

**REPORT ON THE REACTIVE MONITORING MISSION TO LAMU OLD TOWN, (KENYA)  
FROM 9 TO 11 FEBRUARY 2015**

**FINAL REPORT**

**10.04.15**

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**BACKGROUND**

The mission was undertaken in response to the World Heritage Committee (Decision **38 COM 7B.49**), made at its 38<sup>th</sup> session in Doha (June 2014) in which they requested the State Party of Kenya to invite a joint World Heritage/ICOMOS/ICCROM reactive monitoring mission to the Lamu Old Town to follow-up on the Heritage Impact Assessment (HIA) report, within the context of the Lamu Port – South Sudan – Ethiopia Transport (LAPSSET) development project as well as the boundaries of the property and its buffer zone. It should be noted that due to security concerns, the mission was not able to travel to Lamu. Instead, the mission took place in Nairobi and included meetings with the national authorities, the NMK, the CEO of LAPSSET, and representatives of the local government and community.

**EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS**

With regards to overall management, the mission found that management relationships between the National Museums of Kenya (as site manager) and the Lamu County Council need to be clarified, as does the relationship between the NMK and the management of the LAPSSET project. The apparent autonomy enjoyed by LAPSSET with regards to planning decisions could create potential negative impacts on the Outstanding Universal Value (OUV) of the property. This situation may be partially resolved by the inclusion of NMK on the LAPSSET Board. Larger Stakeholder involvement (especially local communities) should also be systematically encouraged.

With regards to the LAPSSET project, the mission found that the State Party has not halted the ongoing work on the LAPSSET development until impacts on the World Heritage property could be properly assessed, as requested by the World Heritage Committee on several occasions The

State Party indicated that it considered the continuation of the project to be a major national priority.

The mission was informed that works for the LAPSSET project that have already taken place or are in progress include: the construction of an administration building, a police station, and power and water supply infrastructure. In addition, approximately 6 ha of mangroves have been cleared in Manda Bay. The mission was also informed that the construction of the first 3 berths of the new Lamu Port would begin in the near future (possibly as soon as March or April 2015). The mission also learned that the State Party intend to extend the airstrip at Manda Island to accommodate larger airplanes.

As orally described by the CEO of LAPSSET, the general outlines of the LAPSSET remain as previously planned. However, documentation on the revised proposals was not handed over to the mission to allow this to be evaluated.

There will be a series of infrastructure developments including roads, a rail link, and oil pipelines. A new city will also be constructed at Lamu (the so-called Lamu Metropolis), as well a large 32-berth port in Manda Bay near Lamu. Industrial facilities and a coal fuelled power plant will also be constructed as well as “resort city” for tourism development.

The mission was informed orally that some changes were considered to reduce negative impacts on the World Heritage property. These included a pledge not to build any LAPSSET project developments on the islands of the archipelago. The mission was shown a “red line” on the map (Figures 6.1/6.3/6.4), which indicated where there would be no developments. This means that the power plant will be moved from Pate to the mainland as well as some of the resort city aspects that were planned for Manda. Nevertheless, the air strip on Manda will be enlarged in the short-term to allow for easier air access while the airport on the mainland is being planned.

The mission assessed the information provided and found that the Heritage Impact Assessment (HIA) appears to be robust despite limitations in the information available to the authors. However the Environmental and Social Impact Assessment (ESIA) is inadequate to provide a robust analysis of the potential impact of the whole LAPSSET project on the OUV of the heritage property.

The mission also found that while the current preparatory works do not, themselves, at present pose a threat to the OUV of the Lamu WH property, there can be no doubt that a project of this scale and scope, in an area as remote and protected as Lamu, cannot help but have profound negative impacts on the heritage. These impacts will come from pressure on the Old Town to change, pressures of tourism, pressures of pollution, visual pressures associated with the ships coming in and out of port as well as from the large constructions, and pressures on the living Swahili culture, which is an attribute of the OUV. As stated in the 2014 Heritage Impact Assessment (HIA) Report, the best that can be hoped for is to mitigate and limit these impacts.

Mitigation measures and a precautionary approach appear to be agreed-upon by the State Party in principle but are not yet embedded in the planning context. There remains uncertainty about some of the future phases of the LAPSSET development, which is changing and will no doubt

continue to develop and change. There will be a need for further information to be submitted as the project evolves.

With regards to the boundaries and buffer zone, the mission was shown maps delineating both, and was informed that these would be submitted to the 39<sup>th</sup> session of the World Heritage Committee Meeting. The property boundaries correspond to the maps originally submitted with the nomination file. The buffer zone, however, consists of only a very small area surrounding the property on Lamu Island as well as small strips of mangroves on Lamu and Manda Islands and the mainland, which are already protected for environmental reasons.

The mission found that while the boundary of the property was of a sufficient size, the buffer zone is not sufficient to protect the property from the strong development pressures that will be brought in as a part of the LAPSSET project and associated development by private developers.

### **List of recommendations**

The mission recommends the following:

- The State Party should submit to the World Heritage Centre, details of work undertaken on the LAPSSET project, and updated details of works currently suspended, for review by the WHC and Advisory Bodies.
- The State Party should submit to the World Heritage Centre, plans for the extension of airport on Manda Island, for review by the WHC and the Advisory Bodies;
- The State Party should carry out a SIA for the whole LAPSSET development including a heritage specialist, and submit it to the World Heritage Centre for review by the WHC and Advisory Bodies. The SIA should include, inter alia, recommendations on fishing plans, recommendations on planting mangroves, and recommendations on the need to survey coastal morphology.
- A number of commitments were made orally to the mission team at the time of the mission, including a pledge not to carry out any developments on the islands of the archipelago and a pledge that the National Museums of Kenya would have a seat on the Board of LAPSSET. These need to be followed up with a revised project document for the whole LAPSSET project which clearly indicates the revised plans. This will allow for a proper assessment of the promised changes and commitments. These commitments should be confirmed and reported on by the State Party in its next state of conservation report.
- The commitment of the LAPSSET project not to carry out any developments on the islands themselves will not necessarily halt other inappropriate developments, caused by the existence of LAPSSET. There is a need to ensure that there are adequate planning measures in place to protect against spill-over development that would create the same negative impacts that the LAPSSET development would have.

