

REPORT ON THE ICOMOS ADVISORY MISSION TO STONE TOWN OF ZANZIBAR (UNITED REPUBLIC OF TANZANIA) (C 173 REV) FROM 30 SEPTEMBER TO 3 OCTOBER 2013

EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS

The World Heritage Committee discussed the State of Conservation of the property at its 36th session (Saint Petersburg, 2012). In Decision 36 COM 7B.49 the Committee expressed its concern about the state of conservation of the property and the lack of significant progress in addressing its previous recommendations while noting the efforts made by the State Party to improve management and conservation conditions. The World Heritage Committee further noted that it had received the Heritage Impact Assessment (HIA) for the proposed hotel complex development at Mambo Msiige and the adjacent designated public open space.

To upstream decision-making processes regarding the potential development, a working session was carried out during the 36th session, between representatives from the State Party, the World Heritage Centre and ICOMOS. Subsequent to these meetings, collaboration has continued in the review and discussion on the *Matrix* for the implementation of the Mambo Msiige project and other actions for the property, as well as on the revised *Guidelines* for the project.

During the 37th session of the World Heritage Committee a meeting was held between the State Party, the World Heritage Centre and ICOMOS to discuss progress on the Mambo Msiige project, as well as the broader issue of management of the inscribed property. The State Party had ensured the meeting that the *Matrix* and *Guidelines* were implemented incorporating the recommendations of the HIA. However, after this meeting there were increased concerns around the compliance with these documents in light of documentation received regarding the implementation of the mambo Msiige project. It was therefore decided to send an Advisory Mission to Stone Town in early October 2013.

The mission assessed the status of implementation of the Mambo Msiige project and the level of compliance with statutory documents and the agreed to matrix and Guidelines documents, and additionally evaluated the state of management at the inscribed property, as well as the level of public participation, following the Terms of Reference of the mission (see **ANNEX 6.1**).

CONCLUSIONS AND RECOMMENDATIONS

A Rectification Mambo Msiige

Due to the magnitude of the negative impact of the redesigned project on the qualities and characteristics of Mambo Msiige, it will be necessary to require various rectifications to achieve compliance with the parameters in the statutory documents governing the conservation of the World Heritage property and, after the HIA, set forth in the *Matrix* and the revised *Guidelines* that were agreed to by the State party. These mitigations will be in the form of **demolition**, further redesign, better conservation practice, and more detail on the services design and installation in the Mambo Msiige building (Block B).

It is therefore necessary to request the State Party to ensure that the construction of the total project is **immediately halted** to allow for discussions and an agreement on the **implementation of the proposed rectifications** included in section 5 of this Report.

B Public participation

The mission recommends that:

- a) There must be another public participation session regarding the findings of the mission and the resulting decisions by the World Heritage Committee.
- b) The State Party should facilitate the assembly of the Public Forum as envisaged in the Zanzibar Stone Town Management Plan (2008).
- c) The State Party should give an indication of how public participation will be part of the future heritage management in the World Heritage property.

C Management of the World Heritage property

The mission recommends that:

- a) The State Party needs to adequately audit the State of Conservation and the conditions of authenticity and integrity of the attributes of the inscribed property, and define how to address the level and quality of protection and management of the inscribed property.
- b) The State party must redefine the ideal state of conservation of the property relative to the Statement of Outstanding Universal Value.
- c) A strategy and work plan, with clear targets and clarity on processes of conservation, should be drafted for the formulation and sustenance of an integrated system of managing future development and conservation of attributes of the property.

List of World Heritage in danger

Additionally, the Mission considers that the current state of heritage management and conservation conditions at the Mambo Msiige project, but also regarding the overall management of the property, the regression in the State of Conservation of the property, and the lack of effective and integrated tools and mechanisms to protect the Outstanding Universal Value and to positively control development pressures, are all conditions that would warrant considering inscribing the property on the List of World Heritage in Danger.

1 BACKGROUND TO THE MISSION

1.1 Inscription history

Date of Inscription:

2000;

Property information:

Core zone: 96 ha. Location: S6 09 47 E39 11 21; Property WHC Reference: 173rev

Property Maps:

See **ANNEX 6.4**.

1.2 Criteria and World Heritage values

1.2.1 Justification for Inscription:

Criterion ii: The Stone Town of Zanzibar is an outstanding material manifestation of cultural fusion and harmonization.

Criterion iii: For many centuries there was intense seaborne trading activity between Asia and Africa, and this is illustrated in an exceptional manner by the architecture and urban structure of the Stone Town.

Criterion vi: Zanzibar has great symbolic importance in the suppression of slavery, since it was one of the main slave-trading ports in East Africa and also the base from which its opponents such as David Livingstone conducted their campaign.

1.2.2 Retrospective Statement of Outstanding Universal Value (as adopted by the World Heritage Committee in 2010):

“Stone town of Zanzibar, the historic town of Zanzibar archipelago, is a fine example of the Swahili coastal trading town. It is a physical testimony of interchange of human values and maritime mercantile interaction in the Indian Ocean rim over the past 1500 years. Founded in 10th century in the western edge of the town of Zanzibar, this typical Swahili town is also a demonstration of a cultural fusion whose origin span from Indian subcontinent to Persian Gulf to create a “dhow culture”, an impression living Swahili culture. Yet, the influence of Sultan of Oman in 18th century and the presence of the British Empire and Christian missionary endeavour in the 19th Century made the town to be a cosmopolitan metropolis in eastern Africa and also the centre of a vast commercial empire. Today, Stone Town not only bears the memories of the slave trade, but also the remembrance of European explorers such as Vasco ad Gama, Livingstone, Stanley and others. As such, it was also a significant place in the fight for the abolition of the slave trade. Consequently, the layout, technology and design of the town buildings, a blending of local and foreign materials, ideas and techniques, form an urban fabric that reflects harmonized urban settlement. Its urban landscape manifests and testifies the aptitude of Swahili people in their capacity to integrate and interpret various influences into a new synthesis: Swahili culture. Indeed, this makes Stone Town an outstanding manifestation of fusion of tangible and intangible human values.”

1.2.3 The importance of Mambo Msiige relative to the OUV:

In order to contextualise the recommendations in this Report it is necessary to understand the significance of the mambo Msiige building and environment, relative to the Retrospective Statement of Outstanding Universal Value. The following definition of significance was prepared in January 2012 for the HIA of the use of the Mambo Msiige building for a hotel development.

The *Mambo Msiige* had its origin during the reign of Seyyid Said (died 1856). The *Mambo Msiige* - a magnificent example of a traditional Zanzibari courtyard type mansion - and its companion building, the Bushir mosque, were built in 1847-50 by Sh Salim bin Bushir bin Salim al Harthi, a wealthy and very prominent Swahili tradesman from a prominent Omani tribe, on Kelele Square (up to the 1860's a slave trading space) in the Shangani district of Stone Town, and a place with a rich history and character. Due to its construction and detail, this mansion was significant even in its own time, and due to its uniqueness was called *Mambo Msiige* (don't imitate). Sh Sakim bun Bushir became embroiled in the failed 1859 coup of Seyyid Bargash against his brother Sultan Seyyid Majid (successor of Said), causing his mansion to be confiscated by Seyyid Majid. The *Mambo Msiige* then played its part in the European anti-slavery and mission epoch. In the early era of British involvement in Zanzibar Seyyid Said, as part of his good relations with Col Hamerton - the first British Consul in Zanzibar - signed a treaty forbidding the export of slaves from his African dominions. In 1863 his successor Seyyid Sajid (died 1870) gave the *Mambo Msiige* to the Universities Mission in Central Africa (The UMCA, formed in 1857) to use as a Mission House, and which was the origin and focal point of missionary work on the whole of eastern Africa. In 1861 Zanzibar became independent from Oman, and the British increase their influence in the area. Dr Livingstone joins the British Consulate in Zanzibar as Surgeon-General in 1866. In 1873, in the reign of Seyyid Bargash, the UMCA built a new Mission and in 1875, in the time of Consul-General Sir John Kirk, the British Agency vacate their damaged premises (damaged in the great cyclone of 1872 - now the Livingstone Hotel and Bar) and acquire the *Mambo Msiige* as the new British Agency in Zanzibar, which it used until 1903 when the Agency moved to the British Residency (designed by Vice-consul and famous architect John H Sinclair). Sir John Kirk photographed the famous panoramas of Stone Town, as well as the *Mambo Msiige*, providing strong evidence of the use of the Shangani seafront, as well as the architecture of that time. The journalist-adventurer Henry Morton Stanley (J Rowlands) consulted with Sir John Kirk at *Mambo Msiige* in 1871 before setting off from Zanzibar on his expedition to find Livingstone - on his return in 1872, the body of Livingstone was placed in the *Mambo Msiige* (then British Agency) in preparation of the journey to London. Stanley also visited the *Mambo Msiige* with his expedition force on return from his mission to rescue Governor Emin Pasha of Equatoria (S Sudan) - legend holds Stanley had his regular room in the *Mambo Msiige*, built for him on the rooftop. Extensive remodeling of the *Mambo Msiige* was undertaken between ca 1885-7, at the end of Sir John Kirk's reign as British Consul-General and at the time of Queen Victoria's Diamond Jubilee (1887). The Eastern Telegraph & Assoc Co., constructors of the first telegraph lines across Africa and Zanzibar's Indian Ocean connections between 1890-3, erected the East Telegraph Quarters building adjacent to the *Mambo Msiige* (now the Serena Inn Hotel). After 1903 the *Mambo Msiige* was used as government offices, but after the First World War ended in 1918, it accommodated the European Hospital, which was set up to take care of war casualties. After 1924 the *Mambo Msiige* was again used for offices for the colonial government. The building was again enlarged by the Public Works in

the 1950's, introducing a mix of traditional elements and non-traditional structure and materials, reflecting British Public Works architecture prevalent on the island. After the revolution of 1964, the *Mambo Msiige* again served as offices, this time for the Republican government, including the Registrar General and the Ministry of Finance's Audit department, but also the WAKF and Trust committee and Zanzibar Shipping Corporation. Zanzibari citizens mostly link the building's significance to this period, with its role as the offices where births and deaths had to be registered, and subsequently revere it as the place where their ancestors dwell.

The area to the east of the *Mambo Msiige* was intermittently built up and open, and from the early 20th Century the space was designated in two important urban planning schemes (i.e. the 1923 Lanchester Plan and the Master Plan of 1994) as a green open link between the Kelele square, in the built-up Shangani precinct, and the sea. The open space between the European Yacht Club / Starehe Club and the American Embassy / Tembo Hotel has been an open space used for a range of cultural activities since the 1920's, and as such it is an important counter-point to the ever encroaching touristic character of Stone Town. It is also a 'protected Vista' towards the open sea. It has been used by fisherman and as important space for sea-based cultural events, and is currently seen as an important public open space by diverse sectors of the community.

It is evident that the Mambo Msiige is a building with **high** cultural significance that is an important component of the OUV of the World Heritage Property as it pertains to the evolution of Swahili culture, the confluence of many cultures and religions in Stone Town, the rich urban qualities and exotic architecture, the memory of slavery and the European anti-slavery movement, a focal point of east African Christian missionary endeavour and also its connection with European exploration of Africa, as well as the administration of the island in the British colonial period and from Independence.

Due to the integrity and authenticity of the Mambo Msiige and its setting, all of these attributes were still carried by the heritage resource before the start of the current project.

1.3 Justification of the mission

The World Heritage Committee discussed the State of Conservation of the property at its 36th session (Saint Petersburg, 2012). In Decision 36 COM 7B.49 the Committee expressed its concern about the state of conservation of the property and the lack of significant progress in addressing its previous recommendations while noting the efforts made by the State Party to improve management and conservation conditions. The World Heritage Committee further noted that it had received the Heritage Impact Assessment (HIA) for the proposed hotel complex development at Mambo Msiige and the adjacent designated public open space.

To upstream decision-making processes regarding the potential development, a working session was carried out during the 36th session, between representatives from the State Party, the World Heritage Centre and ICOMOS. (See **ANNEX 6.5.1** for the State party notes of this meeting [Swahili, with specific items translated for this report]). Subsequent to these meetings, collaboration has continued in the review and discussion on the *Matrix* for the implementation of the Mambo Msiige project (See **ANNEX 6.5.2**) and other actions for the project, as well as on the revised *Guidelines* for the project (See **ANNEX 6.5.3**).

The STCDA issued a Permit for the project to the developer on 27 November 2012 (See **ANNEX 6.5.10**). On the same day there was communication to the World Heritage Centre - included in **ANNEX 6.5.11** - there are unclear issues regarding responses to this communication with the WHC, said communication pertaining to revised design drawings

sent for comment. There is no formal acknowledgement of receipt of this letter and any drawings.

There was no formal communication between the State party and the World Heritage Centre up to June 2013. During the 37th session of the World Heritage Committee, on 16th June 2013, a **meeting** was held between high-ranking representatives from the State Party, the World Heritage Centre and ICOMOS. The State party declared that it had complied with the agreements set forth in the *Matrix* and the revised *Guidelines*. The meeting then focused on the progress made regarding the Mambo Msiige project (inter alia the open space ratio, scale, height and visual impacts, the results of the archaeological report, the proposed jetty reconstruction, as well as stakeholder feedback), as well as traffic decongestion measures, development management control tools for Stone Town, and the state of the property in general. It was agreed that an Advisory mission was required to have an *in loco* evaluation of the revised design and other proposed activities surrounding Mambo Msiige, address the use of materials and to verify the appropriateness of the interventions in regard to scale, height and relations between built area and open space, as well as to look at mechanisms and tools used in the management of the World Heritage property.

In the time after this meeting it became apparent, from reports on the scale of the on-going construction at the Mambo Msiige project, that the time for an Advisory mission had become more urgent. The Terms of Reference for the mission were defined in deliberations between the World Heritage Centre, ICOMOS and the State Party.

Note: the Advisory Report hereafter, follows the items of the Terms of Reference for the mission as per items a) – h).

See **ANNEX 6.1** for the Terms of Reference; see **ANNEX 6.2** for the mission programme, and **ANNEX 6.3** for the Composition of the Mission team.

2 NATIONAL POLICY FOR THE PRESERVATION AND MANAGEMENT OF THE WORLD HERITAGE PROPERTY

Stone Town of Zanzibar is legally protected under the Stone Town Act No. 3 of 1994. It is with the passing of this Act that Stone Town was officially declared as a Conservation Area. This was rendered possible by the powers given to the Minister of Local Government under the Town and Country Planning Act 1955 to appoint planning authorities for specific planning areas. Since it forms part of the Zanzibar Municipality, the general local authority and land tenure legislation cover the Stone Town.

The Act of 1994 is also the one that establishes the Stone Town Conservation and Development Authority (STCDA) as a legal entity which mandate is to 'initiate plan, prepare, co-ordinate and control all matters related to the conservation of the Stone Town' conservation area (Stone Town Act, p.4). STCDA is a Department of the Ministry of Water, Conservation, Energy and Land. STCDA is headed by a Director General (currently Mr IS Makarani), assisted by an Advisory Board (S. Karume, 2005).

The STCDA's main mission is to protect, plan and manage the historic area over the long term by supervision of the Master Plan and regulation of the Stone Town. The principal tasks of STCDA are to issue building permits and restoration notices, to monitor construction works and prosecute illegal building activities (S. Karume, 2005). In terms of management, the ICOMOS evaluation at the time of inscription stipulated the following:

"The properties that make up this nomination of the Stone Town are owned by a variety of individuals and organizations, both public and private. A number of public buildings belong to the Ministry of Water, construction, Energy, Lands and Museums. The port and its associated buildings are owned by the Zanzibar Ports Authority. The Zanzibar Municipal Council is the owner of all designated open and public spaces, the market, and the sewerage and drainage system. Some buildings, mainly mosques, cemeteries, and some commercial and private buildings are in the custody of the Waqf and Trust commission, an Islamic endowment."

It is important to note that in 2009 a UNESCO *Workshop on the application of the concept of Historic Urban Landscape in the African context* was held in Zanzibar Stone Town. After the acceptance of the *Zanzibar Recommendations on the Application of the Concept of the Historic Urban Landscape in the African Context* (2009) at the 34th Session of the World Heritage Committee in Brazil in 2010, the HUL approach was firmly accepted by the array of stakeholders involved with the management of Zanzibar Stone Town World Heritage property, at the *Workshop on the Application of the Historic Urban Landscape Approach to Stone Town* that was held in in Stone Town in August 2011. Zanzibar officials took part in the UNESCO Report on HUL on the Swahili Coast, and by all accounts this can be the management approach to improve the level of management and protection of the attributes that convey the Outstanding Universal Value for which the property was inscribed.

3 IDENTIFICATION AND ASSESSMENT OF ISSUES

3.1 ACTIVITIES AND MEETINGS HELD DURING THE MISSION

3.1.1 Courtesy calls

3.1.1.1 Courtesy call at the PS of the Ministry of Lands, Housing, Water & Energy

The PS, Mr. Ali K Mirza, was informed about the Terms of Reference for the mission.

The PS informed the mission that the Minister, PS, Director of Urban and Rural Planning (URP), were all present at the 37th session of the WHC at Phnom Penh, and had agreed to a meeting to discuss management issues of Stone Town, and importantly, the project at Mambo Msiige.

It was stated that, since the HIA, there had been a lot of correspondences with ICOMOS regarding a checklist and the *Matrix* of decisions, in order to reach consensus on what would be tolerated, and what was expected in terms of scale and height, with the emphasis on balance and mitigation. The *Matrix* and *Guidelines* were given to the developer for the redesign process, and the redesigned drawings were subsequently sent to the WHC for comment (on 27 November 2012 – see ANNEX 6.5.11).

The mission was assured that all correspondence and documents would be made available (Note: Due to the absence of the Dir.Genl. of the STCDA during the mission, some documents were not made available to the mission).

The mission was informed that management of the heritage of Stone Town is complex, that the property was subject to multiple forces, and that currently the economic free market caused pressures from the commercial and tourism perspectives, requiring upgrades of the port and hospitality sector infrastructure. The town is trying to overcome 30 years of neglect, and there is an attempt to relieve pressures by shifting functions outside of Stone Town, resulting in a drop of inhabitants from 36,000 people to 15,000 [sic].

The mission reminded the PS of the 2 HUL workshops in 2009 and 2011, that Stone Town had indicated that it would adopt the HUL approach, and that the mission included for the assessment of the range and efficacy of new management tools and mechanisms for the integrated management of development of the World Heritage property.

The PS indicated that it was important to ask how to strike a balance between heritage and development (i.e. how do we tackle changes, what criteria do we use, how do we know when we are we winning?), and that at Mambo Msiige there seemed to be still room for discussion. The Mission responded that Mambo Msiige was in fact a test case where a clear framework had to be devised for managing development pressure, and for use in the future.

The PS stated that tourism (in 2011 there was a total of 175000 tourists) was a large driver for the restoration of Stone Town, and that there was currently many conservation efforts overseen by the STCDA, for example the conservation of Grade 1 buildings like the High Court (The mission had a chance to briefly walk past these and other restoration efforts).

