

STATE OF CONSERVATION REPORT 2020 DECISION: 43 COM 7B.107

Executive Summary

In response to decision 43 com 7B .107 the state party wishes to affirm her commitment to providing available detailed information when requested. The state party submitted to UNESCO WHC the complete LAPSSET corridor feasibility master plan as had been requested. However detailed developments plans for most of the LAPSSET Project components are yet to be actualized and will be submitted once they are prepared and approved by the relevant state party agencies.

The specific project components documents so far available include the LAPSSET Transport Infrastructure Master plan, The Lamu Metropolis – Master Planning & Investment Framework and the Lamu Lokichar oil and gas pipeline which are hereby appended.

The state party wishes to confirm that the official site map will be revised in accordance to the recommendations discussed and agreed with the site management during the 2019 joint UNESCO WHC/ICCROM- ICOMOS Reactive Monitoring Mission to Lamu. The state party also wishes to report that the Kenya National Commission for UNESCO (KNATCOM) supported a series of consultative meetings in Lamu in December 2019 to review and finalize the draft management plan. The document will be formally submitted to UNESCO WHC once completed.

The site management is still consolidating independent technical studies that may have been conducted within the Lamu Port area in relation to the mangrove and coastal morphology. The 2017 National Mangrove Ecosystem Management Plan which is the main Kenya government mangrove preservation tool has been appended. Further to this The Kenya Forest Service (KFS), in partnership and support of the French Agricultural Research and International Cooperation Organization (CIRAD) and the French Research Institute For Development (IRD) launched a project¹ specifically aiming to address threats to mangrove forests by rising sea levels, climate change, the development of coastal industry and agriculture. The National Museums of Kenya is one of the institutions involved in the project. Outcomes of this scientific work will be shared once completed.

The site management is currently undertaking a condition survey of the old town in partnership with the county government Of Lamu. The exercise is expected to be completed in March 2020. The National Museums of Kenya has also been incorporated into the LAPSSET corridor master plan development committee which will ensure that interests of cultural heritage along the corridor are well catered for.

The state party wishes to reiterate her commitment to instituting appropriate measures to the protection of the Lamu World Heritage Site despite financial and technical challenges. The site management has established a formal engagement platform with the civil society through which a number of challenges will be addressed at the local level.

¹ <https://afrique-orientale-australe.cirad.fr/en/afora-news/an-ambitious-partnership-for-kenyan-mangrove-forests>

The World Heritage Committee,

- 1. Having examined Document WHC/19/43.COM/7B.Add,**
- 2. Recalling Decision 27 COM 7B.31, 33 COM 7B.44, 34 COM 7B.46, 40 COM 7B. 12, 41 COM 7B.69, and 42 COM 7B.45, adopted at its 27th (UNESCO, 2003), 33rd (Seville, 2009), 34th (Brasilia, 2010), 40th (Istanbul/UNESCO, 2016), 41st (Krakow, 2017) and 42nd (Manama, 2018) sessions respectively,**
- 3. Regrets that the State Party provides only limited information on the state of conservation of the property, and reiterates its requests to the State Party, as a matter of urgency, to submit to the World Heritage Centre for review by the Advisory Bodies:**

a) An updated clearly delineated map of the property and its enlarged buffer zone, which should be formalized through a request for minor boundary modification in line with Paragraph 164 of the Operational Guidelines,

The map will be revised in accordance to the recommendations of the advisory bodies discussed and agreed with the site management during the 2019 joint UNESCO WHC/ICCROM- ICOMOS Reactive Monitoring Mission to Lamu part of whose mandate was to ground truth issues raised in relation to the official site boundaries

b) Full details of the overall scope of the Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) project, including the Lamu resort city and clarification of fishing plans, Mangrove planting, and surveys of coastal morphology,

The LAPSSET is an ongoing project and most of its components have not yet been fully articulated beyond the feasibility study. The detailed plans of each of the project components are being developed individually by the relevant line ministries. The specific project documents so far completed include the LAPSSET transport infrastructure master plan and the Lamu Lokichar oil and gas pipeline.

