



NATIONAL MUSEUMS OF KENYA

WHERE HERITAGE LIVES ON

REF: NMK/DMSM/WHC/2

12th February 2016

Director

World Heritage Centre

7, place de Fontenoy

75352 Paris 07 SP

FRANCE

Dear Dr. Rössler,

**RE: STATE OF CONSERVATION REPORTS FOR LAKE TURKANA NATIONAL
PARKS (N 801 bis) AND LAMU OLD TOWN (C 1055) WORLD HERITAGE SITES**

The State Party of Kenya submits the SOC reports of the two above named world Heritage Sites. Kindly find therefore, the enclosed, co-signed report between the two State Parties of Kenya and Ethiopia. Find also State of Conservation report Lamu Old Town World Heritage Site.

On behalf of the State Party of Kenya, I wish to thank you for your continued support.

Yours sincerely,

Mzalendo N. Kibunjia. PhD, EBS

Director General

**A JOINT REPORT ON
KENYA – ETHIOPIA BILATERAL TALKS
HELD FROM 8TH TO 12TH FEBRUARY 2016 IN
NAIROBI, KENYA
TO IMPLEMENT THE WORLD HERITAGE
COMMITTEE DECISION 39 COM 7B.4
REGARDING LAKE TURKANA NATIONAL PARKS
WORLD HERITAGE SITE**

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Feb 11, 2016

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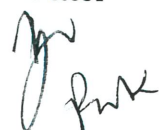
Executive Summary

This is a joint Ethiopia – Kenya progress report pursuant to paragraph 12 of the World Heritage Committee (WHC) Decision 39 COM 7B.4 focused on the protection of the Outstanding Universal Value (OUV) of the Lake Turkana National Parks World Heritage Site. The two States Parties met from the 8th - 12th February 2016 in Nairobi-Kenya to deliberate on the process of undertaking a Strategic Environmental Assessment (SEA) as requested by WHC Decision 39 Com 7B.4 on the state of conservation of the property and its implementation. The States Parties also reiterated their commitment to working together under the umbrella of the Joint Ministerial Commission.

The main objectives of the meeting were to discuss and agree on the modalities of carrying out an SEA, to develop the Terms of Reference for the Consultancy, to visit Lake Turkana National Parks World Heritage Site as per the agreement between the two parties during the previous meeting held in Addis Ababa between the 25th and 30th January 2015, and to propose a way forward in the engagement for the SEA.

The delegation of Ethiopia comprised of: Mr. Yonas Desta, Director General, Ethiopian Heritage Authority (Head of Delegation), Mr. Zerubabel Getachew, Ministry of Foreign Affairs, Mr. Yared Getachew Ministry of Foreign Affairs, Ms. Lemlem Fiseha, Ministry of Foreign Affairs Mr. Berhanu Rabo, FDRE Sugar Corporation, Eng. Rahmeto Anito, FDRE Sugar Corporation and Mr. Belayneh Temesgen, Ministry of Water, Irrigation and Electricity.

The delegation of Kenya comprised of: Dr. Mzalendo Kibunjia, Director General, National Museums of Kenya, (Head of Kenya Delegation), Dr. Purity Kiura National Museums of Kenya, Mr. John Mireri, Kenya National Commission for UNESCO, Mr. Issak Elmi, National Environment Management Authority (NEMA), Mrs. Raffaella Bulyaar, Chief Officer of Culture, Marsabit County Representative, Mr. Apollo Kariuki, Kenya Wildlife Service, Phanuel Webi, Ministry of Water and Irrigation, Mr. Robert Wanjara Ministry of Water



1 Director Eng. L.G. Thuku, Ministry of Energy and Petroleum, and
Joseph Wanderi, National Museums of Kenya,

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1.0 Introduction

The Lake Turkana National Parks located to the northern part of Kenya and comprising of South Island, Central Island and Sibiloi National Park were designated as a World Heritage Site in 1997 and this designation was extended in 2001, in accordance with the (VIII) and (X) criteria for inscription by UNESCO. Lake Turkana is the largest, most northerly and most saline of Africa's Rift Valley Lakes and an outstanding site for the study of plant and animal communities. The Parks are a stopover for migrant waterfowl and are major breeding grounds for the Nile crocodile and hippopotamus. Within Sibiloi National Park is the Koobi Fora deposits which are rich in pre-human, mammalian, molluscan and other fossil remains and have contributed more to the understanding of quaternary palaeoenvironment than any other site on the continent.