3.1.1.2 Courtesy call at the Ministry of Finance and Economic Affairs

Mr. Khamis Mussa Omar, PS of the Ministry of Finance, was informed about the Terms of Reference for the mission, and he assured the mission of the importance of continued conservation in Stone Town in the face of increased development. .

3.1.2 Meeting with external stakeholders

The STCDA sent out notices for stakeholders' meeting with the mission, to be held on 1 October 2013, and focusing on those stakeholders that were present at the July 2012 HIA Feedback session. Due to the short notice given, there were not many stakeholders at the meeting, but the mission could garner a representative view of stakeholder opinion (the minutes of the meeting and attendance list are included in **ANNEX 6.5**).

The stakeholders are extremely angry about (inter alia) the scale of the new hotel construction and the loss of views to the sea, the blockage of sea breezes and the loss of half of the public space, as well as the complete lack of communication from the side of the government.

It is clear that there was no further contact with external stakeholders after the HIA Feedback session in July 2012, that stakeholders never had access to the HIA Report, that stakeholders had no idea of the agreements made by the State Party as contained in the *Matrix* and revised *Guidelines*, that no local expertise had been drawn into the revision of the design of the Mambo Msiige, and that no Stakeholder Forum, as envisaged in the Zanzibar Stone Town Management Plan and the Heritage Act, had been constituted or assembled up to the present.

3.1.3 Meetings with the STCDA

Time was spent with the STCDA staff at various times during the duration of the mission, both for directed interviews as well as sessions to retrieve vital documentation required for assessing the items contained in the Terms of Reference of the mission.

The mission was informed that the Director General of the STCDA, Mr I.S. Makarani, was on leave till 14 Oct 2013, that therefore he was not available to provide documents or answer questions of the mission, but that this task fell upon the Assistant Dir.Genl, Mr RA Rashid, who was as helpful as he could be under the circumstance.

The mission provided the STCDA with a list of documents and responses that were required during the mission, or to be received afterwards. The reality is that some of the documents were not available due to them being held by the Dir.Genl, and that many questions could not be answered due to the information being under the control of the Dir.Genl. The mission requested the Dir.Genl. in writing to send any outstanding information on his return - by the time of the completion of this Report, the Permit of 27 Nov 2013 (See **ANNEX 6.5.10**) and the notice to the World Heritage Centre of the redesign (see **ANNEX 6.5.11**), were received.

The Assist. Dir.Genl. and his staff guided the mission to the set of approved (STCDA stamp and signature) drawings for the Mambo Msiige project, dated 21 February 2013, but which set did not include all drawings required by the revised *Guidelines* document.

The staff also assisted the mission to inspect the construction site, and to have access to the contractor's office and database, where soft copies of the drawings were requested, and duly received.

In interviews with the Assist. Dir.Genl. the following information was extracted:

- The Zanzibar Stone Town Management Plan was adopted but not fully implemented;
- He had no knowledge of a development plan for Stone Town;
- Drawings for the Mambo Msiige project were approved on 21 February 2013, and construction started on the same day. Later info showed that this was approximately 2 months after the Permit had been granted on 27 Nov. 2012;
- No Heritage Management Plan exists for the Mambo Msiige project;

- He does not have the records of any comments on or approval of the revised drawings by either ICOMOS or the World Heritage Centre;
- The Dir.Genl. is the person who approves/signs off on all work at Mambo Msiige.

The mission received a copy of a document from the focal point of the mission, titled *Ripoti ya Mambo Msiige na Starehe Club* (being Swahili for 'Report on the Mambo Msiige and the Starehe Club' [i.e. the old European Yacht Club building on the development site]). This document was drafted by the STCDA in July 2012, after the working session between the World Heritage Centre, ICOMOS and the State Party at the 36th session of the Committee at St Petersburg, and that was then distributed to the relevant Ministers and Permanent Secretaries involved in the Mambo Msiige affair (See **ANNEX 6.5** for a copy of this document). This document shows clearly that there was an understanding of what was agreed to, for example:

Item 5 Makubaliano (Agreement) of this document clearly sets out the agreements that were reached in St Petersburg, and these include that

- a new design needed to be done for the Hotel (2), that the open space adjacent the hotel had to be public (3),
- that design Guidelines had to be prepared (4), that the redesign should be to the scale of the Mambo Msiige building and that a Conservation Management Plan was required (5), and
- that stakeholder meeting had to be called to provide feedback regarding the Heritage Impact Assessment recommendations and the Matrix agreements. (6)

Tasks required flowing from the above were the drafting of a revised *Guideline* document, a stakeholder feedback session about the HIA (this was performed in July 2012; see record of this meeting in **ANNEX 6.5.5**), as well as the assessment of the condition and *status quo* of the Mambo Msiige (this was performed and added to the stakeholder feedback document – the mission notes that this is not a comprehensive assessment done to international conservation standards).

In **Item 6 Mapendekso** (Proposals), it was mentioned that

- the process ahead had to be didactic in nature with the focus on trying to understand what went wrong with the current heritage management processes,
- that the Government should form a team to follow a specific heritage project from start to finish,
- to use skills from internal departments to perform the tasks rather than outside consultants,
- that Government should use and be bound to its own statutory documents, for example the Master Plan,
- that the Centre should continuously be informed of large developments according to Par.172 of the Operational Guidelines,
- that a committee should be formed to manage new development proposals in the World Heritage property, and
- that all projects in progress should be scrutinised and assessed as to whether they comply with guidelines.

It must be reported that the mission could not find/did not receive evidence that the above items have been performed/set in place – further comment will be given in **Section 3.3 Management**, of this Advisory Report.

Debriefing session with STCDA:

At the debriefing session held with both the focal point of the mission and the STCDA present, the mission expert thanked Dr M Jumah and all the STCDA staff for their friendly

assistance during the mission period.

Regarding the three focus areas of the mission, the following was noted:

- a) Regarding the Mambo Msiige project, subject to verification of World Heritage Centre correspondence regarding the approval of the redesign, it is clear that there is evidence of many transgressions and instances of non-compliance – the Advisory Mission Report will state that what has already been built goes far beyond the agreements in the *Matrix*, the revised *Guidelines*, the HMP for Stone town, and there is loss of OUV. While the State Party is free to allow the developer to proceed with the project as approved by the STCDA, it must be borne in mind that this can lead to negative decisions by the World Heritage Committee;
- b) There has been no forthcoming evidence of effective existing, or new, mechanisms and tools for integrated management of development of the World Heritage property;
- c) Regarding inclusive and participatory management of the Mambo Msiige project, it is clear that the Public Participation did not happen according to the agreement, that the agreement that it would be model for future Management, is not on the standard of a World Heritage property, and that it is saddening that no local expertise and voices apart from that of the STCDA were incorporated in the completion of the Mambo Msiige project after the HIA process.

The mission came to be of the view that the State Party is at a crossroads in terms of Development pressure vs. Management capability and the will to execute proper management and protection – there is a definite downward trend in capacity and protection quality, and the warning signs should be seen and responded to. There are examples of other World Heritage properties where heritage is protected well while it is managed as the vector for sustainable growth, and while the creation of a HUL management approach has been made available for achieving such an environment there has been little uptake of the approach and mechanisms.

3.1.4 Visit to Contractors office

It was not possible to have a meeting arranged with the contractors to ascertain which conservation expertise was contained in the project team, and to discuss detail aspects. However, access was given to the soft copies of the construction drawings for use in this Report (See **ANNEX 6.5.8**). The mission could not obtain services reticulation and detail drawings.

3.1.5 Archaeologist

It was not possible to have a meeting with the archaeologist Mr Simon Odunga because he is based in mainland Tanzania. However, the archaeologists report was handed to the mission. The mission's assessment of the Archaeological Mitigation Report and its recommendations is provided below in **section 3.2 D** of this Advisory Report, and the full text of the Archaeologist's Mitigation Report and recommendations is provided in **ANNEX 6.5.4**).

3.1.6 Site visit to Mambo Msiige construction site

The mission had the opportunity to visit the area of the new construction, and also the construction site where building work is underway. A visual reportage of the site visit is

provided in **ANNEX 6.5.7.1** (with focus on the project in its context) and **6.5.6.2** (with focus on the construction works and changes to historic fabric).

Discussion of the findings of the site visit is dealt with in **Section 3.2 Factors affecting the property**, of this Advisory Report.

3.2 FACTORS AFFECTING THE PROPERTY

3.2.1 The Mambo Msiige project

A Current status of implementation and compliance of the Mambo Msiige project

A1 Current status of implementation

Construction of the project started on 21 February 2013, the same day that the STCDA stamped and signed the drawings and provided a permit to the developer. The mission inspected the signed and stamped drawings. The mission requested, but did not receive, a copy of the permit and permit conditions based on the agreements in the Matrix and revised Guidelines, developed through joint deliberations between the State Party, World Heritage Centre and ICOMOS.

The mission requested, but did not receive a copy of a Conservation Management Plan, or of the Monitoring Plan.

Construction has not halted.

At the time of the mission there was frenetic activity on the site. The mission was told by the STCDA that the developer aimed to complete all major concrete works on the new wing (Block C) by the middle of December 2013.

The site office was well equipped with drawings racks and printing facilities, and the mission observed contractors using drawings on site. While there was a degree of order on the site, with the various removed and new materials located in sectors (there is no clarity what will happen with historic fabric that has been removed, like clay roof tiles (Marseille pattern)). In the Mambo Msiige area of the site there were historical items (doors, cast-iron railings) stacked against walls and unmarked, and broken louvers were seen lying on the site under scaffolding. The whole was not a good example of a Conservation project on a World Heritage property.

The mission made the following assessment of completion status:

- i) Mambo Msiige (Block B): Repair and maintenance work in hand
Outstanding: Timber windows and louvers, window shades, timber balcony railings and brackets, floor, wall and ceiling finishes, fittings, Spa installation, services reticulation, outside works.
- ii) WAKF wing (Block A): Repair and maintenance work in hand
Outstanding: Timber windows and louvers, window shades, timber balcony railings and brackets, floor, wall and ceiling finishes, fittings, services reticulation, outside works.
- iii) New hotel wing (Block C): Concrete works complete except 5th/top floor
Outstanding: Internal walls, all services, windows and doors, fittings, finishes, outside works.

A2 Compliance with agreements (*Matrix* and the revised *Guidelines* - on the basis of the relevant stipulations from the HIA and the Management Plan)

Background

A letter from ASB Holdings Ltd, dated 24/11/2010, informs the STCDA of the Land Lease they received from the government for purposes of developing an ultra luxury 5 star hotel, and requests the STCDA for necessary guidelines ("proper directives") in order to proceed.

An STCDA Permit, dated 24 March 2011, provided ASB Holdings Ltd the go-ahead for 'restoration works' on the Mambo Msiige building. The building permit was valid for 6 months, i.e. till 24 Sept 2011.

This permit was geared towards restoration and re-use as per historic functions, and explicitly states that:

- The historical appearance inside and outside should not be altered.
- Use of rooms should relate to historic function.
- Trees should be preserved.
- The land-survey datum (trig beacon) should be preserved.
- Traditional material should be used.
- The contractor should discuss deviations with STCDA for approval.
- The project would be monitored by the STCDA [in effect all decisions had to be approved by the DG of the STCDA].

It must be noted that the above Permit for restoration works at the Mambo Msiige had been provided in full knowledge that the design would still need to be approved – the STCDA withheld approval. The ICOMOS Reactive Monitoring Mission was performed in January 2011 to report on concerns expressed about the design. All preparation works were stopped to allow for the drafting of the HIA, which was started in October 2011 and handed to the World Heritage Centre during January 2012.

Hindsight shows that, if very extensive guidelines (additional to those in the Land Lease) had been provided at the beginning, the project may have proceeded much differently and the need for a *Matrix*, and revised Guidelines, would have been avoided.

Compliance

For the assessment on **compliance** below, refer to the following documents:

- a) The Draft Guidelines for preparation of drawings and restoration of the mambo Msiige at Shangani – Zanzibar (hereafter the revised Guidelines) of July 2012 (See **ANNEX 6.5.2**).
- b) The *Mambo Msiige Matrix for UNESCO discussion* (hereafter the Matrix), agreed to by the 36th Session in July 2012 (See **ANNEX 6.5.3**).
- c) The Zanzibar Stone Town Heritage Management Plan, drafted by Saad Yahya & Associates for the STCDA in 2008. (Available from the STCDA).
- d) The Heritage Impact Assessment for the Mambo Msiige (hereafter the HIA), of January 2012 (Available from the State party and/or UNESCO WHC).

a) Compliance with the Matrix:

The items below will indicate that there is **gross non-compliance** with the *Matrix* agreements.

Item 8 of the *Matrix* required that some of the Professionals on the Developer's Team must have necessary ability to work in the World Heritage environment - although the exact number and type has never been verifiable and no definition of these skills have been obtained, it appears to be very low.

Item 9 of the *Matrix* states that the role of Mambo Msiige in understanding the OUV should be emphasized in the *Guideline* - while the *Guideline* does clearly state that, in reality the OUV has been seriously compromised.

Item 12 of the *Matrix* requires that the Advisory Bodies will advise the State Party on the ratio of built area adjacent to the public space. This has not happened and the State Party has made a unilateral decision on this aspect by approving the design drawings with a ratio of 18 metres of building over the plot line and 32 metres open. There is no reference to the proposed ratio contained in the HIA, or the inclusion of the Advisory Body in decisions if it was decided to change this ratio.

Item 14 of the *Matrix* requires that heritage assets will need to be inventoried by Stone Town professionals. The inventory should also include a preliminary assessment of the state of conservation and the proposed measures for the developer to take into account before, during and after the works so that these assets will not be damaged during the process. Stone Town Conservation Authority needs to monitor that these measures are adequately implemented. There is a very lightweight inventory of components of the building (text and pictures) in the document providing stakeholder feedback on the HIA (See **ANNEX 6.5.5**), but this document is not adequate as a baseline documentation of the state of conservation or condition of elements and materials, or to be used as a baseline document to monitor construction work and finishes. Despite being required by the HIA, there is no 'Degradation drawing' prepared for the existing historic buildings, with approval by the STCDA, no restoration, repair, maintenance and monitoring specification and no detailed set of responses to work to be performed on the different scenarios of decay, their historically appropriate and technically correct specifications and future maintenance, to ensure effective and appropriate protection of attributes.

Item 16 of the *Matrix* requires that the Developer prepares Heritage Management Plan for the specific project – up to this moment this has not yet been drafted.

Item 20 of the *Matrix* requires that the State Party and Advisory Body will jointly determine the degree of reversibility for the interventions foreseen. This has not happened, and so many irreversible construction and damage to fabric has occurred.

Item 21 of the *Matrix* requires that heritage professionals in Stone Town will carry out a conservation condition assessment, with the support from the developer. The assessment will need to include the proposed emergency/priority interventions to ensure structural stability while design is being revised, as well as proposed measures to be implemented before, during and after project implementation to ensure that heritage assets are safeguarded. This was not done – only a short list of elements with their condition (See **ANNEX 6.5.5**), but the *Guidelines* Item 23 expressly required that an analysis and research of the condition of the buildings be performed, but there is no record of this. The site visit showed that there are interventions that decrease integrity and authenticity of the building.

Item 22 of the *Matrix* requires that different colours to be used on design and construction drawings to clearly show existing fabric and differentiates between distinct interventions (demolitions, alterations, repair). This was not done and it is difficult to scrutinise the drawings and evaluate the new or demolished work, and verify on site. On site it was seen that there are instances of demolition and new work that lessen integrity and authenticity, and of these are irreversible.

Item 24 of the *Matrix* requires that restoration and monitoring practices will need to be addressed as part of the conservation and management plan, but there is no Conservation Plan or HMP for the project.

Item 26 of the *Matrix* requires that the STCDA make decisions on appropriate interpretation of the Mambo Msiige architecture in the new development (The intention was not to have an imitation of the Mambo Msiige building and that renovation and restorations also abide by this principle). In practice there are instances where the building copies historic details from the Mambo Msiige in new work, like the design of the crenulations on the new boundary wall in front of the WAKF building (Block A), the alteration of the outer wall of the lean to roof east of the Stanley room to imitate the existing parapet walls, the heightening of the existing parapet of the mambo Msiige with new fake crenulations, to name a few.

Item 27 of the *Matrix* requires that the Height of the new building should not overshadow the monumentality of the Mambo Msiige; and that the design Guideline will clearly specify the issue of height of new building. In finalising the contentious aspects of the redesign there is also an obligation to clear this with the Advisory Body, but this process was not concluded satisfactorily, and the redesign were not discussed in detail at the 16 June 2013 meeting at the 37th session of the WHC.

Item 29 of the *Matrix* requires that 'Current practice' be followed in determining the height of the new development (it is linked to Item 27) – This means conformity to all the active, statutory guidelines pertaining to the World Heritage property, inclusive of the management plan, 2008 and the Conservation Plan 1994, which if followed, would not allow a building any higher than the Mambo Msiige.

Item 30 of the *Matrix* agrees that in terms of responding to the OUV of Stone Town through a design that has a suitable climatological response, it was agreed that the State Party and STCDA would determine the extent of the environmental sustainability of the new development. The design shows no environmental sustainable attributes, as the section through the main portion of the complex has deep spaces, have windows large on the eastern facade and all spaces need air conditioning. Therefore the design does not sustain the historic architectural climatological responses and values on which the OUV relies.

Item 35 of the *Matrix* agrees that current practice, i.e. full use of the beach and sea, be maintained and that functional spaces will therefore not extend beyond sea wall, while allowing for security to be maintained. It is clear that many of the hotels' verandas, as well as the swimming pool, will have retaining walls that extend over the sea wall and diminish the current extent of beach.

Item 37 of the *Matrix* requires the Advisory Body to provide input on extent of the view that is maintained in the gap between Mambo Msiige and the eastern hotel extension. This did not happen. The current view is only 1,5m wide and the historic approach and entrance to the Mambo Msiige has been altered.

Matrix Item 38 requires developer to perform a full VIA with consultation by the STCDA. No Visual Impact Assessment study was performed. There are many impacts to the visual qualities of this attribute of the property and its setting.

Matrix Item 40 agrees that not having the swimming pool on the public beach will be included in the design principles. The final design has a large pool in the public beach area, encroaching over the sea wall, and the stakeholder consultation has indicated that this is experienced as offensive to local mores.

Matrix Item 41 states that the sustaining of OUV should be the guiding factor in protecting views to the sea from the main square. This view is completely lost as a result of the width of the new building.

Matrix Item 42 requires that any new structure must not exceed the general height of the town's sea-front silhouette, and that Mambo Msiige will be the baseline and reference point; The Mambo Msiige's height has now been exceeded with 2 floors/storeys.

The *Matrix* has a separate section on Mitigations, i.e. before, during and after construction.

