 Vienna Convention on Succession of States in respect of State Property, Archives and Debts. UK Government officials followed these developments closely. Mabbs and Lancaster maintained regular contact regarding the implications for the UK and their colonial archives problem. In their discussion they also included the Foreign and Commonwealth Office’s legal advisory team and Sir Francis Vallat, the UK’s representative at the UN’s International Law Commission. In a memo to Sir Vallat, Lancaster argued that the UK should be sceptical of the resolution in that ‘bilateral negotiations between the UK and … India and Pakistan … could be seriously prejudiced by an internationally agreed body of law which did not take into account principles which particularly affect the UK.’

Lancaster stated that by allowing the possibility for the return of archives taken from former colonies, former colonial powers would ‘denude themselves of the entire evidence for important periods of their own history, that is, their administration of colonial territories.’ She proposed a rhetorical strategy to appeal to professional archivists in order to sway sympathy towards the UK. Specifically, Lancaster referred to ‘the archival principle of the respect des fonds’ and the idea that ‘the significance of an individual document rests upon its place within the archive. To dismember that archive destroys the significance of its parts.’ Respect des fonds is one of archival science’s foundational principles, which maintains that archivists should ‘group, without mixing them with others, the archives (documents of every kind) created by or coming from an administration, establishment, person, or corporate body.’

Lancaster seemed to think that professional archivists would agree that a single repository for an entire collection was preferable to its dispersal across previously colonised lands. It was not mentioned that the removal of records from across the world upon decolonisation was in direct violation of this principle.

Lastly, the meeting was followed by a survey, which had been agreed upon at UNESCO’s 18th session, of ‘those countries whose documentary heritage should be reconstituted by means of archival transfers.’ Charles Kecskeméti, on behalf of the International Council on Archives, distributed the survey in June 1976. The survey was a crucial attempt at generating an overview of disputed archives. However, it was reliant on a kind of self-reporting that not all respondents complied with. Mandy Banton describes the attempts at smoke
screening by Jeffery Ede, the Keeper of the UK public records in his response to the survey. Ede made no mention of the ‘migrated archives’ and eventually discussed the India Office Records dispute in minimal detail. In the internal discussions surrounding how to deal with the survey, Lancaster suggested that it might be easier to ‘secure within UNESCO a satisfactory solution’ for the problem of the UK’s colonial archives than at the United Nations, where the question would be discussed according to ‘matters of political or legal principle’.

The UNESCO report acknowledged the need for case-by-case attention in archival disputes engaging two or more states and offered instead general principles to guide multilateral settlements. Of the principles laid out for drafting such agreements, the report claimed, ‘given goodwill among all parties concerned satisfactory solutions can be found in all cases by the application of accepted professional principles.’ A view into the backdoor discussions happening amongst the UK Public Record Office, the Library and Records Department of the Foreign and Commonwealth Office, the India Office Library and Records staff and British United Nations delegates reveals that goodwill would not be forthcoming in their approach with former colonies.

**Selective Secrecy: UK Views on the India Office Library and Records vs the ‘Migrated Archives’**

A comparison between the handling of the India Office Library and Records (IOLR) and the ‘migrated archives,’ both collections of documents removed from former colonies, provides a better understanding of how the FCO regarded the latter as a specific strategy of secrecy. There are some important distinctions between these two collections. For example, while the ‘migrated archives’ were records originally created and used in colonial settings and later removed to London, the Indian Office Library and Records were comprised of materials created both in and outside of the metropole. The claims launched by Kenya for the ‘migrated archives,’ therefore referred to materials that colonists took away whereas the Indian, Pakistani, and Sri Lankan claims to the IOLR included not only the restoration of removed files but also those created in the UK. The claims to the IOLR were thus much bigger in scale and murkier in scope. In figuring out how best to secure the UK physical custody of the IOLR while satisfying the growing demands for its restoration, government officials made occasional reference to the ‘migrated archives,’ especially when deciding which of the IOLR materials would be undesirable to have in the public. This section proceeds on the basis of the internal comparison between the IOLR and the ‘migrated archives.’