In view of the issues raised in Decision 39 Com 7B.4, Ethiopia and Kenya met in Nairobi, Kenya to advance ongoing bilateral talks focused on undertaking an SEA as requested by the WHC in the aforementioned decision. The two States Parties met from the 8th -12th February 2016. They committed themselves to working together under the umbrella of the Joint Ministerial Commission to protect the Outstanding Universal Value (OUV) of the Lake Turkana National Parks World Heritage Site.

It was noted that the Joint Ministerial Commission will meet in Nairobi between the 4th week of February 2016 and the 1st week of March 2016 where the protection and conservation of Lake Turkana National Parks World Heritage Site has been booked on the agenda items of the meeting. It was also agreed that Kenya and Ethiopia need to have a holistic approach to all issues pertaining to the Omo-Turkana Basin that may have an impact on the OUV of the Lake Turkana National Parks World Heritage Site.

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2.0 Agenda of the bilateral talks

- I. Discussion on the WHC Decision 39 COM 7B.4
- II. Drafting of TORs for OUV-Specific SEA
- III. Preparation of a Joint Report
- Iv. Formulation of a Way Forward

3.0 Issues Raised and Remarks

Issues Raised	Progress Made	The Way Forward and Remarks
1. Regarding Para 3 and Para 4 of the decision 39 COM 7B.4	<ul style="list-style-type: none"> The Kenyan Wildlife Service is doing its level best to operationalize the draft Management Plan prepared in 2014. Pending issues include validation by various stakeholders including the local community. The County Government of Marsabit has started a program of drilling boreholes to provide water for livestock outside the Sibiloi National Park. Wildlife census has not been planned for the current fiscal year. 	<ul style="list-style-type: none"> Participatory validation of the Management Plan should be done as soon as possible. Wildlife census has to be given the utmost priority
2. Regarding Para 5 of the decision 39 COM 7B.4 <ul style="list-style-type: none"> 	A joint expert panel for monitoring basin-wide natural resource management under the existing Ethiopia-Kenya Joint Ministerial Commission was established during the bilateral meeting between the two States Parties in 2015 to monitor and evaluate the status of the Special Status Agreement.	<ul style="list-style-type: none"> Incorporation of cultural and heritage experts into the Joint Expert Panel is needed to address the OUV conservation of Lake Turkana National Parks World Heritage Site.

Prk *ny*

<p>3. Regarding Para 7 and Para 9 of the decision 39 COM 7B.4</p>	<ul style="list-style-type: none"> • Drafting of a TOR for the SEA • Nature of the SEA – the two States Parties agreed to undertake an OUV-Specific SEA study, • Modality of the study – the two States Parties agreed that the OUV-Specific SEA has to consider and review existing studies submitted to the Consultant by the two States Parties, • Time Frame - the two States Parties agreed that the OUV-Specific SEA has to be completed within the framework of 39 COM 7B.4, • Recruitment - the two States Parties agreed that a committee shall be established to recruit a competent and an independent consultant. 	<ul style="list-style-type: none"> • The two States Parties agreed to submit the agreed TOR to the Joint Ministerial Commission for its consideration. • The Joint Ministerial Commission will deliberate and agree on the financing of the OUV-Specific SEA.
<p>4. The Visit to Lake Turkana</p>	<ul style="list-style-type: none"> • The two States Parties planned to visit Lake Turkana National Parks as per the agreement between the two parties during the previous meeting held in Addis Ababa between the 25th and 30th January 2015, • The two States Parties underlined the 	<ul style="list-style-type: none"> • The State Party of Kenya will extend a cordial invitation to the State Party of Ethiopia to visit Lake Turkana National Parks before the 40th Session of WHC in June 2016.

