

Contents

- » Conference: Constitutions and Constitution Making in Eastern Africa and the Role of Law and Development
- » Profile of a Graduate Attaché
- » News and Announcements
- » BIEA Facilities and Services

Constitutions and Constitution Making in Eastern Africa and the Role of Law and Development

The British Institute in Eastern Africa, in partnership with the Katiba Institute, hosted a very successful conference in Nairobi from 9th – 11th June 2011. The conference provided a unique opportunity critically to reflect on the new era of constitution making in Eastern Africa and the broader role of law and development in the region.

On the first day we hosted a number of prominent East African and international academics from the fields of law, political science, history and literature. After opening remarks on the reformed role of the Kenyan judiciary from Dr Willy Mutunga, the country's newly appointed Chief Justice, the speakers discussed a range of constitutional issues.

From independence constitutions to the burdensome legacy of the one-party state, Prof Goran Hyden and Prof Chris Maina Peter examined Tanzania's constitutional order, past



BIEA Director, Dr Ambreena Manji; Prof Jill Cottrell; and Kenya's new Chief Justice and President of the Supreme Court of Kenya, Dr Willy Mutunga

and present. Prof Wanjiku Kabira and Prof Patricia Kameri-Mbote followed by emphasising the impressive gains that have been made for women in Kenya's new constitutional norms, but also noted the complexity of entrenching and implementing these in a patriarchal society. Taking lessons from Kenya, Dr Linda Musumba reflected on the uncertain stakes for Southern Sudanese women in the ongoing drafting of their Transitional Constitution.

Prof Ben Sihanya's textual analysis of the checks on executive power in Kenya's new Constitution was balanced by Prof Yash Pal Ghai's cautious warning on potential barriers to implementation. Prof Patrick McAuslan concluded the day by discussing a countervailing force to the era of liberal legal rights in Kenya: the international community's approach to post-conflict state building, valuing order and security over democratic transformation of governance institutions.

On 10th and 11th June senior academics acted as prepared discussants for early career scholars from 12 different universities, who tackled the socio-legal discipline of law and development in an informal, workshop setting.

Jack Mwimali (University of Nairobi), Edga Sichangi (Aids Law Project) and Hanna Weijers' (Tilburg University, the Netherlands) formed a panel on 'Rights and Constitutionalism'. Mwimali's focus on Kenya's new constitutional space for social justice litigation was balanced by Sichangi's and Weijers' discussions of how stringent legal formalisation can violate health rights and muzzle technological innovation.

Vincent Mutai (Moi University) opened the 'Constitutional Change and Human Rights' panel with a discussion of how formal constitutional amendment procedures can safeguard against the excesses of executive power. But, as Luis Franceschi (Strathmore University) went on to argue, even when national mechanisms break down, sensitivities surrounding sovereignty often undermine rights protections within international decrees.

The 'Law, Banking and Financial Inclusion' panel was opened by Joy Malala (University of Warwick) who explored the regulatory issues surrounding mobile money and mobile transfers as viable payment systems in Kenya. Nathan Tuimising (University of Warwick) followed by presenting an investigative paper on the reasons behind Kenya's expansion of private equity firms.

The first panel on 11th June, 'Law and Natural Resources Management', focused on the question of how to resolve disputes over present-day use of natural resources against

the destructive legacy of historical agreements, planning and rights. Reynolds Richter (New York University) explored land dispute cases of the Kenyan coast from 1950s; Bashiru Kakurwa (University of Dar es Salaam) examined urban land disputes in Tanzania; and Dr Philip Apuuli's (Makerere University) analysis of the colonial legacy of the 1929 and 1959 Nile Waters Agreements provided a grave warning of the potential for a violent escalation of water politics in the region.

'Local autonomy under threat' was the theme of the 'Nations, Territory and Belonging' panel. Benjamin Saccaggi (University of the Witwatersrand) illustrated how legal loopholes allowed a mining company coercively to exhume the ancestral graves of Sekuruwe village. Angela Kronenburg (University of Wageningen) argued that, as land dispute litigants 'forum shop' between local and state justice, the traditional authorities of Loita, Masaailand view their legal and political clout to be under threat.

Thomas Obel Hansen (US International University, Nairobi) opened the final panel of the event, 'International Criminal Justice in Kenya', by examining the effects of the ICC process on domestic politics in Kenya. While Hansen endorsed ICC intervention, Charles Kamala (Khabarak University) suggested a cultural relativist alternative: local 'hybrid punishments' which balance distributive, corrective and retributive justice.