- Due to the potential for impact on the physical fabric of the World Heritage property due to development pressures, there is an urgent need for strong building controls to be developed for the Lamu Old Town. These controls should include clear limits on size, materials and design, for any proposed changes to the building stock and urban fabric of the World Heritage property. These development controls should be based on those already in place in the existing conservation plan and should be written by the National Museums of Kenya in conjunction with the Lamu County government. These development controls should be submitted to the World Heritage Centre for review by the WHC and the Advisory Bodies before being finalized and given the necessary legal status. Enforcement mechanisms must also be improved for the regulations.
- The State Party has indicated that it will be updating its management plan to take into account the LAPSETT development. This updated management plan may provide the necessary framework for the development controls and enforcement mechanisms mentioned in the above bullet point, as long as the resulting regulation has a legal standing. The supplement to the management plan should also include recommended actions for sustaining the local Swahili culture, and a strengthened management framework to ensure that the various new management aspects can be effectively implemented. The finalized, updated management plan should be submitted to the World Heritage Centre as soon as possible for review by the WHC and Advisory Bodies.
- The LAPSETT development project should provide significant funding for conservation activities. This should include a fund specifically for conservation of buildings within the property, and should also include funds for training in traditional building technologies and the use of traditional building materials. There is a need for an enlarged World Heritage buffer zone to include at least the whole of Lamu and Manda Island with sufficient regulation to protect the OUV of the property. These regulations should not halt all development, but should ensure that approved developments do not have a negative impact on the OUV of the property. In particular, uses which are deemed to be harmful to the continued well-being of the Swahili culture should not be permitted. Some tourist activities could be allowed, but these would need to be carefully regulated in terms of types and numbers (so as not to be overwhelming). A minor boundary modification, taking these issues into account, should be prepared by the State Party for submission to the World Heritage Centre by 1 February 2016.
- The State Party is encouraged to pursue the idea of a Special Conservation Area for the entirety of the Lamu Archipelago with strong regulations to further protect the setting of the property and its OUV along with other heritage values of Lamu.
- The Resort Cities proposals for Lamu need to be re-examined to ensure that they do not have negative impacts on the Swahili culture that is a part of the OUV of the property (as part of Criterion vi). Strong guidelines would be needed for these resort cities before any specific proposals could be considered.

- In regard specifically to the protection of the Swahili cultural traditions which is an attribute of the OUV of the property, the mission recommends the following:
  - In partnership with the Lamu Museum and Lamu Fort, develop and/or strengthen programmes on Swahili culture in universities and colleges in Lamu in order to ensure transmission of the Swahili culture including poetry, cooking, dhow building, traditional fishing, etc, and ensure their adequate funding.
  - Ensure that regulations related to tourism are developed and enforced to protect the local culture, in line with the World Heritage Sustainable Tourism Programme. Policies may include limits on the numbers of tourist establishments and the behaviour and comportment of visitors. Also, certain types of activities such as casinos, discos, and bars that may have a negative impact on this attribute of OUV need to be strictly limited or prohibited.
  - The voice of the local communities should not be lost within the overall demographic changes. Mechanisms should be developed to ensure that Swahili culture still has an input into ongoing decision-making and development of the World Heritage property.
  - Mechanisms should be developed to support the traditional livelihoods of local populations. These should build on the current entrepreneurship/business planning training activities being carried-out by the World Heritage Centre and the African World Heritage Fund (AWHF) in line with the priorities of the Action Plan for World Heritage in the Africa Region, endorsed by the World Heritage Committee in 2012 (6 COM 10A), which aim to bring direct economic benefits to local communities living in or around World Heritage properties.
- As a final recommendation, as LAPSSET is a long, ongoing project, the State Party should report on an ongoing basis every two years for the next six years to the World Heritage Committee on its implementation and its effects on the OUV of the property. This should not be seen as a punishment or in a negative light, but rather a positive aspect of the Convention to provide support and assistance to the State Party in the face of strong development pressures that will be ongoing for a long period of time.

In conclusion, the mission proposes that the level of actual threat does not at this time warrant the property being placed on the List of World Heritage in Danger. However, as indicated above, the ongoing development of the LAPSSET project does have the potential to have a severe adverse effect on the OUV of the property. Mitigation measures have been proposed by the State Party, in the HIA and in this report, but these are not yet embedded in relevant policies by the State Party. The two year reporting cycle that this mission recommends for the property should indicate whether the proposed mitigation measures are being effectively implemented and if the threats to OUV are diminishing or increasing. This information should be evaluated every two years by the World Heritage Committee to determine if listing the property on the World Heritage List in Danger would be warranted.

## **1. BACKGROUND TO THE MISSION**

Kenya became a State Party to the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage in 1991, with a commitment to observe its obligations and Operational Guidelines. In line with this, Kenya has served on the World Heritage Committee from 2005 to 2009, and over the years has nominated several sites for inscription on the World Heritage List. Six properties (3 culture and 3 natural) have been successfully inscribed on the World Heritage List, including Lamu Old Town in 2001.

### **1.1. Inscription history**

Lamu Old Town is located on one of the islands with the same name (Lamu) within the Lamu archipelago, the other islands being Pate and Manda. Lamu Island is approximately 311 square kilometres in size and home to four historic settlements: Lamu, Matondoni, Kipungani and Shela. With a core comprising a collection of buildings on 16 ha, Lamu has maintained its social and cultural integrity, as well as retaining its authentic building fabric, a significant natural and cultural heritage up to the present day. Characterized as being a conservative and closed society, Lamu has retained an important religious function with annual celebrations. It is the oldest and best preserved example of Swahili settlement, a significant centre for education in Islamic and Swahili culture in East Africa.

For this reason, Lamu Old Town was inscribed on the World Heritage List in 2001 as a cultural property of Outstanding Universal Value (OUV).

### **1.2. Inscription criteria and/ or Statement of Outstanding Universal Value**

As approved in 2011, the Statement of Outstanding Universal Value (SOUV) for Lamu Old Town follows:

#### **Brief synthesis**

Lamu Old Town, located on an island known by the same name on the coast of East Africa some 350km north of Mombasa, is the oldest and best preserved example of Swahili settlement in East Africa.

With a core comprising a collection of buildings on 16 ha, Lamu has maintained its social and cultural integrity, as well as retaining its authentic building fabric up to the present day. Once the most important trade centre in East Africa, Lamu has exercised an important influence in the entire region in religious, cultural as well as in technological expertise. A conservative and close-knit society, Lamu has retained its important status as a significant centre for education in Islamic and Swahili culture as illustrated by the annual Maulidi and cultural festivals.

Unlike other Swahili settlements which have been abandoned along the East African coast, Lamu has continuously been inhabited for over 700 years.

The growth and decline of the seaports on the East African coast and interaction between the Bantu, Arabs, Persians, Indians, and Europeans represents a significant cultural and economic phase in the history of the region which finds its most outstanding expression in Lamu Old Town, its architecture and town planning.

The town is characterized by narrow streets and magnificent stone buildings with impressive curved doors, influenced by unique fusion of Swahili, Arabic, Persian, Indian and European building styles. The buildings on the seafront with their arcades and open verandas provide a unified visual impression of the town when approaching it from the sea. While the vernacular buildings are internally decorated with painted ceilings, large niches (madaka), small niches (zidaka), and pieces of Chinese porcelain. The buildings are well preserved and carry a long history that represents the development of Swahili building technology, based on coral, lime and mangrove poles.

The architecture and urban structure of Lamu graphically demonstrate the cultural influences that have come together over 700 hundred years from Europe, Arabia, and India, utilizing traditional Swahili techniques that produced a distinct culture. The property is characterized by its unique Swahili architecture that is defined by spatial organization and narrow winding streets. This labyrinth street pattern has its origins in Arab traditions of land distribution and urban development. It is also defined by clusters of dwellings divided into a number of small wards (mitaa) each being a group of buildings where a number of closely related lineages live.

Attributed by eminent Swahili researchers as the cradle of Swahili civilization, Lamu became an important religious centre in East and Central Africa since the 19th century, attracting scholars of Islamic religion and Swahili culture. Today it is a major reservoir of Swahili culture whose inhabitants have managed to sustain their traditional values as depicted by a sense of social unity and cohesion.