- The recommendations on Mitigations before construction and during construction have mostly not been followed.

In terms of monitoring and verification of compliance, this is performed by a staff member of the STCDA in the form of a weekly walk through, with a report to the Dir.Genl. of the STCDA, who is the only person with decision-making powers regarding the project. It must be clear to understand that the general poor quality of the drawings and lack of conservation minded specification and heritage management plan, has poor results in terms of quality and protection.

b) Compliance with the revised Guidelines:

The items below will indicate that there is **gross non-compliance** with the revised Guidelines document.

Guidelines item 1.2 states that "All the guidelines that apply to Stone Town of Zanzibar and all grade 1 monuments equally apply to this project" and "The Heritage Impact Assessment Report is a foundational document to these guidelines, and its agreed to recommendations must be complied with."

- Many of the provisions pertaining to Grade 1 buildings, the provisions of the Management Plan for Stone Town as well as recommendations of the HIA are not followed.

Item 2.1 of the Guidelines is not complied with. There are many physical and structural changes in and out of the Mambo Msiige and its annexes (WAKF, boat house annex) that diminish the existing integrity and authenticity, for example

- heightening the crenelated parapet wall and portholes to allow for the new apartments on the Mambo Msiige roof,
- adding fake crenellations to the lean-to room of the Stanley room to make the alterations look more authentic,
- ignoring the historically significant main entrance to create a new main entrance position on the eastern façade,
- adding a liveable floor on top of the total area of the Mambo Msiige roof,
- extending the open courtyard with one floor and altering the courtyard façade,
- removing the British era courtyard roof and replacing it with a glass roof above the new roof additions, adding a floor on the WAKF historic boathouse annex,
- removing the timber staircase on the north of the WAKF building,
- removing rooms to add a lift in the west side of the Mambo Msiige,
- adding a new ceiling on the Mambo Msiige north veranda which also cover air movement openings

There are more examples not mentioned here.

- Additionally the new building overshadows the Mambo Msiige and compromises the view-sheds in Shangani road, from the Kulele square as well as the all important seafont skyline view.

In terms of Item 2.2 of the Guidelines:

- Local experts were not drawn into the project.
- Irreversible changes to historic fabric will be effected.

- Additionally, the newly developed building does not maintain the general scale, height and bulk and proportions of traditional buildings in the streetscape.
- Additionally, elements of the Mambo Msiige have been copied in the new design despite the agreement not to (and the admonition contained in the name 'Mambo Msiige' meaning 'do not copy'), the original facades of the Mambo Msiige are being altered, the floor levels of the new development are not the same as that of the Mambo Msiige, a regular enclosed functional storey has been added to the roof of Mambo Msiige.
- Additionally, the adaptive re-use as a Spa does not commemorate the intangible heritage of the Mambo Msiige, there are no documents that "explains, motivates and substantiate all design and intervention actions", and it will be impossible to tell the history of the building with this adaptive use in place.
- A Conservation Plan has not been drawn up for the project.

In terms of item 2.3 of the Guidelines, the connections between sea and beach, with the street and the larger precinct have not been maintained as specified in the HIA.

There are no design drawings for interior fittings and details to comment on in terms of compliance with item 2.5 of the Guidelines, and there is no Conservation Action Plan for the conservation of historical features and items.

There are no services reticulation and detail drawings to be able to comment on compliance with item 2.6 of the guidelines. Openings for ducting through historic walls have however been seen on site.

In terms of item 2.7 of the Guidelines, the facades are being altered, and the east ceremonial entrance space is being altered, diminishing the characteristics that convey the Outstanding Universal Value of the property.

In terms of item 2.8 of the Guidelines, there is cognizance of sun penetration into the new structure in terms of balconies, but

- the space is very deep and can only operate with air-conditioning into perpetuity – this means there is no cognizance of the intrinsic architectural climatological solutions developed in Zanzibar.
- In terms of the Mambo Msiige, the climate control will be done with an HVAC system rather than the historic passive system or newly developed 'green' systems, and
- the closure of the atrium with a glass roof will dramatically increase the heat load of the building.

Item 2.12 of the Guidelines states that the agreed to HIA recommendation on coverage, heights, and limits to the building outlines must be followed:

- There is no compliance in terms of height,
- the coverage encroaches on the public land, and
- the functional open spaces of the hotel encroach over the northern plot boundary into the public beach.
- Additionally, the swimming pool is north of the WAKF building, encroaching on the public beach and also putting non-Muslim mores amidst Muslim users of the beach.

The site layout plans do not show existing archaeological remains or building remnants on site, and the additions, demolitions and existing work are not differentiated by colour coding as required by item 3.3, 3.4 and 3.5 and 3.8 of the Guidelines. There are no drawings of details, and the Mambo Msiige elevations do not indicate the changes that are to be effected on the elevations. There are no structural drawings indicating connections with historic fabric as required in item 3.10 of the guidelines.

There are no drawings of the services reticulation as required in items 3.11 to 3.15 of the Guidelines, there was no STCDA approval of such drawings, there are no drawings showing new holes/openings through historic fabric, required for services, and there are no drawings indicating how historic sanitation elements will be preserved.

There are no detail designs for the swimming pool and jetty as required by item 3.16 of the *Guidelines*.

c) Compliance with the HIA

Because the Matrix and revised Guidelines flow from the recommendations and issues in the HIA Report, non-compliance with the requirements or agreements reached in these documents imply non-compliance with the HIA.

d) Compliance with the Zanzibar Stone Town Management Plan (2008)

The following items are not complied with in the redesigned project:

- Proposed new building is 6 storeys (5 + mezzanine), which are 3 higher than the HMP regulation height of three storeys.
- New construction is higher than historic *Mambo Msiige* neighbour.
- Lines of new building do not correspond with historic neighbour.
- There was no involvement of stakeholders and I&AP's in the decisions re the redesign.
- Non-compliance with Item 4.3 – Both the exterior and interior alterations and additions will compromise the historical and architectural integrity and authenticity of attributes of the *Mambo Msiige*.
- Non-compliance with Item 4.3 Objective 3: The proposed development obscures the clarity by which the existing historic landmarks can be distinguished and alters the *Mambo Msiige*'s form – furthermore, it radically alters the historic silhouette of Stone Town.
- Non-compliance with Item 4.3 Objective 40: The current proposal does not encourage optimal use of the 'designated green area' – the amount of available open space in the historically open public space east of the Starehe Club is halved by the new design, and is not conceptualised to be fully utilized by the public for cultural and social purposes.
- The proposal does not offer a Local Economic Development scheme as required but defers this to a possible, future hotel Operator. It is still non-committal on how it will contribute to the World Heritage Property.
- The proposal does not define the form of management of the public realm.
- The new project proposal did not include for any stakeholders or interested and affected parties to be involved in any decisions.
- Non-compliance with Item 4.2.8: In terms of scale, height and bulk the design proposal contravenes the regulations by showing no respect for the protected streetscape, the lines of the adjacent *Mambo Msiige*, nor the allowed height of 3 storeys and the height of adjacent buildings.

e) Table of impacts resulting from the design approved by the STCDA and currently under construction

The mission would like to draw attention to the severity of impacts on the Outstanding Universal Value of the World heritage property due to the continued construction of the current project. The list below is not exhaustive but is included to more easily identify impacts in order to make decisions on how to deal with the impacts.

	Definition of change/impact	Non-conformity with:	Values	Impact significance	Impact scale and severity
1	Height of the development is more than permitted.	<p>a) <i>Matrix</i> Item 27: It was agreed that the height of the new building should not overshadow the monumentality of the Mambo Msiige; It was agreed that the Design Guideline will clearly specify the issue of height of new building.</p> <p><i>Matrix</i> Item 29: Re conformity of the development to the mambo Msiige, re. the recommendation that no element of the new development should be higher than the Mambo Msiige, it was agreed to follow 'current practice', which implies conformity to all the accepted, active, statutory guidelines pertaining to the World Heritage property.</p> <p><i>Matrix</i> Item 42: New structures not to exceed the general height of the sea front silhouette - Mambo Msiige to be the base line [for determining the skyline]; SOC will also involve this issue in buffer zone.</p> <p>b) <i>Heritage Management Plan</i> 2008: New construction is <u>higher</u> than its neighbour, the historic <i>Mambo Msiige</i>; Lines of new building <u>do not correspond</u> with historic neighbour; Contravenes Item 4.2.8 and 4.3 (various Objectives)</p> <p>c) <i>Stone Town Conservation Plan</i> 1994: New development is <u>higher</u> than prescribed height of max 3 storeys; <u>Does not follow</u> the 'Guidelines' for Grade 1 building; <u>Contravenes</u> 'Good Practice guidelines'.</p>	The height of Mambo Msiige is the benchmark in terms of height of any new development on the seafront of Stone Town.	Permanent Negative Very large	Major
2	Scale and massing of the new development are not related to the surrounding context and undermines the quality and significance of the <i>Mambo Msiige</i> building.		The scale of Mambo Msiige is the benchmark in terms of any new development on the seafront of Stone Town west of the House of Wonders.	Permanent Negative Very large	Major
3	Change to Stone Town skyline	<p>The seafront façade of the Stone Town and existing low and highly imagable skyline is impacted on by the new form and extreme height of the new building and additions to <i>Mambo Msiige</i>.</p> <p>The massing and proportions of the new buildings are generally out of scale with the surrounding context and undermines the dignity and current dominant position and presence of the <i>Mambo Msiige</i> building.</p>	The integrity of the skyline has remained fairly high (fine grain with height generally 3 storeys max. as per Management plan, and House of Wonders the largest building).	Permanent Negative Very large	Major
4	Decrease of the ratio Built: Open space due to larger footprint of main eastern wing.	<p><i>Matrix</i>: Built: Open space ratio was not defined as required – result is that space between hotel and Tembo hotel is only 32 in stead of approx. 50 meters as per HIA.</p>	High	Permanent Negative Very large	Major
5	Loss of 'Protected vista' due to width of new eastern wing.	<p><i>Matrix</i>: <i>Stone Town Conservation Plan</i> 1994: Historic open plot between European Yacht club and Tembo Hotel defined as</p>	High	Permanent Negative Very large	Major

		'Protected vista' towards the sea. The proposed development <u>removes</u> more than half of the Protected vista and the oblique views across the Plot.			
6	Loss of 'designated green area'	<p><i>Matrix:</i> loss of a large portion of public green space in Shangani Ward.</p> <p><i>Stone Town Conservation Plan 1994:</i> The Open Plot is a protected as a 'Designated Green Area'. The proposed development places new 5 storey structures on <u>more than half</u> of the historic green space. The now approx. 19 meter encroachment into the existing 'Designated Green Area' will also have a negative impact on the use-value of the green space to the community, who for some years now have used the place for cultural events, recreation and physical access to and from the sea.</p>	High	Permanent Negative Very large	Major
7	Land use change of open plot	<p><i>Matrix:</i> <i>Stone Town Conservation Plan 1994:</i> The land use and zoning of more than 50% of the open plot is <u>changed</u> from 'public, cultural and sea related activities' to 'private' into 'hotel complex'.</p>	Cultural uses of open land high value	Permanent Negative Very large	Major
8	Encroachment of development north of sea wall line by functional areas of the hotel	Land lease: Stay inside plot boundaries.	Beach area high cultural heritage value	Permanent Negative Large	Major
9	Swimming pool area and its retaining wall falls outside the sea wall line and encroaches into existing (current practice) public beach zone	<i>Matrix</i> Item 30: It was agreed to maintain Current practice (i.e. public beach north of the sea wall), but this should not deprive management of the right to provide security.	Beach area high cultural heritage value	Permanent Negative Very large	Major
10	Loss of public nature of beach	<i>Matrix</i>	Extremely high value	Permanent Negative Very large	Major
11	Structural changes to Mambo Msiige	<i>Matrix:</i> <i>The Land Lease Agreement:</i> <u>Non-compliant</u> with Article 3 (v) re changes allowed for Suites on roof; New services reticulation will cause structural damage.	Extremely high value	Permanent Negative Very large	Major
12	Loss of and removal of historical fabric of Mambo Msiige and related buildings and structures	<i>Matrix</i>	High	Permanent Negative Very large	Major
13	Impacts on archaeological structures and deposits related to new building work and infrastructure	<i>Matrix</i>	High	Permanent Negative Very large	Major
14	Loss of specific architectural language associated with the particular institution	<i>Guidelines</i>	High	Permanent Negative Very large	Major
15	Lack of proper conservation management methodology and instruments	<ul style="list-style-type: none"> - Project planning and execution does not follow conservation best practice standards or ICOMOS Charters - No suitable methodology and monitoring programme for conservation work - No proper definition of significance - No audit of the State of Conservation - Little expertise in developer's team re heritage conservation and in working with high significance heritage resources - Mitigation Plan for work pre-, 	High	Permanent Negative Very large	Major

		during and post-construction not drafted.			
16	No Heritage Management Plan	<i>Matrix:</i> There is no Heritage Management Plan as required.	High	Permanent Negative Very large	Major
17	No clearly defined Local Economic Development objectives defined as part of development	<i>Heritage Management Plan 2008:</i> The proposal <u>does not offer a Local Economic development</u> scheme as required	High	Negative Large	-
18	Change to urban form due to changed subdivision patterns and form of new development	HIA: Does not heed directives – the plot assembly and resultant bulk of the development changes the norm of an organic formation of smaller plots, each with a separate building on it, and resulting in a fine grain urbanscape - this development brings a building of enormous bulk with a large footprint to this heritage rich area, as well as to a street with a protected street façade, with high resultant impact.	High	Permanent Negative Very large	Major
19	Change to urban skyline and cognitive understanding of the urbanscape	<i>Matrix</i> Item 42: Mambo Msiige to be a base line; SOC will also involve this issue in buffer zone.	High	Permanent Negative Very large	Major
20	Visual impacts in the development, as well as lack of Visual Impact Assessment	<p><i>Matrix</i> Item 38: Requires the developer to perform a full VIA of the redesign with consultation by the STCDA. No Visual Impact Assessment study was performed.</p> <p>The siting, form and scale of the development blocks critical view corridors, namely the view westward from Shangani Street in front of Tembo Hotel towards the west façade of <i>Mambo Msiige</i>; the lift tower blocks the view from the 1st floor balcony of <i>Mambo Msiige</i> to the old American Embassy (Tembo Hotel) and vice-versa; The small width of the passage restricts the historically important view towards the sea and seaward terrace when entering from the historic <i>Mambo Msiige</i> street-entrance gate.</p> <p>The siting, form and scale of the development displaces the <i>Mambo Msiige</i> as the primary visual landmark of Shangani Ward.</p> <p>The development removes more than half of a currently visible 'Protected Vista' and oblique views across the open Plot. The currently open Plot (the 'Designated green Area') is a 'Protected Vista' from Shangani Street to the open sea, with oblique views through this space from Kelele Square.</p> <p>The development radically alters the protected historic streetscape in Shangani Street.</p> <p>The large horizontal openings in facades of the development contrast incongruently with the mainly vertical openings in the area.</p> <p>The development obscures the clarity by which the existing historic landmarks can be distinguished across spaces.</p> <p>The development radically alters the historic silhouette of Stone Town from the seaward vantage point.</p>	High	Permanent Negative Very large	Major

		<p><i>Matrix</i> Item 37: Requires Advisory Body to provide input on extent of view maintained in gap between Mambo Msiige and eastern extension. This did not happen. Current view is only 1,5m wide.</p> <p><i>Matrix</i> Item 40: States that the sustaining of OUV should be the guiding factor in protecting views to the sea from the main square. The view is completely lost as a result of the width of the new building.</p>			
21	Social impacts and loss of intangible heritage	<p><i>Matrix</i> Item 40 agrees that the not having the swimming pool on the public beach will be included in the design principles. The final design has a large pool in the public beach area, encroaching over the sea wall, and the stakeholder consultation has indicated that this is experienced as offensive to local mores.</p>	High	Permanent Negative Large	-
22	Loss of access to sea breezes and natural light	<p>The height and width of the main eastern block blocks existing natural light to houses to its south, and also the flow and circulation of air and sea breezes.</p>	High	Permanent Negative Very large	Major
23	Design does not support OUV through passive climatological response in the design	<p><i>Matrix</i> Item 30: While the HIA required a passive design response to climate that reflects the historic response, the matrix allows the State party to determine extent of climatological sustainability in design response. The design response is very negative and does not sustain the OUV.</p>	High	Permanent Negative Very large	Major
24	Mitigation not performed or planned	<i>Matrix</i>	High	Permanent Negative Very large	Major

B Revised design for the project

The revised design was performed without first drafting a Conservation Approach document and no local expertise beyond the STCDA were drawn in, as required by the HIA and/or *Matrix*. Apart from the STCDA's condition assessment report, there was no documentation of the attributes of Mambo Msiige and assessment of their authenticity and integrity, nor was there a detailed layering of sequential changes and additions to the building. There was also no compilation of a heritage management plan to guide the redesign as required by the HIA and *Matrix*. The design progressed without the benefit of the archaeological report, and was approved before the archaeological investigation was performed. There was also no urban analysis or urban design of the setting to sustain and enhance the areas values and contextualize the design.

The developer received a Permit from the STCDA on 23 November 2012. (See ANNEX 6.5.10) – this permit praises the developer for the positive changes effected in the redesign.

The revised design for the project was approved on 21 Feb 2013 but not, as required by Item 2 of the *Matrix*, with an accompanying report that indicates existing regulatory measures and guidelines and explain how they were accommodated in the redesign, to allow the Authorities, ICOMOS and the World Heritage Centre to ascertain if the design actually complies or is at least better than the first. Due to this, it is extremely onerous to again evaluate the design, almost to the extent of an impact assessment.

