

**THE AUDITOR-GENERAL'S
PERFORMANCE AUDIT REPORT
ON CONSERVATION OF HERITAGE SITES
BY THE NATIONAL MUSEUMS OF KENYA**

FEBRUARY 2024

VISION

Making a difference in the lives and livelihoods of the Kenyan people

MISSION

Audit services that impact on effective and sustainable service delivery

CORE VALUES

Integrity

Credibility

Relevance

Accountability

Independence

MOTO

Enhancing Accountability

FOREWORD BY THE AUDITOR-GENERAL

I am pleased to present this performance audit report on; Conservation of Heritage Sites by the National Museums. My Office carried out the audit under the mandate conferred on me by Article 229 (6) of the Constitution of Kenya, 2010, which requires I confirm whether or not public money has been applied lawfully and in an effective way. In addition, Section 36 of the Public Audit Act, 2015 requires the Auditor-General to examine the economy, efficiency and effectiveness with which public money has been expended.

Performance, financial and compliance audits form the three-pillar audit assurance framework established to provide focus to the varied and wide scope of the audit work done by my Office. The framework is intended to provide a high level of assurance to stakeholders that public resources are not only correctly disbursed, recorded and accounted for, but that the use of the resources results in positive impacts on the lives of all Kenyans. The main goal of our performance audits is to ensure effective use of public resources and promote service delivery to Kenyans.

The report is submitted to Parliament in accordance with Article 229 (7) of the Constitution of Kenya, 2010. In addition, I have submitted copies of the report to the Director General, National Museums, the Principal Secretary, State Department for Culture and Heritage, the Principal Secretary, The National Treasury & Planning (TNT&P) and the Chief of Staff and Head of Public Service.



FCPA Nancy Gathungu, SBS
AUDITOR-GENERAL
2 February, 2024

TABLE OF CONTENTS

FOREWORD BY THE AUDITOR-GENERAL	III
TABLE OF CONTENTS	V
LIST OF FIGURES	VII
LIST OF TABLES	VII
LIST OF ABBREVIATIONS	VIII
DEFINITION OF TERMS.....	IX
EXECUTIVE SUMMARY.....	X
1.0. BACKGROUND OF THE AUDIT.....	1
INTRODUCTION	1
MOTIVATION FOR THE AUDIT	2
2.0. DESIGN OF THE AUDIT.....	4
AUDIT OBJECTIVE	4
AUDIT SCOPE.....	4
AUDIT CRITERIA	5
METHODS USED TO GATHER AUDIT EVIDENCE	5
3.0. DESCRIPTION OF CONSERVATION OF HERITAGE SITES	6
THE NATIONAL MUSEUMS OF KENYA	6
ORGANIZATIONAL STRUCTURE OF NATIONAL MUSEUMS OF KENYA.....	6
PROCESS DESCRIPTION FOR CONSERVATION OF HERITAGE SITES	9
STAKEHOLDERS	11
SOURCES OF FUNDING FOR CONSERVATION ACTIVITIES.....	14
4.0. AUDIT FINDINGS	15
INADEQUACIES IN THE PRESERVATION OF HERITAGE SITES	15
I. FAILURE TO ADEQUATELY SECURE HERITAGE SITES.....	15
II. DELAY IN DEVOLVING MUSEUMS FUNCTIONS.....	19
III. INCOMPLETE PRESENTATION OF HERITAGE SITES	20
IV. INADEQUATE INVENTORY RECORDS	21
V. INADEQUATE PROTECTION OF COLLECTIONS FROM WEATHER ELEMENTS.....	23
VI. DELAY IN STRUCTURAL DIGITIZATION OF HERITAGE SITES	25
INADEQUACIES IN THE RESTORATION OF HERITAGE SITES.....	25
I. FAILURE TO INITIATE RESTORATION REQUESTS.....	25
II. INCOMPLETE AND POOR RESTORATION WORKS	26
III. FAILURE TO PLAN AND BUDGET FOR CONSERVATION ACTIVITIES	27
5.0. CONCLUSION.....	29
6.0. RECOMMENDATIONS.....	30
APPENDICES	31
APPENDIX I: AUDIT QUESTIONS.....	31
APPENDIX II: AUDIT CRITERIA	32
APPENDIX III: DOCUMENTS REVIEWED.....	34
APPENDIX IV: LIST OF HERITAGE SITES VISITED	35
APPENDIX V: LIST OF OFFICERS INTERVIEWED	36
APPENDIX VI: OWNERSHIP DOCUMENTS AND FENCING	37

APPENDIX VII: PRESENTATION STATUS OF HERITAGE SITES.....	38
APPENDIX VIII: NATIONAL MUSEUMS RESPONSE TO AUDIT FINDINGS, CONCLUSION AND RECOMMENDATIONS	39
ANNEXURE I: INVENTORY DOCUMENTATION	45

LIST OF FIGURES

Figure 1: NMK Organizational Structure	8
Figure 2: Conservation of Heritage Sites - Process Description	13
Figure 3: Status of Neglected Heritage Sites	19
Figure 4: Status of Presentation	21
Figure 5: Collections and Ruins exposed to Weather elements.....	24
Figure 6: Incomplete and Poor Restoration Works	27

LIST OF TABLES

Table 1: Sources of funding for conservation activities	14
Table 2: Heritage Sites With no Ownership Documents (Title Deed)	15
Table 3: <i>Heritage Sites that Required Fencing but were not fenced</i>	16
Table 4: Details of neglected heritage sites	18
Table 5: Heritage sites requiring inventory registers	22

LIST OF ABBREVIATIONS

DASM	Directorate of Antiquities, Sites and Monuments
INTOSAI	International Organisation of Supreme Audit Institutions
NM	National Museums
UNESCO	United Nations Educational, Scientific and Cultural Organization

DEFINITION OF TERMS

Term	Definition
Antiquity	Any movable object other than a book or document made in or imported into Kenya before the year 1895, or any human, faunal or floral remains of similar minimum age which may exist in Kenya
Capping	The activity of plastering the ruins wall tops to secure them against rain effects.
Collections	Items of heritage value held and conserved by museums
Conservation	A process of carefully preserving and restoring heritage sites for current and future generations
Curator	Custodian of heritage sites and monuments
Deterioration	The process of in which heritage sites become worse and inferior in condition or wear away
Keeper of site	An officer in charge of an administrative region under the Directorate of Antiquities, Sites and Monuments
Monument	A place or immovable structure of any age which is of historical, cultural, scientific, architectural or technological significance.
Preservation	The process or activity of keeping heritage sites intact in their original state or in good condition.
Restoration	The process of bringing back to the former condition or preventing further deterioration of a heritage site or monument
Ruins	Remains of ancient human settlements especially cities or buildings
Snag list	Documentation of minor incomplete works generated at the end of a project
Structural digitization	The process of creating 3-D digital images with precise measurements of an object.

EXECUTIVE SUMMARY

Background of the Audit

1. Heritage sites are unique landmarks which are geographically and historically identifiable and have special cultural or physical significance. They include ancient ruins, historical structures, buildings, cities, monuments, places of natural beauty or significant land formations.
2. Documents reviewed at the National Museums indicated that, as at January 2023, Kenya had 398 gazetted heritage sites. The sites were categorized as; National (71), Public (146), Community (103) and Private (78). The National heritage sites were under the management of National Museums.
3. Heritage sites face potential risks and challenges that lead to deterioration and loss of heritage value. To ensure future generations appreciate and learn about our cultural heritage and history, there is a critical need to sustainably conserve the heritage sites.
4. Effective conservation of heritage sites does not only ensure preservation and safeguarding resources, but may also assist in revitalizing local economies and enhance a sense of identity, pride and belonging among the resident communities.

Motivation of the Audit

5. The audit was motivated by the following:
 - i. There has been public outcry as reported in the Daily Nation newspaper dated 29 June, 2020 on the deterioration of heritage sites and landmarks such as; the Vasco da Gama Pillar in Malindi, Fort Jesus in Mombasa and the Old British Customs House in Vanga, all along the shoreline, due to rising sea levels. Further, the newspaper article stated that the heritage sites could soon collapse because the coral foundations underneath are threatened by strong tidal waves.
 - ii. In the Auditor-General's financial audit report of National Museums (NMK) for the year ended 30 June, 2020, the report stated that a contract of Kshs. Four Hundred and Ninety Seven Million Six Hundred Thousand (Kshs.497.6 million) was awarded for Phase I for the construction of the Proposed Section of Sea Wall Protection for Fort Jesus World Heritage Site. Further,

a contract of Kshs. Two Hundred Twenty Six Million (Ksh.226 million) was awarded on 3 September, 2020 for Phase II for the Backfilling, Landscaping and Other Associated Works towards the protection of Fort Jesus, a UNESCO World Heritage Site. However, the works had stalled in December 2021 despite the urgent need to fortify the historic site, hence the need for a value for money audit on the conservation activities by NMK.

- iii. Sustainable Development Goal Number 11, Target 11.4 aims at strengthening efforts to protect and safeguard the world's cultural and natural heritage. The indicator for this is the total per capita expenditure on the preservation, protection and conservation of all cultural and natural heritage. It was thus necessary to carry out an audit to assess the impact of the expenditure by NMK on conservation of the heritage sites.

Audit Objective

2.1 The main audit objective was to assess whether measures put in place by the National Museums ensured effective conservation of heritage sites. The audit sub-objectives were;

- i. To assess whether the measures put in place by National Museums ensured effective preservation of heritage sites.
- ii. To assess whether the measures put in place by National Museums ensured effective restoration of heritage sites.

Audit Scope

6. The audit examined the operations of the National Museums for the period between August 2022 and June 2023 regarding preservation and restoration of heritage sites. The audit covered a period of four (4) financial years from 2018/2019 to 2021/2022. Audit examination was undertaken at National Museums headquarters and 30 sampled heritage sites selected from the Western and Coastal Regions of Kenya.

Summary of Findings

a. Failure to Adequately Secure Heritage Sites

i. Fencing and Acquisition of Ownership Documents

7. National Museums planned to protect Kenya's sites and monuments through acquisition of ownership documents and fencing as per the National Museums Strategic Plan (2020-2022) Strategic Objective No. 7.4.12. The key activities as per the Strategic Plan were to secure National Museums assets through securing three (3) title deeds and fencing three (3) sites within the FYs 2019/2020 and 2021/2022.
8. An analysis of the documents at the National Museums by the Audit Team revealed that no ownership documents were acquired during the period under audit hence the target of processing three (3) title deeds was not achieved. In addition, the Audit Team noted that fifteen (15) of the thirty (30) visited sites did not have ownership documents.
9. Further, interviews with Curators and physical verifications conducted by the Audit Team revealed that thirteen (13) sites that required fencing had not been fenced.
10. The absence of ownership documents was attributed to failure to prioritize acquisition of ownership documents, lack of survey equipment and inadequate survey staff while absence of fences in sites was attributed to failure in implementation of fencing requests.
11. Absence of ownership documents of heritage sites could increase the risk of land grabbing and encroachment by private developers and local communities. Further, heritage sites that are not fenced face a risk of revenue leakage and insecurity as was the case at Jumba la Mtwana Ruins in Kilifi County where a private developer had leased the grounds to operate a hotel. The entrance to the hotel was on the gate towards the ruins, and the entire facility was not fenced.

ii. Neglected Heritage Sites

12. The National Museums and Heritage Act, 2006 Article 4(c), requires National Museums to identify, protect, conserve and transmit the cultural and natural heritage of Kenya.
13. The Audit Team established that seven (7) heritage sites were neglected. The seven sites were Fort Saint Joseph along Mama Ngina Drive Historical Site and the Kengeleni Bell Tower in Mombasa County together with Shanga Ruins, Takwa

Ruins, Manda Old Town, Siyu Old Town and Sites in Pate Old Town all in Lamu County.

14. Neglected heritage sites are not regularly inspected and monitored which exposes them to misuse, vandalism and different forms of encroachment. This leads to deterioration of the heritage sites.

b. Delay in Devolving Museums Functions

15. The National Museums Strategic Plan 2020-2022, Strategic Objective No. 7.4.13 states that National Museums planned to align the National Museums governance with the Constitution of Kenya, 2010 by unbundling museums functions.

16. National Museums had identified twenty (21) heritage sites and museums assets to be devolved which had been gazetted under Legal Notice No. 13982 of 11th November, 2022. However, NMK had not held meetings and workshops with relevant Counties and Intergovernmental Relations Technical Committee (IGRTC) to agree on how to implement the provisions of the Legal Notice. As at the time of the audit, the process had stalled.