The conference provided a rare opportunity for reflection on the new era of constitution making in Eastern Africa. The event also provided an important forum for networking and mentoring between young African scholars and their senior counterparts.



Workshop participants during one of the sessions

Profile of a Graduate Attaché

Johnpius Mpangarusya (University of Dar es Salaam) April - September 2010

From April to November 2010 I worked at the British Institute in Eastern Africa as a Graduate Attaché, a programme for graduate students with interest in developing their careers to the level of Masters Degree and PhD. Having finished my BA in Archaeology at the University of Dar es Salaam, I was attached to various archaeological projects with the main aim of acquiring archaeological field experience before proceeding with my MA studies. During this period I worked on research projects in Tanzania and Kenya. I worked in more than five different archaeological sites, an experience that has helped me hone my skills as a researcher and provided me with insights into my academic career progression.

Apart from working on archaeological finds at the BIEA finds store, I also participated in the following projects:

First was an archaeological reconnaissance of the East African caravan trade, a project conducted by Dr. Stephanie Wynne-Jones in Dar es Salaam and Bagamoyo on the Tanzanian coast, Morogoro and Mpwawwa in Dodoma. The aim of this project was to investigate the archaeological potential of the region, dating back to the 15th century; and identifying the routes and the centres or places settled by the slave trade dealers.

I later joined the Kilombe project, which was conducted by Prof. John Gowlett from the University of Liverpool. Kilombe is the largest Acheulean hand-axe site in the central Rift Valley of Kenya. The major aim of the project was to trace the chronology of Kilombe sequence using Magnetostratigraphy, Biochronology; and reconstructing the local environment at a key period in human evolution.

I was also attached to the Engaruka project team in Tanzania, which was led by Dr. Daryl Stump from the University of York. The focus of this research was tracing and understanding the stratigraphic relation of features such as stone circles, terraces, field boundaries and water channels constructed by the once settled farming community in the 15th century.

This was followed by The SEALINKS project around the coast of Mombasa in Kilifi district. This is a large international project that is investigating the first seafarers of the Indian Ocean and is aimed at understanding the earliest Indian Ocean maritime movements, local



Dr Daryl introduces students to the Engaruka site

communities that emerged, and the resulting social, economic and environmental impacts.

Lastly, I worked with the HEEAL project in Nanyuki-Laikipia, which was headed by Dr. Paul Lane from the University of York. The project aims at exploring land use and the ecology of east Africa in the past 500 years.

Being on attachment at BIEA was very significant to me since it provided me with an opportunity to learn and work with experienced researchers working on different projects. This has inspired me to pursue further studies in archaeology at the University of Dar es Salaam.

I would like to thank the BIEA for giving me this opportunity, and the entire staff for their cooperation and teamwork. Indeed, BIEA is a place where ambitions are transformed into reality.

News and Announcements

East Africa Fellowship

We are very pleased to announce that the BIEA has been awarded a grant by the British Academy to enable us to continue our flagship East Africa Fellowship scheme. The new post, a Fellowship in Constitutional Development, will be advertised in the coming months. In addition, our current EA Fellow, Kerry Kyaa, has received funding to enrol on a PhD programme and we are very pleased that she will during her studies continue to be affiliated to the BIEA.

Research Grants

In May, the BIEA made the following grants to individuals to support their research projects:

- Purity Kiura (National Museum of Kenya) – Archaeological Excavation at the Mau Mau Caves,

Karura Forest, Nairobi

- Hannah Elliott (University of Oxford) – Camel Milk amongst Somali Migrants in Nairobi
- John Giblin (University of Gothenburg) – Post-conflict Heritage in Western Great Lakes Africa
- Edward Pollard (University of the Highlands and Islands) – Maritime Infrastructure in the Vicinity of Songo Mnara, South East Tanzania
- Yolana Pringle (Wellcome Unit for the History of Medicine) – Mental Health in Colonial Uganda
- Zoe Cormack (University of Durham) – Cattle and the State: A Historical Anthropology of Marriage in Bahr-el-Ghazal, South Sudan, 1930-2011
- Ilana Cohen (University of Oxford) – Can Mobile Phone Innovation Improve Water Sustainability in Kenya?