### **Criteria**

Criterion (ii): The architecture and urban structure of Lamu graphically demonstrate the cultural influences that have come together there over several hundred years from Europe, Arabia, and India, utilizing traditional Swahili techniques to produce a distinct culture.

Criterion (iv): The growth and decline of the seaports on the East African coast and interaction between the Bantu, Arabs, Persians, Indians, and Europeans represents a significant cultural and economic phase in the history of the region which finds its most outstanding expression in Lamu Old Town.

Criterion (vi): Its paramount trading role and its attraction for scholars and teachers gave Lamu an important religious function (such as the annual Maulidi and Lamu cultural festivals) in East and Central Africa. It continues to be a significant centre for education in Islamic and Swahili culture.

### **Integrity (2010)**

The property, covering 16 hectares, adequately incorporates all the tangible and intangible attributes that convey its outstanding universal value. A high percentage (65%) of the physical structures is in good condition with only 20 % being in need of minor refurbishment. The remaining 15 % may need total restoration. The majority of the town's buildings are still in use.

The town needs to maintain its relationship with the surrounding landscape. The setting of the Old Town is vulnerable to encroachment and illegal development on the Shela dunes that are a fundamental part of its setting. Development is a threat to its visual integrity as an island town closely connected to the sea and sand-dunes, and to its ultimate survival in terms of the fresh water that the dunes supply. The setting extends to the surrounding islands, all of which need to be protected from informal settlements, and to the mangroves that shelter the port.

### **Authenticity (2010)**

The architecture of Lamu has employed locally available materials and techniques which are still applied to date. The people of Lamu have managed to maintain age-old traditions reinforcing a sense of belonging and social unity. This is expressed by the layout of the town which includes social spaces such as porches (Daka), town squares and sea front barazas. The town continues to be a significant centre for education in Islamic and Swahili culture.

The authenticity of the Old Town is vulnerable to development and to a lack of adequate infrastructure, that could overwhelm the sensitive and comparatively fragile buildings and urban spaces that together make up the distinctive urban grain of the town.

### **Protection and management requirements (2010)**

Lamu Old Town is managed by the National Museums and Heritage Act 2006 (that replaced the 1983 National Museums Act CAP 216 and Antiquities and Monuments Act CAP 215) and the Local Governments Act (and the associated by laws). Physical construction is also subjected to the EMCA Act and the 2006 Planning Act, which recognize that archaeology is material for consideration. The Old Town has a gazetted buffer zone that includes the Manda and Ras Kitau mangrove skyline and the Shela sand dunes, also protected by the Forest Act and Water Act respectively (although the buffer zone has not been formally approved by the World Heritage Committee). All the components are legally protected.

The Lamu Stone Town Conservation Office, now renamed the Lamu World Heritage Site and Conservation Office, was established by the National Museums of Kenya and has been in operation since 1986. A conservation officer is seconded to Lamu County Council to advise on conservation matters. A planning commission exists since 1991 to play a supervisory role and address emerging issues in the conservation area.

There exists a conservation plan for Lamu Old Town which is used as a guide in balancing the community needs for development and sustaining the architectural values of the town. The property is in a satisfactory state of conservation. Locally embedded institutions ensure the continued importance of Lamu as a centre of Islamic and Swahili cultural learning and practices.

A draft management plan has been developed that will address issues such as the mushrooming of informal settlements in the setting of the property, encroachment and illegal development on the sand dunes water catchment area, the proposed port and cruise ship berth, and oil exploration. The plan will also strengthen the inter-ministerial relationships to enhance an integrated management approach, including the establishment of a conservation fund, for sustainable conservation and management of the property.

### **1.3. Authenticity issues raised in the ICOMOS evaluation report at time of inscription**

The ICOMOS evaluation report at the time of inscription confirmed the value of Lamu and its authenticity and integrity which has been maintained over time due to:

- (i) Lamu Old Town's remoteness and absence of roads and vehicles, as well as its general decline in development;
- (ii) Small population and small numbers of visitors to Island; and
- (iii) Proper maintenance of its stone structures.

However, the report also indicated potential risks as a result of increasing population pressure resulting in changes with regard to lifestyles, demand for visitor accommodation ultimately leading to construction of hotels just outside the historic area, but also risks of fires which would be disastrous for the Island's structures.

In this regard the Report made the following recommendations for future action:

- (iv) The need for a culturally sustainable development to maintain the important social and cultural quality of Lamu through continuous education as well as training programmes.
- (v) The need to extend the buffer to some 2km on the shoreline in order to guarantee control of new constructions,
- (vi) The need to develop a more detailed management plan with clearly defined tasks for the authorities, and the possibility of establishing an inter-departmental Lamu Town Authority to be considered.
- (vii) The need for continuous updating of action plans related to management of change, and the possibility of exchanging management experiences with the Zanzibar Stone Town Authority.

### **1.4. Examination of the State of Conservation by the World Heritage Committee and its Bureau**

From the time of inscription in 2001, major issues highlighted in the State of Conservation Reports submitted by the State Party and decisions made by the World Heritage Committee have focused on concerns to do with large scale uncontrolled urban development likely to lead to population increase, demographic change, and labour migration and consequently putting enormous pressure on the property. According to the Reports such developments have the potential to negatively affect the OUV of the property and its setting, in particular its social and cultural unity and cohesion, its relationship with the surrounding landscape and setting extending to the surrounding islands, as well the Shela sand dunes water catchment area subsequently affecting its fresh water supplies. These changes would have adverse impacts on the tangible and intangible heritage, traditional Swahili cultural and religious functions, artisanal fishing industry, the visual qualities of the property, the sea current and coastal edge vegetation, and the archaeological deposits and sites. Ultimately the OUVs of the property and the authenticity and the integrity of the whole island as per criteria (ii) and (vi) would be compromised.

Specific threats and risks highlighted in the SOC reports include:

- (i) Rapid, extensive urban uncontrolled development (housing, hotels and associated infrastructure, informal settlements);
- (ii) Massive influx of additional population significantly enlarging the urban community in Lamu District to 1million;
- (iii) Encroachment of the archaeological sites;
- (iv) poor solid waste management; water sanitation and waste disposal;
- (v) Water depletion and overuse of the groundwater;
- (vi) Deterioration of dwellings;
- (vii) Lack of risk preparedness in relation to risk from fires;
- (viii) Poor law enforcement;
- (ix) Inadequate financial and human resources to ensure proper management;
- (x) Lack of educational programmes to enhance the property;
- (xi) Lack of community involvement in the development and implementation of the planning and mitigation mechanisms;
- (xii) Lack of a comprehensive management & conservation plan;
- (xiii) Lack of a coordinated formalised institutional mechanism for the management of the site;
- (xiv) Unclear and inadequate buffer zone.

Most recently, the property is being threatened by large scale industrial and infrastructural development, referred to as LAPSSSET with a wide range of components: Lamu port, railway line & roads network, highway, crude oil pipeline, oil refinery, resort cities, airports and all the necessary support infrastructure for metropolis development. This is considered to be the largest such investment on the African continent. In addition there is exploration of oil and gas. This development has further increased the level of potential impacts on the morphology of the coastline, tidal flows, and on the formation of sandbanks over a wide coastal area, as well as on the socio-economic development of Lamu and its surrounding landscape.