While the UK government focused on maintaining custody over the IOLR, whose existence was publicly known, it focused on keeping the ‘migrated archives’ both in London and out of the public eye. By 1982, Joan Lancaster’s
efforts to keep the IOLR in London paid off. The UK Secretary of State and the British Library worked towards an agreement whereby a trust in the library’s name would take custody of the collection though its title would be assigned to the Secretary of State. Among the collection were 14 kilometres of shelves of archival materials largely related to the pre-1947 administration of lands now known as India, Sri Lanka, Pakistan, Myanmar/Burma, and Bangladesh. Involved in the agreement were area specialists, archivists, and lawyers from the FCO’s South Asian Department. The process was designed ‘to fend off Indian opposition to the transfer’ and prove once and for all that the IOLR was the rightful property of the UK via a legal title held by the Secretary of State for Foreign and Commonwealth Affairs. From the Library and Records Department of the FCO, Miss E C Blayney encouraged certain exclusions from the transfer. Blayney cooperated on a sensitivity review of the IOLR files prior to their transfer. The process of the review gives an impression of the logic at work that resulted in historical censure. For example, the review picked up on details of individual British lives that might deserve privacy such as substance abuse problems and sexual affairs. Mr. Farrington at the India Office Library thought that to include such documents in a publicly facing official institution would ‘only reflect badly on those who had considered them worth preserving.’ Embarrassment was a criterion that, though certainly had particular effects within the colonial context, more generally influenced the way in which UK governmental information was selected for the public domain.

However, the India Office Library and Records Department was open to some cooperation with former British colonies. For example, the department entered an agreement with the Yemeni government to allow microfilming of parts of the Aden collection, which had not undergone any review process. Similarly, the department had accepted payments from ‘posts in South Asia for copies of documents and publications in the IOLR.’ Where the FCO was concerned with the UK Government’s interests in controlling access to and ownership of its colonial records according to their geopolitical stakes, some officers within the IOLR Department were sympathetic to the personal value of official records in the lives of individuals. For example, the IOLR holds records of Christian baptisms, marriages, and deaths across south Asia until at least 1947. As stated by Parthasarathi Bhaumik, former Chevening Fellow, on the British Library’s website, the ‘library holds not only the ‘official’ history of South Asia, but also its ‘histories’, which are personal, pluralistic, and intimate.’ In determining the transfer, officers from the IOLR department advocated the continuation of record exchanges whereby countries could request microfilm and photocopies of materials from the collection. The Foreign and Commonwealth Office afforded no such willingness to cooperate.
Studying the sensitivity review process also reveals how the Foreign and Commonwealth Office viewed the ‘migrated archives’ as a useful framework rather than as a problematic in need of solving. The representative of the South Asia Department suggested that the dispute over the IOLR’s ownership was so sensitive that any documentation regarding the transfer itself should be held in confidence by the FCO rather than enter public view. Furthermore, Blayney advised that sensitive records and all materials related to the colonial administration of Aden and the Middle East should be considered ‘migrated records’ and accordingly excluded from public domain. Aden, which had been governed as a part of British India, was a strategic port and coaling station for British imperial interest and activity in the Red Sea and India Ocean. The UK government had established a BP refinery in Aden which served British oil interest in the Persian Gulf. The UK reacted to anticolonial resistance and trade union activism there by declaring an emergency, as they had in Kenya. Though Aden ceased to be under British colonial governance by the late 1960s, the Yemeni and British government negotiated the terms of the UK’s withdrawal and claims to the refinery through the late 1970s. Blayney argued that the Aden records should be separated from the IOLR and kept secret, presumably because of their political and economic value.