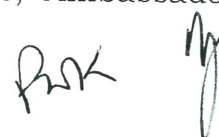
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	<p>paramount importance of the field visit for better understanding and visualization of the issue at hand,</p> <ul style="list-style-type: none"> • However, the visit could not happen due to logistical reasons. 	
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4.0 Other Initiatives

There are other initiatives outside of the above efforts which the two state parties have embarked on regarding Lake Turkana and its river basin. These include a tripartite programme between the two state parties and UNEP whose main thrust is Environmental Assessment, Establishment of Management Mechanism and Sustainable livelihoods through the project “Support to Sustainable Development in Lake Turkana and its River Basins” is underway. UNEP is assisting the Governments of Ethiopia and Kenya and local stakeholders to enhance their capacity to sustainably and equitably manage the ecosystem of the basin. The project also aims at minimizing the pressure on natural resources for conflict prevention and disaster reduction, through knowledge-based policy interventions, technology transfer, investment in key livelihoods, intervention and monitoring the health of the ecosystems. It will strengthen trans-boundary cooperation and provide a structure for trans-boundary governance of the ecosystem.

In addition, the two state parties signed a Memorandum of Understanding entitled “Cross Border Integrated Programme for Sustainable Peace and Socioeconomic Transformation” between Marsabit County of Kenya and Ethiopia’s Borana Zone on 7th December 2015. The launch of the Cross-border Integrated Program was held in the presence of Kenya’s President Uhuru Kenyatta and his counterpart, Ethiopia’s Prime Minister Hailemariam Dessalegn. Both Presidents oversaw the signing of the agreement by Kenya’s Cabinet Secretary for Foreign Affairs and International Trade, Ambassador



Amina Mohammed and Ethiopian Foreign Minister, Dr. Tedros Adhanom Gebreyesus.

The agreement for the Cross-border Integrated Program covers environmental protection, trade, development and peaceful coexistence in the border regions. It is one instrument for boosting economic growth, reducing poverty and promoting business activities in the Horn of Africa through cross-border cooperation. One of the program's goals is to improve environmental consideration of sustainable and inclusive use of resources consistent with the new Sustainable Development Goals.

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Annex 1 – Terms of Reference for the OUV-Specific SEA

Outstanding Universal Value – Specific Review Strategic Environmental Assessment (OUV-Specific SEA) for the Lake Turkana National Parks

Introduction

The Lake Turkana National Parks were designated as a World Heritage Site in 1997 and this designation was extended in 2001, in accordance with the (VIII) and (X) criteria for inscription by UNESCO.

Ethiopia's environmental laws and Kenyan Environmental Management and Coordination Act (EMCA) lay down as a requirement for implementation the use of precautionary measures on the basis of results from Environmental Impact Assessments of all plans, activities, developments and social well-being in connection with projects that might have an impact on environmental issues. The specific details required from these assessments are covered in these laws. Steps are also being taken currently to ensure the mainstreaming of Strategic Environmental Assessments (SEA) in policy and planning.

OUV-SPECIFIC SEAs will determine whether development policy is consistent with environmental policies and whether the environment impact of any development program implementation is likely to be significant especially on the conservation and protection of heritage sites. On the basis of such analysis, SEA provide feedback to governments to enhance the environmental dimension of development policy. They also enable increased and improved integration of the environment into government development formulation.

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2. The key stakeholders for the OUV-SPECIFIC SEA for the Lake Turkana National Park

Relevant government agencies both in Ethiopia and Kenya will be involved in the process consistent with to the national laws and regulations.