17. The delay in devolution of the museums functions was attributed to;

- i. the transition of leadership in County Governments and the National Government after the 2017 and 2022 elections,
- ii. lack of goodwill from key parties in the museum's devolution process; and
- iii. lack of a clearly defined process to implement the provisions of the Legal Notice No. 13982.

18. Finalizing the devolution of museums functions could reduce the involvement of National Museums in maintenance and monitoring of smaller gazetted sites, leading to greater focus on policy direction and key activities in the conservation of heritage sites.

c. Incomplete Presentation of Heritage Sites

19. The Standard Operating Procedures for Directorate of Antiquities Sites and Monuments provides for dissemination of information on sites and monuments. Presentation of sites and monuments includes; Directional maps, Site Information Centre, Brochures, Signage, Guidebooks and Display panels.

20. The Audit Team noted that out of the thirty (30) heritage sites visited, eight (8) were fully presented, fourteen (14) were partially presented while eight (8) did not have any form of presentation.

21. Incomplete presentation of heritage sites was attributed to faded and unreadable information and vandalism of presentation panels. Heritage sites that are not fully presented do not effectively communicate the site to the visitors. Consequently, the visitors rely on tour guides who may not give accurate and consistent information about the heritage sites. The visitors may therefore not appreciate the full heritage value of the sites.

d. Inadequate Inventory Records

i. Absence of Inventory Records

22. The National Museums and Heritage Act, 2006 requires the National Museums to maintain a register or registers of collections of all museums and all instruments under its control.

23. The inventory records act as basis for monitoring and evaluation. The Audit Team established that 12 heritage sites had collections and were expected to have inventory records. The Audit Team established that there were five (5) sites that did not have inventory registers. Absence of inventory records was attributed to failure by Curators in complying with office procedures, and challenges in accessing office supplies. In the absence of inventory registers, it is difficult to monitor the movement and condition of collections.

ii. Inconsistencies in Inventory Documentation

24. The Quality Systems Procedures for Directorate of Antiquities, Sites and Monuments outlines the object data that must be captured in the documentation of an object.

25. The Audit Team noted that there were inconsistencies in the object data recording. Some inventory registers captured the object data as required by the procedure's manual, while others were only listing objects without object data. Other inventory registers lacked object data on location and did not have sections for capturing a sketch of the objects. Some registers had extra object details such as local name, acquisition method, origin, function and field number.

26. The Audit Team also established that there was no standard format for recording details of collections that have been loaned out for exhibitions including for overseas exhibitions.

27. Inconsistencies in inventory documentation were attributed to failure by National Museums to develop a standard format for inventory documentation. Consequently, object data on some collections may be inaccurate. It is also difficult to trace and conserve objects especially where the location and conservation status is not recorded.

e. Inadequate Protection of Collections from Weather Elements

28. The National Museums and Heritage Act, 2006 requires the National Museums to identify, protect, conserve and transmit the cultural and natural heritage of Kenya.

29. The audit observed instances where collections lacked protective sheds or painting for protection from weather elements. For example, at Fort Jesus in Mombasa County, the cannons and the cart rail had not been painted to protect them from weather elements, leading to rust. Further, ruins at some sites had not been capped.

30. Exposure of collections to weather elements was caused by failure to initiate restoration requests, delay in implementing restoration requests and neglect of collections and ruins at the heritage sites.

31. Exposure of collections to weather elements leads to deterioration of collections. Uncapped ruins expose the wall tops to effects of rain which causes faster deterioration of the heritage sites.

f. Delay in Structural Digitization of Heritage Sites

32. The National Museums Strategic Plan (2020-2022) outlined plans by the Directorate of Antiquities Sites and Monuments to use Information Communication Technology and digital media to document, manage and conserve national heritage. The key activity was to develop a digital programme for digitization of museums, sites and monuments

33. The National Museums had adopted Google Culture to market the heritage sites. However, only three; Fort Jesus, Gede National Monument and Thimlich Ohinga had been structurally digitized. These three sites were structurally digitized through private student research activities. The other twenty-seven (27) of the thirty (30) sampled heritage sites had not been structurally digitized.

34. Structural digitization allows for capture and storage of 3-Dimension images with precise measurements and information of the heritage sites. This can be used for

reconstruction of the heritage sites or recasting of monuments in case of loss or destruction.

35. The delay in structural digitization was attributed to absence of expertise and equipment within the National Museums. This was attributed to inadequate planning and absence of conservation budget.
36. In the absence of digital backup, the heritage sites face the risk of loss in case of destruction or deterioration as they cannot be reconstructed or recast with precise measurements and requisite information.

g. Delay in Initiating Restoration Requests

37. The Standard Operating Procedures for Directorate of Antiquities, Sites and Monuments outlines the monitoring and evaluation strategy for the sites with methods, action plans, cost and time parameters which requires Curators to carry out routine monitoring and evaluation of heritage sites and initiate restoration requests. The Audit Team established that six (6) Curators had not initiated requests for restoration despite the sites requiring restoration works.
38. Delays in initiating restoration requests was attributed to inadequate routine inspection and monitoring of the heritage sites. When restoration requests are not initiated, it is difficult to prepare Work Plans and budgets for conservation hence, restoration and preservation cannot be carried out leading to further deterioration of heritage sites.

h. Incomplete and Poor Restoration Works

39. The National Museums Strategic Plan (2020-2022) intended to enhance Kenya's World Heritage Sites through completion of the Phase II Fort Jesus Sea Wall Protection.
40. During field verification of the works done under Fort Jesus Sea Wall Phase II, the Team noted that the ablution block was incomplete. However, the contractor, had been issued with a certificate of practical completion. The contractor had also been issued with a long snag list (itemized checklist of outstanding works).
41. Fort Jesus also received Kshs.2,068,500 from UNESCO for removal of vegetation on the Fort walls. The Audit Team noted that the removal of the vegetation was poorly done as some sections of the Fort walls still had mature vegetation growth.
42. The Audit Team also observed instances of poor restoration works at Vasco da Gama Pillar and Takwa Ruins. Poor restoration works were caused by design

limitations and inadequate supervision and subsequent abandonment of the site by the contractor.

43. Incomplete and poor restoration works leads to wastage of resources as the facilities are not available for use. Such works also pose safety risks to the public.

i. Failure to Plan and Budget for Conservation Activities

44. The National Museums and Heritage Act, 2006 requires the Board to prepare annual estimates that shall make provisions for the estimated expenditure of the Board for the financial year for the acquisition, maintenance, repair and replacement of equipment and other movable property of the National Museums.

45. In an interview with the Director, Directorate of Antiquities Sites and Monuments, it was established that the Directorate did not consolidate the requests for preservation and restoration into Work Plans and conservation budget for inclusion in the annual estimates. This was attributed to failure to prioritize restoration activities. Consequently, there was no budgetary allocation for conservation of the heritage sites. This leads to delays in implementing conservation activities.

Conclusion

46. The audit established that the National Museums of Kenya (NMK) had in place plans and procedures to address the conservation of heritage sites in the country. The measures had ensured that the sites were in existence, inventory registers were partially maintained and to some extent achieved preservation and restoration of heritage sites. However, it was evident from the audit findings that the measures put in place did not ensure adequate conservation of heritage sites.

47. Management did not prioritise the preservation and restoration of heritage sites. Hence there was inadequate monitoring of heritage sites and minimal supervision of restoration works. Consequently, there was a risk of further deterioration of the heritage sites.

Recommendations

48. Based on the audit findings and conclusions, the Auditor-General makes the following recommendations for implementations by the National Museum of Kenya.

For effective conservation of heritage sites, the National Museums should: -

i. Prioritize the preparation of conservation Work Plans and budgets. This will ensure that there is a budgetary provision for conservation of heritage sites.

- ii. Adequately supervise the preservation and restoration activities to ensure quality and timely completion of restoration works.
- iii. Ensure complete presentation of all heritage sites to effectively communicate to the public.
- iv. Address inconsistencies in inventory documentation to ensure uniformity in capturing object data.
- v. Finalize the process of devolving museums functions in line with the Fourth Schedule of the Constitution of Kenya, 2010.

1.0. BACKGROUND OF THE AUDIT

Introduction

- 1.1 Heritage sites are unique landmarks which are geographically and historically identifiable and have special cultural or physical significance. Heritage sites include ancient ruins, historical structures, buildings, cities, monuments, places of natural beauty or significant land formations¹. They may signify a remarkable accomplishment of humanity and serve as evidence of our intellectual history on the planet.²
- 1.2 Kenya prides herself as an exceptional habitat of abundant and various natural and cultural assets and is considered as the cradle of mankind. According to National Museums records, as at January 2023, there were 398 gazetted heritage sites which were categorized as National, Public, Community and Private.³ Out of the 398 gazetted sites, 71 were National, 146 Public, 103 Community and 78 Private. The National heritage sites were under the management of National Museums.
- 1.3 Heritage sites face risks and challenges that lead to deterioration and loss of heritage value. The risks emanate from; human activities, calamities, natural hazards such as effects of climate change, development pressures, aggressive constructions, as well as neglect and abandonment. These activities endanger the heritage sites and compromise their unique values.
- 1.4 To ensure future generations enjoy and learn about; cultural heritage, human evolution and history, there is a critical need to sustainably conserve the heritage sites.
- 1.5 Conservation is the process of carefully preserving and restoring heritage sites. Effective conservation of heritage sites not only helps in preserving and safeguarding the resources, but could also help in revitalizing local economies

¹ En.wikipedia.org/wiki/World_Heritage_Site#cite_note-5 (accessed on 25th August 2022)

² En.wikipedia.org/wiki/World_Heritage_Site#cite_note-5 (accessed on 25th August 2022)

³ NMK list of gazetted sites

and bringing about a sense of identity, pride and belonging among the resident communities.⁴

Motivation for the audit

1.6 The audit was motivated by the following: -

- i. Public outcry as reported in the Daily Nation newspaper dated 29 June 2020 on the deterioration of heritage sites and landmarks such as the Vasco da Gama Pillar in Malindi, Fort Jesus in Mombasa and the Old British Customs House in Vanga, all along the shoreline. The heritage sites faced an uncertain future due to rising sea levels fueled by melting glaciers and ice caps. The rising sea levels threaten to swallow up these landmarks.⁵ Further, the newspaper article stated that the heritage sites could soon collapse because the coral foundations underneath are threatened by strong tidal waves.
- ii. In the Auditor-General's financial audit report of National Museums (NMK) for the year ended 30 June 2020, the report stated that a contract of Kshs. Four Hundred and Ninety Seven Million Six Hundred Thousand Kshs. (497.6 million) was awarded for Phase I for the construction of the Proposed Section of Sea Wall Protection for Fort Jesus World Heritage Site. Further, a contract of Kshs. Two Hundred Twenty-Six Million (Ksh.226 million) was awarded on 3 September 2020 for Phase II for the Backfilling, Landscaping and Other Associated Works towards the protection of Fort Jesus, a UNESCO World Heritage Site. However, the works had stalled in December 2021 despite the urgent need to fortify the historic site. There was therefore a need for a value for money audit on the conservation activities by NMK.⁶
- iii. Sustainable Development Goal Number 11, Target 11.4 aims at strengthening efforts to protect and safeguard the world's cultural and natural heritage. The indicator for this is the total per capita expenditure on the preservation, protection and conservation of all cultural and

⁴ Heritage and Conservation Strategies: Understanding the justifications and implications by Hari Srinivas

⁵ Daily Nation dated 29th June, 2020

⁶ Financial Audit Report for FY 2019/2020 & FY 2020/2021

natural heritage; by source of funding (public, private), type of heritage (cultural, natural) and level of government (national, regional, and local/county).⁷ It was thus necessary to carry out an audit to assess the impact of the expenditure by NMK on conservation of the heritage sites.

⁷ United Nations Sustainable Development Goals

2.0. DESIGN OF THE AUDIT

Audit Objective

2.2 The main audit objective was to assess whether measures put in place by the National Museums ensured effective conservation of heritage sites. The audit sub-objectives were;

- i. To assess whether the measures put in place by National Museums ensured effective preservation of heritage sites.
- ii. To assess whether the measures put in place by National Museums ensured effective restoration of heritage sites.