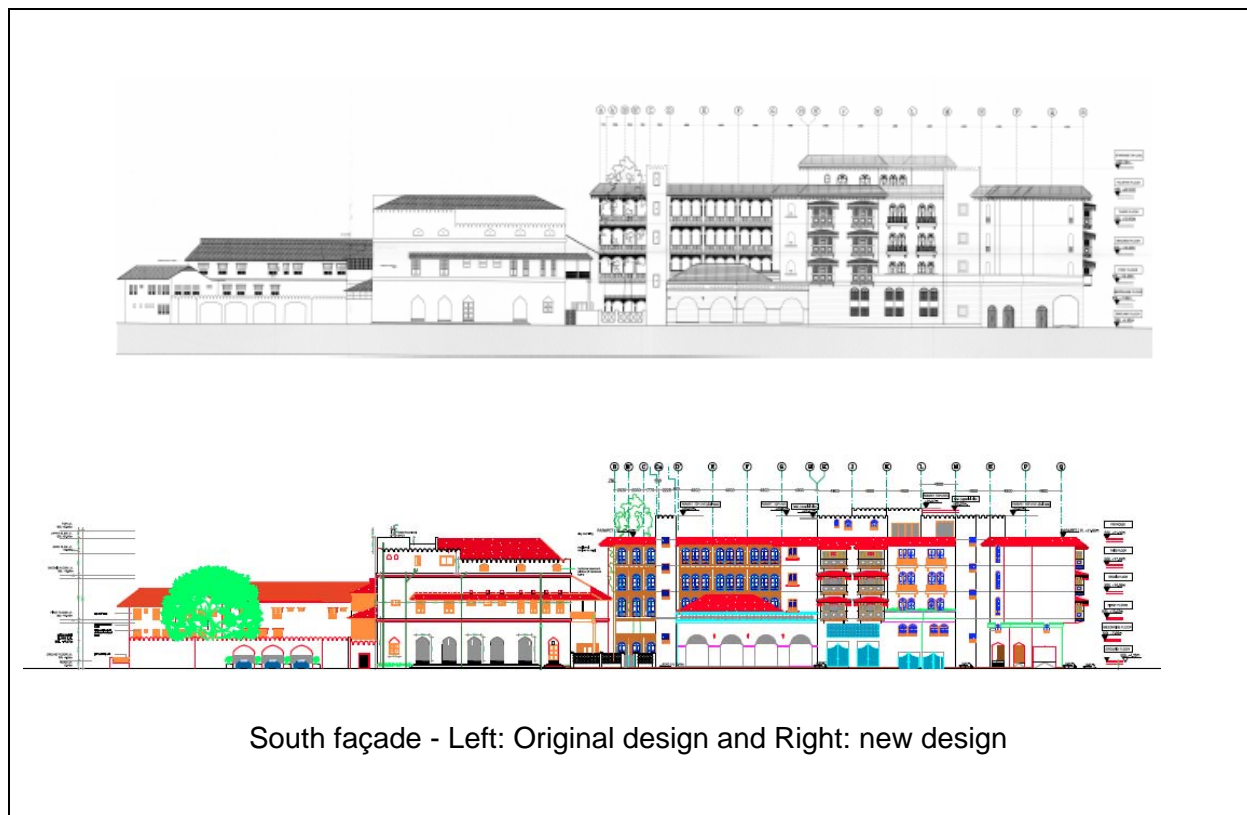
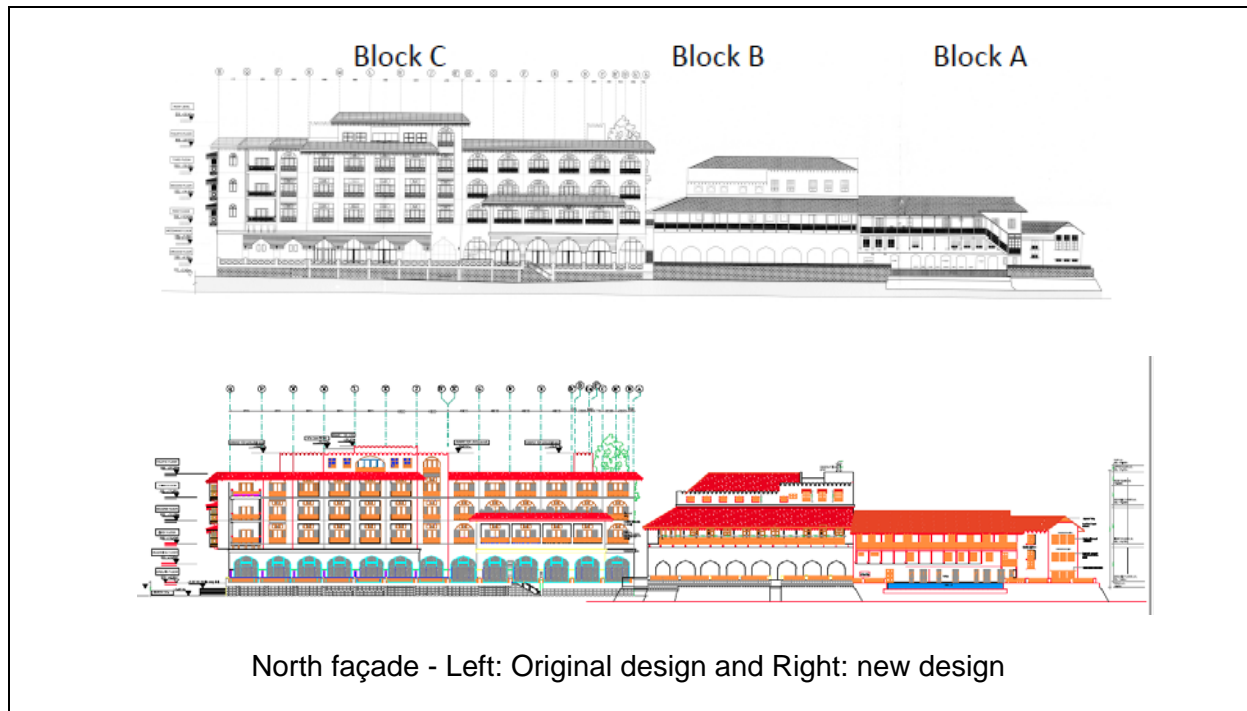
the HIA Report) to show the location of the historic eastern edge of the European Yacht Club, the size of the large open space that stakeholders believe should be retained, and the actual residual open space. Please note how the new hotel now fills in the space in front of the small square in Shangani Street, and also note the long passage to the lift shaft just east of Mambo Msiige and just north of the minaret of Bushir mosque.

A footprint drawing was assembled to show that the redesigned hotel is almost following the same footprint as before, but is now slightly offset from the eastern boundary. Please note the small gap between the new hotel building and Mambo Msiige, as well as the small space left for the historic tree by the south-west portion of the hotel, this being the long passage to the lift shaft placed along Shangani Road. The encroachment of the open functional spaces of the hotel beyond the plot boundary and into the public beach area (at a higher level) is clearly visible, as well as the encroachment of the swimming pool into the public beach area (note that this was always a very popular public beach because it was not controlled by a hotel, and also that the high water mark is almost at the sea wall at this point, the pool making it more difficult to pass around the Shangani Point).



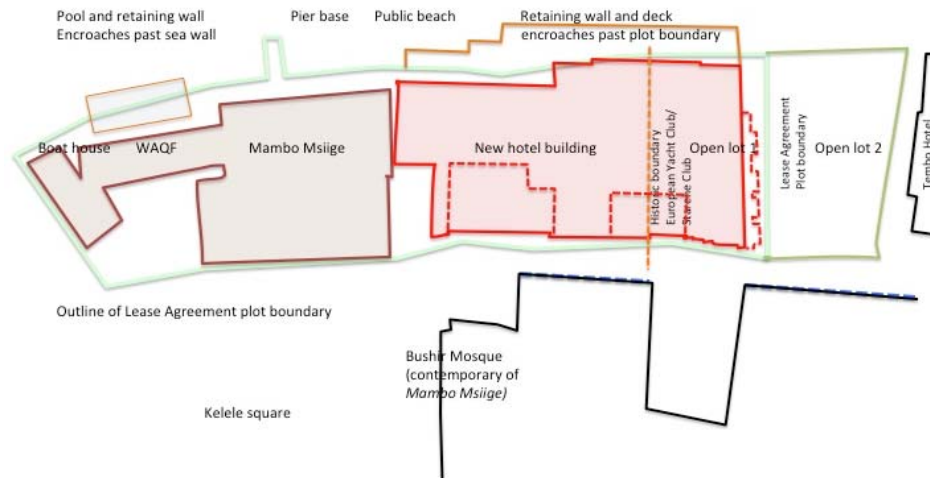
The reader is now requested to peruse the plan and elevation drawings of the redesigned development in **ANNEXE 6.5.8**.

When looking at the main elevations, and comparing them to the original design (see comparative elevation drawings below), one may argue that the redesign of the hotel is slightly less impacting than the first design, but in reality there are only small concessions to heritage matters (The flat roof for the penthouse and the gap between the buildings), while the whole remains almost the same in scale, height, form and detail, apart from the addition of a floor on the WAKF western annexe. The redesigned project still has major flaws and effects many impacts on the heritage resource that go directly against many of the agreements reached in the *Matrix* and *Guidelines* (see **section 3.2 A** above), which results in the irreversible loss of significance and still cause serious harm to the integrity of the Mambo Msiige and its context.

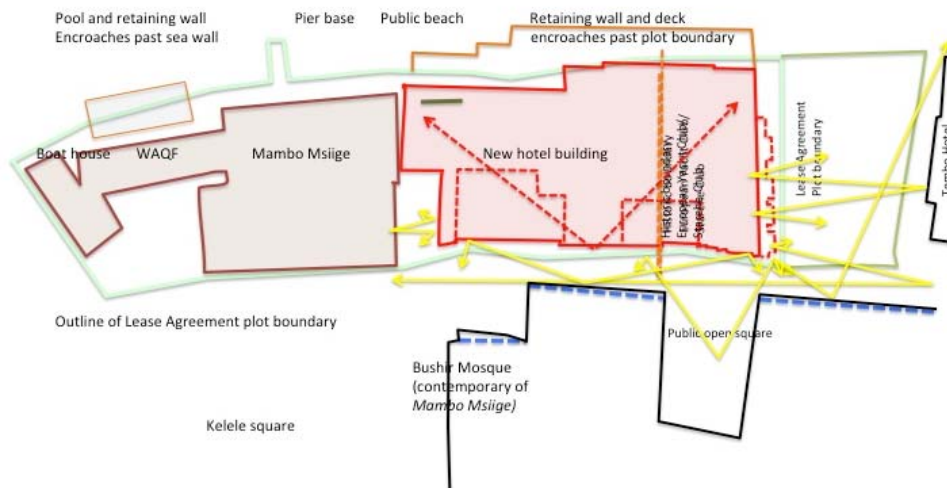


When looking at the footprint of the complex (see diagrams below), it is clear to see how the complex encroaches onto open public space and beach areas, how significant views to and from the Mambo Msiige, the Protected Vista over the open space to the sea (and of course of the seafront silhouette from the seaward side), are still compromised by the new design and

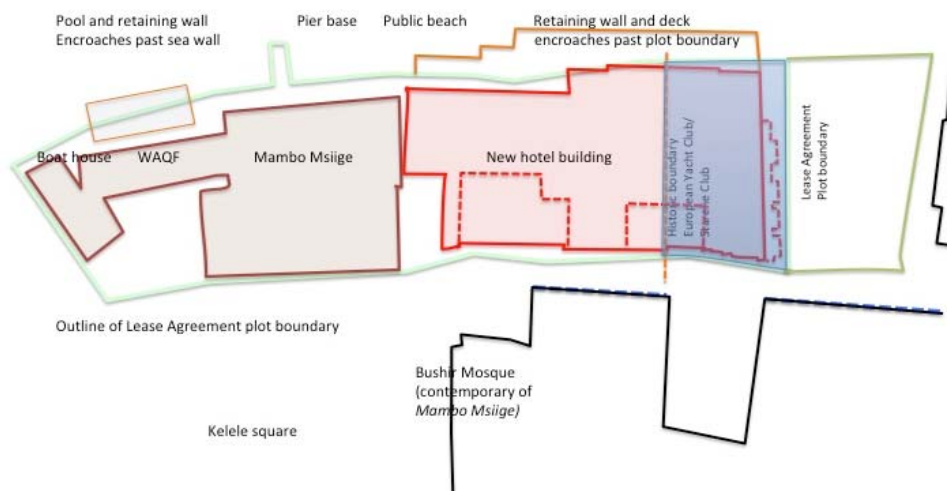
additionally, how the building still takes away half of the historically open public space.



Encroachment over plot boundaries



Impacts on critical views



Loss of public space

Regarding the **height** of the new development, there is gross transgression of the requirements of the Management Plan, the HIA, the *Matrix* and the *Guidelines*. The new Hotel wing has 6 levels, i.e. Ground, Mezzanine, 1st, 2nd and 3rd floors, as well as the Penthouse. The 3rd floor (level 5) and the penthouse (level 6) are both above the agreed to datum line defined by the top of the Mambo Msiige's parapet wall.

Apart from the height transgressing the requirement, the illustration below makes it is clear to see the large negative impact on the Mambo Msiige, the urban form, grain and scale, the urban silhouette, as well as the World Heritage property as a whole:

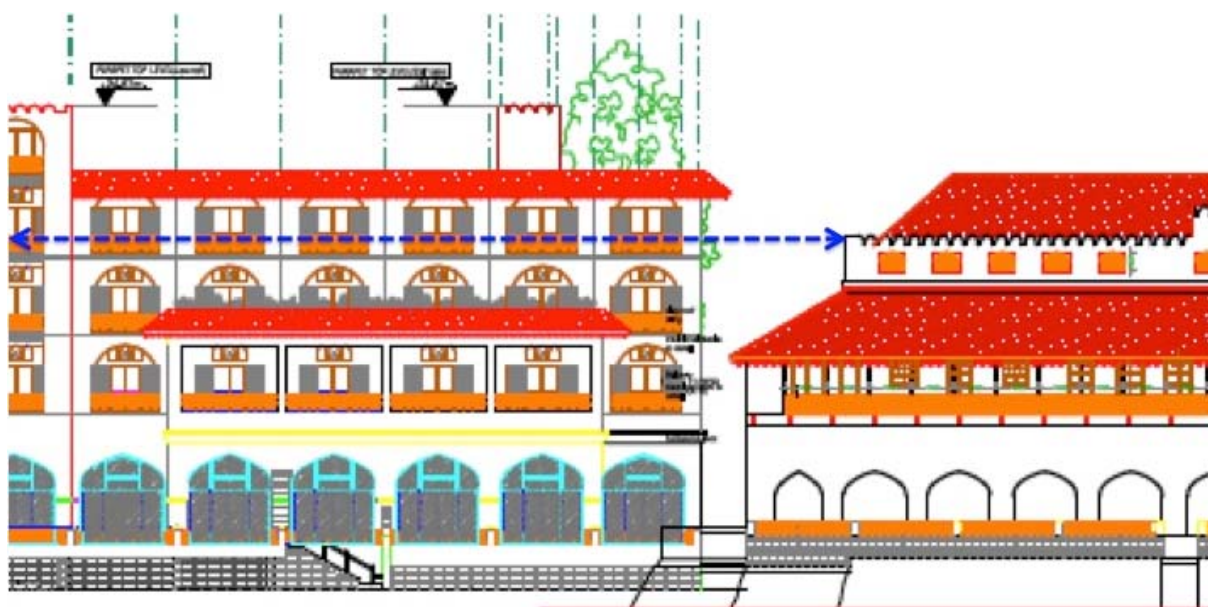


This rendition clearly shows how the two top floors will cause the hotel to overshadow the Mambo Msiige.

The historic skyline of Mambo Msiige in comparison with the current skyline below, showing how the two top floors cause the hotel to dominate the Mambo Msiige and the rest of the seafront.

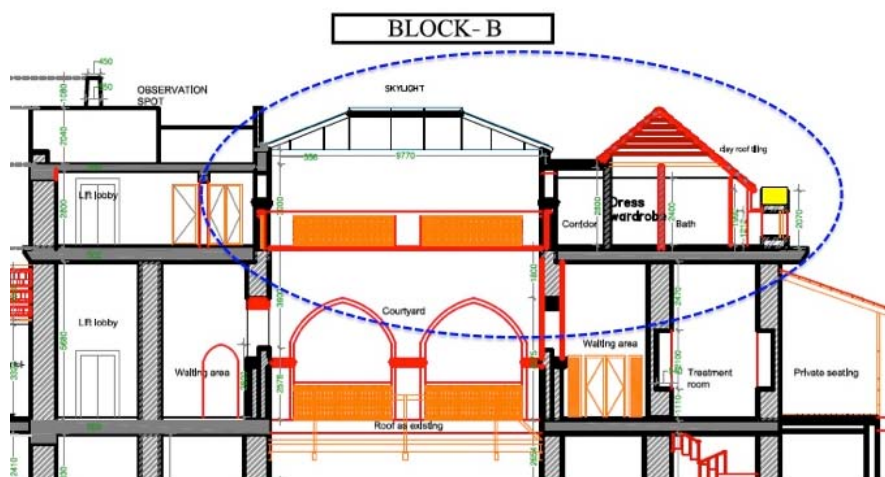


The finer detail of the height transgression is shown below:

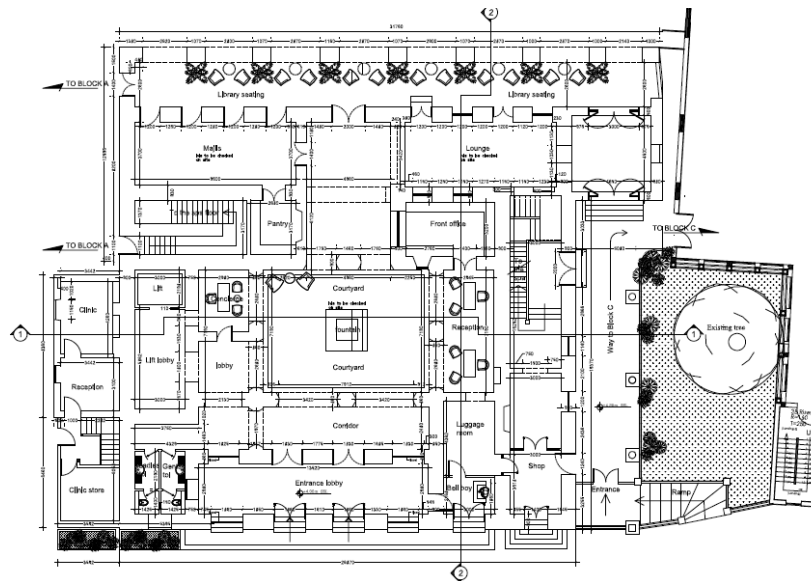


In the HIA (2012) recommendations it was stated that the level of cultural significance, as well as the remaining authenticity and integrity of the heritage asset, indicate that the Mambo Msiige does not have a high absorption capacity and tolerance for change. Also, that legislation prohibits any structural change and extensive renovation to the section Gazetted as a Grade 1 monument. Also, that any use of the Mambo Msiige building must be **compatible, contextually appropriate and totally subservient to the protection of historic authenticity of fabric and use.**

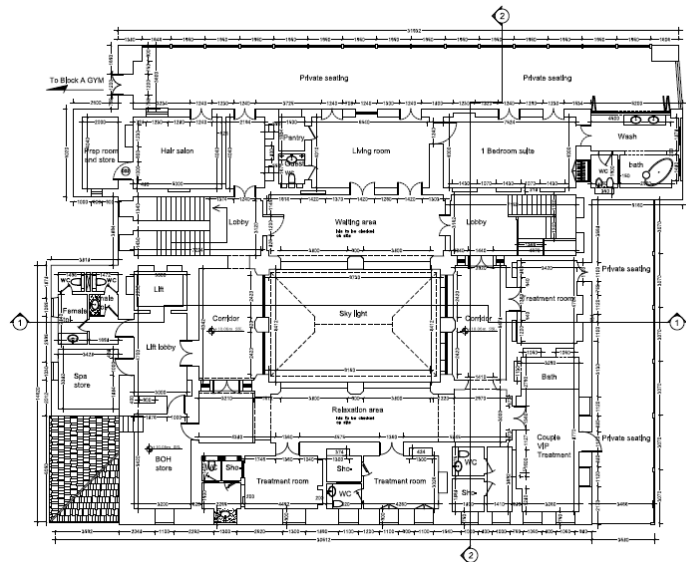
There is a large amount of physical change that is being affected in the Mambo Msiige and the WAKF wing to the west. The Mambo Msiige is itself subject to adaptive re-use, in the form of a Spa facility. In terms of the specificity of cultural significance of the Mambo Msiige (see **section 1** of this Report), it is extremely sad that the function of a Spa was chosen, in this manner losing any chance to memorialize the specific historic layering and meaning of the historic structure which is a major part of the OUV of the property, resulting in a loss of OUV due to this decision. The specificity of the significance of the heritage asset demands that the Mambo Msiige must always have a component that is public in nature, to allow for access by the public at large – the use of the building as a Spa, which has some very private spaces, seems to deny that possibility.