c) The requested Heritage Impact Assessment (HIA) for the Manda airport extension,

The joint UNESCO /ICCROM-ICOMOS reactive mission in December 2019 was able to verify that the airport is not a new development and the construction works undertaken were

upgrading of the existing extension of the runway from gravel to tarmac and redevelopment of the terminal building to acceptable standards.

d) The LAPSSET Planning and Investment Framework,

Copy of the LAPSSET Planning and Investment Framework has been shared with the joint reactive mission and is herein appended.

e) The Action Plan for the Lamu Old Town Cultural Heritage Committee with strict Deadlines for all components defined therein,

The Lamu Heritage Committee action plan appended will be revised and aligned to the reviewed management plan.

f) The revised Management Plan for Lamu Island;

The Kenya National Commission for UNESCO supported a series of stakeholder consultative meetings in Lamu from the 18th -22nd December 2019 to review the draft management plan .the meetings brought together different stakeholders including state agencies and civil society who had an opportunity to discuss and agree on pertinent issues affecting the site and propose appropriate measures on how to manage the challenges. The draft document is currently under review and will be submitted to the UNESCO WHC once completed.

4. Requests the State Party to submit an assessment of the condition of the built fabric of Lamu Old Town, including, as far as possible, an overview of how this has developed Since inscription of the property on the World Heritage List;

The Lamu world heritage site and conservation office in collaboration with the county government of Lamu department of physical planning and urban development is currently undertaking a condition survey of the world heritage site. The survey is based on the 1985 survey (Siravo and Pulver –Planning Lamu) and seeks to define how the property has transformed over the last 30 years. The planning Lamu report provided the basis upon which Lamu was gazzeted as a national monument in 1986 and eventually nominated as a world heritage site in 2001. The exercise is expected to be fully completed by March 2020 following which the analysis and report will be submitted to the UNESCO – WHC as requested.

5. Urges the State Party to complete the Memorandum of Understanding (MOU) between the National Museums of Kenya (NMK) and the LAPSSET Agency, to ensure this MOU grants the NMK a seat in the LAPSSET Agency Board and to submit the MOU to the World Heritage Centre once completed;

The National Museums of Kenya is now a member of a technical committee to develop the LAPSSET (outer corridor) master plan for sustainable development. The key stakeholders of the committee include the LAPSSET Corridor Development Authority (LCDA), ministry of Lands and physical planning, County Governments of Lamu, Garrissa ,Tana River ,Meru, Isiolo, Laikipia, Samburu, Baringo, West Pokot ,Turkana and Marsabit , others include the council of governors , ministry of transport infrastructure housing and urban development , ministry of tourism and wild life , vision 2030, National Environment Management Authority (NEMA), National Lands Commission , Kenya Pipeline Corporation , Kenya Ports Authority , Kenya Airports Authority , Kenya National Highways Authority ,Kenya Railways corporation , urban development and metropolitan development , institutions of higher learning , AGs office , National Assembly , and the WWF Kenya. Other relevant stakeholders shall be incorporated when and if necessary.

6. Also requests the State Party to undertake a review of all government and independent environmental and heritage impact assessments of the LAPSSET project and the Lamu Coal Plant, and submit it to the World Heritage Centre as soon as possible, and by 1 February 2020;

Owing to the court ruling and orders granted by the high court under appeal of petition on 12 of 2012 the NMK and other relevant state agencies awaits determination and recommendations of the state Law office on actions to be undertaken as a way forward which includes revision of the HIA and SEA

7. Further requests the State Party to revise the draft Strategic Environmental Assessment

(SEA) of the LAPSSET project by:

a) Assessing the individual and cumulative impacts of the project on cultural and Natural heritage, including the impacts on the Outstanding Universal Value (OUV) of Lamu Old Town and the ecological services that support the wider community

of the property, and by proposing mitigation measures,

The government of Kenya through the LAPSSET Authority has initiated revision of the SEA in accordance to the orders issued by the high court vide petition 22 of 2012 . The National Museums of Kenya has submitted a copy of the HIA for the first three berths to the consultant.