2.3 The specific audit questions are detailed in **Appendix I**.

Audit Scope

2.4 The Audit Team examined the operations of the National Museums in regard to measures put in place to ensure effective preservation and restoration of heritage sites. The audit covered a period of four (4) financial years from 2018/2019 to 2021/2022. The audit period was selected based on Executive Order No. 1 of June 2018 which placed National Museums under the Ministry of Sports, Culture and Heritage. The team also considered four years to be a sufficient period over which performance trends could be assessed. The administrative areas selected for the audit were the Coastal and Western Regions of Kenya.

Sampling

2.5 Field visits were conducted in sampled heritage sites. The sample was drawn based on the following:

- i) Out of the 399 gazetted heritage sites, the team selected the heritage sites under the guardianship of National Museums.
- ii) Out of the three administrative regions of National Museums, the team selected both Western and Coastal Regions of Kenya for inclusivity purposes. The Central Region of Kenya had been covered during the Pre-Study phase of the audit.
- iii) A convenience sample of 30 heritage sites was selected based on time and budget constraints.

Audit Criteria

- 2.6 The assessment criteria for the audit was drawn from the Constitution of Kenya, 2010, the National Museums and Heritage Act, 2006, The Athens Charter for the Restoration of Historic Monuments, the National Museums Strategic Plan (2020-2022) and the Directorate of Antiquities, Sites and Monuments (DASM) Standard Operating Procedures (SOPs). The specific audit criteria are as shown in **Appendix II**.

Methods used to gather Audit Evidence

- 2.7 The Audit was conducted in accordance with Performance Auditing Standards issued by the International Organization of Supreme Audit Institutions (INTOSAI) and audit policies and procedures established by the Office of the Auditor-General (OAG). The guidelines and policies fulfil the requirements of the International Standards of Supreme Audit Institutions (ISSAIs) issued by INTOSAI.
- 2.8 The methods used to collect audit evidence were interviews, documentary review, and physical verification.

Documentary Review

- 2.9 The Audit Team reviewed documents at National Museums Head Office, Regional Offices and at the heritage sites to assess and evaluate conservation activities. The documents reviewed form **Appendix III**.

Physical Verifications

- 2.10 The team visited 30 heritage sites within the Western and Coastal Regions to assess the condition of the sites and establish the status of preservation and restoration activities. Details of the sites visited are as listed in **Appendix IV**.

Interviews

- 2.11 Interviews were held with staff directly responsible for the conservation of heritage sites, Head of Legal Services, Financial Controller and Head of Procurement. The interviews sought to gather evidence and get clarifications on information collected through other methods. Details of the interviews conducted by the Audit Team form **Appendix V**.

3.0. DESCRIPTION OF CONSERVATION OF HERITAGE SITES

- 3.1 The National and Community heritage sites are under the stewardship of National Museums and County Governments respectively, while Private heritage sites maintained by the owners.
- 3.2 The National heritage sites are managed by the National Museums. The heritage sites shall be properly maintained by the National Museums, except where an agreement bestows the responsibility to the owner of the monument or any other person⁸.

The National Museums of Kenya

- 3.3 The National Museums of Kenya (NMK) is a State Corporation established under the Museums and Heritage Act, 2006. The mandate of NMK as stated in the Strategic Plans of 2014-2019 and 2020-2022 is to; collect, study, document, preserve and present Kenya's past and present cultural and natural heritage for the purpose of enhancing knowledge, appreciation, respect and sustainable utilization of the heritage for the benefit of Kenya and the World.
- 3.4 The functions of NMK as described under the National Museums and Heritage Act, 2006 include to identify, protect, conserve and transmit the cultural and natural heritage of Kenya.

Organizational Structure of National Museums of Kenya

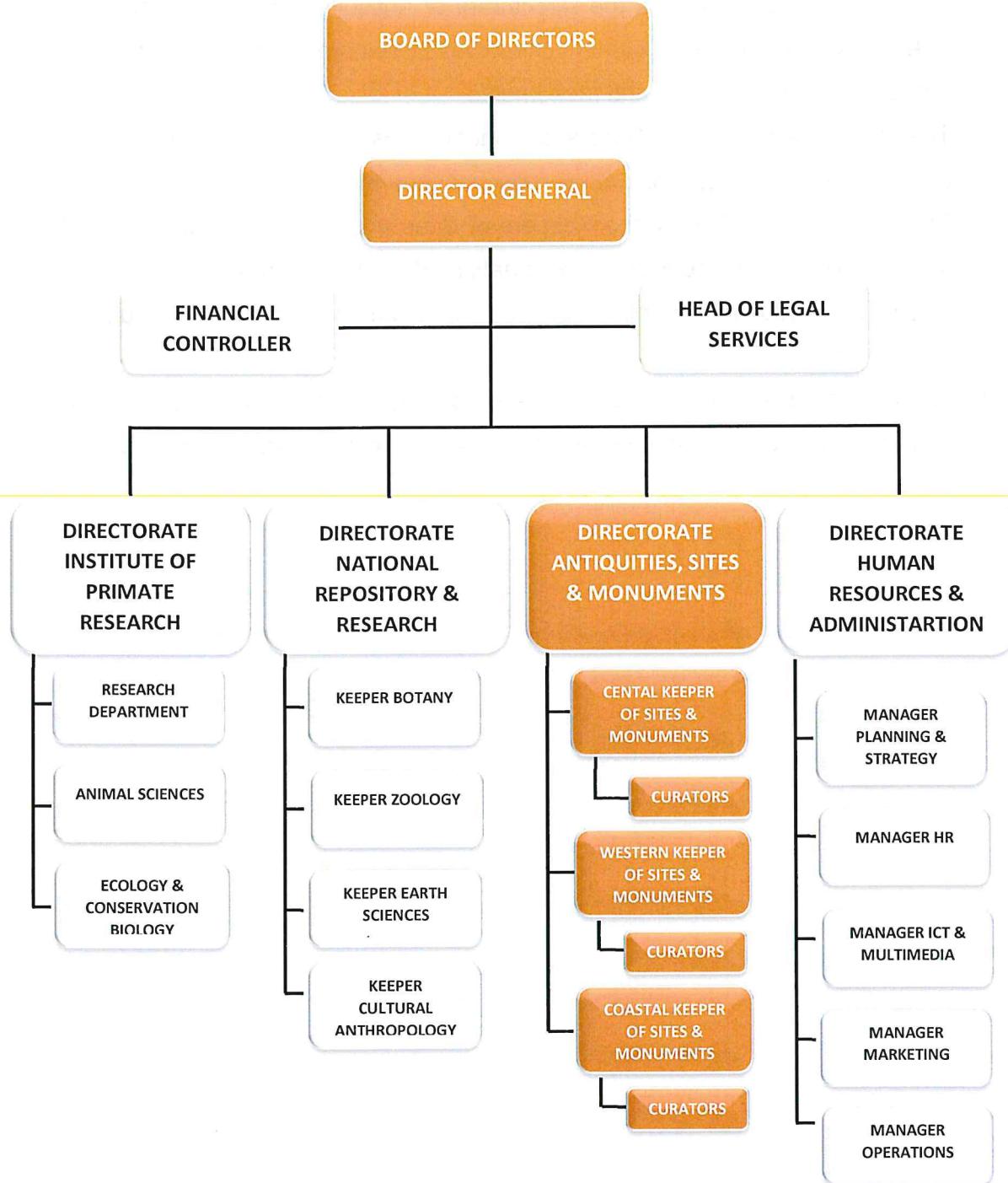
- 3.5 The National Museums is headed by a Director-General, with four Directorates namely; Institute of Primate Research, National Repository and Research, Human Resources & Administration and Antiquities, Sites & Monuments. The Directorates are headed by directors.
- 3.6 The conservation of heritage sites falls under the Directorate of Antiquities, Sites and Monuments (DASM). This Directorate is divided into three administrative regions; Central Region, Coastal Region and Western Region. Each region is headed by a Keeper of Sites and Monuments. The specific sites and monuments within the regions are managed by Curators.

⁸ National Museums and Heritage Act of 2006

Role of the Directorate of Antiquities, Sites & Monuments

- 3.7 The overall responsibility of the Directorate of Antiquities, Sites & Monuments (DASM) is to improve development, preservation, restoration, modernization and access to antiquities, sites and monuments.
- 3.8 The role of the Keepers of Sites and Monuments is to manage museums, sites and monuments of national and international importance.
- 3.9 The key responsibilities of the Keepers of Sites and Monuments include staff management, public relations, coordination of mutual relationships between County and National Government, prudent management of revenue and publicity and promotions.
- 3.10 The Curators manage and monitor the sites, prepare restoration requests and handle inventory. The NMK organizational structure is shown in **Figure 1**.

Figure 1: NMK Organizational Structure



Source: NMK Strategic Plan (2020-2022)

Process Description for Conservation of Heritage Sites

3.11 The process of conservation of heritage sites and monuments by National Museums (NMK) as described in the the Directorate of Antiquities, Sites & Monuments (DASM) standard operating procedures starts with gazetttement, followed by: conservation and monitoring of heritage sites, acquisition and securing of sites and monuments, dissemination of information on sites and monuments and financial management and reporting.

Gazetttement

3.12 The public, a corporate or a private individual makes an enquiry on the need to preserve and conserve a heritage site or monument. NMK staff in the course of their work may also identify sites and monuments that need to be gazetted. Once identified, a team is formed from the requisite Directorates within the National Museums to research and document the heritage site or monument. The site or monument is then visited by officers from DASM for more data collection and verification which determines whether the site meets the gazetttement criteria i.e. type, significance, use and threats to the heritage site.

3.13 For a site that meets the gazetttement criteria, a public participation exercise is carried out to seek views on gazetttement of the site and inform the public on importance and need to conserve the site. The research team prepares a gazetttement dossier (a detailed research report) and gazetttement schedules which are forwarded to the Director-General through the Director DASM. The Director-General then forwards the gazetttement dossier and schedules to the Ministry of Sports, Culture and Heritage for gazetttement.

3.14 A Gazette Notice is published in the Kenya Gazette giving 60 days for any party with objection to raise them with the Cabinet Secretary for consideration before the Gazetttement is confirmed. Once gazetted, the site or monument should be conserved and monitored by the Curators and Keepers of Sites.

Conservation and Monitoring of Heritage Sites

3.15 The Curator or Keeper of Sites makes a request for review of conservation status of the heritage site to the Director DASM through the Director General. The Director DASM appoints a conservation team with terms of reference and

deliverables. The team is made up of researchers, architects and surveyors from NMK.

- 3.16 The conservation team conducts a conservation research and prepares a status and condition assessment report. The report details a brief historical background, year of construction, use or function of the monument over time and a description of the physical location i.e. the Geographical Positioning System, administrative location, access to the site, site satellite image, ownership status and size of the site. It also gives a descriptive observation of the building/monument in terms of the walls, roof structure and covering, flooring, doors, windows, ceiling, fittings and fixtures, building services and installations, external works. The condition assessment report also details on overview of the site, value analysis i.e. emotional, cultural and use values, Strengths Weaknesses Opportunities and Threats analysis and socio-cultural aspects.
- 3.17 The report gives recommendations on short term and long-term interventions, zero or nil interventions and future scenarios in case of no interventions. Short term interventions are areas of immediate action. They can be executed using readily available resources. Long term interventions require management plan and a large resource base. The report gives the indicative cost and time frame to undertake the recommendations.
- 3.18 The Director, DASM forwards the report (Condition Assessment Report) to Director-General for approval, implementation of recommendations and resource allocation. The Director-General may put on hold the recommendations to seek funding or approve implementation using the available resources.
- 3.19 The conservation team prioritizes implementation of recommendations and develops evaluation strategies. The team then engages the stakeholders and conducts implementation. Periodic monitoring and evaluation reports are prepared by Curators. Monitoring and evaluation of the sites and monuments is continuously carried out by Curators during their daily operations.

Acquisition and Securing of Sites and Monuments

- 3.20 Acquisition entails processing of ownership documents of the heritage sites. Securing involves erection of perimeter walls or fences around the heritage sites

and deployment of security guards for protection. After acquisition and securing, the heritage site is then interpreted and presented.

Dissemination of Information on Sites and Monuments

- 3.21 The data collected during the research process is used to interpret and present the site or monument. Interpretation is the detailed description of the historical and cultural significance of the site or monument. Presentation entails preparation and display of a brief narrative of the site. The presentation is in the form of display panels, bar codes, text panels, signage, brochures, site information maps, directional maps and guidebooks. Presentation is thus a public display of information relating to the site or monument.