The international activity surrounding archival disputes provoked the UK government to consider the legal question of the ‘migrated archives.’ The question remained whether these archives were public records and therefore subject to the Public Records Act, in which case the Foreign and Commonwealth Office (FCO) would be obliged to perform a review process and the Public Record Office would have to take custody over them. In February 1976, Tom Legg in the Lord Chancellor’s Office provided an official opinion regarding Cyprus’s ‘migrated archives’:

> We doubt if it can credibly be argued that the expression ‘the United Kingdom’ without more includes colonies. We therefore think the FCO must be right in saying that the Cyprus records are not records ‘in right of Her Majesty’s Government in the United Kingdom’ and are therefore not public records within the meaning of the 1958 Act.

The question whether the ‘migrated archives’ were public records or not reflected the British conundrum over the documents of colonial rule. On the one hand, the government wished to maintain control over records that disrupted the narrative of empire in which the British state had invested so highly and that could provide newly independent States legitimacy in claims against the UK. On the other hand, accepting the ‘migrated records’ as public records would trigger the legal mandate of the Public Records Act, which would result in at least eventual, partial release of the records to the Public Record Office in London; an outcome at odds with the desire to keep quiet the deeds of British foreign policy. Reviewing FCO discussions on the
matter, it seems like the ‘migrated archives’ were understood as a class on their own. They were not considered UK Public Records but nonetheless were regarded as belonging to the Foreign and Commonwealth Office. They were understood as related to former territories but too valuable and/or risky to return, destroy or reveal. The ‘migrated archives’ constituted a kind of no-man’s land that the UK furtively guarded. Their limbo-status provided the FCO with a ‘carte blanche’ regarding their future.68

The India Office Library and Records were treated differently than the ‘migrated archives’ because their relevance ‘to foreign policy objectives was small’ unlike the shelves of documents stored at the Hayes Repository.69 For example, in June 1982, Kenya’s Foreign Minister to the UK, John Robert Ouko raised the question of Kenya’s colonial archives stored in England at a meeting with the UK’s Secretary of State. Kenyan President Moi continued to prioritise Kenya’s National Archive as a prestige project in the early years of his presidency and provided some executive support to archival retrieval. At the same meeting, Ouko discussed matters related to the Chadian-Libyan conflict and Kenya’s unofficial support of the UK in its conflict against Argentina in the Falklands.70 As historian Poppy Cullen emphasises, maintaining favourable relations with Kenya was of explicit interest to the UK government in foreign policy objectives across the African continent and to a certain extent within the Non-Aligned Movement.71 In a letter soliciting Blayney’s advice on how to respond to the request, her correspondent in the East African Department underscored that the request ‘will clearly have to be handled with some care given the closeness of our bilateral relations with Kenya.’72 It was therefore important to proceed with delicacy on the question of colonial archives at the ministerial level of government, so as to nurture diplomatic relations to Kenya but not at the expense of the UK’s claim to colonial records.

Ouko’s request prompted the Library and Records Department and legal advisors of the FCO to state plainly in an internal discussion the ‘migrated archives’ problem and how best to proceed. In a detailed overview of the origins and complexities of the ‘migrated archives,’ J H Smyth addressed Blayney and the FCO legal team and clarified that ‘… there is at present no clear Government policy in relation to migrated records.’73 In response, legal adviser Ian Sinclair warned that the FCO was ‘not necessarily on strong ground in resisting calls for the return or reproduction of some of the [migrated] archives …’74 Blayney swooped in with strong recommendations. She maintained that none of the records should be returned to Kenya and that the decision ‘should be taken as precedent’ regarding the other ‘migrated archives’. She went on to suggest that the question of return could be revisited ‘50 years after the date when the first colony, Ceylon, became independent, i.e. in 1998.’75 In sum, Blayney offered the same suggestion as her predecessor Bernard Cheeseman had fifteen years earlier: to authoritatively forbid the return of ‘migrated archives’ without much justification and consider it a
legitimate precedent. Blayney went on to give a sense of the stakes she perceived in the matter:

The Kenya request raises the wider issue of the future of this large collection of material. The system of removal of sensitive material prior to independence is still in effect and we would not wish the present colonial territories to become aware of the fact. Kenya and the governments of the other former British Colonial territories are unaware of the quantity and sensitivity of the material in HMG’s possession. The return of any such records would act as a warning to those territories which have yet to achieve independence. It would not only set an unfortunate precedent but would also give rise to further debate in international fora. This would be a source of embarrassment to those of our European partners who were former colonial powers.76

In this statement, Blayney makes clear why the UK insisted on the secrecy of the ‘migrated archives.’ In 1982, the Foreign and Commonwealth Office was still carrying out the same exercise of record removal initiated in 1961. Further, though the Kenyan government was aware that the UK held records that were removed at the time of independence, they did not know exactly what they were – neither their contents nor their extent. This ignorance disabled specific claim-making and kept the issue of the Kenyan emergency and the colonial crimes therein out of focus. Blayney argued that any return would accelerate and expand the international debate on ‘migrated archives’ and that, finally, this would implicate UK allies within Europe.

The 1983 Vienna Convention and European Cooperation to Conceal the Colonial Past

In March 1983, delegates to the United Nations from across the globe entered the grand halls of the Viennese Hofburg Palace to discuss the matter of succession of states and administrative archives following the global transformations caused by decolonisation. Only 25 years earlier, the Austrian government converted the 700-year-old imperial palace into a public convention and event facility with the aim to position itself as a neutral host in an international community beset by Cold War politics. In 1961, U.S. President John F. Kennedy and Soviet leader Nikita Khrushchev met for a two-day summit in Vienna ‘in a gesture of support for Austria’s policy of neutrality.’77 The meeting was followed by the commencement of construction on the Berlin wall and a multi-billion dollar increase in U.S. defence spending in a clear escalation of conflict. The function of ‘neutrality’ appeared unsuccessful, and so it was in 1983. Delegates gathered in Neue Burg, the palace’s last great expansion.78 Completed in 1913, the wing housed several museums and reading rooms of the Austrian national library. Historian Carl E Schorske describes how ‘culture was presented as an extension of the imperial power’ in the design of the palace wing.79 It was there in 1928 that the Museum of Ethnology opened to display objects from the ‘non-European’ world obtained by
nineteenth century explorers and armies. Shrunken heads from Brazil, Benin sculptures looted by British soldiers, the first photographs with human subjects taken in Indonesia, and thousands of other artefacts populated the collections held by the museum neighboring the 1983 UN convention room (The Art Newspaper, October, 25, 2017).

The 1983 Vienna Convention on Succession of States in Respect of State Property, Archives and Debts was organised to address this problem among other instances of displaced archives. Much like Austria’s offering of Vienna as a neutral host to geopolitical debate, international organisations like the UN and its specialist agencies such as UNESCO positioned themselves as neutral alternatives to unmediated foreign disputes. However, as perhaps the uncritical setting for a discussion on rightful ownership of colonial archives in the display chambers of imperial loot indicates, the UN was not equipped to forge either a physical or political space free from the tensions of empire or the legacies of colonialism.

To many, the Vienna Convention is largely considered a failure.80 Though the UN adopted the convention’s terms, not enough members signed and ratified it for it to come into effect. The convention was the result of years of work by UNESCO, the International Law Commission (ILC), and the International Council on Archives (ICA). Former executive Secretary of the ICA Charles Kecskeméti spent years working with governments, national archives, individuals and other international institutions in order to develop ‘a typology of [archival] disputes, a specific and unambiguous terminology, [and] concepts able to offer a way out of impasses’ that significantly informed the Convention’s text.81 An early failure in the Convention’s deliberations was the voting down of one of these concepts: joint heritage. Voted down 32–17 with 14 abstentions, the Swiss-proposed amendment would have stated:

Archive groups created by administrations, functions of which are shared between the predecessor State and the successor State or States, as a result of the succession of States, may be declared in the special archival agreement ‘joint heritage.’ Rights and responsibilities connected with the custody of and access to the joint archival heritage shall be specified in the agreement.82

Joint heritage was supposed to solve the issue of multiple claims to single archival collections by enforcing a process of agreement between claimants. That the amendment was struck down before the convention went to vote shows how unwilling some of the parties were to negotiate. Unsurprisingly, delegates voted according to their geopolitical positioning with regards to European colonial projects, with former colonising states ruling against the convention. The colonial archives contested at the time of the Vienna Convention remain in dispute.

Inherent to the notion of heritage is the idea that the present is entitled to something from the past. Often objects described as heritage, whether artefact,
architecture, or archives, are considered valuable not only because of their innate features but because they can be gateways for larger claims such as financial compensation, economic opportunity, rights, recognition, land, and prestige. Scholars Tracy Ireland and John Schofield explain that heritage debates often facilitate negotiation of the politics of social justice. In 1983, the discussion over colonial archives and the succession of states was entangled in an enormous web of political, cultural, and economic concerns. For example, India and Pakistan’s claims to the IOLR were embroiled in the politics and violence of partition and the processes of post-colonial national definition. Just weeks after the Nellie massacre in Assam, during which at least 1,800 Bengali Muslims were murdered in the worst sectarian attack in India since independence, the prospect of forging a cooperative cultural agreement between the former colonial regime and the successor states of the Indian subcontinent during the Convention was doomed. Colonial legacies shaped the contours of metropolitan politics as well. In the early 1980s, anti-racist activism in France revived French-Algerian colonial historiography and politicised minority heritage concurrent to the rise of France’s far-right. Political organisations and media outlets debated the question of whether France should return archives removed at the end of its war in Algeria on partisan terms.

Britain was not the only former colonial giant confronted with complaints from ex-colonies. As historian Todd Shephard chronicles, the French authorities destroyed and removed significant stores of records from Algeria starting in 1961 that have been disputed ever since. Judge Mohammed Bedjaoui represented Algeria on the International Law Commission and pushed the issue of colonial archives removed upon independence within the commission, leading up to the 1983 convention. Charles Kecskeméti laments that rather than producing terms of agreement, the conference ‘became a political platform that produced a political statement’ between those who had disputed archives in their possession, and those who did not. Though in hindsight the convention can be described as a stalemate, the Kenyan delegates returned to Nairobi from Vienna with some hope. In a conference report for Kenya National Archives staff, a Kenyan delegate wrote, ‘Although the Western European countries cast a negative vote… the truth can never be hidden forever and neither [can] the people’s right to know about their culture be ignored.’

The ‘Migrated Archives’ After Vienna

Within the literature on displaced archives, which is a general term that refers to any archive removed from its place of origin, there are examples described as joint heritage successes. Charles Kecskeméti mentions bilateral agreements between the Netherlands and Indonesia, Namibia and South Africa, and Slovakia and the Czech Republic. Among the resolutions adapted following the break-up of the Socialist Federal Republic of Yugoslavia was a 1997 agreement
between archives of successor states. The agreement aimed to grant equal rights to archives that concerned multiple states while acknowledging that only one could take responsibility for collections, lest they face dispersal and violate the archival golden rule of physical integrity. Geographical proximity is one of several factors that distinguishes the possibility for such an agreement within eastern Europe from the vast and fractured expanse of Britain and its former empire. Perhaps the greater barriers, however, between the UK and the lands with archival claims against it are the features of UK government which led to the ‘migrated archives’ problem in the first place: an aversion to taking responsibility, a proclivity for secrecy, and a sense of proprietary entitlement that is above the law.