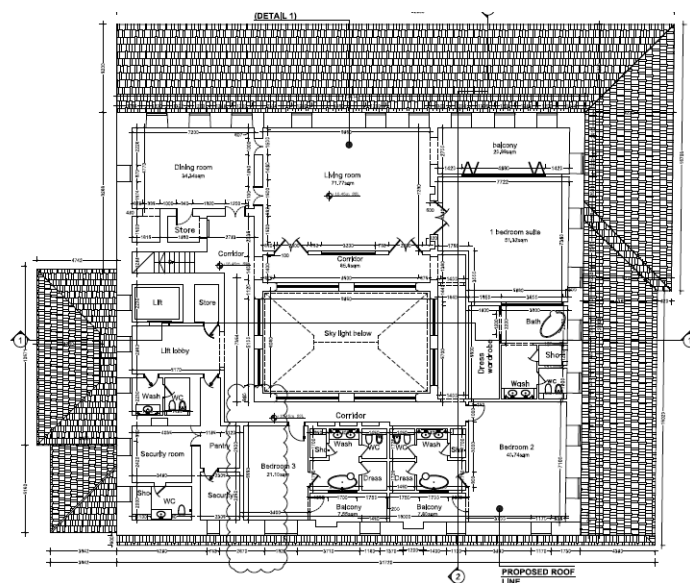
Revised plans show the use of Mambo Msiige as a Spa (note sanitary installations and lift):



a) Ground floor:



b) First Floor:



c) The roof:

There are large impacts on the structure and physical fabric of the Mambo Msiige.

- The lift in the western side passes through what was the Treasury of the house, and half the space of this significant room is the lift shaft and the rest is the lift lobby.
- The sanitary services in many rooms requires an extensive heating, water and waste reticulation, the design of which are still not clear.
- The building atrium and all openings on the upper floors will be closed and requiring air conditioning, with reticulation passing through the tick coral stonewalls.
- There is a large impact from using the roof of the building for 4 suites with en-suite bathrooms. The roof plan with the historic Stanley room as only habitable space is changed against the requirements of the HIA. The detail of the section drawing below shows how the atrium will be extended upwards by one floor, and topped with a glass roof, while the rooms RC slab projects, the new rooms will extend up to the low parapet walls, which parapets have to be heightened on top of the historic crenulations (see yellow block) in order to provide ceiling height as well as a surface to attach the beams and concealed trough gutters (providing danger of over-flooding).

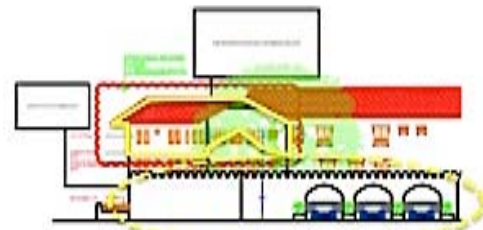
The plan of the roof of the Mambo Msiige clearly shows the transgression of the HIA requirement: Apart from the existing store, trig beacon and Stanley room with covered lean to space, on the western side of the atrium, the HIA recommendations state that:

“.....the flat roof must be restored, and in so doing, 50% of the 2nd storey's [the roof] remaining open roof surface may be covered by a contextually designed, light weight roof structure to allow for a roof-top use that is open to the elements on its sides, but with the roof structure not visible from Shangani street at Kelele Square. The crenulations of all remaining and recuperated parapet wall, and the openings in the parapet walls, must be restored”. (2012: 58)

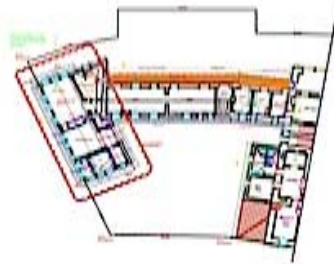
It is imperative that the historically flat roof of the Mambo Msiige must not be totally covered by an enclosed function so that the concept of a usable, lightly covered roof space that allows views and sea breezes remain, that the atrium shaft not be extended and closed of, in so doing change the proportion and feel of the central signature space of the best example of an courtyard house bar the palace (now STCDA office), as well as altering the intentions of the climatologically responsive design. The heightening of the parapets (so destroying the original crenulations), the connection of the roof to them, and the adding of fake crenulations on the lean-to room next to the Stanley room, can be seen in the author's layered photo below – the photo also shows the concrete screens in the archways that have been demolished:



The HIA particularly requires that no additional level be added to the WAKF building or its annexe. The removal of the timber staircase and the addition of an additional storey to the boathouse annexe of the WAKF building can be experienced in the layered drawing (also see ANNEX 6.5.7.2) below. Also note how the new pool encroaches past the sea wall and boundary of the plot:



Indication of new pool and the additional floor to be added and alterations to the WAKF boathouse annexe.



C Conservation of the visual qualities and use of HIA recommendations

The conservation of visual qualities of the area has not been taken into account. These include:

- The area before construction of the new hotel had view corridors with historic cultural value and scenic value. Examples are the view westward from Shangani Street in front of Tembo Hotel towards the west façade of *Mambo Msiige*; the views from the 1st floor balcony of *Mambo Msiige* to the old American Embassy (Tembo Hotel) and vice-versa. The view from Kelele Square looking northeast towards the sea and the oblique views from the public beach towards Kelele Square; The view towards the sea and seaward terrace when entering the historic *Mambo Msiige* entrance gate.
- The *Mambo Msiige* was the primary visual (cognitive) landmark of Shangani ward.
- The larger open Plot (the 'Designated green Area') is a 'Protected Vista' from Shangani Street to the open sea, with oblique views through this space from Kelele Square and directly from the Shangani Street square.
- The views from the small square in Shangani Street onto the green space.
- The protected historic streetscape in Shangani Street.
- The existing historic landmarks can be distinguished across spaces and defines the *Mambo Msiige's* form cognition.
- The historic silhouette of Stone Town from the seaward vantage point.

Additionally the visual experience of a historically rich precinct, with a definable character of being fine grained, three-storey maximum urban fabric is lost with the intrusion of the large bulk of the new Hotel.

The HIA for the Mambo Msiige (2012) required that, for the mitigated design proposal, a proper Visual Impact Assessment that follows international best practice, and that must clearly define visual intrusion and impacts. *Matrix* Item 38 requires developer to perform a full VIA with consultation by the STCDA.

There is **no Visual Impact Assessment Report**.

The developer only made 3D drawings of the main forms of the building and subsequently did not use them to avoid impacts, and also never drafted a specific VIA or of views that were indicated as important view sheds seen from critical viewpoints.

Most of the transgressions of the new design were not picked up by the authorities due to this lack of visual impact assessment of visual intrusions and impacts – the following recommendations of the HIA were not used in the decision making, partly due to this lack of visual impact assessment – this Report provides responses regarding the impacts:

- The siting, form and scale of the proposed development should not block critical view corridors – inter alia the view westward from Shangani Street in front of Tembo Hotel towards the west façade of *Mambo Msiige* and the historic tree in front of the balcony; the views from the 1st floor balcony of *Mambo Msiige* to the old American Embassy (Tembo Hotel) and vice-versa; The view towards the sea and seaward terrace when entering the historic *Mambo Msiige* entrance gate; the view to the sea from the small square in Shangani road south of the site; the view across the Kelele square, past the mosque and minaret, towards the sea; the all important urban silhouette from the seaward side. Response: All these critical views have been lost or irreversibly compromised.
- The south façade of any structures along Shangani Street must respond dialectically to the existing, protected street façade, architectural ensemble and spatial composition. Response: The façade does not respond at all.

- On the east of *Mambo Msiige*, according to regulation, any new construction must not be higher than the crenulations of the lower (east) parapet of the *Mambo Msiige* which will be held as the vertical control or build-to line. Response: The 3D visualisation of the design clearly indicates the transgression.
- The new building must respond to the main regulating lines of the *Mambo Msiige*. Response: The visualisation clearly shows the non-compliance.
- On the west of *Mambo Msiige*, the existing historic annexes may be re-used but without adding any new storeys. Response: The visualization drawings clearly indicate the transgression.
- The upper storeys of any new building east of the *Mambo Msiige* must not encroach over an east-west line formed by the northern façade of the *Mambo Msiige*. Response: The plan and 3D visualisation show the transgression..
- The significant view to the Historic tree and the entrance gate at the southeast corner of *Mambo Msiige*, from a point in the street just west of Tembo House, must not be encroached upon. Response: The view was never tested through visualization, and in reality this view has now been irreversibly compromised.
- The beach in front of the *Mambo Msiige*, as well as in front of the currently open plots, must remain public space and not be encroached upon. Response: The visualization drawings clearly indicate the transgression.
- The existing sea views from the main square/parking area and its surrounding buildings in Shangani Street, on the east portion of the Assessment Site, as well as the currently Protected View across and from the open space between the historic European Yacht Club / Starehe Club and the Tembo Hotel, must not be compromised by any new structures. Response: The visualization drawings clearly indicate at both these views have been irreversibly lost.
- Any new structures must not exceed or encroach the general height of the seafront silhouette, while the existing urban skyline and scale, as viewed from the sea, must be respected. The seafront is defined by the town's two most prominent buildings: the white mass of the former Sultan's Palace, now converted into a museum, and the *Beit al-Ajaib* (House of Wonders) with its stacked verandas and clock tower. These landmarks are protected under the Monuments Preservation Decree. All other buildings form a more uniform silhouette along the seafront, interspersed with open public spaces. In this silhouette the Mambo Msiige must be the dominant form. Response: No visualization drawings were done of the complete seafront, and the most dominant building on the silhouette is now the new Hotel.
- The small 1850 Bushir mosque on the corner of Kulele Square is a companion building to Mambo Msiige – there is a specific directive to address the small scale of this building in the design. Response: The visualization drawings were not done to show this context and currently the lift shaft of the new Hotel is the tallest structure in the Shangani ward, competing with the small minaret of the mosque.
- The fine grained and small-scale quality of Shangani precinct – there is a specific directive to conserve this urban quality in the design of the project. Response: The visualization drawings were not done to show the context of the project, the scale of the project is domineering and irreversibly changes the character of Shangani ward around the area of the square.

D Compliance with recommendations of the archaeological report (See ANNEX 6.5.4)

The Zanzibar Stone Town Management Plan (2008, Chapter 2) requires archaeological work to be performed on sites in the World Heritage property before new construction is undertaken. The HIA for the Mambo Msiige (2012: 61) required that archaeological surveys be done before construction start-up (See mitigation in Table below).

HIA recommendations (Bakker 2012: 59)

Mitigation needed before change:

- No plant material may be removed, no structures may be demolished and no physical material may be removed from the site or the existing buildings until the STCDA has approved a mitigated project, with a HMP in place and monitored.
- The Assessment Site must be protected against vandalism and pilfering of material.
- The existing, unstable structures must be stabilized to prevent collapse.
- The archaeological remains of the historic European Yacht Club/Starehe Club must be surveyed and recorded, and the records combined with existing drawings and historic records of the structure.
- An archaeological test survey and recording must be done for the open portion of the Assessment Site before any works are allowed to start, and the records combined with existing drawings and historic records of the site and earlier structures. If significant finds are made, the rehabilitation of the site must protect and respond to the historic qualities.

By the time the HIA for the Mambo Msiige had been done, the open, eastern portion of the site had a number of large trees, some rubble and a section of wall visible on the surface. The upper remains of the historic European Yacht Club (later called Starehe Club) had already been cleared and removed – the only visible component that remained was a section of wall of the eastern boathouse (this is not being conserved as recommended) and sections of the sea wall – all has been removed.

The STCDA gave approval for the project on 21 February 2013, on which day construction works were also initiated, specifically the site clearing and excavations for the 1 level basement underneath Block C (i.e. the new **6 storied** hotel addition).

It is important to note that there was **no guiding Heritage Management Plan in place** for the Mambo Msiige at the time of approval of plans and start-up of works or before/during the performance of archaeological work (there is still no HMP), that the archaeological work **was not performed before project start-up** as recommended in the HIA or in the *Matrix* (2012: 12 – Mitigation before changes, see Items 1-3), and that not one of the HIA recommendations have been followed.

The Archaeological Assessment of subsurface materials was conducted by Mr S Odunga (Antiquities Division, Ministry of Natural Resources and Tourism (Tanzania Mainland)), from the day that site clearing and track excavations were initiated, which assessment lasted from 21 until 27 February, and that the resultant Heritage Impact Mitigation Report was completed in March (See **ANNEX 6.5.4** for the full report).

The archaeologist states that, on the basis of the recommendations of the HIA for Mambo Msiige, the STCDA committed 'the author to conduct an archaeological assessment during track excavation and clearance of the site.' (Odunga 2013: Preface; also methodology on p. 5-6). The Mitigation of the archaeological report is offered as issuing from, and accompanying the mitigation recommended by the HIA (Odunga 2013: 5).

There was therefore no traditional archaeological excavations, but visual observation and trailing during the 2,1m deep track excavations, of which strata were in some places difficult to record because it filled with sea water. The findings include subsoil remains of the Starehe Club - which were not recorded and documented as required - as well as 'many pottery fragments, Chinese porcelain, glass, bones of small animals, chicken, and fish, land snail shells, marine shells, some quartzite shaped like stones and sandstones' (Odunga 2013: 6). It appears (from the lack of comment) that all subsurface constructions on the east side of the site had been removed at an earlier period. The pottery reflects a long history, from the period during which the *Stone Town Culture* flourished (1200-1500 AD), Chinese Sung Dynasty porcelain, glazed pottery from the late-Swahili period (probably 1500 -1600 AD), post-Swahili pottery of the time periods extending between 1400 -1800 AD and Period V, 18th C – 19th Centuries Chinese porcelain. The conclusion is that the site occupation is representative of the cultural periods of Stone Town.

The Assessment is quiet on the significance of the European Yacht Club in the history of the site, or on the whereabouts of the significant building components that were identified, and the Mitigation Report does not provide any form of mitigation regarding the Hotel development as such, nor does it make suggestions regarding the commemoration of any historic elements, but rather expounds on the tensions between the conservation of Stone Town and tourism development, and states that the World Heritage status 'is playing a significant role and contributing to sustainable development of Zanzibar' and promotes a sense of pride among Zanzibaris (Odunga 2013: 23).

The mission notes that the project as a whole suffers from the lack of a Conservation management plan, that the archaeological assessment was not done as agreed to in the Matrix (2012), that the work was rushed during the basement excavations, that excavation stabilisation did not occur and that strata and provenance were difficult to record and document, that recording and documentation of sub-surface architecture was not performed, that the assessment of archaeological significance of the site was not done to inform the development project but as a legal requirement, and that the Assessment report and Mitigation were not effective in the sense of bearing on the use or commemoration of the rich meaning of the site in the new design, and into the future.

E Integration of community concerns

Community concerns have only partially been integrated in the revised project, and the disregard of community concerns and participation has led to a significant impact on this crucial attribute of the property.

At the HIA feedback session for stakeholders in July 2012 – this being the last contact with stakeholders on the Mambo Msiige project – the stakeholders raised various concerns. The following section provides the concerns that were raised, if the concern was integrated into or addressed by better management and/or redesign of the project, and how the concern should be addressed into the future:

Stakeholder concerns	How have concerns been integrated in the revised project?
Denial of free access to the beach	Assurances were given that the new construction will provide access to the beach, as well as public entrance into the building and the garden. <u>Action:</u> These assurances must be translated into legal documents. Additionally, the open site east of the Hotel must not be fenced off and should remain completely accessible by the

	populace.
Fear of structural changes to the Grade 1 Mambo Msiige building	The new construction does indeed effect structural changes to the Mambo Msiige. <u>Action:</u> This Report indicates these changes, and there must be assurances that they will be undone or prevented.
Negative effect on authenticity of the Mambo Msiige building and loss/deterioration of OUV	The new construction has extensive negative impacts on the authenticity of the building and loss/deterioration of OUV. <u>Action:</u> The recommendations of this Report can undo and/or prevent such loss/deterioration.
Misappropriation of open space by management of proposed hotel – deprived of right to use and enjoy the fruits of open space	There appears to be a verbal agreement that the open public space will not be fenced but open for use. The <i>Matrix</i> requires that assurances be provided for the public nature of the open space. <u>Action:</u> The State Party must still provide assurances re this aspect.
Destruction of Survey Pillar (i.e. trig. Beacon) on roof of Mambo Msiige, and denial of free access to view it	Assurance was give that the survey pillar will not be harmed. The new design in fact retains the pillar. However, there is no written assurance given that the public will be able to visit the pillar – a contributing negative factor is that the top floor is given over to a private set of suites. <u>Action:</u> The State Party must still provide assurances re this aspect.
Loss of history of the building	The presenters promised the stakeholders that the project would not in any way negatively affect the historical and architectural value. In effect this promise has not realised. <u>Action:</u> The government must be clear about what was negatively affected and lost – there must be a definition of the loss of OUV as a result of the project.
The development is not sympathetic to the conservation and development of Stone Town	This fear has proven to be true. <u>Action:</u> The recommendations of this Report can undo some, but not all of the impacts.
The government must think of the cost of the cultural values and not the cost of restoration alone before giving the building to the investors	The conservation management principle is to ensure preservation – however this must be achieved within the means available. <u>Action:</u> The government must do the utmost to ensure that the terms of use and change of the building will preserve the OUV of the property. Additionally, there should be a form of compensation for the loss of OUV.
The government has to lease its building in term of granting to the investor, this will help the government to have the power of owning and supervise their building.	The ownership of the Mambo Msiige remains with the government. <u>Action:</u> The post construction management and monitoring procedures must still be defined and agreed to legally.
Stakeholder and the government have to provide an awareness campaign to the researcher to undertake their investigation on the content that is in the historical building of Stone Town.	The government undertook no further campaigns. <u>Action:</u> There should be an awareness campaign as to how the management of the project caused the loss of OUV.