Financial Management and Reporting

- 3.22 The Curators are required to submit monthly reports on revenue collections from the site. They also prepare State of Conservation of Reports on quarterly basis. The Status of Conservation Reports contain details of the condition of the site or monument and any restoration works that may be required.

Stakeholders

United Nations Educational, Scientific and Cultural Organization

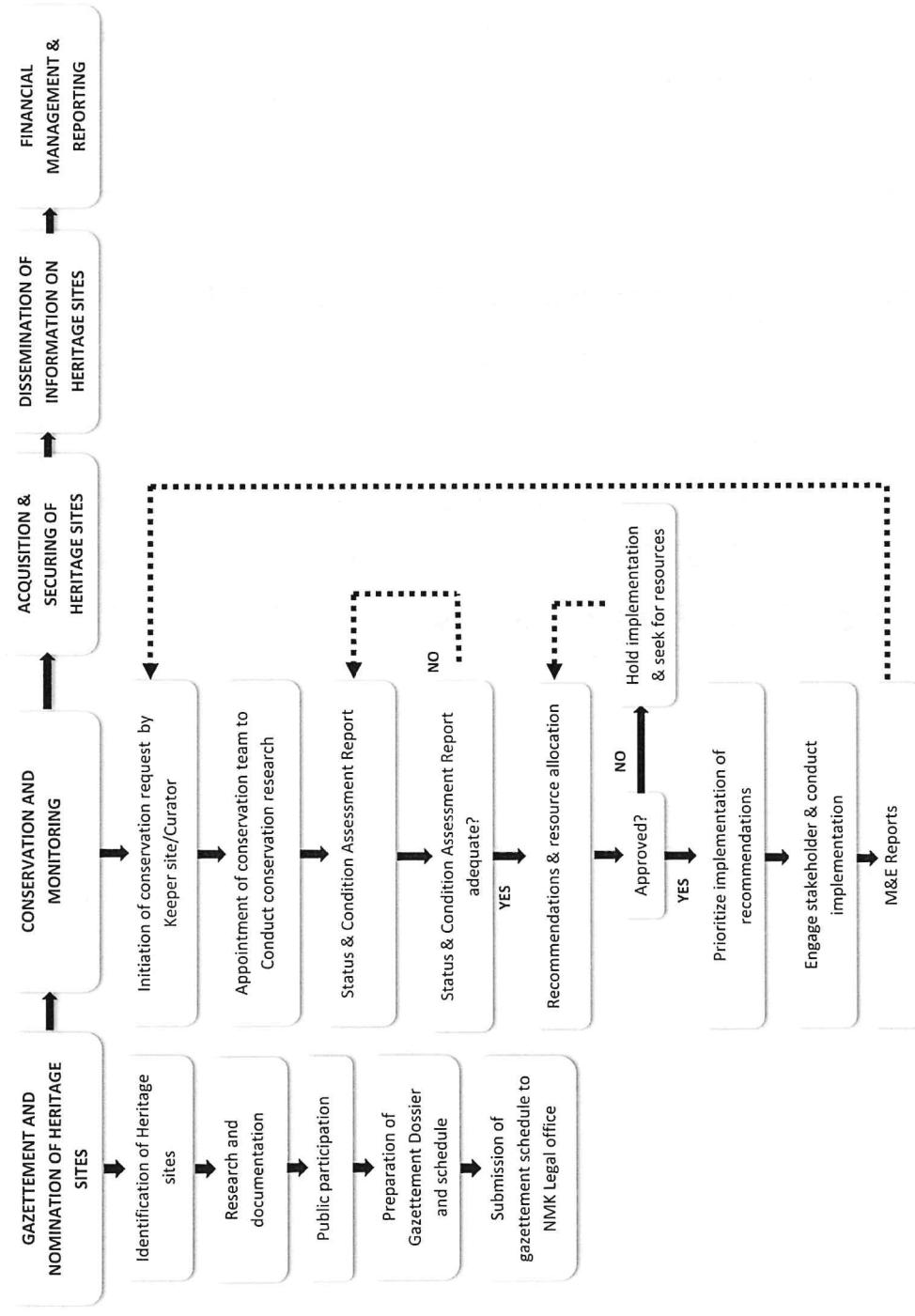
- 3.23 The United Nations Educational, Scientific and Cultural Organization (UNESCO) works towards the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity. It encourages countries to sign the World Heritage Convention to ensure the protection and conservation of heritage sites. UNESCO World Heritage Sites benefit from international recognition and are more attractive to travellers which helps to bring new economic benefits. An additional benefit includes emergency assistance to world heritage sites that may be in immediate danger of severe deterioration or complete loss of heritage value.

The Public

- 3.24 The public makes an enquiry to NMK on the need to conserve a heritage site or monument. Once a site meets the gazettlement criteria, a public participation exercise is carried out to seek approval of gazettlement. The public is also informed of the importance and need to conserve the site. The public is the ultimate beneficiary of the conservation of heritage sites.

3.25 The process description for the conservation of heritage sites by the National Museums is as shown in **Figure 2**.

Figure 2: Conservation of Heritage Sites - Process Description



Sources of Funding for Conservation Activities

3.26 The NMK had no specific budgetary allocation for conservation of heritage sites. However, during the period under review, the Sports Fund and the Tourism Development Fund disbursed monies for conservation of specific heritage sites. The Ministry of Sports, Culture and Heritage also on an annual basis funded conservation of selected heritage sites. UNESCO partially funded projects that were in the process of enlistment to the UNESCO World Heritage List. For the period 2018/2019 to 2021/2022, NMK received funds from the Ministry and other sources as shown in **Table 1**.

Table 1: Sources of funding for conservation activities

Financial Year	State Department for Culture & Heritage (Kshs ,000)	Sports Fund (Kshs ,000)	Tourism Development Fund (Kshs ,000)	UNESCO (Kshs ,000)	Totals (Kshs ,000)
2018/2019	415,000	0	0	0	415,000
2019/2020	41,000	95,675	0	0	136,675
2020/2021	15,300	154,027	0	0	169,327
2021/2022	19,100	101,509	124,789	2,068	247,466
Totals	490,400	351,212	124,789	2,068	968,468

Source: OAG analysis of NMK Financial Data

4.0. AUDIT FINDINGS

- 4.1 Evidence obtained through interviews, documentary reviews and field verifications revealed inadequacies in the preservation and restoration of heritage sites by the National Museums.

Inadequacies in the Preservation of Heritage Sites

I. Failure to Adequately Secure Heritage Sites

- 4.2 According to the National Museums Strategic Plan (2020-2022), Section 3.7.4.12; NMK planned to protect Kenya's sites and monuments through acquisition of ownership documents and fencing. The key activities were to secure NMK assets through securing three (3) title deeds and fencing three (3) sites within the FYs 2019/2020 and 2021/2022. It was however established that NMK had failed to adequately secure heritage sites as detailed below.

a. Absence of Heritage Sites Ownership Documents

- 4.3 An analysis of the ownership documents by the Audit Team revealed that no ownership documents were acquired during the period under audit hence the target of processing 3 title deeds was not achieved. In addition, fifteen (15) out of thirty (30) visited sites did not have ownership documents as shown in **Table 2** and detailed in **Appendix VI**.

Table 2: Heritage Sites With no Ownership Documents (Title Deed)

Heritage Site	Category	County
1. Mama Ngina Drive	Monument	Mombasa
2. Dr. Ludwig Kraph	Monument	Mombasa
3. Lamu Fort	Monument	Lamu
4. Portuguese Chapel	Monument	Kilifi
5. House of Columns	Monument	Kilifi
6. Vasco da Gama	Monument	Kilifi
7. Mwana Arafa	Monument	Lamu
8. Siyu Fort	Monument	Lamu
9. Jumba La Mtwana	Ruins	Kilifi
10. Mtwapa Heritage Site	Ruins	Kilifi
11. Takwa Ruins	Ruins	Lamu
12. German Post Office	Museum	Lamu
13. Malindi Museum	Museum	Kilifi
14. Songhor Prehistoric Site	Prehistoric Site	Kisumu
15. Thimlich Ohinga	Mausoleum	Migori

- 4.4 Interviews held with the NMK management revealed that the absence of ownership documents was attributed to failure to prioritize acquisition of ownership documents, lack of survey equipment and inadequate survey staff.
- 4.5 Absence of ownership documents of heritage sites could increase the risk of land grabbing and encroachment by private developers and local communities. This was as in the case of Songhor Prehistoric Site. The site was gazetted as 78 acres but later surveyed to 57 acres. Land grabbing and encroachment interferes with the heritage sites which eventually leads to loss of the heritage value as was the case at Mtwapa Heritage Site where ruins had been demolished due to a dispute in ownership.

b. Failure to Fence Heritage Sites

- 4.6 According to interviews with Curators and physical verifications conducted by the Audit Team, thirteen (13) sites that required fencing were not fenced as shown in **Table 3** and detailed in **Appendix VI**.

Table 3:Heritage Sites that Required Fencing but were not fenced

Heritage Site	Category	Fenced	County
1. Kengeleni Bell Tower	Monument	Not Fenced	Mombasa
2. Dr. Ludwig Kraph	Monument	Not Fenced	Mombasa
3. House of Columns	Monument	Not Fenced	Kilifi
4. Jumba La Mtwana	Ruins	Not Fenced	Kilifi
5. Mtwapa Heritage Site	Ruins	Not Fenced	Kilifi
6. Siyu Old Town	Ruins	Not Fenced	Lamu
7. Mnarani ruins	Ruins	Not Fenced	Kilifi
8. Manda old town	Ruins	Not Fenced	Lamu
9. Takwa Ruins	Ruins	Not Fenced	Lamu
10. Rabai Museum	Museum	Not Fenced	Mombasa
11. Malindi Museum	Museum	Not Fenced	Kilifi
12. Kaya Kauma	Kaya	Not Fenced	Kilifi
13. Songhor Prehistoric Site	Pre-historic site	Not Fenced	Kisumu

- 4.7 Absence of fences in heritage sites was attributed to failure to implement fencing requests. For example, the Curator at Jumba la Mtwana requested for a perimeter fence on 26th August, 2021. However, the fencing request had not been implemented by the time of the audit in April 2023.

4.8 Heritage sites that are not fenced face a risk of revenue leakage since visitors can access the sites at different points without paying the required entrance fees as was the case at Takwa ruins. Further, the absence of a fence increases the risk of insecurity as unauthorised persons can access the sites as was noted at Jumba la Mtwana Ruins where the visitors were accessing a neighbouring hotel through the heritage site.

c. Neglected Heritage Sites

4.9 Article 4(c) of the National Museums and Heritage Act, 2006 indicates that NMK shall identify, protect, conserve and transmit cultural and natural heritage of Kenya.

4.10 Physical verification by the Audit Team established that seven (7) heritage sites were being trespassed and neglected. For example, the entire seafront stretching from the existing matatu terminus and bus park up to Fort Saint Joseph were gazetted as part of the Mama Ngina Drive Historical Site. However, the team observed that sections of the heritage site which included the Fort Saint Joseph and four (4) Bunkers were neglected. During interview, the team noted that the Curator in charge was not aware of the existence of the neglected sections. The Kengeleni Bell Tower in Mombasa Town had also been neglected.

4.11 The team also observed that Shanga Ruins, Takwa Ruins, Manda Old Town, Siyu Old Town and NMK Sites in Pate Old Town were neglected. The team established through interview with the Curator, Lamu Museum that the heritage sites had been neglected due to a breakdown of the NMK speedboat. Thus, the NMK staff could not access the heritage sites for monitoring and inspection.

Table 3 below shows details of the neglected heritage sites.