In order to address these issues, the World Heritage Committee has made various decisions with recommendations requesting the State Party for specific actions. These recommendations include:

- (i) Development of a management plan with an action plan extending the current limits of the World Heritage Property to cover the whole Lamu Town, the town of Shela and her sand dunes, as well as taking into considerations such natural values as the mangroves;
- (ii) Extension of the core and buffer zones to ensure that the whole island and the archipelago including, in particular, the Shela Sand Dunes and the mangroves on Manda Island and all historical buildings are included into the World Heritage zone in order to address expected impacts on the property resulting from large scale uncontrolled and illegal development;
- (iii) Production of map for the property clearly demarcating and labelling its boundaries;

- (iv) Study of Lamu island's solid and liquid waste management be conducted, with particular concern to the sewerage situation and the most viable way of dispensing it should be adapted;
- (v) Documentation and inventorying of all historical buildings and mapping of archaeological assets;
- (vi) Gazettement of the entire water catchment area i.e. Shela Sand Dunes and registering it as special bio-diversity (SOB) in order to protect the fragile water source;
- (vii) Reinforcement of existing laws related to fire prevention;
- (viii) Enactment of a new Heritage Bill
- (ix) Establishment of a coordinated formalized mechanism inform of a committee/Task force for the management of the site;
- (x) Establishing community education awareness programme;
- (xi) Elaboration of a Disaster Management Plan;
- (xii) Development of an integrated marketing strategy for Lamu;
- (xiii) Halting all work on the LAPSSET corridor and the new Lamu Port and Metropolis Development Project until the HIA has been carried out and its results discussed by the World Heritage Committee; and finally

### **1.5 Justification of the Mission**

The mission was undertaken in response to the World Heritage Committee (Decision **38 COM 7B.49**), made at its 38<sup>th</sup> session in Doha (June 2014) in which they requested the State Party of Kenya to invite a joint World Heritage/ICOMOS/ICCROM reactive monitoring mission to the Lamu Old Town to follow-up on the Heritage Impact Assessment (HIA) report, as an Annex of the EIA, within the context of the LAPSSET development project as well as the boundaries of the property and its buffer zone as per attached terms of reference (Annex 1).

Unfortunately because of the security situation in Lamu, the mission was not able to travel to the World Heritage property. Instead, meetings were organized in Nairobi and efforts were made by the National Museum of Kenya to bring a number of critical stakeholders from Lamu to Nairobi to participate in the mission, including community representatives.

The terms of reference of the mission is in Annex 1. The composition of the Mission team is in Annex 2. The programme of the Mission is attached in Annex 3.

The mission met with relevant ministries and national authorities, the LAPSSET CEO, National Museums of Kenya (NMK) representatives, Lamu site manager, Lamu community representatives and other relevant stakeholders and held extensive discussions around the Heritage Impact Assessment (HIA) report, as an Annex of the EIA, and the LAPSSET development project as well as the boundaries of the property and its buffer zone. (See Annex 4 for the list of the people met during the mission).

## **2. NATIONAL POLICY FRAMEWORK FOR THE PRESERVATION AND MANAGEMENT OF LAMU OLD TOWN**

### **2.1. National Heritage Legislative Framework**

The designation and inscription of the Lamu World Heritage property was done within the context of the State Party of Kenya being a signatory to the 1972 World Heritage Convention and its domestication through national laws. Within this framework, policies, structures and institutions have been put in place for the protection of the Site and the bio-physical and cultural components of the environment.

At national level, the following instruments comprise the overall legislative framework that governs planning for the Lamu Old Town. Some of these instruments specifically ensure the protection of Lamu Old Town while others do not.

- The 2010 Constitution, which calls on its people to be “respectful of the environment and heritage, and sustain it for the benefit of future generations as well as be PROUD of ethnic, cultural and religious diversity.
- Vision 2030, a national long term development plan covering the period 2008-2030 aimed at improving the prosperity of all Kenyans and transforming Kenya into a newly industrialising middle income country
- The County Government Act of 2012 which has resulted in the devolvement of powers for the development of the county. This has resulted in the elaboration of the Lamu County First Integrated Development Plan 2013-2017, within it are the County Sectoral Plan; County Spatial Plan; and City and Urban Areas Plan. Its objective is to offer good quality life for all its citizens through the prudent use of resources, equitable provision of services and implementation of sustainable development
- Local Government Act Cap 265; Through the act a Lamu Local Planning Commission was established through which the relevant government regulatory agencies can harmoniously invoke the provisions of their specific rules for the purposes of implementing or solving specific issue pertaining to the World Heritage Site. The Commission also advises the County Authority on salient issues pertaining to the protection and preservation of Lamu as a Cultural Heritage site. The main function of the Commission is to review proposals for the alteration, extension and construction of new buildings within the WHS and its buffer zone.
- The LAPSSET Master Plan

The day to day management of the Site is through the following legislative acts:

- The National Museums and Heritage Act (NMHA) of 2006 through the National Museums of Kenya (NMK),
- The Environment Management Coordination Act (EMCA) of 1999 through National Environmental Management Authority and others.

## **2.2. Institutional Framework**

Heritage conservation planning began for the Lamu Old Town already in the early 1980's, with a number of seminal studies of the well conserved Swahili town. This led in 1986 to the development of the first Conservation Plan by the NMK (Sirvao and Pulver, 1986). The plan foresaw a strong collaboration between the NMK and the Lamu Town Council in the overall management of the World Heritage property. Over the years, the relationship between the NMK and Lamu Town Council has been more and less strong depending on the specific circumstances. Nevertheless, the relationship has managed to do a good job of conserving both the building stock of the Lamu Old Town and promote the intangible attributes of the property.

In specific terms of the Lamu World Heritage property, the National Museums of Kenya (NMK) is the principal authority enacting the State Party's obligations under the *1972 World Heritage Convention* as foreseen under the *National Museums and Heritage Act (NMHA)* of 2006. In this regard, they are supported by the Environment Management Coordination Act (EMCA) of 1999 through National Environmental Management Authority. Hence, while NMK is responsible for the cultural environment, NEMA is responsible for the total environment. The two institutions through their various mandates are crucial in ensuring that the natural and cultural environment of Lamu World Heritage property and the Lamu archipelago are not impacted negatively.

It should be noted, however, that the Lamu County Government also plays an important role in physical planning in the county and as such is an important actor in both conservation decision-making and implementation. The new county government structure (decentralized) in Kenya is still in development, and should be supported in such a way to ensure that the relevant national and local authorities work together for the protection of the World Heritage property.

## **2.3. Management Structure**

The National Museums of Kenya (NMK) is headed by a Director General with five Directorates responsible for primate research, museums, sites and monuments, research and collections, development and Human resources and administration as below.

The management of Lamu Old Town as a World Heritage Property falls directly under the Directorate of Museums, sites and monuments.

At local level, the Site is managed by the Lamu Museum in cooperation with the Lamu County government.

## **2.4. Relationships among the institutions (national and local government, National Museums of Kenya and LAPSSET**

As already mentioned, the critical institutions that are responsible for ensuring that Lamu World Heritage property and the Lamu archipelago are well protected and maintained are the National Museums of Kenya (NMK) and the National Environmental Management Authority (NEMA) in conjunction with the Lamu County government. It should be noted, however, that the initiation of the LAPSSET project has introduced an additional, very powerful decision-making body that has the potential to have significant impacts on the World Heritage property. The LAPSSET Corridor Development Authority and all agencies linked to must be engaged in an ongoing dialog to ensure

that it's decisions to not diminish the Outstanding Universal Value of the Lamu World Heritage property.