Item 4 of the *Matrix* required that the revised *Guideline* document and the consultation process of the Mambo Msiige project, had to be used as an example, and a **baseline** for development projects in Stone Town. After the initial stakeholder feedback regarding the

HIA, which was addressed above, there were unfortunately no further consultations with stakeholders. There was no feedback to stakeholders on the decisions of the *Matrix* and *Guidelines*, and the stakeholder meeting organised during the mission was thus the first feedback session after the HIA feedback. The meeting with stakeholders (See **ANNEX 6.5.6** for the Minutes of this meeting) showed that the external stakeholders are concerned over the management of the World Heritage property, and extremely unhappy about what was designed and is being built at the Mambo Msiige, in terms of the excessive height, the scale, lack of protection of heritage layers, loss of heritage, the closing off of sea breezes, the loss of public open space, and also the lack of stakeholder participation and feedback since July 2012.

The above state of affairs regarding the lack of integrating public participation in the conservation and development of Mambo Msiige and Stone Town does not follow the *Matrix*, or the provisions of the Heritage Master Plan for Stone Town (2008), and is indicative of a lack of integrated management of the World Heritage property.

3.2.2 Jetty project

As part of the rejuvenation and stimulation of cultural life of the area, Item 18 of the *Matrix* requires that the existing jetty structure be renovated, but that any new development of the jetty should involve an EIA and consultation with the Port Authority.

No details regarding the project for interventions at the jetty were provided to the mission despite the request for details during and after the mission.

It is therefore not possible to analyse its appropriateness in relation to the Outstanding Universal Value of the property and the conditions of the area.

3.2.3 Other on-going and proposed projects

The mission requested details about on-going and proposed projects for additional interventions, in particular interventions centred on the uplift of the area. However, no detail was provided by the STCDA despite the request during and after the mission.

There was however a chance to walk through parts of Stone Town with Dr M Jumah, the Director of Urban and Regional Planning, being the focal point of the mission, to look at new and proposed developments. The walk passed the slaver Tippu Tip's house where the conservation efforts are dragging, past the open space across from Africa House where a yacht marina is planned that will deprive the local inhabitants of a vital green space on the west side of Shangani Point, also past the inappropriately designed concrete restaurant/jetty that is currently being constructed at Forodhani Park, the restoration works at the Grade 1 High Court of Justice (designed by JH Sinclair) that show commitment to protecting Grade 1 buildings, the completed restoration of a collapsed balcony of a seafront building near the landmark Banyan tree, and the House of Wonders where there is still no work done on the collapsed south-western corner, and on which the mission received a report regarding the problems (See ANNEX 6.5.9) and heard about Omani interest in completing the restoration project.

The mission also saw many changes in land use occurring, with many new small hotels and tourist shops – the mission was also informed that mainland entrepreneurs were displacing local Stone Town citizens, and that the area was gentrifying. The impression is of too little control of *ad hoc* growth that is increasing in tempo.

3.3 MANAGEMENT

The mission expert was frustrated in his efforts to receive documents regarding new mechanisms and standards to control development during and after the mission.

The existing mechanism and standards to control development in the inscribed property revolves around applying the Heritage Act and the requirements of the Zanzibar Stone Town Management Plan (2008) in a reactive manner after development applications have been lodged at the planning authorities. There are no proactive heritage management tools that guide development, and the STCDA can often execute protection within very limited parameters. Currently heritage management does not appear to be integrated with the development strategies, processes and spatial development plans of Stone Town, and there is no established mechanism for integration of various government organs that have an involvement with the well-being and use of in heritage resources of the property and to address imminent threats to the Outstanding Universal Value of the property and resourcing to implement this.

The mission found no concerted vision and strategy for dealing with the development and conservation at the inscribed property. It was experienced in the Mambo Msiige project that the *Zanzibar Stone Town Conservation Plan* was not being implemented, and that the AKT Plan for Stone Town (the 'Siravo plan') is not referred to. The experience also shows a low capacity in heritage management skills and that the conservation standards were applied at a low level. There is a definite capacity and skill in restoring vernacular coral-stone buildings, but that conservation in Stone Town lacks a strong theoretical base and application of relevant conservation charters and guidelines other than the local instruments.

At the mission's last session with the STCDA it was conveyed that, despite inquiring, there has been no forthcoming evidence of effective existing, or new, mechanisms and tools for integrated management of development of the World Heritage property, and that public participation is not yet integrated in the heritage management process. The staff acknowledged that the approved and adopted Zanzibar Stone Town Management Plan is not being implemented fully. The mission expert conveyed that from observation he came to be of the view that the State Party is at a crossroads in terms of managing development pressure vs. heritage management capability and the will to execute proper protection, and that it appears that there is a definite downward trend in capacity and protection quality in the World Heritage property.

The process followed in the heritage management of the Mambo Msiige indicates that the current heritage management system has flaws, and that there is no integration between the conservation sector and various other sectors involved in the development of the built environment. The STCDA initially had the aim of also being a developmental agency, but within the current aims it is only concerned with conservation. There is a need for integrated committee that oversees new development applications in the World Heritage property, and attempts to balance the pressures of tourism and entrepreneurship with the need to conserve the OUV of the property and to guide developments to maintain diversity and identity as well as sustainable outcomes.

At the joint working session between the World Heritage Centre, ICOMOS and the State party at the 36th session in June 2012, the State party indicated that the HUL initiatives would increase capacity and enhance mechanisms to deal with developmental issues, during the 37th session, at a joint meeting between these parties, the State Party stated that efforts are being directed at addressing carrying capacity needs, maintain economic vibrancy and issues of quality control as well as setting standards for developing services and associated infrastructure. Additionally, very positive proposals were made - including proposals to

enhance the quality of heritage management and protection of cultural heritage resources - one being to have dedicated teams that would manage and track projects from start to finish, and the other to have a committee to manage new developments in the World Heritage property and to scrutinise existing projects for compliance with guidelines.

Because Zanzibar has adopted the HUL approach to integrated management of cultural resources, it is suggested that these proposals be taken on board in the developing HUL approach, but expanded on in a way that will build on past milestones towards achieving the objectives of the HUL approach, and to ensure the resolution of the tension between development pressures and preservation, to build the critical tool kits and mechanisms required, and to capacitate stakeholders to ensure continued positive interaction of the main actors in the development, urban planning and heritage sectors.

4 ASSESSMENT OF THE STATE OF CONSERVATION OF THE SITE

Note: The mission did not have the opportunity to do a full investigation on the State of Conservation of the whole property, but did compare the areas visited with assessments made during previous visits during the last few years since 2006.

Conclusion: The values on the basis of which the property was inscribed are being eroded and/or lost largely due to the lack of effective enforcement of existing management tools and the implementation of projects.

The retrospective Statement of Outstanding Universal Value of Stone Town mentions the richness and fusion of culture, but this does not mean that anything should be allowed to happen on that basis – the richness of culture and fusion of various expressions of culture were manifested in a very particular way, that is inherent in ...

” the layout, technology and design of the town buildings, a blending of local and foreign materials, ideas and techniques, form an urban fabric that reflects harmonized urban settlement. Its urban landscape manifests and testifies the aptitude of Swahili people in their capacity to integrate and interpret various influences into a new synthesis: Swahili culture. Indeed, this makes Stone Town an outstanding manifestation of fusion of tangible and intangible human values”. (Statement of Outstanding Universal Value, 2010).

On walking through Stone Town today, it is clear to see that while some aspects have been partially attended to, like the garbage-dumping problem and shoring of some crumbling properties, so many aspects are left by the wayside. These include the invasion of small open public spaces for dwellings and shops, the steady loss of local inhabitants within the inscribed property, the proliferation of overhead cables, the proliferation of inappropriate architecture, the congestion and lack of traffic control, the lack of urban design initiatives (in the face of the Stone Town Plan document), the lack of maintenance to important structures that carry the values of the property (e.g. the subsidence of, and inadequate emergency restoration action at the House of Wonders, which is a key component of the OUV), and allowing projects, with known negative impacts, to proceed despite the indication of large irreversible impacts on OUV.

Reasons that can be advanced for this situation include:

- A rapid increase of development pressure
- A lack of integrated management of the property,
- A lack of political will to control negative impacts from inappropriate developments and to protect and preserve the attributes and cultural heritage values
- Ignoring or not applying requirements in statutory documents

- Inadequate processes of conservation and inadequate levels of protection from the side of the conservation authority
- Lack of funding
- Lack of capacity and conservation knowledge
- Lack of monitoring
- Lack of maintenance

It is an issue of concern if a previous director of the STCDA, who was instrumental in having the property inscribed, had to tell the mission (in public) that he has participated in many interactions regarding the conservation of the World Heritage property, that he is extremely concerned for the whole of Stone Town, but that he has become so disillusioned that he feels nobody hears or understands what needs to be done.

5 CONCLUSIONS AND RECOMMENDATIONS

A Rectification Mambo Msiige

Due to the magnitude of the negative impact of the redesigned project on the qualities and characteristics of Mambo Msiige, it will be necessary to require various rectifications to achieve compliance with the parameters in the statutory documents governing the conservation of the World Heritage property and, after the HIA, set forth in the *Matrix* and the revised *Guidelines* that were agreed to by the State Party. These mitigations will be in the form of demolition, further redesign, better conservation practice, and more detail on the services design and installation in the Mambo Msiige building (Block B).

It is therefore necessary to request the State Party to ensure that the construction of the total project is **immediately halted** to allow for discussions and an agreement on the implementation of any of the following **rectifications**:

Demolition

a) The overshadowing of the Mambo Msiige by the new hotel wing, and the transgression of the baseline height limit of the parapet of the roof of the Mambo Msiige being the baseline for the height of the skyline of Stone Town and limit for new buildings, can only be addressed by:

* The demolition of the 5th floor of the new hotel (Block C – the developer calls this the 4th floor, due to the counting system that negates the mezzanine as a numbered floor).

* The demolition of the 6th floor or 'penthouse' of the new hotel (Block C).

b) The overshadowing of the Bushir mosque (the 1850 companion to Mambo Msiige, built by Sheik Al-Harthy) and the loss of the view shed of the east façade of the Mambo Msiige from the critical viewpoint east of the building, can only be addressed by:

* The demolition of the concrete lift tower and passages to the lift (this implies re-planning this section and a new placement of the lift to the north - the replacement of the concrete structure with glass is not typologically or climatologically suitable).

Revised design

a) The cultural impacts and the permanent loss of beach area caused by the current placement of the swimming pool north of the WAKF building can be avoided by placing the pool south of the WAKF building (Block A).

- b) The prohibition of adding structures on top of the historic boathouse annexe of the WAKF building (Block A) must be avoided by omitting the proposed 2nd floor.
- c) The remaining roof space of the Mambo Msiige can only be used for 50% roofed coverage according to the HIA recommendations. The large sloped roof of the additions is overbearing, the living suites on top of the Mambo Msiige must not cause the extension of the atrium façade by one extra floor, or the addition of material to heighten the historic crenulated parapet walls, or the use of the historic parapets as the outside walls of the suites, or the use of box gutters against the historically free-standing crenulated parapet walls with arched openings. The guidelines contained in the HIA must be followed in all respects.
- d) The atrium must not be covered by a glass roof if this is not a state of the art 'green' solution, e.g. side-ventilated double-glazing, gas filled vacuum double glazing or approved sustainable passive architectural solution.
- e) No new wall or parapet must be adorned by crenulations as for the Mambo Msiige (i.e. 'not to be copied').
- e) The northern and eastern verandas must be restored to their original form with the historical overhang on cantilever brackets as per remaining detail, and the ceilings must follow the slope of the roof to re-introduce the original spatial experience before the 1950's PWD alterations, and also to open up the upper ventilation openings designed as for passive cooling devices.
- f) The staircase on the north façade of the WAKF building must not be removed.
- g) The open functional areas north of the new hotel wing (Block C) may not extend beyond the plot boundary.
- h) The open space east of the new hotel wing (Block C) must be designed for cultural use by Zanzibaris of all walks of life to allow the continuance of traditional cultural practices as before, and the design must be approved through public participation.
- i) The redesign of a penthouse on top of the hotel roof -the level on which the penthouse may be built is the level of the hotel roof, which is not higher than the lower parapet of the Mambo Msiige.
- j) The Spa function chosen for placement in the Mambo Msiige is not a compatible function and causes loss of the building's historic public accessibility and also causes loss of authenticity and integrity of the tangible and intangible significance of the building and its setting.

Conservation practice

The only good conservation practice being followed on the Mambo Msiige restoration is the rectification of dampness in the walls, correct work on line mortar as well as the restoration of the timber doors. Best practice is otherwise not pursued.

- b) The project must be managed as a conservation or heritage minded project, and there should be a heritage management plan for the project, a detailed recording and analysis of elements and fabric, analysis of historic layering, and cessation of wrong practices occurred, like using Portland cement to fix timber beams of the balconies into the coral stone walls with lime mortar.
- c) The removal of historic elements of the building, like the north staircase, or the removal of layers must be accompanied by a motivation or definition of the conservation approach.
- d) The effects of closing and fully air-conditioning the Mambo Msiige must be studied.
- e) There must be a heritage management plan for the project that must be in place before the completion of the project and used for the further management.

Services design and installation in Mambo Msiige

- a) Design drawings and details of the services reticulation, damage to historic fabric and visual appearance must be forwarded for assessment of impact.
- b) The installation of a new lift in the chosen location causes negative impact to the spaces, especially the treasury room on the 1st floor and must be reassessed.

If the above rectifications in the form of demolitions, redesign and improved conservation practice are not implemented, the newly reconfigured Mambo Msiige project has, and will in future have, a **permanent, very large negative impact** on the Outstanding Universal Value of the property.

The first evidence of any communication between the State Party and the World Heritage Centre after the submission of the feedback on the HIA and the Building Assessment in October 2012 is the letter accompanying the revised design drawings sent one month later on 27 November 2012. If the WH Centre received the revised designs on 27 November 2012 but neglected to comment on them, some may argue that the State Party may have construed this as tacit approval, but one must question the fact that the State Party did not follow up the lack of response. If the WH Centre did not receive the revised designs because they may have been lost in the mail or misplaced, one may understand that the Centre remained unaware of the progress and existence of new drawings, but again one must question why the State Party had not follow up the lack of a response. One must also not forget that the State Party was in possession of the agreements of the *Matrix* and the revised *Guidelines* to follow. There is however the disconcerting fact that the State Party had assured the WH Centre and ICOMOS during the July 2013 meeting that the *Matrix* and *Guidelines* had been fully complied with (ANNEX 6.5.11) – one now understands that this was a misrepresentation, and that there is solid ground for requesting the effecting of mitigation measures to protect the OUV of the WH property.

This Report cannot come to another conclusion than to recommendation to the WH Committee to request the State party to halt the building works immediately and to request that the recommended mitigation measures be implemented.

B Public participation

- a) There must be another public participation session regarding the findings of the mission and the resulting decisions by the World Heritage Committee.
- b) The State Party should facilitate the assembly of the Public Forum as envisaged in the Zanzibar Stone Town Management Plan (2008).
- c) The State Party should give an indication of how public participation will be part of the future heritage management in the World Heritage property.

C Management of the World Heritage property

- a) The State Party needs to adequately audit the State of Conservation and the conditions of authenticity and integrity of the attributes of the inscribed property, and define how to address the level and quality of protection and management of the inscribed property.
- b) The State party must redefine the ideal state of conservation of the property relative to the Statement of Outstanding Universal Value
- c) A strategy and work plan, with clear targets and clarity on processes of conservation, should be drafted for the formulation and sustenance of an integrated system of managing future development and conservation of attributes of the property.

List of World Heritage in danger

Additionally, the Mission considers that the current state of heritage management and conservation conditions at the Mambo Msiige project, but also regarding the overall management of the property, the regression in the State of Conservation of the property, and the lack of effective and integrated tools and mechanisms to protect the Outstanding Universal Value and to positively control development pressures, are all conditions that would warrant considering inscribing the property on the List of World Heritage in Danger.

**COMMENTS ON THE REPORT ON THE ICOMOS ADVISORY MISSION TO
STONE TOWN OF ZANZIBAR (UNITED REPUBLIC OF TANZANIA) (C 173 REV)
FROM 30 SEPTEMBER TO 3 OCTOBER 2013**

1. INTRODUCTION

On 25th December 2013, the State Party received the ICOMOS report on the advisory mission to the Stone Town of Zanzibar, from 30th September to 3rd October 2013. The report describes the property, its criteria of inscription and Statement of Outstanding Universal Values. It highlights details of the property's State of Conservation and its management system. The report ends with the conclusion and recommendations on the current State of Conservation of the property.

In order to clarify some of the information and to explain some decisions taken as regards the Mambo Msiige project, herein are the State Party's comments on the report, in the context of the agreed Matrix.

As far as the state of conservation of the property is concerned, the State Party agrees with the observations contained in the mission report. As the administrative, economic, social and cultural centre of the archipelago of Zanzibar, Stone Town faces considerable development pressures. Nevertheless, the State Party is working to find appropriate solutions to its challenges. Since 2009, State Party has organised three international conferences on Historic Urban Landscape (HUL), the last one held on 13th February 2014, was aimed to understand how to better manage HUL in Africa. The Heritage Community should appreciate the good will of the State Party to find the way-out of this difficult equation of striking a balance between *Development* and *Heritage promotion*.

As regards Mambo Msiige, the State Party has been fully engaged in trying to find an appropriate and acceptable solution to have a five-star hotel within the Stone Town constructed near the Mambo Msiige building, as a way to further stimulate its economy. Since 2012, several delegations from, concerned State Party Ministries, have been engaging in direct discussions with UNESCO-WHC and ICOMOS to make sure that the Mambo Msiige project follows all required regulations. There have been some gaps in the fulfilment of what was agreed upon in the Matrix and the guidelines. The State Party will propose measures to mitigate the discrepancies and adhere to the proposed standards in the documents.

2. BACKGROUND OF THE MISSION

The advisory mission to Stone Town had two aims, as part of the normal working procedures of UNESCO-WHC and its Advisory Bodies but also to fulfil recommendations made during the working session at 37th World Heritage Committee in Phnom Penh. This working session follows -up on two previous working sessions held during the 36th Session of the World Heritage Committee in 2012 in Saint Petersburg and during the 35th Session, in 2011 in Paris. It was during the first working session, in 2011 that all parties (UNESCO-WHC; ICOMOS and State Party) agreed on the idea of preparing a Heritage Impact Assessment (HIA) report that will be used as reference of all development in the Mambo Msiige Area.

The HIA was prepared and submitted to all parties in May 2012.

During the working session in Saint Petersburg, the HIA of Mambo Msiige project was thoroughly discussed. The recommendations from HIA were summarized in a Matrix, including the State Party's observations/inputs. Since 2012, the Matrix has formed the

baseline working document for subsequent discussions between the SP and WHC (see *Annexure*).