3. Objectives of the OUV-SPECIFIC SEA

3.1 Goal of the OUV-SPECIFIC SEA

The objective of the OUV-Specific SEA is to provide an audit of the environmental concerns for the Lake Turkana National Parks and ensure that all of these are appropriately addressed and integrated into relevant development endeavors in both Ethiopia and Kenya.

3.2 Objectives of the OUV-SPECIFIC SEA

- Describe, identify and assess the significant effects on the OUV of the World Heritage Site and on the environment of the policies and programs arising from implementation of development programs around Lake Turkana both in Ethiopia and Kenya.
- Provide decision-makers in both the Government of Ethiopia and Kenya with relevant quantitative and qualitative information to assess the adequacy of the environmental considerations of the different development policies and programs for Lake Turkana and the surrounding area. This information will ensure that environmental concerns and heritage related issues are integrated appropriately in decision-making processes at all the stages of programming, planning and implementation of projects.
- Assess the degree to which the planned development programs of the two Governments of Ethiopia and Kenya address the major environmental and OUV sustainability challenges for Lake Turkana National Parks World Heritage Site.



- Provide recommendations to minimize negative effects and optimize ways to achieve positive effects to conserve the OUV of Lake Turkana National Parks World Heritage Site.
- Recommend institutional structures and capacity building at both national and local levels, as well as overall regulatory framework to address any key heritage and environmental concerns associated with development projects in the area.
- Identify scientifically fragile and culturally sensitive hotspots for protection and conservation of the OUV of Lake Turkana National Parks World Heritage Site.

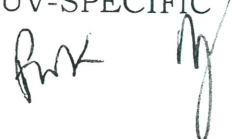
3.3.The Scoping Study for the OUV-SPECIFIC SEA

A necessary prerequisite for the OUV-SPECIFIC SEA is a Scoping Study. The Scoping Study will follow standard procedures and encompass both upstream and downstream scenarios in reference to the implementation of the UNESCO World Heritage Committee Decision 39 COM 7B.4.

Different assessments have been commissioned prior to the implementation of various development projects, and the Scoping Study should consult such studies in both Ethiopia and Kenya.

The Consultant will review records of any public consultation processes that may have taken place as part of development initiatives in the area. Based on this review, and on additional consultation, they will be expected to identify key stakeholders' concerns and values with respect to the programs under consideration.

The Consultant must keep and avail to the two state parties records of all consultations held and all comments received in line with implementation of the development policies and programs. The outcome of the consultation will have important implications for the direction and focus of the OUV-SPECIFIC



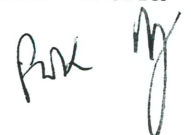
SEA study.

Consequently, a structured analysis of the available material will be needed to determine the key conclusions and areas of concern. The Consultant will have to ensure wide participation in the process as well as consider the possibility of participation 'fatigue'.

The Consultant selection and payment modalities will be based on the outcome of discussion between Ethiopia and Kenya.

The Scoping Study will provide:

- Identification of development projects implemented or being implemented both in Ethiopia and Kenya that affect the OUV of Lake Turkana National Parks World Heritage Site directly;
- A detailed description of these specific development projects;
- A description of the environmental requirements of the Governments of Ethiopia and Kenya for appraisal of development projects;
- A description of institutional and legislative frameworks in Ethiopia and Kenya that relate to these development projects;
- A brief presentation of the relevant environmental policies and objectives of Ethiopia and Kenya;
- Identification of the key stakeholders, relevant authorities and key sector programs with environment interactions for the OUV-SPECIFIC SEA and their concerns, as well as stakeholders' Strengths, Weakness, Opportunity, and Threats (SWOT) analysis;
- Identification of the key sector program environment interactions, covering the potential environmental and environmentally-linked impact of implementation;
- Assessment of the degree to which intended development programs address key environmental and OUV-related concerns about development projects around Lake Turkana National Parks World



Heritage Site;

- A description of the scope for the environmental-related policies, programs and plans' baseline to be prepared during the OUV-SPECIFIC SEA study and of the main sources from which the baseline will be compiled;
- A proposal for a clear and workable methodology for the OUV-SPECIFIC SEA study and identification and evaluation of its impact;
- A description of stakeholder engagement-mechanisms proposed for the OUV-SPECIFIC SEA study; and
- An indication of the time frame, in person-days, costs and resources needed to carry out the OUV-SPECIFIC SEA.