b) Urgently implementing the decisions of the National Environmental Tribunal of 26 June 2019, No. NET 1961 of 2016, in respect to the development of Lamu Coal Project, that requires the State Party to conduct a fresh Environmental Impact Assessment,

Following the court ruling all actors including the project proponent and other relevant state agencies have put on hold all activities related to the coal project .The joint UNESCO WHC - ICCROM/ICOMOS had an opportunity to visit the site in December 2019 to confirm that no activities have commenced on site and also to confirm its proximity from the World Heritage Site boundaries.

c) Aligning, as appropriate, the SEA for the LAPSSET project and the SEA for the Developments in the Lake Turkana Basin, with a view to assessing all potential Direct, indirect and cumulative impacts of the development projects on the OUV of all affected World Heritage properties;

The government of Kenya has put together a technical team to develop a LAPSSET (outer corridor) development master plan which is expected to address challenges unforeseen during the development of the feasibility study.

8. Requests furthermore that the State Party submit a revised LAPSSET SEA, a Heritage Impact Assessment and Environmental Impact Assessment of the proposal for the Lamu Coal Project that considers the impacts on the OUV of Lamu Old Town, and other requested documents above, to the World Heritage Centre for review, before proceeding with the Lamu Coal Project;

Following the ruling of the National Environmental Tribunal of 26 June 2019 all activities related to the proposed coal plant have been put on hold . The National Museums of Kenya will put in a formal request to the proponents for review of the HIA and EIA of the coal plant to reflect upon

the OUV of the site once the state law office has issued clear directions on how state organs should proceed on the matter.

The LAPSET SEA is still under review and shall be submitted once the process has been completed .

9. Following the security clearance by the United Nations Department of Safety and Security (UNDSS), requests moreover the State Party to invite a joint World Heritage Centre/ICOMOS/ICCROM Reactive Monitoring mission to the property to review the process and conclusions of the various environmental and heritage impact assessments, the stakeholder engagement processes and the state of conservation of the property;

A joint UNESCO WHC/ ICCROM-ICOMOS Reactive Monitoring Mission was invited to the site by the state party from the 30th November to the 3rd of December 2019. The reactive mission was enabled to visit and have full access to the Manda Airport, Lamu Port , site of the proposed Lamu metropolis, the proposed site of the Lamu Coal Plant and the Shella - Kipungani sand dunes. The State Party also organized a series of consultative meetings for the Reactive Monitoring Mission with community members, different government agencies and the sites management.

10. Encourages the State Party, as needed, to request technical and/or financial support from the World Heritage Fund, other States Parties to the World Heritage Convention or other potential donors or partners in finalizing the Management Plan, the delineation of the boundaries of the property and its buffer zone, and assessing the state of Conservation of the built fabric of the property;

The State Party developed and submitted a proposal for technical and financial support to the UNESCO World Heritage Center. The proposal was reviewed by the advisory bodies and a number of recommendations made to strengthen the proposal to cover more effectively intervention mechanisms that would appropriately address the sites challenges. The State Party has since recalled the proposal for review and will be resubmitted in due course for consideration by the UNESCO WHC

11. Finally requests the State Party to submit to the World Heritage Centre, by 1 February

2020, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 44th session in 2020, with a view to considering, in the case of confirmation of the Ascertained or potential danger to OUV, and in line with Paragraph 179 of the Operational Guidelines, the possible inscription of the property on the List of World Heritage in Danger

The State Party of Kenya herein submits the state of conservation report as requested by the UNESCO WHC. The state party wishes to reiterate her efforts in upholding the World Heritage status of Lamu by providing necessary mechanism to protect the sites OUV. the state party further wishes to demonstrate that the criteria ii, iv and vi for which the site was inscribed as a world heritage site have not been affected by the proposed projects .

Signed on behalf of the State Party



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For Director Antiquities Sites and Monuments
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