3. MAMBO MSIIGE PROJECT

Mambo Msiige project is a five-star hotel construction project comprising of re-using the Mambo Msiige building, the demolition of Starehe Club and construction on that space and on part of the open space between Starehe Club and Tembo Hotel. ,

The Mambo Msiige project is a complex and difficult project. The State Party has been pro-active, considering its financial and human resource constraints, in following all the agreed procedures to make sure that the development of Mambo Msiige does not negatively affect the status of the property.

The report states that the development of Mambo Msiige does not comply with the standard documents proposed for this work namely the Matrix, Guidelines and the Zanzibar Stone Town Management Plan. The State Party argues to the contrary. The following Table provides comments from the State Party to clarify on 19 issues raised by the advisory mission on various action points in the agreed Matrix, which contains 53 issues.

Table: Items identified by the Consultant as gross non-compliance with the Matrix agreement and the State Party responses

Item	Consultant's Observation/ Recommendations	State Party's response
8	Item 8 of the Matrix required that some of the Professionals on the Developer's Team must have necessary ability to work in the World Heritage environment - although the exact number and type has never been verifiable and no definition of these skills have been obtained, it appears to be very low.	The State Party, ICOMOS and WHC agreed that professionals who are working in Mambo Msiige should have the ability to work in the heritage environment. But the same item also allowed the developer to use local experts. It is for that reason that STCDA has assigned four local experts to do the daily monitoring of the development of Mambo Msiige project.
9	Item 9 of the <i>Matrix</i> states that the role of Mambo Msiige in understanding the OUV should be emphasized in the Guideline - while the Guideline does clearly state that, in reality the OUV has been seriously compromised.	The Item 9 of the Matrix does not correspond with this observation. Nevertheless, State Party is ready to take any measure to mitigate any negative effect to the OUV of the property.

	<p>Item 12 of the <i>Matrix</i> requires that the Advisory Bodies will advise the State Party on the ratio of built area adjacent to the public space. This has not happened and the State Party has made a unilateral decision on this aspect by approving the design drawings with a ratio of 18metres of building over the plot line and 32 meters open. There is no reference to the proposed ratio contained in the HIA, or the inclusion of the Advisory Body in decisions if it was decided to change this ratio.</p>	<p>During the working session in St. Petersburg, an agreement was reached between State Party, WHC and ICOMOS to reduce 10m from the new construction's site to provide more room for the open space.</p> <p>Following discussion with developer, on his request, another compromise was reached to reduce the new construction by 5m to allow some development important for this category of hotel. This decision was incorporated in the revised drawings which were submitted to the WHC with our letter Ref: AB/133/172/01/15 of 27th November 2012 (attached) for comments.</p> <p>Unfortunately, the State Party did not receive any feedback on the submitted revised drawings.</p>
14	<p>Item 14 of the <i>Matrix</i> requires that heritage assets will need to be inventoried by Stone Town professionals. The inventory should also include a preliminary assessment of the state of conservation and the proposed measures for the developer to take into account before, during and after the works so that these assets will not be damaged during the process. Stone Town Conservation Authority needs to monitor that these measures are adequately implemented. There is a very light weight inventory of components of the building (text and pictures) in the document providing stakeholder feedback on the HIA (See ANNEX 6.5.5), but this document is not adequate as a baseline documentation of the state of conservation or condition of elements and materials, or to be used as a baseline document to monitor construction work and finishes. Despite being required by the HIA, there is no 'Degradation drawing' prepared for the existing historic buildings, with approval by the STCDA, no restoration, repair, maintenance and monitoring specification and no detailed set of responses to work to be performed on the different scenarios of decay, their historically appropriate and technically</p>	<p>Given its human and financial resources, State Party has followed the requirement of the <i>Matrix</i> to undertake the inventory of Mambo Msiige.</p> <p>Advisory mission admits also that there is a "light weight inventory".</p> <p>State Party admits that there is room for improvement of the work so far accomplished. This is a challenge on the State Party's human and financial resource capacity that needs to be addressed in the future.</p>

	correct specifications and future maintenance, to ensure effective and appropriate protection of attributes.	
16	<p>Item 16 of the <i>Matrix</i> requires that the Developer prepares Heritage Management Plan for the specific project – up to this moment this has not yet been drafted.</p> <p>.</p>	<p>There was an agreement during the meeting in St. Petersburg that SP cannot force the developer to prepare a separate HMP for its project. Simply, this is not a current practice in Zanzibar. Doing so may be considered as discriminatory aimed only at to this particular developer. Hence, the agreement reached was that the state party should encourage the developer to prepare HMP but was not a precondition of the project continuing. The State did communicate this sentiment to the developer.</p> <p>Still, there is room to develop this tool if all parties agree that its absence negatively effects the property. At the moment, the State Party does feels that this is non-compliance with the Matrix.</p>
20	<p>Item 20 of the <i>Matrix</i> requires that the State Party and Advisory Body will jointly determine the degree of reversibility for the interventions foreseen.</p> <p>This has not happened, and so many irreversible construction and damage to fabric has occurred</p>	<p>Indeed, Mambo Msiige has many historic layers additional to the original structure. All of these layers were identified during the inventory.</p> <p>To the best of its knowledge, understanding and capacity, the State Party has guided the developer on the most appropriate way on how to intervene, during the conservation process, making sure no structural change would occur to the Mambo Msiige.</p> <p>State Party is of the opinion that no irreversible change has happened at Mambo Msiige.</p>
	Item 21 of the <i>Matrix</i> requires that heritage professionals in Stone Town will carry out a conservation condition assessment, with the support from the developer. The assessment will need to include the proposed emergency/priority interventions to ensure structural stability while design is being revised, as well as proposed measures to be implemented before, during and after project implementation to ensure that heritage assets are safeguarded. This was not done – only a short list of elements with their condition (See ANNEX	<p>The Conservation condition assessment of the Mambo Msiige was undertaken in compliance with the Matrix.</p> <p>Given its existing human and financial capacity, the State Party admits that there is room for improvement to the work done.</p>

	6.5.5), but the <i>Guidelines</i> Item 23 expressly required that an analysis and research of the condition of the buildings be performed, but there is no record of this. The site visit showed that there are interventions that decrease integrity and authenticity of the building.	
22	Item 22 of the <i>Matrix</i> requires that different colours to be used on design and construction drawings to clearly show existing fabric and differentiates between distinct interventions (demolitions, alterations, repair). This was not done and it is difficult to scrutinize the drawings and evaluate the new or demolished work, and verify on site. On site it was seen that there are instances of demolition and new work that lessen integrity and authenticity, and of these are irreversible.	<p>The State Party admits that the usage of colouring was not complied with.</p> <p>However, the developer came up with an alternative way of differentiating interventions through shading of which the State Party found no difficult to understand and agree with.</p>
24	Item 24 of the <i>Matrix</i> requires that restoration and monitoring practices will need to be addressed as part of the conservation and management plan, but there is no Conservation Plan or HMP for the project.	<p>As agreed during the working session in St. Petersburg, SP could not force the developer to prepare a separate HMP and conservation plan for its project.</p> <p>This is not the practice of conservation in Zanzibar.</p>
26	Item 26 of the <i>Matrix</i> requires that the STCDA make decisions on appropriate interpretation of the Mambo Msiige architecture in the new development (The intention was not to have an imitation of the Mambo Msiige building and that renovation and restorations also abide by this principle). In practice there are instances where the building copies historic details from the Mambo Msiige in new work, like the design of the crenulations on the new boundary wall in front of the WAKF building (Block A), the alteration of the outer wall of the lean to roof east of the Stanley room to imitate the existing parapet walls, the heightening of the existing parapet of the mambo Msiige with new fake crenulations, to	<p>The State Party admits that part of the new building has decorative elements of Mambo Msiige.</p> <p>However, taking into account the current practices of conservation and development in Zanzibar almost all new constructions imitate historic elements.</p> <p>In this regard the fact that the new building has decorative elements of Mambo Msiige isn't a violation of the principle and practice of conservation in Zanzibar.</p> <p>This is an issue that the State Party will examine carefully for future developments and conservation of the Stone Town.</p>

	name a few.	
27	Item 27 of the Matrix requires that the Height of the new building should not overshadow the monumentality of the Mambo Msiige; and that the design Guideline will clearly specify the issue of height of new building. In finalizing the contentious aspects of the redesign there is also an obligation to clear this with the Advisory Body, but this process was not concluded satisfactorily, and the redesign were not discussed in detail at the 16 June 2013 meeting at the 37 th session of the WHC.	<p>The State Party is of the opinion that the new building is of the level of Mambo Msiige height, taking <u>the original asbestos roof</u> of Mambo Msiige as the reference point</p> <p>It seems that the Consultant uses <u>the parapet</u> of the Mambo Msiige as the reference point.</p> <p>This is a difference of interpretation of the height of the new construction between the State Party and the Consultant.</p>
29	Item 29 of the <i>Matrix</i> requires that 'Current practice' be followed in determining the height of the new development (it is linked to Item 27) – This means conformity to all the active, statutory guidelines pertaining to the World Heritage property, inclusive of the management plan, 2008 and the Conservation Plan 1994, which if followed, would not allow a building any higher than the Mambo Msiige.	In its opinion, the State Party has complied with current practice of determining height of the new building. In its interpretation the height of the new hotel project is of the level of Mambo Msiige. (see item 27)
30	Item 30 of the <i>Matrix</i> agrees that in terms of responding to the OUV of Stone Town through a design that has a suitable climatological response, it was agreed that the State Party and STCDA would determine the extent of the environmental sustainability of the new development. The design shows no environmental sustainable attributes, as the section through the main portion of the complex has deep spaces, have windows large on the eastern facade and all spaces need air conditioning. Therefore the design does not sustain the historic architectural climatological responses and values on which the OUV relies.	<p>The new building has mixed the traditional climatological responses as well as the use of air conditioning to meet the standards of a five-star hotel, which is the current practice for all hotels of that category.</p> <p>The State Party did not disagree with developer on this measure.</p> <p>State Party agrees with the advisory mission that there is a need to find a best and suitable climatological response for future development.</p> <p>This issue has also been address in (Tanzania/Zanzibar) climate change strategy.</p>

35	<p>Item 35 of the <i>Matrix</i> agrees that current practice, i.e. full use of the beach and sea, be maintained and that functional spaces will therefore not extend beyond sea wall, while allowing for security to be maintained. It is clear that many of the hotels' verandas, as well as the swimming pool, will have retaining walls that extend over the sea wall and diminish the current extent of beach.</p>	<p>State Party agreed to the construction of a new retaining sea wall in front of Mambo Msiige, for security reasons. Nevertheless, State Party has also come to an agreement with the developer that there will <u>be NO hotel functions</u> beyond this retaining wall.</p> <p>State Party understands the concerns of the advisory mission, but it should also be known that by law beaches are public spaces in Tanzania/Zanzibar.</p> <p>This is also the current practice of all existing beach hotel in Stone Town.</p>
37	<p>Item 37 of the <i>Matrix</i> requires the Advisory Body to provide input on extent of the view that is maintained in the gap between Mambo Msiige and the eastern hotel extension. This did not happen. The current view is only 1,5m wide and the historic approach and entrance to the Mambo Msiige has been altered.</p>	<p>Indeed, the HIA proposed that the dead passage between these two buildings should be opened.</p> <p>But, during the working session in St. Petersburg, State Party, WHC and ICOMOS agree that the old passage will be maintained but it should not be part of the design criteria.</p>
38	<p><i>Matrix</i> Item 38 requires developer to perform a full VIA with consultation by the STCDA. No Visual Impact Assessment study was performed. There are many impacts to the visual qualities of this attribute of the property and its setting.</p>	<p>The State Party admits that there was no separate VIA study for the project. The redesigning process conserved all the recommendations from the <i>Matrix</i> and the guidelines. The State Party commits itself to advise the developer to undertake such an excise, so as to mitigate negative visual impact.</p>
40	<p><i>Matrix</i> Item 40 agrees that not having the swimming pool on the public beach will be included in the design principles. The final design has a large pool in the public beach area, encroaching over the sea wall, and the stakeholder consultation has indicated that this is experienced as offensive to local mores.</p>	<p>Indeed, the <i>Matrix</i> discourages the construction of a swimming pool near the beach. Following the request of the developer, State Party allowed the construction of a swimming pool.</p> <p>State Party is of the opinion that the swimming pool will not hinder the current use of the public beach area to the public as it has been agreed during the stakeholder consultation meeting.</p>
41	<p><i>Matrix</i> Item 41 states that the sustaining of OUV should be the guiding factor in protecting views to the sea from the main square. This view is completely lost as a result of</p>	<p>It was inevitable that once there was a construction, the view of the sea from the square would be blocked. In fact, even before the construction of new building the Starehe Club had blocked the view to the</p>

	the width of the new building.	sea. Nonetheless, during the working session in St. Petersburg, WHC, ICOMOS and State Party agreed to leave an open space between the new construction and Tembo Hotel for the public to access and view the beach. This is the current situation on the site.
42	<p><i>Matrix</i> Item 42 requires that any new structure must not exceed the general height of the town's sea-front silhouette, and that Mambo Msiige will be the baseline and reference point; The Mambo Msiige's height has now been exceeded with 2 floors/storeys. The <i>Matrix</i> has a separate section on Mitigations, i.e. before, during and after construction.</p> <p>The recommendations on Mitigations before construction and during construction have mostly not been followed</p>	<p>The issue of height of the new construction was discussed thoroughly by the State Party, WHC and ICOMOS. The SP is of the opinion that the new building is indeed of the level of Mambo Msiige taking the original asbestos roof of Mambo Msiige as the reference point.</p> <p>The State Party is planning to take VIA in order to establish the level of the sea front silhouette.</p>

4. STATE OF CONSERVATION FO THE PROPERTY

State Party has already submitted to the WHC the State of Conservation of the property, since February 2014. The advisory mission report has also proposed good analysis of the State of the Conservation of the Property. At its 36th session (Saint Petersburg), the World Heritage Committee also expresses its deep concern about the state of conservation of the property, as per Decision 36 COM 7B.49. The State Party agrees with most of the observations of the advisory mission concerning the State of Conservation of the property.

The State Party is concerned with the pressure of the development of the Stone Town. Numerous measures and efforts to face these challenges have been outlined in the state of conservation report which was submitted to the WHC. Among these measures include the fact that, on **January 2014**, the Government passed a new order to establish a **Heritage Board**. The idea of the Board is to oblige all important stakeholders of the Stone Town to work together so as to find solutions to current challenges of the Stone Town. This is an important step that can be capitalised to enhance the management system of the property.

5. CONCLUSION AND RECOMMENDATIONS

It is very clear to all that improper communication has led to misunderstandings and interrupted the well-established development process of the Mambo Msiige project. The revised drawings from the developer reached the State Party very early. On the 27 November 2012, the State Party submitted these drawings to the WHC. It was agreed during the working session in St Petersburg that the State Party upon receiving the revised drawings would give its approval for the development and at the same time submit the revised drawings to WHC and ICOMOS for their comments. Unfortunately, the State Party did not receive any comments from WHC or ICOMOS after sending the said drawings.

Some items were not complied with in the development of Mambo Msiige and need mitigation. The State Party argues that these discrepancies do not necessitate the demolition of the building, as the only way-forward. As far as the issue of height is concerned, the State Party believes that roof and not parapet is the accurate reference point to be used to determine the authorised height of the new building. This is well developed practice of conservation in Zanzibar.

As a way forward, the State Party proposes to constitute a team of local and UNESCO/ICOMOS experts to formulate a **Road Map and Action Plan** that can be implemented **for a period of one year** to mitigate the current situation. The State Party believes that the current State of Conservation of Zanzibar has not reached a level of putting the property on the danger list so and instead other mitigation measures should be proposed. Danger listing the property now may be misinterpreted as an attempt to discourage development, in particular the new hotel project at Mambo Msiige.

ANNEXURE: Matrix

ANNEXURE: MATRIX FOR MAMBO MSIIGE DEVELOPMENT

Keys to the Matrix prepared by three parties State Party, WHC and ICOMOS in the working session during the 36th World Heritage Committee meeting in St. Petersburg 2012	
Issue	This was an issue raised in the Heritage Impact Assessment (HIA) by the Consultant
Fact/Opinion	The State Party (SP) analyses the issue to see whether it was a Fact (F) or an opinion (O) of the Consultant
Consultant Comments	On each issue the consultant gives a comment
SP-Comments	SP gives its comments on Consultant observation
Way-Forward	SP proposed a way-forward
Joint-Decision	This is a new stand of the three parties (WHC, ICOMOS, STATE PARTY) on the issue raised by the consultant
	SP agrees with the consultant comments
	SP could agree with consultant comments following discussion with WHC/ICOMOS
	SP did not agree with consultant comments and proposed alternative to WHC/ICOMOS

S/N	Issue	Fact/ Opinion	Consultant Comments	SP-Comments	Way-forward	JOINT DECISION – SP, WHC, ICOMOS
1	Mambo Msiige contribution to the OUV of the World Heritage property	F	Mambo Msiige accessible to all	Noted	Current practice. But should not deprive the management from maintaining security and/or right of admission	Agreed
Recommendation: Mambo Msiige should retain its nodal function and should remain accessible to the public. The management of the hotel will retain the possibility of maintaining security and right of admission if security can be potentially compromised but taking into account that access will not be denied on spurious grounds.						
2	Conformation with guidelines and legislations	O	Additional Requirement as a precedent for other project	The proposal condemns the Site to at least, another, year of in-action	If necessary, the issue should be discussed by technical team between Site manager and WHC and its Advisory Bodies	The issue will be address in the revised drawing of the project; The project will also take into account the existing legislation
Recommendation: The revised design for the project will need to take into account provisions made in existing legislation and regulatory measures prescribed in the Management Plan for Stone Town. The project proposal must be accompanied by a report that indicates existing regulatory measures and guidelines and explain how they were accommodated to assist STDCA to assure that design occurred with this in mind all the time. The valuation of the appropriateness of the how integration of these is made in the revised design will be carried out by the State Party, the WHC and Advisory Body.						
4	Significance of the project as a baseline	O	Mambo Msiige as a baseline/ Standard for other development projects	The proposal intervenes with the State Party rights to judge	Noted but not as a precondition	The design guideline and consultation process of Mambo Msiige project, to be

				every project on its own merits		uses as a baseline for development project in Stone town
Recommendation: The consultation process, the guidelines for the design of the project and the heritage impact assessment process should be further developed to constitute a baseline for consultation for other development projects in Stone Town. The Heritage Impact Assessment and the Public Participation process needs to be established.						
5	Interpretation and presentation of Mambo Msiige	O	Layers of Mambo Msiige be protected	Relevant observation provided that it is the State Party which do the interpretation	Noted but not as a precondition	In designing process, decision will be made on which historic layers of the Mambo Msiige will be integrated in the new project.
Recommendation: Heritage professionals from Stone Town, in collaboration with the WHC and the AB, need to evaluate and select the historic layers that best contribute to the understanding of the Mambo Msiige building and its contribution to the Outstanding Universal Value of the property. The presentation of selected layers will need to be integrated into the revised design. Annexures and Heritage audit in HIA contains a wealth of new data on the building that will assist this action; the audit will be augmented by local professionals. There is a need to decide which 'lost' elements can be revived, ie those for which there are adequate historical evidence (eg the original cantilevered outer veranda on timber brackets, etc).						
6	Mambo Msiige absorption capacity for change	F	No significant structural change of Mambo Msiige	Agree with the interpretation of Grade 1 building	State Party should determine the compatibility of uses	Agreed
Recommendation: No significant structural changes will be contemplated in the revised design. If other structural changes are foreseen, these will need to be discussed with the WHC and AB prior to proceeding with the design. There is a need to decide exactly what can be added on the roof without losing the authenticity and integrity of the existing Roofscape and roof structures with high historic value – the design that was proposed for a full extra floor (presidential suite) is not to be allowed under any circumstances and the HIA guidelines must be followed re a light structure of limited size and function.						
7	Accessibility to the public	O	The project should have a component that is public in nature	Agree with the proposal	The management should not be deprived of his right to control admission	Agreed