4. Key Environmental Policies and Programs to be addressed in the OUV-SPECIFIC SEA

Key environmental aspects, including climate-related issues that should be addressed in the OUV-SPECIFIC SEA study will be identified on the basis of the analysis of the policies and the institutional and legislative frameworks of the two governments as well as the participation of stakeholders.

This will provide the key sector program and environment interactions that need to be given special consideration and emphasis.

4.1. The OUV-SPECIFIC SEA STUDY

The scope of the OUV-SPECIFIC SEA will be agreed between the two States Parties and the Consultant on the basis of the results of the Scoping Study which will be base-lined in the spirit of the decision of the World Heritage Committee's 39th session.

The OUV-SPECIFIC SEA study will include: any environment-related policy and program base-line study, identification of environmental policies and program constraints and opportunities, and identification and assessment of the

institutional capacities to address environmental challenges. It will also identify related constraints and opportunities and evaluate their impact on the OUV of Lake Turkana National Parks World Heritage Site.

It will also incorporate analysis of potential performance indicators as well as formulate conclusions and recommendations with the appropriate engagement of stakeholders.

4.2. *Indication of Time Frames for the OUV-Specific SEA*

The Consultant must plan the time that needs to be allowed for the completion of the OUV-SPECIFIC SEA study on the basis of the time-frame suggested by the UNESCO World Heritage Committee 39th Session. A description and schedule of resources, including both personnel and costs is required. This should include:

- Number of person-days of technical input expected from each expert;
- Operational support costs, including participatory processes and special technical input, such as workshops, group participation, training etc.;
- Any special mapping or expected data collection costs;
- Resource costs should be presented in a budget format broken down into appropriate line items. If there is any deviation, the state parties must be informed, and
- The Consultant shall be responsible for all expenses such as accommodation, office equipment, hard-and software, printing, binding, communication, secretarial needs, meeting rooms and any other incidentals. These costs are deemed to be included in the fee rate for the consultancy work.

5. *The Results of the OUV-SPECIFIC SEA Study*

The OUV-SPECIFIC SEA study will deliver a Strategic Environmental Assessment of the different development programs surrounding Lake Turkana,



both in Ethiopia and in Kenya, taking into account the potential environmental impact of their implementation, both negative and positive, on the OUV of Lake Turkana National Parks World Heritage Site and their consistency with environmental policies and objectives of the Governments of Ethiopia and Kenya respectively, and of other international instruments ratified by both countries, in general.

5.1 Expected Deliverables

The OUV-SPECIFIC SEA is composed of *two parts*: a Scoping Study and an OUV-SPECIFIC SEA study. The Scoping Study will define the issues that need to be addressed in the OUV-SPECIFIC SEA study, as well as consider the specific context in which the different developmental programs are being developed and are likely to be implemented. The precise activities and time frame for these activities for the OUV-SPECIFIC SEA study will be determined on the basis of the conclusions of the Scoping Study.

5.2. Expected Outputs

This project is initiated in follow up to the implementation of the decision of the UNESCO World Heritage Committee at its 39th session. Thus, the expected output of the entire OUV-SPECIFIC SEA study will be towards the spirit of the decision.

6. Language of the Specific Contract

The contract and submission of the final report shall be in English.

7. Selection of the Consultant

A committee from the two States Parties will be established to recruit the Consultant.



**For the State Party of the Federal
Democratic Republic of Ethiopia**



MR. YONAS DESTA

**Director General, Authority for
Research, Conservation and
Cultural Heritage**

**For the State Party of Republic of
Kenya**



MZALENDU KIBUNJIA, PhD; EBS

**Director General, National
Museums of Kenya**

Feb 11th 2016