The 'Mau Mau' Caves, Karuru Forest, Nairobi. Photo courtesy of Chantal Mariotte, Friends of Karuru Forest

Swahili coast coins returned to Dar es Salaam

On 27 May 2011, the BIEA returned 1446 coins to the Tanzanian Antiquities Department in a ceremony at the Museum and House of Culture in Dar es Salaam. Dr Ambreena Manji, BIEA Director, was accompanied at the event by Mr John Perkins who is writing his PhD on early swahili coast coins at Bristol University and is attached to the Department of Coins and Medals at the British Museum in London. The coins were received by Mr Donatius Kamamba on behalf of the Ministry of Information, Youth, Culture and Sports and witnessed by various media representatives and members of the National Museum of Tanzania.

“What we are witnessing here today could not happen if it was not for the effort made by British Institute in Eastern Africa to curate the coins and return them to Tanzania,” said Dr Kamamba, adding that the occasion is one of the important events towards Tanzania’s effort to return its cultural heritage resources which have been deposited abroad even before colonial time.

Dr Kamamba said that the division of Antiquities in collaboration with the National Museum of Tanzania will ensure that the coins are sustainably preserved for the benefit of future generations.

The coins, the majority of which were minted in the 10th or 11th centuries, were excavated by Dr Neville Chittick, the first Director of the BIEA. They have been in safe-keeping at the BIEA since his death in 1983. Amongst the coins was also a very rare silver coin from Kilwa and a large hoard from Mafia island. The collection also comprises a small quantity of coins from China and India, various ancient foreign islamic coins and pre-colonial and colonial European coins.



As a graduate attaché at the BIEA, Mr Perkins documented the coins in preparation for their return.

Obituary: Cynthia Salvadori passes on

BIEA has learnt with sadness of the death of one of its long time member, Cynthia Salvadori, who passed away in Lamu last month. Salvadori is best known for her documentation of Asian Cultures in Kenya. Her book *Through Open Doors*, first published in 1983, recorded and examined the various religions, languages, and cultures of Kenya’s Asian community; while her *We Came in Dhows* is a documentation of dozens of interviews with pioneer Asian families in Kenya. Her latest book, *Settling in a Strange Land*, which looks at Punjabi muslim pioneers in Kenya was published just six months before her death. A prolific writer, Cynthia leaves behind a wealth of anthropological works that will continue to be referenced for years to come.

BIEA Facilities and Services

Rationalisation of Archaeological material stored at BIEA

Over five decades the BIEA has accumulated a vast collection of archaeological material of significant

regional importance. However, BIEA’s storage facilities have gradually been outgrown by this collection. In 2008 it became apparent that large quantities of material needed to be repatriated to appropriate national museums. In 2009 the BIEA began the process of sorting and cataloguing this material and then contacting the appropriate researchers to seek their advice. In July 2009 a large quantity of material was deposited in the House of Culture, Dar es Salaam and in June 2010 a similarly large quantity was deposited at the Uganda Museum. In addition, a steady trickle of material was deposited at the National Museums of Kenya. As a result BIEA has contributed greatly to the curation and preservation of archaeological materials across the region and now has much better storage and lab space for future projects. We are grateful to a large number of researchers who offered their advice and practical assistance.

BIEA’s digital mapping centre

Under the managership of survey technician, Mr Benson Kimeu, the last three years have seen the development at BIEA of a digital survey and mapping centre unparalleled in the region. Over this period BIEA have invested heavily in both hardware and software, including advanced GIS packages, powerful computers, GPS and a Total Station. BIEA is now able to produce bespoke mapping for a whole range of humanities and social sciences projects and Benson has recently completed major work related to a range of NGO, museum, anthropology, history, environmental science and archaeology projects. Further details of BIEA’s digital mapping facilities can be found on our website or by contacting Benson directly at benson.kimeu@biea.ac.uk.

Additional workspace at the BIEA

The BIEA will soon have available extra workspace for its members in a newly refurbished annexe to its guesthouse. Bright and spacious, the new workroom has 6 desks and wireless internet available for a bench fee to visiting researchers.

BRITISH INSTITUTE IN EASTERN AFRICA

Postal address: P.O. Box 30710, 00100 Nairobi, Kenya

Tel: +254 20 4347195

Email: office@biea.ac.uk

Physical address: Laikipia Road, Kileleshwa, Nairobi

Fax: +254 (0)20 434 3365

<http://www.biea.ac.uk>

British Institute in Eastern Africa is a company limited by guarantee registered in England and Wales with No. 3341342
Registered Office: 10 Carlton House Terrace, London SW1Y 5AH
Charity Registration No. 1061622