In addition, relevant components of the private sector also have the potential to affect OUV and should be engaged on a regular basis, as should civil society organisations, such as SAVE Lamu, and other community based organisations and representatives. All of these stakeholders must cooperate and collaborate in the implementation of their various mandates within the set legal frameworks meant to protect Lamu heritage resources and the peoples' interests and wellbeing. Hence the need for an institutionalised coordinated framework both at national and local level, which will be a platform for dialogue in working together to ensure a smooth management that will contain all the threats and risks for the protection of Lamu Old Town property.

### **3. IDENTIFICATION AND ASSESSMENT OF ISSUES / THREATS**

#### **3.1. Management effectiveness**

Management effectiveness per se was not examined as part of the mission, partly because it was difficult to do so without visiting the site. There were, however, several issues related to management that were identified by the mission team:

1. The management relationships between the National Museums of Kenya (as site manager) and the Lamu County Council need to be clarified. The NMK has well qualified professionals in heritage matters, but so does the County Council. It would strengthen management of the property if mechanisms were developed to ensure the cooperation of these two entities.
2. The relationship of the management of the property to the management of the LAPSSET project is not clear at all. It would appear that the LAPSSET project has a near autonomy of decision-making with regard to planning decisions that relate to the project. This could create a troubling situation when decisions have the potential to impact on the OUV of the property. This situation may partially be solved by the inclusion of someone from the NMK on the LAPSSET Board, as was also recommended by the HIA. Nevertheless, mechanisms need to be developed to ensure that any planning decisions taken by LAPSSET do not negatively impact OUV and are taken in full consultation with the relevant planning authorities of the NMK and Lamu County Government.
3. Larger stakeholder involvement (especially local communities) should also be systematically encouraged (see below).

#### **3.2. Nature and extent of threats to the property, taking into consideration the criteria and attributes for which the property was inscribed and specific issues outlined by the World Heritage Committee**

##### **3.2.1. OUV Criteria and attributes for which the property was inscribed**

See section 1.2 above.

##### **3.2.2. Scope of assessment of nature and threats to property**

This mission focussed primarily on the threats to the property from the Lamu Port-South Sudan-Ethiopia Transport corridor project (LAPSSET) as well as the Lamu Port development, Lamu Metropolis and associated developments. These are collectively described in this mission report as the LAPSSET project. The mission did not directly consider potential impacts of oil and gas exploration and extraction in and near the Lamu Archipelago, which is not part of the LAPSSET project; however, it should be noted that these also pose real threats to the property.

The mission also looked at issues related to overall management of the property and in particular to the issue of the boundaries of the property and its buffer zone, and discussed community participation.

Because the mission was not able to visit the site, however, it was not possible to physically assess the state of conservation or carry out a visual inspection of the property.

### **3.2.3. The LAPSSET project**

#### **Prior information received**

Prior to the mission, the following information was made available on the LAPSSET project:

- the Environmental and Social Impact Assessment (ESIA) for LAPSSET stage 1 (berths 1-3 of Lamu Port and associated infrastructure) (Ref.1)
- the feasibility report for the LAPSSET project to 2030 (Ref.2); and
- the HIA for the full scope of the LAPSSET project to 2030 (Ref.3)

During the mission the following information was provided orally:

#### **Existing/ongoing works**

(Note: It should be noted that due to security concerns, the mission was unable to visit Lamu. For this reason, the following information is based on discussions that were held in Nairobi.)

The State Party has not halted the ongoing work on the LAPSSET development until impacts on the World Heritage property could be properly assessed, as requested by the World Heritage Committee on several occasions (38COM 7B.49, 37COM7B.40, 36COM 7B).

Works that have already taken place or are in progress are:

- Construction of an administration building on the mainland. The mission was informed that this is substantially complete.
- Construction of a police station on the mainland. The mission was informed that this is substantially complete.
- A power supply line from the south to the LAPSSET site with a link to Lamu. This power line is constructed but not yet energised.
- Water supply boreholes and pipelines on the mainland. This first phase is understood to be substantially complete. It is intended to provide a pipeline connection from the mainland to Lamu Island which would have a positive impact on the fragile water provision system.
- Clearance of approximately 6 ha of mangroves on Manda Bay, for the first phase of the proposed new Lamu port

The mission was led to understand that the ongoing works have been substantially suspended until compensation for affected landowners has been resolved.

This is all based on oral evidence. The mission has requested, but not yet been provided with, written details of these works.

### **Proposed further works in phase 1 (next 5 years)**

Once compensation payments are finalised and paid to those affected by the next phase of works it is understood that phase 1 works will continue, including:

- Construction of berths 1, 2 and 3 at Lamu port, comprising a bulk terminal, a container terminal and a multipurpose terminal. It will require dredging in Manda Bay, construction of an artificial island connected to the mainland by a causeway, quay walls and materials handling equipment.
- Construction of an industrial estate near the port, which will include agricultural and fish processing facilities
- A coal fired power station at the north end of Manda Bay

The mission was informed that Figures 4 and 5 in Annex 6 approximately represent the master plan for the works in the next 5 years

The mission also learned that the State Party intends to extend the airstrip at Manda Island to accommodate larger airplanes. This is a significant development because a larger airport facility is planned for the mainland to be constructed at a later date. It was not clarified as to whether the immediate upgrading of facilities on Manda were to be temporary or if they would remain after the new airport is completed.

The mission requested information on these but drawings had not been supplied at the time of writing this report.

The mission was told that berths 1-3 would be built by the State Party but operated by a private company. The proposed fisheries facilities at the new Lamu port would be in lieu of the facilities that the feasibility report had proposed to provide at Mokowe.

The mission was informed that tenders were being prepared for the power station and an EIA was being commissioned for this project.

### **The LAPSSET master plan to 2030**

The LAPSSET Master Plan which was assessed by the HIA is shown in Figures 1, 2 and 3 in Annex 6. The CEO of LAPSSET presented an outline of the master plan to 2030:

The overall principles of the master plan are unchanged from that considered in the HIA. There will be:

- A surfaced road between Lamu port/city and Garsen
- The LAPSSET Corridor consisting of Lamu Isiolo Railway, Lamu-Garissa Highway and Lamu-Nakodok Crude and Product Oil Pipelines.
- A new Lamu metropolis on the mainland of over 1m people.
- A new Lamu Port at Manda Bay which will eventually be extended to 32 berths
- A greatly enlarged industrial facility near the port. The port-related industrial area will include an oil refining and petrochemical industry, a food processing industry and fruit

processing factories, a grain terminal, a flour mill, a live animal quarantine centre, a wood processing industry, a textile industry, a thermal power plant, ship repair and building, material processing for corridor construction, and a service base for offshore oil and gas production. The port and industrial area will make up a Special Economic Zone (SEZ).