Recommendation: As stated in point 1, Mambo Msiige should remain accessible to the public but the management of the hotel will retain the possibility of maintaining security and right of admission if security can be potentially compromised.						
8	Developer's limited understanding of conservation and heritage protection practices	O	Professionals to have necessary ability to work in the World Heritage environment	Noted	Agreed but not necessarily all consultant team be heritage professional/ could be local experts	Agreed
Recommendation: As stated in point 1, Mambo Msiige should remain accessible to the public but the management of the hotel will retain the possibility of maintaining security and right of admission if security can be potentially compromised.						
9	Level of future development in Stone Town	O	All future hotel should be 5 star or above	Too general given the diversity of Stone Town	The developments be determined on case to case basis	State party is developing a new instrument for control of development; will include Stone town and its buffer zone; the issue will also be integrated in SOC of the Property;
Recommendation: Future developments in Stone Town need to take into account the newly proposed instruments for control. Any proposed development at Stone Town and its buffer zone should meet these requirements in their overall planning application. Design proposals should take into account the Outstanding Universal Value of the property, particularly the attributes that convey OUV and the conditions of integrity and authenticity. Mechanisms for enforcing regulations and their efficacy will be further discussed for the state of conservation of the property.						
10	Influence of Omani architecture in Stone Town	O	Up holding of Omani architecture	Mambo Msiige is a fusion of many architectural influences,	State Party to maintain the positive attributes of those influences	The development has to enhance the OUV

Recommendation: Heritage professionals from Stone Town, in collaboration with the WHC and the AB, need to evaluate and select the historic layers that best contribute to the understanding of the Mambo Msiige building and its contribution to the Outstanding Universal Value of the property. The presentation of selected layers will need to be integrated into the revised design. The proposed development has to enhance the OUV of the property.						
11	Commitment of developer to maintain OUV	O/F	Approval subject to developer's commitment to safeguarding and compensating for any loss or contribution to heritage conservation	The proposal in its current form will lead to a discriminatory practice	State Party will fully engage the developer for amicable contribution solution without the recommendation being a precondition	The proposed guideline should give the opportunity to protect and enhance the OUV of the site; the role of Mambo Msiige in understanding the OUV should be emphasized in the guideline
Recommendation: Heritage professionals from Stone Town, in collaboration with the WHC and the AB, need to provide guidance on how the proposed development of Mambo Msiige can contribute to enhancing the OUV of the property and how it is a significant attribute that conveys OUV in respect to design, style and character of Stone Town.						
12	Use of open Space between Tembo Hotel and Mambo Msiige	F	As much public space should be left as conserved, for cultural uses	Noted.	The State Party will determine the optimum balance between built area and open space	The Advisory Bodies will advise the SP on the ration of built area adjacent to the public space
Recommendation: Taking into account the existing lease, the Advisory Body will provide recommendations on how to best maintain the character of open space in that section. Recommendations shall also be made on the ratio of built area adjacent to the public space. The ration shall be established based on the specific characteristics of Mambo Msiige and its setting, particularly as it pertains to OUV. The ratio of possible encroachment, on plan and in terms of allowable floors is already shown on the diagram in the HIA recommendation and should be respected. If the recommendation made under the HIA is altered, a pre-approval exercise is needed with the participation of WHC and ICOMOS. If for instance a portion of the hotel is allowed into the combined two sections of the protected open space, there must be an agreement that this is a concession that will diminish the OUV, and the developer must indicate what other positive contributions it will make for the area of Mambo Msiige in lieu of the concession.						
13	Integration of proposed project	O	Developer has to enhance the	Will lead to	Like neighbouring	

	and existing of tangible and intangible characters of the neighbourhood		tangible and intangible context of the entire neighbourhood	disagreement and delay	Serena, the developer should enhance the immediate confine of the project while fussing with its context	Agreed
Recommendation: The developer should include in the revised design foreseen measures to enhance the immediately adjacent area through the project and the potential means to contribute to enhancing the intangible and tangible context of the neighbourhood.						
14	Inventorying values of assets	O	State of Conservation of Mambo Msiige and its annexes	Noted	Not pre-condition for the development but part of the design work	Agreed. Monitoring during the construction process;
Recommendation: Heritage assets will need to be inventoried by Stone Town professionals. The inventory should also include a preliminary assessment of the state of conservation and the proposed measures for the developer to take into account before, during and after the works so that these assets will not be damaged during the process. Stone Town Conservation Authority needs to monitor that these measures are adequately implemented.						
15	Authenticating the working team capacity	O	The team should the necessary expertise acceptable to UNESCO-WH Committee	Noted	Agreed but not necessarily all consultants team be heritage professional/ could be local experts. It should not be a precondition	Agreed.
Recommendation: Heritage professionals from Stone Town will be actively involved in the project.						
16	Developer to present a Heritage Management plan (HMP)	O	Presentation of HMP a necessity for approval	The proposal in its current form will lead to a discriminatory practice	State Party will fully engage the developer for preparation HMP without the recommendation being a precondition	Developer should participate in supporting the process of HMP

Recommendation: Heritage professionals from Stone Town, with the financial and sustained support from the developer, should carry out the Heritage Management Plan for Mambo Msiige. The proposed process for formulating this plan should be submitted to WHC and Advisory Body for comments prior to implementation.						
17	Stakeholders participation for the Heritage Impact Assessment (HIA)	F	The current HIA subject to approval by Stakeholders	The current HIA is a reflection of the stakeholders opinions after discussion with the consultants themselves	Is not necessary to repeat the consultation has already been done by the HIA / Social Impact Assessment consultants have already	SP will organise awareness meeting with stakeholder to inform them the result and the process of HIA,
Recommendation: The State Party will make the HIA report readily available for consultation and will organise awareness meetings with stakeholders to inform them of the results and the review process that will be carried out prior to commencing works. Transparency during this review is recommended to ensure that substantiated opinions are taken into account during the review. The proposed process to implement this recommendation will be sent to the WHC.						
18	Stimulation of the cultural life blood of the urban sector	O/F	Re-instatement of the pier and jetty for tour operators	The functionality and relevant of jetty and pier have been largely disrupted by current development in the vicinity	The Port Authority will determine the fate of the Jetty and pier	The existing structure will be renovated; Any new development of the jetty should involve EIA and consultation with Port Authority
Recommendation: The concern relates to the state of conservation of the property. Rejuvenation and stimulation of cultural life at the urban sector is a matter of concern in terms of sustaining the attributes that warranted inscription on the WH List but also in sustaining a lively and liveable city. Addressing this situation will require strategic planning and an integrated approach. In respect to the pier and jetty, any developments proposed will need to be subjected to EIA and HIA and compliant with existing regulatory measures and legislative controls. Proposals for rejuvenation should be carried out in consultation between STCDA and Port authority. Proposals, and associated impact assessments, should be submitted to WHC and Advisory Body for consideration and review prior to making any commitment to their implementation.						
19	Approval of the development	F	No development without STCDA approval	Noted	Current practice	Agreed
Recommendation: No development should be approved without STCDA consent. Major developments will be submitted to WHC and Advisory Body for						

review and comments prior to implementation.						
20	Degree of change in Mambo Msiige	F	No Structural changes or major renovations/Changes to be reversible	Noted	The State Party will determine the degree of reversibility	State Party and Advisory Bodies will together determine the degree of reversibility
Recommendation: As noted above, no structural changes or major renovations will be considered in the project for Mambo Msiige. State Party and Advisory Body will jointly determine the degree of reversibility for the interventions foreseen.						
21	State of Conservation (SOC)	O	SOC necessary for the existing works	The condition look developer-specific	State Party will full engage the developer for the preparation of SOC without the recommendation being a precondition	Agreed
Recommendation: The State of conservation of the property will be carried out by the State Party in accordance to the decisions made by the World Heritage Committee at its 36 th session. For the Mambo Msiige, a conservation condition assessment will be carried out by heritage professionals in Stone Town, with the support from the developer. The assessment will need to include the proposed emergency/priority interventions to ensure structural stability while design is being revised, as well as proposed measures to be implemented before, during and after project implementation to ensure that heritage assets are safeguarded.						
22	Presentation of the drawings	O	Different colours to be used for different interventions	Noted	Current practice	Agreed
Recommendation: Will continue with current practice of using different colours for different interventions.						
23	Analysis and research of the condition of the buildings	O	Specification for finishes and materials subject to research and documentation	Noted	State Party will full engage the developer for the research of the condition of the building without the recommendation being a precondition	SOC of the building will consider condition of the building
Recommendation: For the Mambo Msiige, a conservation condition assessment will be carried out by heritage professionals in Stone Town, with the						

support from the developer. The assessment will need to include the proposed emergency/priority interventions to ensure structural stability while design is being revised, as well as proposed measures to be implemented before, during and after project implementation to ensure that heritage assets are safeguarded. In consideration to the results of the condition assessment, further specifications will need to be provided to inform the review of the design in respect to finishes and materials to use.						
24	Draft of restoration and monitoring specification	O	Test of the materials	Noted	Current practice but subject to the STCDA capacity	The issues should also be part of Management and conservation plan
Recommendation: The issue of further restoration and monitoring practices will need to be addressed as part of the conservation and management plan.						
25	Conservation approach for the western annexe of Mambo Msiige	O	Adaptive re-uses with higher absorption capacity and/or tolerance for change	Noted	Current practice	Agreed
Recommendation: As for the conservation approach, adaptative re-uses with higher absorption capacity and tolerance for change will be considered.						
26	Identity of Mambo Msiige	F	No imitation of Mambo Msiige to new buildings	Noted	Interpretation to be determined by STCDA	Agreed
Recommendation: STCDA will ensure that proposed new developments do not seek an imitation of the Mambo Msiige building and control that renovation and restorations also abide by this principle.						
27	Skyline around Mambo Msiige	F	No new building higher than mambo Msiige, Pent house less than 50% of floor area	Noted but 50% seems arbitrary	The percentage to be demined during design	Height of the new building should not over shadow the monumentality of the Mambo Msiige; design guideline will clearly specify the issue of height of new building
Recommendation: Regarding the skyline around Mambo Msiige, the height of new constructions should not overshadow the monumentality of the building. Guidelines will be provided for the developer so that the design can be adapted. Specifications on the height of the new building will need to be clearly set out by the Advisory Body and the State Party.<50% on roof should not be penthouse, the structure must be open on sides to conform to other roof structures in Stone Town and allow for appreciation of original Mambo Msiige Roofscape and the possibility for people to access roof and also view						

Stanley Room. Since the Penthouse will be a major structural change to the building which is not allowed as per guidelines/recommendations as well as the lease agreement, changes must also be reversible						
28	Use of the building west of Mambo Msiige	F	No new storeys	Noted	Current practice subject to STCDA legal discretion	Agreed
Recommendation: There will be no new storeys added on the building west of Mambo Msiige. If proposals are made to STCDA, these will be submitted to WHC and Advisory Body for consideration and review.						
29	Conformity of new building to existing Mambo Msiige	F	No new building to have main form component higher and wider than Mambo Msiige	Noted	Current Practice	Agreed
Recommendation: The revised design for the new building will no component higher or wider than the Mambo Msiige.						
30	Climatological response	O/F	Cooling and ventilating system must be environmental sustainable	Noted	State Party and STCDA will determine the extent of the environmental sustainability	Agreed
Recommendation: The revised design of the new building shall provide considerations into how the cooling and ventilation system will be environmentally sustainable in accordance to existing regulations and legislative frameworks for Stone Town.						
31	Uses of space between New construction	O/F	No permanent/private buildings on the 20.3 additional open space and the dead passage east of Mambo Msiige to be re-opened	Noted	Open space to considered as per item N° 10, while the re-opening the dead passage will split the unity of the complex	Old passage will not be part of design
Recommendation: In the area corresponding to the old passage east of Mambo Msiige, there will be permanent buildings and the notion of this passage shall be interpreted and considered for visual interpretation and presentation in the revised design in accordance to the significance of the building and in consideration to the OUV of the property.						
32	Beach along the complex	F	The beach to be public	Noted	Current practice. But should not deprive the management from maintaining	Public right won't be disturbed,

					security	
Recommendation: The beach will remain public and the management will be able to maintain security.						
35	Functional space beyond existing sea wall	F	No functional spaces beyond sea wall	Noted	Current practice but should not deprive management of the right to provide security	Agreed
Recommendation: There will not be functional spaces beyond the existing sea wall, although management will be able to maintain security.						
36	Connection of Mambo Msiige and new development to the east	O	Only ground floor connection	Noted	State Party and STCDA will determine the connectivity without necessarily re opening the closed passage	Agreed
37	Maintenance of the tree and gate view	O	The view of the tree and old gate to be maintained	Noted	State Party and STCDA will determine the extent of the view to be maintained	Agreed in consultation with Advisory Bodies
Recommendation: The extent of the view of the old tree and the gate to be maintained will be jointly determined by STCDA and Advisory Body in consideration to the significance of the property.						
38	Visual impact assessment	F	VIS to be prepared	Noted	State Party will full engage the developer to prepare the VIA during the design process, without the recommendation being a precondition	VIA should be done with the consultation with STCDA
Recommendation: The visual impact assessment should be prepared to inform the design process. This assessment will need to integrate the professional advice from heritage professionals at STCDA.						

39	Maintenance of the Promenade and pier	F	The pier and the promenade to be restored	Noted	Current practice	Agreed
Recommendation: The pier and promenade are to be restored. Adequate assessments need to be made prior to approval of proposed projects for restoration to review adequacy of interventions.						
40	Location of the swimming pool	O	Swimming not to be directly seen from the beach	Appreciate the good idea,	Noted. State Part and STCDA to determine the appropriate location without the impression of selective decision	Agreed; to be part of design principle
Recommendation: The location of the swimming pool will need to take into account the design principles in the revision process.						
41	Protection of the sea view from the main square	O/F	Not to be compromise by a new structure	Agree provide that it does not antagonise with item N° 10	Should be in conformity with item N°10	Agreed
Recommendation: Will continue with current practice of using different colours for different interventions.						
42	Respect of the existing urban skyline	F	Any new structure must not exceed the general high of the sea front silhouette	Noted	State Party to interpret the general height	Mambo Msiige to be a base line; SOC will also involve this issue in buffer zone
Recommendation: Regarding the urban skyline, any new structure must not exceed the general height of the sea front silhouette. Mambo Msiige will be the baseline and reference point. Additional measures undertaken to ensure the protection of the skyline, particularly at the buffer zone, will be addressed in the state of conservation report.						
43	The sewerage beyond the site	O	Investor to install sewer system	Noted	State Party will full engage the developer to improve the sewer without the recommendation being a precondition	Agreed

Recommendation: Sewer system will be installed by the investor in compliance with existing regulations.						
	Mitigation before changes					
1	Site preparation	O	No removal of structure and tree until HMP is ready	Site clearance done under supervision of STCDA	Further, State Party will full engage the developer to respect the existing HMP	Agreed
2	Archaeological remains of the former yacht club	O	Archaeological remains	Noted	State Party will full engage the developer to, accordingly, preserve valuable remaining	Agreed
Recommendation: State Party needs to work with the developer and the STCDA heritage professionals to ensure that heritage remains are protected and preserved during the project. This should be included in the proposal for intervention.						
3	Archaeological test survey	O	To be done before any work are allowed on the Site's open portion	Noted	The archaeological aspect of the Site should be handled according to the existing legislation and institution framework.	Agreed
Recommendation: Archaeological prospecting and survey should precede construction works in accordance to existing legislation and institutional frameworks. If remains were to be found, necessary measures will need to be implemented to ensure their conservation and protection, notwithstanding the needs to continue development works.						
	Mitigation during changes					
1	STCDA fulltime presence	F	An STCDA's Control officer to appointed	Noted	Current practice. Nevertheless, State Party will enhance monitoring	Agreed
Recommendation: STCDA will appoint a monitor office to control the implementation of measures defined for before, during and after the implementation of the project.						

	Post construction mitigation					
1	Monitoring and evaluation of HIA	O	Need for research on Mambo Msiige and drafting of appropriate site interpretation and presentation plan, and publication about Shangani Point.	Noted	Joint responsibility between UNESCO-WHC; Advisory Bodies, SP and any other Stakeholder	Agreed
Recommendation: Before, during and after the implementation of the project, the State Party will submit, in timely manner, progress reports to the WHC and Advisory Body for consideration and review. The Management Plan for the building should be submitted for review prior to approving it.						
	Additional recommendation					
1	Arguments on the merits of the development	O	To be done by the developer and not the hotel operators	Noted	Optional	Agreed
Recommendation: The merits of the development will need to be substantiated in the revised design proposal.						
2	Traffic study	O	To be done by the developer	Noted	STCDA has already prepared the traffic management plan	Agreed
Recommendation: Traffic management needs to be systematically and holistically addressed in response to the traffic study and plan already carried out by STCDA. Strong enforcement is needed and progress on this issue should be reported in the State of conservation report for the property.						
3	Integration of the two parts of the open space	O/F	To be integrated as one entity	Noted	State Party will full engage the developer to the integration of the two parts, without given him the exclusive right of the public part	Agreed
Recommendation: The State Party will provide guidance so that the revised design considers the integration of the two parts of the open space as one entity, without giving him the exclusive right of the public part.						
4	Incorporation of nearby boat owners and fishermen	O	The should have a right and inclusion in the future plan decision of the uses of beach	Appreciate good intention.	The conditions should be in no way from those	Open space will remain public

					applicable to the two hotel sandwiching the current beach	
Recommendation: As the open space will remain public, boat owners and fisherman will continue to have rights to the use of the beach.						
5	Impact of the project to the Stone Town's water supply	O/F	Developer must show the impact of the project to the water supply and the mitigation measure thereof	Appreciate the genuine concern on the mismatch between supply and demand of water in Stone Town	SP will fully engage the developer however this should not be the precondition	Agreed; but issue of water concern all Stone Town.
Recommendation: Adequate consideration of the issue of water supply will need to be provided by the developer in the revised design.						