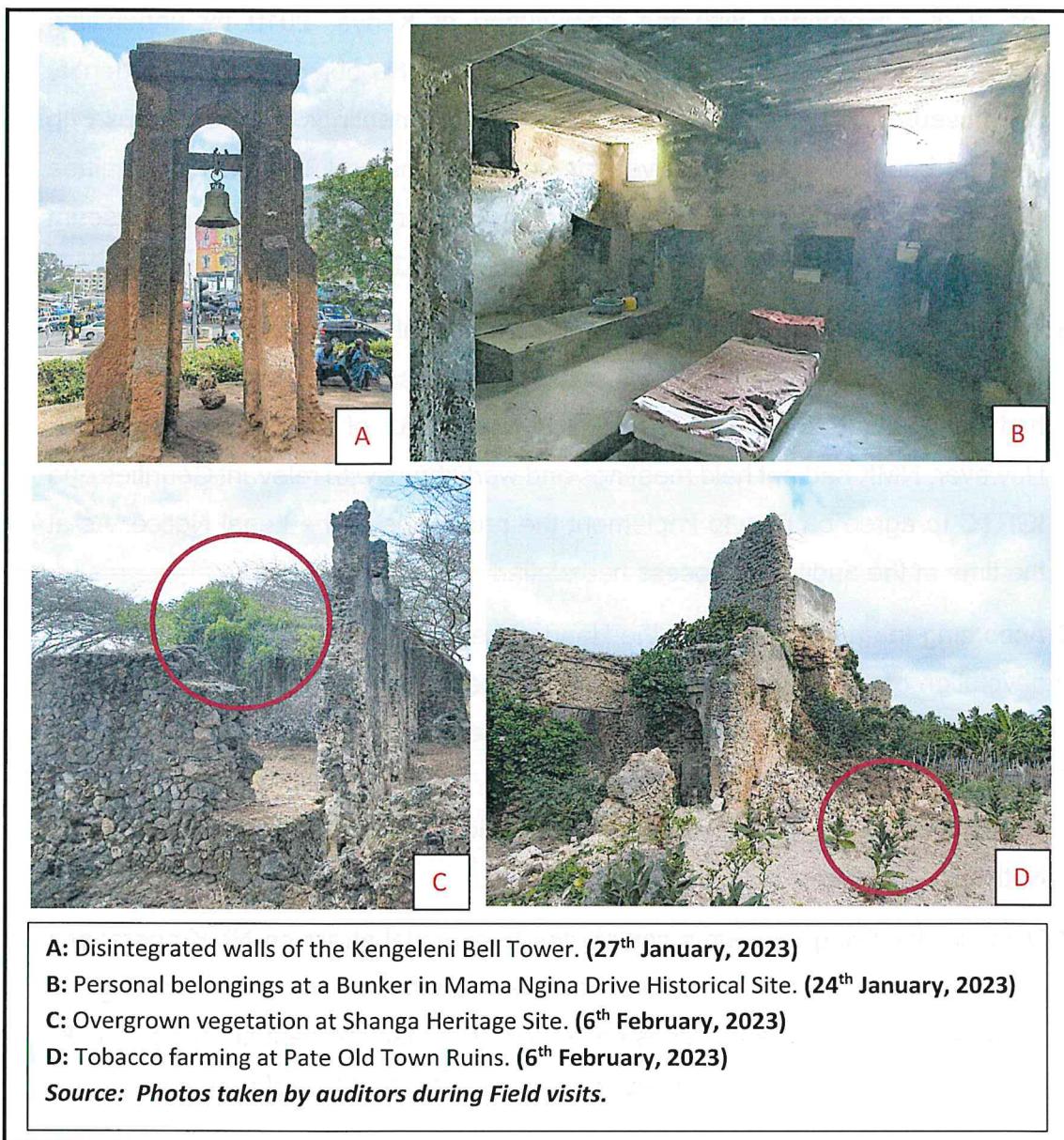
Table 4: Details of neglected heritage sites

No	Heritage Site	Observation
1.	Kengeleni Bell Tower	Disintegration of the bell tower, absence of staff
2.	Mama Ngina Drive Historical Site (Fort Saint Joseph, Bunkers)	Conversion to Church and personal homes
3.	Takwa Ruins	Ablution block falling apart, poor office facilities
4.	Manda Old Town	Road passing through the ruins, absence of staff
5.	Pate Old Town	Uncovered ancient well, tobacco farming in the Ruins
6.	Siyu Old town	Ruins falling apart
7.	Shanga Ruins	Overgrown vegetation in the ruins

Source: OAG analysis of Fieldwork Observation

4.12 According to the Keeper of Sites, Coastal Region, the Sections of Mama Ngina Drive Historical Site and Kengeleni Bell Tower were neglected due to accessibility problems. However, the Audit Team was able to access the sites without any challenge. Documentary review revealed that the speed boat at Pate Old Town had not been repaired despite the Curator having requested for repairs in August 2019. **Figure 3** below shows status of the neglected heritage sites.

Figure 3: Status of Neglected Heritage Sites



4.13 Neglected heritage sites are not regularly inspected and monitored. Therefore, neglect of heritage sites exposes them to misuse, vandalism and different forms of encroachment as was the case in Kengeleni Bell Tower. This leads to deterioration of the heritage sites.

II. Delay in Devolving Museums Functions

4.14 The Fourth Schedule of the Constitution of Kenya, 2010 provides for devolution of cultural activities including museums functions. In addition, the NMK Strategic

Plan 2020-2022, Strategic Objective No. 7.4.13 states that NMK planned to align the NMK governance with the Constitution of Kenya, 2010 by unbundling museums functions. The planned activities under this objective were to identify the museums and assets to be devolved and hold meetings and workshops with relevant counties and Inter-Governmental Relations and Technical Committee (IGRTC) to agree on unbundled museum functions; museums and museum assets to be devolved by Quarter 4 of FY 2021/2022.

4.15 The Audit Team through interviews and documentary review established that NMK had identified the museums and museums assets to be devolved which had been gazetted under Legal Notice No. 13982 of 11th November, 2022. However, NMK had not held meetings and workshops with relevant Counties and IGRTC to agree on how to implement the provisions of the Legal Notice. As at the time of the audit, the process had stalled.

4.16 According to an interview with the Head of Legal Services at NMK, the delay in devolution of museums functions was attributed to the transition of leadership in County Governments and the National Government after the 2017 and 2022 elections, lack of goodwill from key parties in the museum's devolution process and lack of a clearly defined process to implement the provisions of the Legal Notice No. 13982.

4.17 Delay in devolving museums contributes to financial strain on NMK operations as the counties fail to take up the devolved museums functions. Finalizing the devolution of museums functions could ease the management burden for NMK, leading to greater focus on key activities in the conservation of heritage sites.

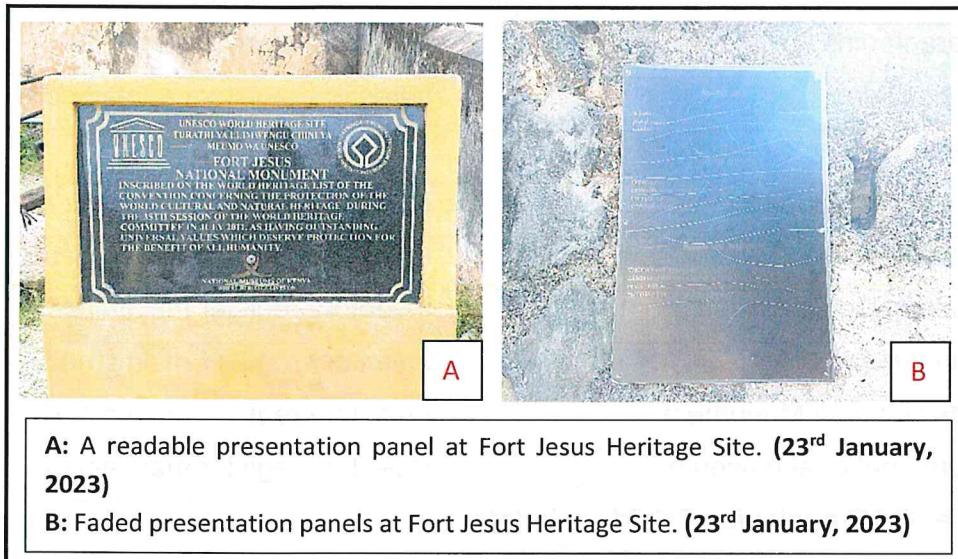
III. Incomplete Presentation of Heritage Sites

4.18 The Standard Operating Procedures for DASM Section 1.1 provides for dissemination of information on sites and monuments. Presentation of sites and monuments includes; Directional maps, Site Information Centre, Brochures, Signage, Guidebooks and Display panels.

4.19 During field verification, the Audit Team noted that out of the 30 heritage sites visited, eight (8) were fully presented, fourteen (14) were partially presented while eight (8) did not have any form of presentation. This is as detailed in **Appendix VII**.

4.20 Incomplete presentation of heritage sites was attributed to faded and unreadable information and vandalism of presentation panels. For example, at Fort Jesus the narration on the presentation panel had faded off. At Gede and Takwa Ruins, the metallic parts of the presentation panels had been vandalized and NMK staff had to remove them for safe keeping in the stores. **Figure 4** below shows status of presentation.

Figure 4: Status of Presentation



4.21 Heritage sites that are not fully presented do not effectively communicate the site to the visitors. Consequently, the visitors rely on tour guides who may not give accurate and consistent information about the heritage sites. The visitors may therefore not appreciate the full heritage value of the sites.

IV. Inadequate Inventory Records

a. Absence of Inventory Records

4.22 According to the National Museums and Heritage Act, 2006 Article 26(a), the National Museums is required to maintain a register or registers of collections of all museums and all instruments under its control.

4.23 An inventory register identifies the collections at the site, their status and condition. The inventory records further act as basis for monitoring and evaluation. The Audit Team established that 12 heritage sites had collections

and were expected to have inventory records. However, the Audit Team verified that five (5) of the 12 sites did not have inventory registers as detailed in **table 3**.

Table 5: Heritage sites requiring inventory registers

Heritage Site	Inventory Record
Fort Jesus	Inventory register maintained
Jumba La Mtwana	No inventory register
Rabai Museum	No inventory register
Mnarani ruins	No inventory register
Takwa Ruins	Inventory register maintained
Swahili House Museum	No inventory register
German Post Office	No inventory register
Lamu Museum	Inventory register maintained
House of Columns	Inventory register maintained
Malindi Museum	Inventory register maintained
Gede National Monument	Inventory register maintained
Kisumu national museum	Inventory register maintained

Source: OAG analysis of fieldwork data

4.24 Absence of inventory records was attributed to failure by Curators in complying with office procedures and challenges in accessing office supplies.

4.25 In the absence of inventory registers, the specific collections and their conditions within the site cannot be determined and subsequently may not be conserved. In case of loss of collections through theft or vandalism, it may not be possible to determine which specific object has been lost or stolen. In cases of prehistoric sites, it is difficult to determine the fossils and objects excavated at the site.

b. Inconsistencies in Inventory Documentation

4.26 The Quality Systems Procedures Manual for DASM Section 3.3 outlines the object data that must be captured in the documentation of an object as detailed in **Annexure I**.

4.27 The Audit Team inspected inventory registers at seven (7) sites and noted that there were inconsistencies in the object data recording. Whereas the inventory registers at Fort Jesus, Lamu Museum and Malindi Museum had captured the object data as required by the procedure's manual, the inventory register at Gede

National Monument was only listing objects without object data. The inventory registers at Kisumu Museum lacked object data on location and did not have a section for capturing a sketch of the objects. Some registers, for example at Malindi Museum and Fort Jesus, had extra object details such as local name, acquisition method, origin, function and field number.