- A new international airport, located west of Lamu metropolis and Lamu island
- A new multipurpose dam on the Tana river with a pipeline supplying water to Lamu
- A resort city and satellites

However the mission was informed of some important changes to the master plan compared to the proposals that were assessed in the draft HIA:

- It was reported orally to the mission that there are to be no LAPSSET works on any of the islands in the Lamu archipelago. According to the presentation of the LAPSETT CEO:
  - The power station which was to be on Pate Island will now be on the mainland
  - The resort city and entertainment centre on Manda Island has been relocated to the mainland.
  - Other resort satellites planned on other islands of the Lamu archipelago will also be relocated
  - It is no longer intended to construct a cruise terminal on Manda Island. It isn't clear if this is to be constructed elsewhere.
  - As mentioned above, there is an expansion of the current airport on Manda Island, and it is not clear if this is meant to be a permanent or temporary development.
- The mission was orally informed that there will be a 'red line' boundary to the LAPSSET development indicatively some 4km from Lamu island with no development south of this line except for the resort city and associated tourist developments.

The CEO informed the mission that Berths 4-32 of Lamu Port would be built and operated by a private company on a PPP basis.

### **Assessment of the potential impacts**

A thorough assessment is not possible because the mission was not supplied with all of the necessary drawings and text of the revised master plan proposals. At the moment, the mission only has some very general ideas about changes that are being proposed. Also, assessments by others are not available of the revised master plan proposals.

### **Assessment of existing/ongoing works**

The existing/ongoing LAPSSET works which constitute preliminary works and the beginnings of phase 1 have a potential to cause both positive and negative impact on the OUV of the property. The proposed water and power supply to the island are likely to have positive impacts, as existing water supplies are inadequate and locally generated power is inefficient. Nevertheless, there may be negative visual impacts depending on the final design of the power station (and whether it can be viewed from the World Heritage property), and other impacts such as pollution associated with the coal based power. This may have specific impact on the coral stone buildings

of the Lamu Old Town as the rather fragile limestone can be impacted by air pollution. It will be necessary for studies to be carried out to ascertain both positive and negative impacts.

### **Assessment of Proposed phase 1 works**

As a first note, the mission points out that an ESIA was carried out by the State Party for the first 3 berths. The mission has found, however, that this ESIA is not adequate to assess the impacts of even the first phase of the project, because it is not able to put this first phase in the context of the larger project. An HIA has also been carried out (still a draft at the time of the mission) which was able to look at the LAPSSET project in a more holistic way. These two documents will be treated more in depth below in Section 3.4.

The planned fisheries facility at Lamu Port is likely to bring benefits to Lamu's fishing community if it is managed and priced to be accessible to the artisanal fishermen of Lamu. Refrigeration facilities provide an opportunity to increase the market beyond local consumption.

However, the HIA and local representatives to the mission expressed concern about the port development blocking sheltered passage by dhows through the Mkanda channel and Manda Bay. The CEO of LAPSSET Corridor Development Authority stated that vessels will still be allowed to pass through the channels, but that there would be controls on navigation to ensure no risk of collisions with the vessels using the new port facilities (this would still need to be confirmed).

The HIA also identified loss of fishing grounds in Manda Bay due to the new port. However, local representatives stated that this fishing area was not very productive. New engines for the dhows provided by the State Party, will allow the fishing vessels to fish further afield.

In summary, there appear to be significant threats and opportunities to the artisanal fishing at Lamu; however the likely impact of LAPSSET on the fishermen does not appear to be understood at this time.

The loss of mangrove for the new harbour was a concern for the Lamu representatives and is a concern for the mission team. The mangroves are important for the conservation of the marine ecosystem of Lamu and also serve as an important traditional building material. The EIA had proposed planting of mangrove woodland elsewhere as compensation. No evidence was presented of a strategy to provide this compensation.

The SOC reports highlight that the LAPSSET development has increased the level of potential impacts on the morphology of the coastline, tidal flows, and on the formation of sandbanks over a wide coastal area. The ESIA for berths 1-3 does not consider any potential impacts on the coastal geomorphology. The HIA considering the full LAPSSET development raises concerns about the loss of mangrove and destruction of coral reefs in Manda Bay and loss of a community managed marine conservation area; with consequential loss of marine heritage and ecotourism value.

Loss of mangrove in Manda Bay will expose the coastline of Manda Bay to erosion. There is however no evidence provided of any impacts to coastline, tidal flows or sand banks. The best that can be said at the moment is that these impacts are not understood.

The proposed power station is to be approximately 20 km from the property according to the most recent presentation (see figure 5 in Annex 6). However potential impacts are:

- Extensive dredging and mangrove loss so that large coal carrying ships can access the power station
- Discharge of cooling water into Manda bay leading to loss of fish and coral in the bay
- Airborne pollution affecting air quality at the property and damaging the coral buildings in the property.
- Visibility of very tall power station chimneys from Lamu property. 240m height was mentioned, though this is not confirmed.

The airstrip on Manda Island is directly across the water from the property. The extended runway at Manda airport could have the following impacts on the property:

- Noise and dust during construction
- Larger and noisier and more frequent planes in operation.
- It is not clear whether there will be any control towers or masts which will be visible from the property.
- It is also not clear if the proposed upgrading is a temporary impact (i.e. it will be closed when the new airport is open) or if it will continue its operation meaning that the upgrading work now being undertaken would be permanent.

### **Assessment of Master Plan to 2030**

The HIA assessed the master plan before the new changes outlined orally to the mission by the CEO of LAPSSSET. It concluded that without mitigation there were many potential severe impacts on the OUV of the property: *“While Lamu Island and the Lamu Old Town World Heritage property is physically removed from the direct project footprint and the likely negative impacts to the tangible attributes of the core zone of the WH property are mostly indirect, there are many direct and indirect impacts effected on the setting of the WH property – the Lamu archipelago cultural landscape - and the cumulative negative effects on the natural and cultural heritage of this cultural landscape will have a permanent high negative impact on the WH property.”*

*“There is ..... a potential of not only marginalising the community but total disruption of a tradition and all sustaining traditional lifestyle developed and nurtured over millennia with attendant loss of their heritage. Traditional values, roots, freedom of movement and loss of a sense of community sharing common values with the associated linkages to highly significant archaeological sites that weave a common thread of history and sense of place and belonging is likely to be lost forever.”*

However, the HIA proposes 50 mitigation measures to minimise negative impacts and maximise positive impacts; including in particular a Special Protection Area covering the whole Lamu archipelago. With the mitigation measures: *“The challenges of LAPSSSET in Lamu present a great opportunity to develop in Lamu and Kenya as a whole, by providing a model of a protected*

*area within a development complex, using an integrated approach to effectively harness all the opportunities presented. In this regard care must be taken to ensure that the ambience, the spirit of the place and all that make this archipelago unique and of great cultural and natural beauty is preserved.”*

*“As a Greenfield operation, LAPSSET is a great opportunity to put in place visionary measures for sustainable environmental and social management in Lamu County. Its implementation in Lamu’s sensitive landscape should be precautionary, based on the best international practices in planning, construction and operation with a view to optimizing environmental and social advantages as part of responsible infrastructural development.”*

The revisions to the master plan, in particular the decision to not carry out any LAPSSET developments on the Lamu archipelago will reduce negative impacts.