The issue of archival dispute continued within the international stratum. In 1998, Leopold Auer published a report on archival claims on behalf of UNESCO. Auer concluded that his study revealed such a ‘multitude of claims, of different types and origins’ that only a general approach based on professional principles might be helpful. However, the watershed moment regarding the UK’s colonial archives was the 2011 Hanslope Park disclosure. The disclosure resulted in the gradual and partial release of the files into the public domain via the UK’s National Archives, which are located near to Kew Gardens in Richmond. Disputes between the UK and former colonies regarding their rightful ownership and location are ongoing.

Shortly after the disclosure, the ICA revived its activity on displaced archives. In 2016, the ICA established an expert group on shared archival heritage in order to consider ‘different points of view in archival claims’ and solve them ‘through conversation and collaboration.’ The group emphasises the delicacy of negotiating disputed archives, suggesting that the way in which the problem is framed is indicative of whether a conclusion will be reached. The history of the UK’s treatment of the ‘migrated archives’ shows that the language used by international organisations had no bearing on the government’s willingness to open the contents of Hayes Storage facility to the public. If anything, this article has tried to demonstrate the UK’s exploitation of ambiguous principles to serve private aims. Rather than professional concepts, it was the direct pressure put on by the Indian, Pakistani, and Kenyan governments in the decades following independence that resulted in action on the ‘migrated archives.’ The ICA framing is suggestive of a spirit of cooperation between the UK and its formal colonies that seems more fantasy than functional. Further, it assumes that all parties regard the disputed materials as a part of their heritage. The FCO hid the ‘migrated archives’ not only from former colonies but from the British public. As Reni Eddo-Lodge writes, colonial history is often regarded as something white Britons feel they can opt out of, a sentiment supported by the FCO’s own actions to relegate its colonial history into obscurity. As scholar Lauren Yapp remarks, ‘particular colonial experiences in the past generate, or perpetuate, particular strategies and methods of heritage diplomacy in
the present." In the UK’s case, an apolitical discourse on its colonial, or ‘migrated’, archives is such a strategic extension.

The ‘migrated archives’ problem is a symptom of colonial fragility. The value systems produced by this fragility prioritise the reputation and interests of the UK government while overlooking the ignorance and harm it causes. Historian Vincent Hiribarren argues that the tendency to conceal colonial history was and remains a habit particular to European states that are regarded as liberal democracies because colonialism challenges their claims to a morally just political system. The ‘migrated archives’ are one example of the ways in which colonial fragility determines the ways in which former imperial states obscure knowledge of the past and thereby interfere with the present. Of the Mau Mau trial, David Anderson wrote that the ‘quest for documentary evidence [was] the most critical aspect of the case’. This article’s reappraisal of the ‘migrated archives’ history reveals that their current ownership status and location continue to privilege the UK’s desire to avoid ‘embarrassment’ and to be seen as good despite the harm preserving that reputation causes.

Notes

1. Kariuki, ‘Mau Mau’ Detainee, 215; Kumar, Visions of Empire, 321; Batchelor-Hunt, tweet on June 4, 2020.
2. International Churchill Society, ‘VE Day.’
3. Roediger III, et al., ‘Competing memories of WWII,’ 16681.
4. Henderson, The Hunt for Kimathi, 18.
5. Gilroy, After Empire.
6. Wilson, ‘Niall Ferguson’s Imperial Passion,’ 175.
7. Anderson, ‘Lost’ British Empire Archives’, 700.
8. Musembi, Archives: the Kenyan Experience, 17.
9. UK Foreign & Commonwealth Office and Cary, ‘Cary Report.’
10. Ibid, 17.
11. Badger, ‘A Legacy of Suspicion,’ 230.
12. Anderson, “‘Lost’ British Empire Archives,” 710.
13. Saad, Me and White Supremacy, 43.
14. Wiener, “Colonial Legacy,” 1.
15. Owens, Economy of Force.
16. Berman and Lonsdale, Unhappy Valley Book Two, 253.
17. See especially Anderson (2005); Elkins (2005); Bennett (2012).
18. See for example, Brockway, Why Mau Mau? (1953); Padmore, Behind the Mau Mau (1953); Koinange, The People of Kenya Speak (1955); Fletcher, Truth about Kenya (1956).
19. FCO 141/6576, R Turnbull, Memorandum ‘Enquiry into the Origin, Methods and Growth of Mau Mau’, to Council of Ministers, 18 June 1957.
20. FCO 141/6998, Memorandum ‘Basic standards of material security protection for classified information in government offices’, n.d.
21. FCO 141/6576, Turnbull, 1957.
22. Ibid.
23. FCO 141/6540, Kenya Legislative Council Debate on the Corfield Report, 10 Jun 1960.
24. Operation Legacy was a campaign to destroy and/or hide files in colonies upon independence so that successor regimes could not access them as well as to select those that should remain in independent administrations to preserve certain structures and functions of governance. See Anderson, 2015; Banton, 2012; Sato, 2017.