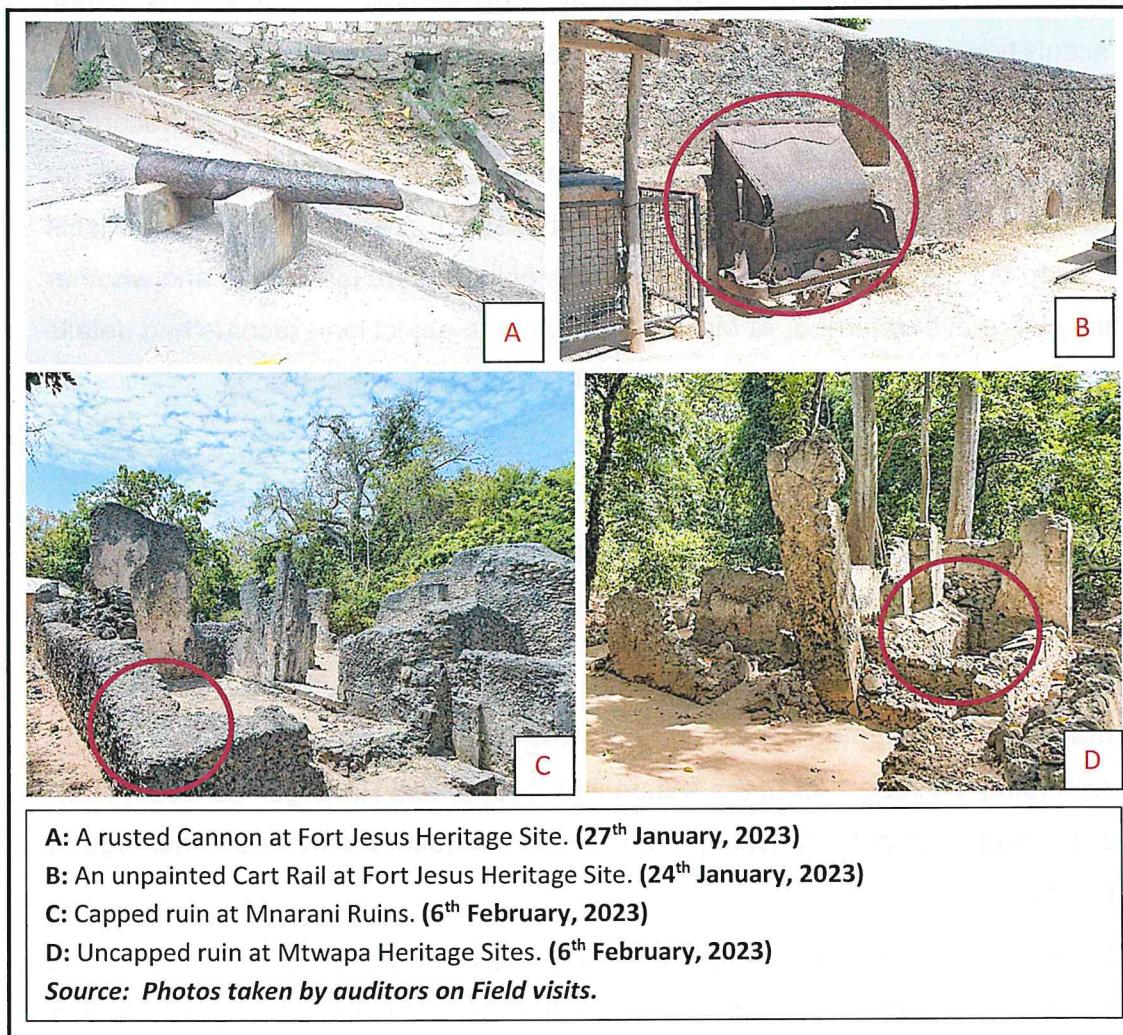
- 4.28 The Audit Team also established that there was no standard format for recording details of collections that have been loaned out for exhibitions including for overseas exhibitions. For example, in Fort Jesus, there was a record for objects loaned but did not include details when the objects were loaned out and whether they were ever returned. At Malindi Museum, the object loan records had details of date borrowed, date returned and status of the returned objects.
- 4.29 Inconsistencies in inventory documentation were attributed to failure by NMK to develop a standard format for inventory documentation. Consequently, object data on some collections may be inaccurate. It is also difficult to trace and conserve objects especially where the location and conservation status is not recorded.

V. Inadequate Protection of Collections from Weather Elements

- 4.30 According to Article 4(c) of the National Museums and Heritage Act, 2006, NMK shall identify, protect, conserve and transmit the cultural and natural heritage of Kenya.
- 4.31 Protection of collections from weather elements entails construction of protective sheds and painting to protect the collections from humidity causing rusting and disintegration. Capping of ruins is carried out to protect them from the effects of rain.
- 4.32 During field inspections, the Audit Team observed instances where collections lacked protective sheds or required painting for protection from weather elements. For example, cannons retrieved from the Indian Ocean during construction of the Fort Jesus Sea Wall Protection and the cart rail used for transportation by the Portuguese soldiers had not been painted to protect them from rust and disintegration. Further, the team observed ruins at several sites had not been capped. At Mtwapa Heritage Site and Siyu Old Town, the ruins had

not been capped hence exposing them to the effects of rain. **Figure 5** shows collections and ruins exposed to weather elements.

Figure 5: Collections and Ruins exposed to Weather elements



4.33 Interviews with NMK staff revealed that exposure of collections to weather elements was caused by failure to initiate restoration requests, delay in implementing restoration requests and neglect of collections at the heritage sites.

4.34 Exposure of collections to weather elements leads to deterioration of collections. Uncapped ruins expose the wall tops to effects of rain which causes faster deterioration of the heritage sites.

VI. Delay in Structural Digitization of Heritage Sites

- 4.35 The NMK Strategic Plan (2020-2022), Strategic Objective 2 outlined plans by DASM to use Information Communication Technology and digital media to document, manage and conserve national heritage. The key activity was to develop a digital programme for digitization of museums, sites and monuments
- 4.36 Structural digitization allows for capture and storage of 3-Dimension images with precise measurements and information of the heritage sites. This can be used for reconstruction of the heritage sites or recasting of monuments in case of loss or destruction.
- 4.37 The NMK had adopted Google Culture to market the heritage sites. However, interviews with NMK staff revealed that only three; Fort Jesus, Gede National Monument and Thimlich Ohinga UNESCO World Heritage Site had been structurally digitized. These three sites were structurally digitized through private student research activities. The other twenty-seven (27) had not been structurally digitized.
- 4.38 The delay in structural digitization was attributed to absence of expertise and equipment for structural digitization within NMK.
- 4.39 In the absence of digital backup, the heritage sites face the risk of loss in case of destruction or deterioration as they cannot be reconstructed or recast with precise measurements and requisite information.

Inadequacies in the Restoration of Heritage Sites

I. Failure to Initiate Restoration Requests

- 4.40 The Standard Operating Procedure for DASM Section 1.4.1.2 (f) on conservation and monitoring of heritage sites outlines the monitoring and evaluation strategy for the sites with methods, action plans, cost and time parameters.
- 4.41 Curators are required to carry out routine monitoring and evaluation of heritage sites and initiate restoration requests. However, based on interviews with Curators, the team established that 50% of the Curators had not initiated requests for restoration despite the sites requiring restoration works. For Example, at Gede National Monument, the Audit Team noted that ruins had deteriorated due to vegetation growth. The Curator had not initiated a request for

the removal of the vegetation. At the Jaramogi Oginga Odinga Mausoleum, the team noted infestation of collections by pests. The Curator had also not initiated a request for fumigation.

4.42 Failure to initiate restoration requests was attributed to inadequate routine inspection and monitoring of the heritage sites.

4.43 Delays in initiating restoration requests makes it difficult to prepare workplans and budgets for conservation. When conservation activities are not planned for, restoration cannot be carried, occasioning the object to deteriorate further.

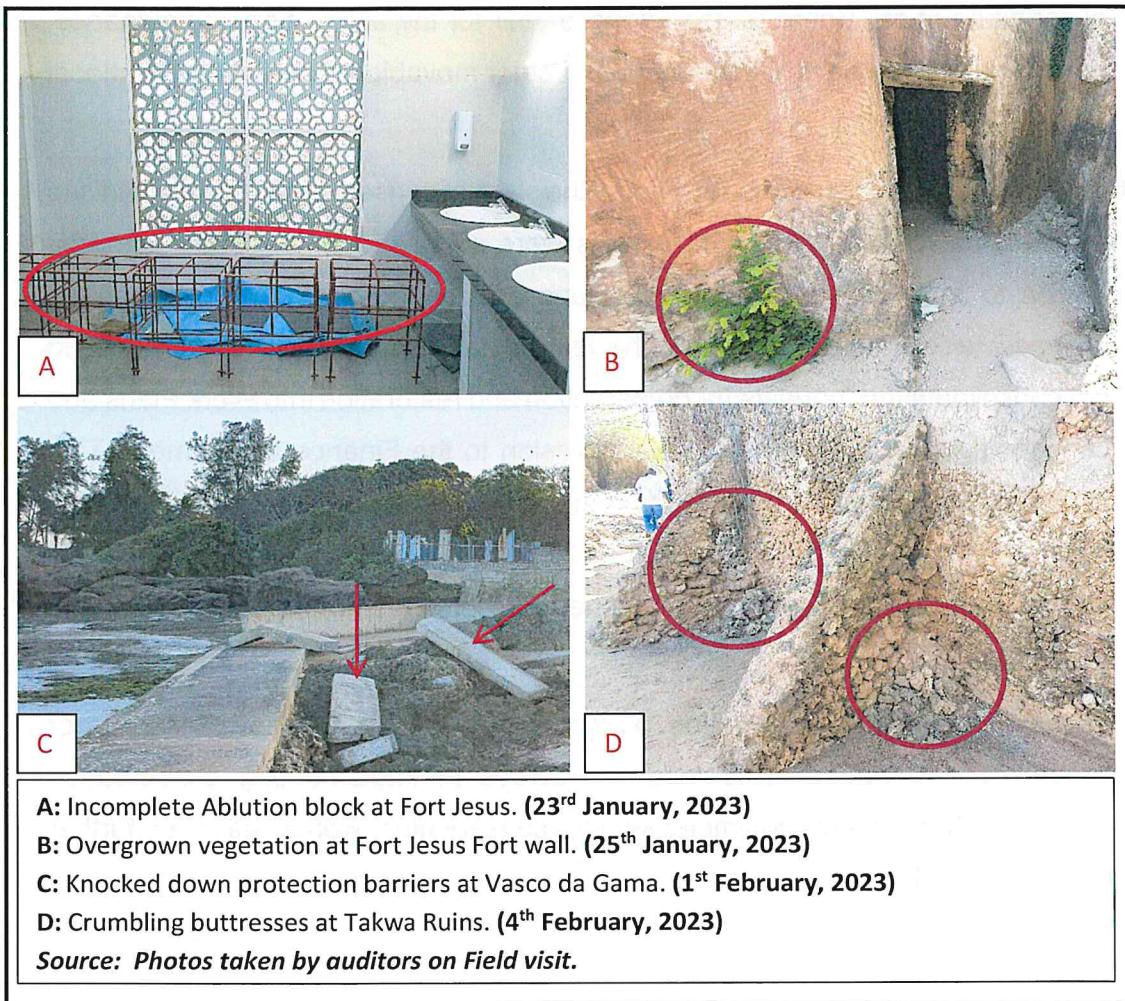
II. Incomplete and Poor Restoration Works

4.44 The Strategic Plan (2020-2022), under Strategic Objective 7.4.6, NMK intended to enhance Kenya's World Heritage Sites through completion of the Phase II Fort Jesus Sea Wall Protection.

4.45 During field verification of the works done under Fort Jesus Sea Wall Phase II, the Audit Team noted that the ablutions block was incomplete. However, the contractor, Gateway Innovations Limited, had been issued with a certificate of practical completion. The contractor had also issued with a long snag list (an itemized checklist of outstanding works). Fort Jesus also received Kshs. Two Million Sixty Eight Thousand Five Hundred (Kshs. 2,068,500) from UNESCO for removal of vegetation on the Fort walls. The Audit Team noted that the removal of the vegetation was poorly done as some sections of the Fort walls still had mature vegetation growth.

4.46 The Audit Team also observed instances of poor restoration works at Vasco da Gama Pillar and Takwa Ruins. At Vasco da Gama Pillar, cracks had already started to develop on the western side of the sea wall while part of the eastern sea wall protection barriers had already been knocked down by sea waves. At Takwa Ruins, buttresses had been constructed to support the ruins, but they were crumbling. **Figure 6** shows incomplete and poor restoration works.

Figure 6: Incomplete and Poor Restoration Works



4.47 Construction of weak barriers at Vasco da Gama Pillar were caused by design limitations. At Fort Jesus, the incomplete ablution block and poor restoration were as a result of inadequate supervision and subsequent abandonment of the site by the contractor.

4.48 Incomplete and poor restoration works leads to wastage of resources as the facilities are not available for use. In addition, incomplete and poor restoration works pose safety risks to the public.

III. Failure to Plan and Budget for Conservation Activities

4.49 The National Museums and Heritage Act, 2006 under Article 20 Section 1 provides that the Board shall before commencement of the financial year cause to be prepared estimates of revenue and expenditure. Further, Section 2 (e)

states that the annual estimates shall make provisions for the estimated expenditure of the Board for the financial year for the acquisition, maintenance, repair and replacement of equipment and other movable property of the National Museums.