The potential impacts to the OUV of the property include:

- Railway and road linkages to LAPSSET at Lamu and new airport: these will substantially improve the accessibility of the property to the outside world. It isn’t clear how this will affect the OUV of the property.
- The expanded port- from 3 berths to 32. This is massive development by any standards. The impacts are expected to be similar to those assessed for berths 1-3 but on a much larger scale. Controls of fishing vessels may need to be tightened due to increased number of vessels using Manda Bay. The area of lost fishing will be greater. The area of lost mangrove will be considerably greater. The constant presence of ships passing within view of the Lamu Old Town both coming and going from the new port will have a visual impact on the property.
- The industrial area is due to include cattle and an abattoir as well as agricultural processing industries. These are potentially highly polluting activities, so control and treatment of effluent will be very important to maintain water quality in Manda Bay.
- The enhanced water supply to LAPSSET developments at Lamu is unlikely to have direct impacts on OUV of Lamu. However, it will permit the massive expansion of the new Lamu metropolis.
- Lamu metropolis is expected to exceed 1m by 2030. Although physically some 4km (tbc) from the property, it is likely to have very substantial impact on the OUV of the Property. These impacts are considered in some detail in the draft HIA, including:
  - Large influx of outsiders to the region with different cultures
  - Potential increases in HIV/aids
- Other potential impacts from the metropolis on the OUV of the property that were discussed during the mission were:
  - Potential depopulation of Lamu old town as people relocated to jobs in the metropolis
  - Increased value of property on Lamu Island leading to property acquisitions by outsiders who may build inappropriate developments in the property and in the buffer zone.

- Tourist development. This is now to be physically more remote from the property, and not on Manda Island. However, inappropriate tourist development could have an impact on the cultural OUV of the property.

### **Assessment of the wider impacts of the LAPSSET Project**

While the mission considered it a positive step that the CEO of LAPSSET had indicated orally that there would be no building below the “red line” shown on a map to the mission team, it was pointed out that that “red line” only applied to direct LAPSSET development initiatives. The mission considered that there may still be significant impacts on all the islands of the Lamu Archipelago due to other developers taking advantage of the LAPSSET developments. Stated differently, while the LAPSSET Authority itself may not build on the islands, it does not mean that massive developments may not occur due to the presence of LAPSSET.

- Potential impacts on the OUV of the property could include:
  - A strong densification of building of the land on Lamu and Manda Islands, and potentially other islands in the archipelago.
  - A strong visual impacts on the World Heritage property as it becomes more and more surrounded by dense development on the island including, most importantly, along the sea front on both sides of the Lamu Old Town. This would also have the potential to affect both the town of Shela and the nearby dunes water catchment system.
  - Loss of agricultural land on the island which is part of the overall culture
  - Overdevelopment of tourist infrastructure on the island which could cause changes to the physical and social fabrics

### **New chapter of the management plan covering the LAPSSET development project**

The National Museums of Kenya is in the process of preparing a new chapter to be included in the management plan, as requested by the World Heritage Committee. This chapter was not ready at the time of the mission, but the mission was informed that it is expected to be ready before the 39<sup>th</sup> session of the World Heritage Committee in June 2015. At that time, it will be necessary for it to be reviewed by the World Heritage Centre and Advisory Bodies. It is not possible to comment on it further at this time.

### **Involvement of Local Communities in Planning and Mitigation Mechanisms**

Discussions with representatives of the local communities during the mission revealed that they still feel that there is not adequate community involvement and engagement with the State Party although UNESCO has continuously facilitated such engagement in its past missions. Specific issues raised by those present included:

- Inconsistency in the ways compensation is awarded for land affected by the LAPSSET project;
- The need to ensure that the local population benefit from job creation in the area, and the resulting need to ensure proper training and investment in job skills (there is a

scheme for 1000 young people from the local communities to obtain scholarships for study. As of the date of the mission, only 200 had received these scholarships, and there was little information as to the remaining number.)

- Community representation in various committees and decision-making bodies was inadequate or was not considered to be legitimate;
- Lack of adequate communication, discussion, and mitigation planning with the local population in regard to the effects of the project (in particular as regards fishing and the movement of boats in the bay).
- Lack of significant involvement of the county government (seen as representing the local communities).
- Environmental degradation and in particular the loss of mangrove ecosystems.

The discussion indicated that the representatives of the local communities felt somewhat left out of the planning of the LAPSSET project, and there was a fear expressed that the local population would wind up being “swallowed up” by the imminent changes and in particular the large population influx.

The mission recommends that the LAPSSET authorities make a much stronger effort to engage the local communities on all these issues and ensure better communication, listening to and understanding local needs, and responding to those needs within the context of the ongoing development.

## **Conclusions and Recommendations related to LAPSSET**

See section 5

### **3.2.4. The Boundaries and Buffer Zone of the Property**

Issues related to the boundaries and buffer zone have been ongoing since the 28<sup>th</sup> session of the World Heritage Committee in 2004 (the property was inscribed in 2001.) The original map of the property provided with the nomination included a map from the 1986 conservation plan which corresponded to the limits of the conservation area designated at the time, as well as an outer conservation area (see Annex 5). The nomination did not clearly state, however, the limits of the World Heritage property and its relationship to the maps enclosed. Ever since, clarification has been sought.

In addition, the buffer zone provided with the nomination was a large red rectangle drawn around the stone Lamu Old Town, including a small part of Lamu Island and its seafront as well as the sea directly in front of the Old Town and a small part of Manda Island directly across from the Old Town (see Annex 5). Unfortunately, the buffer zone did not correspond in any way to the geography, topography, or any visible features in the land or seascape. There were also no regulations submitted to describe what could or could not be done in the buffer zone, making the buffer zone, a line on a map rather than a useful planning tool. Key elements of Lamu Island,

such as the sand dunes (the source of fresh water on the island) and the town of Shela were not included.

As with the boundaries of the property, starting not long after the inscription of the property, requests have been made by the World Heritage Committee to clarify, and expand the buffer zone. These requests have used a variety of different approaches. One idea was to include the nearby town of Shela and the sand dunes in the buffer zone. A second idea was to incorporate all of Lamu Island within the property, or even also to include all of Manda Island along with Lamu Island. In one case, the Committee requested Kenya to consider extending the property to the whole of the Lamu archipelago.

### **Assessment of Proposed Boundary and Buffer Zone Maps**

During the mission, this issue was discussed, and the proposed property boundaries and buffer zones were presented to the mission team for discussion (see Annex 5). This issue is even more important and urgent in 2015 than it was at the time of inscription. The urgency stems from the intense pressure that will result as the work of the LAPSET project begins to pick up pace. It seems clear that, as LAPSET activities continue to be implemented, development pressures on Lamu Island and most places in the archipelago (and indeed also on the mainland) will continue to grow.

With this background in mind, the mission team examined the proposals of the State Party for the boundaries and buffer zones of the property. The purpose was to give the State Party advice on the newly prepared maps.

In regard to the boundaries of the property, the new proposal is to keep the boundaries at the same position as the 1986 conservation area. While it would have been possible to enlarge the property if there had been a desire from the State Party, the mission finds that the boundary as presented remains adequate to represent the Outstanding Universal Value of the property.

In regard to the buffer zone, however, the mission considers that the boundaries selected by the State Party do not represent a sufficient protection area for the World Heritage property. Given the likely intense development pressure that will exist in the next few years caused by the LAPSET project, it would be possible for the Lamu Old Town to become swallowed up by new developments on the island immediately behind it and along both sides it on the waterfront. One could imagine the entire island becoming urbanized rather quickly in a way that it would no longer be possible to distinguish the World Heritage property from the rest of the island.