25. CO 822/3199 M MacDonald, Savingram, to D Sandys, 11 September 1963.

26. CO 822/3199 M MacDonald, Savingram 'Transfer of Documents, to D Sandys, 4 November 1963.

27. CO 822/3199 M MacDonald, Telegram, to Colchester, 2 December 1963.

28. CO 822/3199 M MacDonald, Telegram, to Colchester, 29 November 1963.

29. CO 822/2935 I Macleod, Memorandum, to East African dependencies, 3 May 1961.

30. FCO 141/6576, F D Corfield, letter, to W F Coutts, 21 November 1958.

31. Rawlings, 'Lost Files, Forgotten Papers,' 190.

32. Eddo-Lodge, White People, 26.

33. HO 344/14, Report 'Working party to report on the social and economic problems arising from the growing influx into the United Kingdom of coloured workers from other Commonwealth countries', to Ministerial Committee, July 1961. As quoted by Bivins, 2008.

34. CO 822/3199, W T Wright, letter, to E H Jones, 11 November 1963.

35. FCO 12/357, report 'Kenya: Migrated Records', Library and Records Department, 7 July 1982.

36. ARC (CGO) 1/61/1, Kenya National Archives, report 'The Kenya National Archives: A Plan for Development and Progress, to Committee for Archival Development of the International Council on Archival [sic], April 1974.

37. KNA 34/72, B M Khaseny, report 'Private Collections', to Chief Archivist, n.d.

38. FCO 12/357, report 'Kenya: Migrated Records', Library and Records Department, 7 July 1982.

39. Rieger, 'The VIIth Archives Congress,' 502.

40. As quoted by Banton, 'Displaced Archives in the United Kingdom,' 52.

41. See note 38 above.

42. FCO 141/19934, Library and Records Department, 'Migrated Records General Summary: International Interest in Colonial and Imperial Archives', January 1981.

43. Ibid.

44. Resolutions include: 3206 (1972); 3148 (1973); 3187 (1973); 3391 (1975); 31/40 (1976). FCO 141/19934, Library and Records Department, 'Migrated Records General Summary: International Interest in Colonial and Imperial Archives', January 1981.

45. Ibid.

46. KNA 34/87, A M'Bow, letter, to Permanent Secretary, Ministry of Housing & Social Services and the Ministry of Foreign Affairs, 27 November 1975. (emphasis added)

47. KNA 34/87, M D Kagombe, letter, to PS, Ministry of Housing and Social Services, 31 January 1976.

48. Others participated in the working group but the mentioned individuals were those listed as responsible for drafting the report.

49. FCO 12/195, United Nations Educational, Scientific and Cultural Organisation, final report 'on the Possibility of Transferring Documents from Archives Constituted within the Territory of Other Countries', 1 April 1976.