- 4.50 Curators submitted on a quarterly basis the state of conservation reports detailing requests for restoration. Such requests were supposed to be consolidated by DASM to form conservation Work Plans and budgets. However, during an interview with the director DASM, the team established that the Directorate did not consolidate the requests for preservation and restoration into Work Plans and conservation budget for onward transmission to the Finance Department. This was attributed to failure to prioritize restoration activities. Further, the Financial Controller in an interview stated that DASM only presented operational budgets and no conservation budgets. Consequently, there was no budgetary allocation for conservation of the heritage sites.
- 4.51 In the absence of conservation budgets, it is difficult to allocate funds for conservation activities. This leads to delays in implementing conservation activities. Such delays in implementing conservation works leads to further deterioration of heritage sites.

5.0. CONCLUSION

- 5.1 The audit established that the National Museums of Kenya through the Directorate of Antiquities, Sites and Monuments had put in place plans and procedures to address conservation of heritage sites. The measures had ensured that the sites were in existence, inventory registers were partially maintained and to some extent achieved preservation and restoration of heritage sites. However, it was evident from the audit findings that the measures put in place were not adequate to ensure effective conservation of heritage sites.
- 5.2 There was inadequate monitoring of heritage sites, minimal supervision of restoration works as well as incidences of failure to comply with the laid down procedures. Management did not prioritise the preservation and restoration of heritage sites. Consequently, there was a risk of further deterioration of the heritage sites.

6.0. RECOMMENDATIONS

- 6.1 Based on the audit findings and conclusions, the Auditor-General has made the following recommendations. For effective conservation of heritage sites, the National Museums needs to:
- i. Prioritize the preparation of conservation Work Plans and budgets. This will ensure that there is a budgetary provision for conservation of heritage sites.
 - ii. Adequately supervise the conservation activities to ensure quality and timely completion of restoration works.
 - iii. Ensure complete presentation of all heritage sites to effectively communicate to the public.
 - iv. Address inconsistencies in inventory documentation to ensure uniformity in capturing object data.
 - v. Finalize the process of devolving museums functions as per the Fourth Schedule of the Constitution of Kenya, 2010 to ease the budgetary constraint relating to the conservation of heritage sites.

APPENDICES

Appendix I: Audit Questions

s/no.	MAIN AUDIT QUESTIONS	SUB-QUESTIONS
1.	To what extent has NMK ensured effective preservation of heritage sites?	<p>a) Has NMK ensured effective protection of collections from harsh weather conditions?</p> <p>b) Has NMK ensured that staff maintain adequate inventory records?</p> <p>c) Has NMK ensured complete presentation of sites to ensure effective communication with the public?</p> <p>d) Has NMK ensured heritage sites are adequately secured?</p> <p>e) To what extent has NMK ensured devolution of museums?</p> <p>f) Has NMK ensured adequate digitization of museums, sites, and monuments?</p>
2.	To what extent has NMK ensured effective restoration of heritage sites?	<p>a) Has NMK ensured the concealing of modern works in the restoration of heritage sites?</p> <p>b) Has NMK ensured effective implementation of restoration requests?</p> <p>c) Has NMK ensured timely initiation of restoration requests?</p> <p>d) Does NMK prioritize the restoration of collections and monuments?</p>

Appendix II: Audit Criteria

Audit Criteria	Specific audit criteria
Constitution of Kenya, 2010	The Fourth Schedule - devolution of cultural activities including museums functions.
The Museums and Heritage Act, 2006	<p>Article 4(c), NMK shall identify, protect, conserve and transmit the cultural and natural heritage of Kenya.</p> <p>Article 26(a), the National Museums is required to maintain a register or registers of collections of all museums and all instruments under its control.</p> <p>Article 20 Section 1, the Board shall before commencement of the financial year cause to be prepared estimates of revenue and expenditure.</p> <p>Article 20 Section 2 (e), the annual estimates shall make provisions for the estimated expenditure of the Board for the financial year for the acquisition, maintenance, repair and replacement of the equipment and other movable property of the National Museums.</p>
Approved Strategic Plans for (2017-2019) and (2020-2022)	<p>Section 3.7.4.3; NMK planned to protect Kenya's sites and monuments through acquisition of ownership documents and fencing. The key activities were to secure NMK assets through securing three (3) title deeds and fencing three (3) sites within the FY2019/2020-2021/2022.</p> <p>Strategic Objective No. 7.4.13; NMK planned to align the NMK governance with the Constitution of Kenya, 2010 by unbundling museum functions.</p> <p>Strategic Objective 2; DASM to use Information Communication Technology and digital media to document, manage and conserve national heritage. The key activity was to develop a digital programme for digitization of museums sites and monuments.</p> <p>Strategic Objective 7.4.6; NMK intended to enhance Kenya's World Heritage Sites through completion of the Phase II Fort Jesus Sea Wall.</p>
Sustainable Development Goals	SDG 11 Target 11.4 of strengthening efforts to protect and safeguard the Kenya's cultural and natural heritage.

DASM Procedures and Processes Manual	<p>Section 1.1 provides for dissemination of information on sites and monuments</p> <p>Section 1.4.1.2 (f) on conservation and monitoring of heritage sites outlines the monitoring and evaluation strategy for the sites with methods, action plans, cost and time parameters.</p> <p>Section 3.3 outlines the object data that must be captured in the documentation of an object.</p>
The Athens Charter for the Restoration of Historic Monuments - 1931	<p>Section I; monuments and sites in need of restoration, the historic and artistic work of the past should be respected.</p> <p>Section IV; modern works of consolidation should whenever possible be concealed in order the aspect and character of the restored monument may be preserved.</p>

Appendix III: Documents reviewed

Document	Information needed from the Document
Inventory Registers	To identify the collections at the site and their status and condition.
Annual Budgets FYs 2017/18-2021/22	To ascertain the sources and level of funding for conservation activities.
DASM Procedures and Processes Manual	To evaluate the preservation and restoration activities of heritage sites.
State of Conservation Reports	To confirm initiation of conservation requests.
Projects Status Reports	To compare the reported project progress and actual status.
Title Deeds	To confirm ownership of heritage sites.
Project Bills Quantities	To check on project associated costs, specifications and deliverables.

Appendix IV: List of Heritage Sites visited

s/no.	Heritage site	Category	County	Region
1	Fort Jesus	World Heritage Site	Mombasa	Coast
2	Mama Ngina Drive Heritage	Monument	Mombasa	Coast
3	Kengeleni Bell Tower	Monument	Mombasa	Coast
4	Dr. Ludwig Kraph	Monument	Mombasa	Coast
5	Jumba la Mtwana	Ruins	Kilifi	Coast
6	Mtwapa Heritage Site	Ruins	Kilifi	Coast
7	Rabai Museum	Museum	Mombasa	Coast
8	Kaya Kauma	Kaya	Kilifi	Coast
9	Mnarani Ruins	Ruins	Kilifi	Coast
10	Manda Old Town	Ruins	Lamu	Coast
11	Takwa Ruins	Ruins	Lamu	Coast
12	Swahili House Museum	Monument/Museum	Lamu	Coast
13	Lamu Fort	Monument	Lamu	Coast
14	German Post Office	Museum	Lamu	Coast
15	Lamu Museum	Museum	Lamu	Coast
16	Portuguese Chapel	Monument	Kilifi	Coast
17	House of Columns	Monument	Kilifi	Coast
18	Malindi Museum	Museum	Kilifi	Coast
19	Vasco da Gama Pillar	Monument	Kilifi	Coast
20	Mwana Arafa House	Monument	Lamu	Coast
21	Shanga Ruins	Ruins	Lamu	Coast
22	Gede National Monument	Ruins	Kilifi	Coast
23	Siyu Fort	Monument	Lamu	Coast
24	Siyu Old Town	Ruin	Lamu	Coast
25	Pate Old Town	Living Old Town	Lamu	Coast
26	Kisumu Museum	Museum	Kisumu	Western
27	Songhor Prehistoric Site	Pre-historic site	Kisumu	Western
28	Thimlich Ohinga	World Heritage Site	Migori	Western
29	Jaramogi Oginga Odinga	Mausoleum	Siaya	Western
30	Fort Ternan Heritage Site	Pre-historic site	Kericho	Western

Appendix V: List of Officers Interviewed

s/no.	Interviewee	Purpose for the interview
1.	Director DASM	To gather information on how the Directorate plans, budgets and executes conservation of heritage sites activities.
2.	Keeper of Sites Western and Coastal Region	To establish the heritage sites under their jurisdiction. To establish how heritage sites are preserved and restored in the regions. To confirm initiation and implementation of restoration requests.
3.	Curators	To ascertain the conservation activities at the heritage sites. To confirm initiation and implementation of restoration requests.
4.	Financial Controller	To establish whether there was budget allocation for conservation activities and expenditure on conservation activities.
5.	Head of Legal Services	To establish the progress of devolution of museums and museums functions To establish the status of ongoing disputes on ownership of heritage sites.
6.	Head of Procurement	To gather more information on the procurement of restoration works.
7.	Conservation Architect	To establish the status and specification of ongoing restoration works of heritage sites.
8.	Cartographer	To ascertain the ownership status and structural digitization of the heritage sites.

Appendix VI: Ownership Documents and Fencing

Heritage Site	Category	Fenced	Title Deed	County
14. Fort Jesus	World Heritage Site	Fence not required	Title deed available	Mombasa
15. Mama Ngina Drive	Monument	Fence not required	Title deed not processed	Mombasa
16. Kengeleni Bell Tower	Monument	Not Fenced	Title deed available	Mombasa
17. Dr. Ludwig Kraph	Monument	Not Fenced	Title deed not processed	Mombasa
18. Jumba La Mtwana	Ruins	Not Fenced	Title deed not processed	Kilifi
19. Mtwapa Heritage Site	Ruins	Not Fenced	Title deed not processed	Kilifi
20. Rabai Museum	Museum	Not Fenced	Private ownership	Mombasa
21. Kaya Kauma	Kaya	Not Fenced	Private ownership	Kilifi
22. Mnarani ruins	Ruins	Not Fenced	Title deed available	Kilifi
23. Manda old town	Ruins	Not Fenced	Title deed available	Lamu
24. Takwa Ruins	Ruins	Not Fenced	Title deed not processed	Lamu
25. Swahili House Museum	Monument/ Museum	Fenced	Title deed available	Lamu
26. Lamu Fort	Monument	Fence not required	Title deed not processed	Lamu
27. German Post Office	Museum	Fence not required	Title deed not processed	Lamu
28. Lamu Museum	Museum	Fenced	Title deed available	Lamu
29. Portuguese Chapel	Monument	Fenced	Title deed not processed	Kilifi
30. House of Columns	Monument	Not Fenced	Title deed not processed	Kilifi
31. Malindi Museum	Museum	Not Fenced	Title deed not processed	Kilifi
32. Vasco da Gama	Monument	Fence not required	Title deed not processed	Kilifi
33. Mwana Arafa	Monument	Fenced	Title deed not processed	Lamu
34. Shanga Ruins	Ruins	Fence not required	Title deed available	Lamu
35. Gede National Monument	Ruins	Fenced	Title deed available	Kilifi
36. Siyu Fort	Monument	Fence not required	Title deed not processed	Lamu
37. Siyu Old Town	Ruin	Not Fenced	Title deed available	Lamu
38. Pate old town	Living Old Town	Fence not required	Title deed available	Lamu
39. Kisumu national museum	Museum	Fenced	Title deed available	Kisumu
40. Songhor Prehistoric Site	Pre-historic site	Not Fenced	Title deed not processed	Kisumu
41. Thimlich Ohinga	World Heritage Site	Fenced	Title deed not processed	Migori
42. Jaramogi Oginga Odinga	Mausoleum	Fenced	Private ownership	Siaya
43. Fort Ternan Heritage Site	Pre-historic site	Fenced	Title deed available	Kericho