50. Kecskeméti, 'Archive Seizures,' 14.

51. FCO 12/195 A W Mabbs, letter, to Bernard Cheeseman, 3 May 1976.

52. LRR 331/10, B C Bloomfield, letter 'IOLR Transfer to the British Library', to Mr. Thorpe, 1 February 1982.
53. FCO 12/195, J Lancaster, memorandum, to Sir Francis Vallat, 11 May 1977.
54. FCO 12/195, J Lancaster, memorandum 'The ILC Draft Report, Article 13', 21 January 1977.
55. FCO 12/195, J Lancaster, memorandum, to Sir Francis Vallat, 11 May 1977.
56. Duchein, 'Theoretical Principles,' 64.
57. Banton, 'Destroy? 'Migrate'? Conceal?' 331.
58. FCO 12/195, I K Mathers, letter, Mr. Anderson, 12 October 1976.
59. FCO 12/195, United Nations Educational, Scientific and Cultural Organisation, final report 'on the Possibility of Transferring Documents from Archives Constituted within the Territory of Other Countries', 1 April 1976.
60. LRR 331/10, R N Dales, 'Transfer of the IOLR', 20 January 1982.
61. LRR 331/10, J G Veitch, letter, to Mr. Smyth, 11 February 1982.
62. LRR 331/10, B C Bloomfield, 'India Office Library and Records (IOLR): Future Links with the FCO After the Transfer to the British Library, 22 March 1982.
63. LRR 331/10, Bloomfield, 1982.
64. LRR 331/10, Administration-in-Confidence, 'Transfer of the India Office Library and Records', n.d.
65. Ibid.
66. For further discussion on legal question of 'migrated archives' ownership, see Banton, 2017.
67. FCO 141/19933, T S Legg, letter, to A W Mabbs, 8 March 1976.
68. FCO 141/19933, R R M Hollas, letter, to Mrs. Yasamee and Mr. Bone, 1 February 1995.
69. LRR 331/10, B C Bloomfield, letter, to Mr. Donald, 22 March 1982.
70. FCO 12/357, W N Wenban-Smith, letter, to Mr. Williams 22 June 1982.
71. Cullen, Kenya and Britain.
72. FCO 12/357, A E Huckle, letter, to E C Blayney, 24 Jun 1982.
73. FCO 12/357, J H Smyth, letter, to E C Blayney, 7 July 1982.
74. FCO 12/357, I Sinclair, letter, unaddressed, n.d.
75. FCO 12/357, E C Blayney, letter, to Mr. Streeton, 28 July 1982.
76. FCO 12/357, E C Blayney, letter, to Mr. Streeton, 28 July 1982.
77. Frey, 'Konferenzplatz Wien,' 150.
78. United Nations Treaty Collection, 2020.
79. Shorske, Thinking with History, 113.
80. See Displaced Archives, especially introduction by James Lowry and Charles Keckskeméti’s chapter for overview of international development leading up to the convention and analysis of its shortcomings.
81. Keckskeméti, ‘Archive Seizures,’ 14.
82. FCO 141/19912, International Council on Archives Working Group, Professional Advice on the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts, Part III, State Archives (Art. 19 to 31), n.d.
83. Ireland and Schofield, 'Introduction,' 4.
84. Chopra, ‘Archives of Violence,’ 62.
85. Gordon, ‘From Militancy to History.’
86. Shepherd, “The Algeria-France ‘Dispute.’”
87. Ibid.
88. Keckskeméti, ‘Archive Seizures,’ 16.
89. KNA AR/15/5, Report on Vienna Convention on Succession of States, 22 April 1983.
90. Keckskeméti, ‘Archive Seizures,’ 18.
91. Pandžić, ‘Succession of the State.’
92. UNESCO and Auer, ‘Disputed archival claims,’ 1.
93. Sigurðsson, ‘Shared Archival Heritage,’ slide 3.
94. Eddo-Lodge, White People, 2.
95. Yapp, ‘Define Mutual,’ 68.
96. Hiribarren, ‘Hiding the Colonial Past?’
97. Anderson, ‘Lost British Empire Archives,’ 706.

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