Appendix VII: Presentation Status of Heritage Sites

s/no.	Condition	Heritage sites
1.	Full presentation	1. Mama Ngina Drive Historical Site, 2. German Post Office, 3. Portuguese Chapel, 4. House of Columns, 5. Malindi museum, 6. Jaramogi Oginga Odinga, 7. Lamu Museum, 8. Kisumu National Museum
2.	Partial presentation	1. Kaya Kauma, 2. Jumba la Mtwana, 3. Takwa Ruins, 4. Lamu Fort, 5. Siyu Fort, 6. Thimlich Ohinga World Heritage Site, 7. Dr. Ludwig Kraph, 8. Vasco da Gama, 9. Rabai Museum, 10. Fort Jesus, 11. Mnarani Ruins, 12. Swahili House museum, 13. Gede National Monument, 14. Pate Old Town
3.	No presentation	1. Mwana Arafa, 2. Songhor Prehistoric Site, 3. Mtwapa Heritage Site, 4. Kengeleni Bell Tower, 5. Manda Old Town, 6. Shanga Ruins, 7. Siyu Old Town, 8. Fort Ternan Prehistoric Site

Appendix VIII: National Museums Response to Audit Findings, Conclusion and Recommendations

S/No.	Audit Finding	Agreed or Disagreed	Comment (Specify the Paragraph Being Responded to and Give the Comment)
1	Absence of Heritage Sites Ownership Documents	Agreed	<p>Para. 4.0. Inadequate survey staff and lack of survey equipment. This is being addressed by NMK Strategic Plan 2023-2028.</p> <p>Para. 4.5. Absence of ownership documents of the Mtwapa Heritage site has been in court for a long period with weaknesses raised as lack of proof of proper ownership. This has been forwarded to NMK headquarters and the legal office for action. The absence of an original letter of the awarded land to NMK has been raised as reason for failure to pursue the matter.</p>
2	Failure to fence	Agreed	Para. 4.0 b. Lack of funds
3	Neglected Heritage Sites	Agreed	<ul style="list-style-type: none"> • Para 4.11 • The ablution block at Takwa ruins is undergoing complete renovation and is expected to re-open soon with new floors and emptied pit. • The curator Lamu Museum in collaboration with the office of the Keeper Coastal Region have held discussions with the Patron of the Takwa ruins Mr. Abdalla Fadhil who has agreed to mobilize resources for the repair. The rehabilitation works will start soon. • As per figure 7d in the report, the indicated buttress walls constructed in the 1980's have come of age and vast financial resource are required to prop up the buttress walls. • Majority of the sites within the coastal region are exposed to extreme high temperatures during summer period and high humidity with high salinity content during the winter season leading to the rapid deterioration and decay of signages. The NMK is currently investigating alternative affordable but durable materials that can be utilized for signage under these extreme conditions. • The parcel of land owned by the National Museums is vast and extends far beyond the Manda Old Town ruins. The stated road passing through Manda Old Town serves the neighbouring communities including

S/No.	Audit Finding	Agreed or Disagreed	Comment (Specify the Paragraph Being Responded to and Give the Comment)
			<p>neighbouring hotels and connects to the adjacent airfield. NMK will seek funds for fencing the property to prevent it from encroachment by the community.</p> <ul style="list-style-type: none"> • On Uncovered ancient wells and Tobacco farms in Pate Old Town ruins, NMK has an understanding with the Pate Resource and Tourism Initiative (PRATI), a CBO that undertook site clearing and also erected a wooden cover for the well. However, the local community and youth looking for firewood have been vandalizing the wooden cover. A more formal memorandum of understanding is currently under consideration where PRATI will take more proactive role on behalf of NMK in the care and monitoring of the site • On Ruins falling apart at Siyu, the site covers a vast area of more than 45 hectares with majority of the ruins sitting in private properties. NMK has limited number of staff working on tombs and mosques. The preservation and maintenance of the fort and designated works to the ruins requires extensive financial resources and NMK will be seeking partnerships in restoring the ruins. • On overgrown vegetation at Shanga, this is an isolated site covering 27 hectares and it has not been cleared because of its extensive size. During the rainy season the designated path way leading to the seafront is cleared to pave way for visitors to the site. The NMK will be seeking partnerships in restoring the ruins.
			<p>Para 4.12. Mama Ngina Drive covers a large area and NMK has only 2 security personnel allocated to the site. Yes, it is challenging to keep up with the encroachment of such an open and public site. Partnership in enforcement is required with the police. Constant engagement is done with the police at the site. The NMK will be seeking support from the national and County Governments in addressing this issue</p>
			<p>Para 4.13. The Kengeleni site has always operated in partnership with the private sector (adjacent commercial establishment). However, the construction of the pedestrian bridge and the public</p>

S/No.	Audit Finding	Agreed or Disagreed	Comment (Specify the Paragraph Being Responded to and Give the Comment)
			toilets by the County Government of Mombasa has rendered this challenging. Requests for partnerships have been forwarded to HQ for finalization. Awaiting response.
4	Neglected Heritage Sites	Disagreed	Para 4.12, On Fort St Joseph, Mama Ngina Drive gazettement covers matatu terminus to the boundary of the golf course. The St. Joseph Fort is situated past the golf course and has for a long time had accessibility issues due to land that was allocated to a private individual; barring access to the Fort's site hence the management's inability to monitor its condition. Its current status requires the intervention of the office of the Provincial Police Headquarters that borders it. Communication is being established.
5	Delay in devolving Museum Function	Agreed	Para 4.14, 4.15, 4.16 and 4.17 In agreement with the findings
6	Incomplete Presentation of Heritage Sites	Agreed	Para. 4.20. Faded and unreadable information: Fort Jesus has a shortage of funds to update presentation. Consequently, we print and laminate information that becomes bleached by the sun quickly. When funds are available we do periodic regeneration of important information; (Guns at the Wavell Park done this year). This could be one panel in a year.
7	Absence and inconsistencies of Inventory Record	Disagreed	Para 4.23, 4.24 and 4.29. Object loan forms are standard format having been developed at HQ (Director of National Repository and Research) and handed down to different stations. Para 4.27. Corrective measures have been undertaken by the Curator of the Kisumu Museum.
8	Inadequate Protection from Weather Elements	Agreed	Para 4.32. 2 Canons and 1 Cart not painted. Inadequate resources have made it challenging to keep up with conservation requirements. The NMK will be seeking partnerships in restoring these.

S/No.	Audit Finding	Agreed or Disagreed	Comment (Specify the Paragraph Being Responded to and Give the Comment)
9	Delay in Structural Digitization of Heritage Sites	Agreed	Para 4.36 to 4.39. There has been a delay in digitization of heritage sites but the process is ongoing.
10	Failure to initiate restoration request	Agreed	Para. 4.41. At Jaramogi Oginga Odinga Mausoleum, consultation meetings between conservation experts and the Odinga's family on best way to eradicate insect infestation on collections has been initiated, given this is a living heritage.
11	Failure to conceal modern restoration works	Disagreed	<p>Para 4.46 and 4.47. Restoration at Fort Jesus walls is done using lime and sand plaster. The picture indicated is a recent restoration of the same mixture that has been done intentionally to indicate or differentiate the new from the old. We do not wish to ascertain that the existing plaster work is the same as that of the Portuguese era more than 400 years ago. This allows for a researcher on ancient construction technology to be clear on where the authentic areas are located and where recent changes have been done. However, in the event that we needed to improve the structure's stability through the addition of reinforcement, these have been concealed with wood to give an impression that all beams used are wooden as per the historic narrative.</p> <p>The interchange of cultural values is one of the 2 criteria for enlisting into world heritage; we celebrate the different influences that make up Fort Jesus what it is today. Our current restoration will be regarded as necessitated contribution during the use of Fort Jesus as a World Heritage Site, a national monument and museum without compromising its integrity and authenticity.</p>
12	Fort Jesus - Incomplete ablution block at the sea wall garden	Disagreed	Para 4.49 and Para 4.51. The second ablution block was not part of the Phase 2 contract. The ablution block was provided for after a suggestion by the then President's, H.E. Uhuru Kenyatta, visit to the site in August 2022 where he noted that the current ablution facility provision was inadequate for the garden. Subsequently, and in order to comply to current Public Procurement Act's clause prohibiting having a variation for contracts lasting less than one year (the

S/No.	Audit Finding	Agreed or Disagreed	Comment (Specify the Paragraph Being Responded to and Give the Comment)
			<p>Phase 2 contract was less than one year), a provision was made on the retaining wall and base for a future ablution block – that is the situation at the moment.</p> <p>Secondly, no two contacts can run concurrently on the same site; that is why the second ablution is yet to be constructed as it awaits the resolution of the Phase 2 contract.</p>
13	Incomplete and poor restoration	Agreed	<p>Para. 4.50. The Vasco da Gama Pillar restoration was done in two phases;</p> <p>Phase one entailed construction of a seawall to counter the destructive force / effect of strong sea waves. While phase two entailed,</p> <ol style="list-style-type: none"> 1. Construction of a pavement / walkway from the entrance of Vasco da Gama to the Pillar point. 2. Construction of an ablution block. 3. Backfilling of cracks on coral rocks encased in the sea wall around the Pillar, parapet walls and coral-rag cladding on walls of both sides of the access road. <p>This has enabled access by people with disability.</p> <p>It had been anticipated that before phase two would be implemented, the damaged portions of phase one would be repaired. The damaged portions are concrete put in place as an additional measure to improve visitor safety and break waves. However, poor joinery exposed the slabs to the forceful strength of waves, hence dislodging parts of the top wall.</p> <p>There is therefore, need to allocate funds to enable additional restoration as the broken portions allow accumulation of seawater during spring tide on the backfilled spaces. This is likely to cause extensive damage in the long-run.</p>

S/No.	Audit Finding	Agreed or Disagreed	Comment (Specify the Paragraph Being Responded to and Give the Comment)
			<p>There is also need to restore the coral boundary with sea wall reinforcement near the ablution block to prevent damage of block during high tides.</p> <p>The entrance road to Vasco da Gama had been encroached by hawkers who posed a security threat to visitors. Collaborations with security agencies and the County Government enabled the moving of the hawkers out to clear the space and installation of a gate. The space, approximately 400 square meters needs cabbro pavement, and the NMK Management will be seeking resources to accomplish this.</p>
14	Failure to Plan and Budget for conservation activities	Agreed	Para 4.54 and Para 4.55. No allocation of funds for conservation thus Curators sources for funds from well-wishers and donors to carry out minimal restoration and conservation of heritage sites.

Annexure I: Inventory Documentation

Document Reference: NMK/MSM/001

3.3 Object Documentation

3.3.1 Process

- (i) The object is brought into the museum. The person bringing it in is given a receipt which includes the following data:
- brief object description
 - date of entry
 - name and signature of the museum employee receiving the object
 - name, address and signature of the person bringing the object
- Note 1: The museum holds a copy of the receipt and uses this for step 2. Step 1 can usually be omitted if a staff member brings in the object.**
- (ii) The object is entered in a Register, with columns for the following data:
- provisional (sequential) number
 - date of arrival
 - name and address of the owner or person bringing the object (if not a museum employee)
 - identification (object name or brief description)
 - name of museum employee receiving and/or bringing the object
- (iii) A departmental committee evaluates value and importance of the object to the museum mission. If of no interest, it is returned to the owner.
- (iv) The object becomes the museum's property and is allocated a unique inventory number. The object is marked (or labelled) with this number, which is also recorded in the Register. Registration continues with step 4.
- (v) The object data are now recorded on a registration form/Data collection sheets that is well structured into data sections. The form should contain at least the following sections:
- institution name
 - inventory number
 - object key word
 - brief description and/or title
 - acquisition number and applicable accession, method
 - acquired/accessioned, from person/institution
 - permanent location
 - material/technique
 - measurements

ISSUE NUMBER	ISSUE DATE	REVISION NUMBER	REVISION DATE
01	01.11.08	00	

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- 12 -



Document Reference: NMK/MSM/001

- condition
- production (artist, date)
- Conservation status

Note 2: As part of the registration procedure, an object should be photographed (and/or drawn). The negative or drawing number should be recorded on the form.

- (vi) The object is now registered and can be taken to its permanent (or temporary) location. At least the permanent location data are entered on the registration form.
- (vii) For security reasons, a copy of the registration files should be kept in a safe place, preferably outside the museum building. For legal reasons the museum will have to possess a document to prove the status of objects in its collection. To achieve this, the museum can use the Register or (photo) copies of registration cards. These copies (or computer print outs containing the same data) will have to be bound, while the pages have to be numbered and signed.

Note 3: The above process ensures that minimal data concerning a museum object are recorded. To make the information and thereby the objects more accessible, indexes can be created. For computerized registration this is done automatically, while for manual registration, files with index cards should be produced.

ISSUE NUMBER	ISSUE DATE	REVISION NUMBER	REVISION DATE
01	01.11.08	00	

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