For this reason, the mission strongly believes that the buffer zone should be again reconsidered and should include, at least, the entirety of Lamu and Manda Islands, as has been requested in the past by the World Heritage Committee.

In addition, the mission notes that the State Party did not include any proposed regulation for the new buffer zone, meaning that again, it would just be a line on a map rather than a real planning tool. It is not necessary to halt all development within the buffer zone, but it would be necessary to have regulations that ensured that any developments that took place would not have an impact on the OUV of the property.

### **3.2.5. Special Conservation Area for the Property**

The State Party also indicated to the mission that there was a proposal to create a special conservation area spanning the entirety of the Lamu Archipelago. This proposal could potentially have a positive impact on the protection of the wider setting of the property and the mission recommends that the State Party follow up with the idea.

The mission notes, however, that no maps were provided, nor were drafted regulations provided for this proposed new protection area, making the proposal difficult to assess at this time. It should further be noted that this special conservation area would not substitute for an adequate buffer zone as its limits and regulations could be changed without referral to the World Heritage Committee.

### **3.3. Positive or negative developments in the conservation of the property since the last report to the World Heritage Committee**

It is important to highlight that the LAPSSET development project has not been halted in spite of the request by the World Heritage Committee, on the contrary work has commenced with preparatory infrastructure ahead of the construction of 3 berths. On a positive note some of the recommendations made by the WHC have been acted upon by the State Party as mitigation measures to counter LAPSSET development. Of particular importance are the following actions:

- (i) The site Management Plan (2013-2017) has been elaborated and submitted to the World Heritage Committee in 2013. The plan covers key areas such as conservation issues, risk management and disaster risk, and visitor management, and contains an action plan for the implementation of the proposed activities. Strategic directions of the plan deal with issues of conservation and rehabilitation of existing buildings, strengthening tourism and marketing, building better community awareness and involvement, and developing better documentation and protection of the heritage resources not only within the World Heritage property but also in the surrounding areas.
  - (ii) A full Heritage Impact Assessment (HIA) of the property was carried out in 2014 following ICOMOS Guidance. The HIA comprehensively addresses not only the first three berths of the Lamu Port but the full scope of the project focusing on potential impacts on the OUV of the property, possible impacts on the built heritage and natural environment, as well as social, cultural, and religious impacts to the property and its surrounding landscape and setting; The State Party has requested a few changes to the HIA and it is currently being reviewed.
- Other positive developments include:
  - The apparent decision by LAPSSET to not develop any of the Lamu Archipelago
  - The decision by the State Party to carry out a Strategic Impact Assessment for the whole LAPSSET and its associated developments to 2030.

- The decision by the State Party to make the entire Lamu archipelago a Special Conservation Area.
- The co-opting of the NMK onto the LAPSSET steering committee.

In spite of the positive developments above, and in light of the commencement of the LAPSSET and Lamu Port and Metropolis Development Project, the management plan needs to be revised in order for it to comprehensively address management issues specifically linked to LAPSSET. In its recent decision, the WHC requested that a chapter on management issues, specifically related to the LAPSSET corridor and the new Lamu Port and Metropolis Development Project, be written and integrated into the management plan as this poses the greatest threat to the property at the present time. The preparation of this chapter has begun. In addition, as requested by WHC, the State Party is also finalizing maps that will clearly show the precise boundaries of the property and the buffer zones areas (the issue of the buffer zone is treated in Section 3.2.4 above). These will be submitted to the 39<sup>th</sup> session of the World Heritage Committee.

Other negative developments are the potential impacts of the power station relocated to Manda Bay, and the lack of involvement of the County Council in the LAPSSET steering committee. Finally, as recently requested by WHC, a joint UNESCO/ICOMOS/ICCROM reactive monitoring mission to the property has just been undertaken to discuss the results of the HIA and its implementation. Discussions took place with the State Party and local stakeholders which examined the work that has already begun for under the LAPSSET development project, and to examine the state of conservation of the property. The mission is the subject of this report.

### **3.4. Information on any threat or damage to or loss of Outstanding Universal Value, integrity and/or authenticity for which the property was inscribed**

#### **3.4.1. The ESIA for first phase LAPSSET works and the HIA for the Entirety of the Project**

##### **Description**

The ESIA was issued as final in February 2013 and has been adopted by the State Party. It covers the following scope of LAPSSET works:

- New Lamu Port Berths 1-3
- Associated dredging reclamation, port equipment, administration area

It does not cover some of the current associated works which are currently under construction or planned soon, such as the new power line, water supply, extending the runway at Manda Island and the Lamu power station. It does not cover the much larger LAPSSET scope of works to 2030. It does not include an assessment of heritage

## **Assessment**

The ESIA by itself is clearly inadequate to provide a robust analysis of the potential impact of the entirety of the LAPSSET project on the OUV of the heritage property. The State Party agreed that a Strategic Impact Assessment (SIA) of the whole LAPSSET project to 2030 is necessary, and that the SIA should include a heritage specialist. The State Party informed the mission that this SIA is being arranged.

### **3.4.2 The HIA document**

#### **Description**

The HIA assesses the full LAPSSET proposals up to 2030. It relies on a description of proposed developments and described in the LAPSSET feasibility study report (ref 2) and The County Plan (ref.4)

The HIA focusses on the impact of the proposed LAPSSET development on the OUV of Lamu stone town, and identifies a substantial number of severe impacts on the property at planning, construction and operational stages. However it also identifies 50 mitigation measures. It concludes: *“An advisory statement is hereby directed to the State party that there will be significant negative effects on the Outstanding Universal Value of the WHS, its integrity and authenticity and the risk for the World Heritage status is high. While some impacts cannot be mitigated adequately, the risk for the World Heritage property and its setting may be lowered through redesign and mitigation of the development projects”*

The HIA was presented in draft in May 2014. At the time of the mission, the HIA document remains a draft document. The State Party presented comments on the conclusions of the HIA - see Annex 6 The intention is to finalise and adopt the HIA as an independent document (not as an annex to the existing ESIA).

#### **Assessment**

The HIA, despite the constraints identified below, provides a thorough analysis based on the information available at the time.

The comments from the State Party do not significantly alter the conclusions of the report. It was anticipated that this report could be closed out within two months.

The HIA document was constrained in that it had to rely on the LAPSSET feasibility study. An environmental and social impact assessment (ESIA) was available for the first phase port works only, (berths 1-3). The authors nevertheless carried out excellent work without the benefit of an ESIA for the future phases of the project. The HIA covers in detail the various threats to the OUV of the property from the LAPSSET project and identifies many very significant potential impacts the OUV of the property. It also outlines a range of 50 mitigation measures. The HIA does not

quantify the severity of the residual threats to OUV of the property after the mitigation measures have been implemented.

The HIA does not deal with newly changed masterplan proposals; the changes appear to have been made since the HIA was issued in draft.

With regards to the conclusions of the HIA, the State Party expressed concern that mitigation measures may not be adequate to prevent loss of intangible cultural values.

While the State Party has in principle adopted the HIA and accepted most of the 50 proposed mitigation measures subjected to a few comments, it is not clear how these mitigation measures will be enforced.

### **Conclusions and recommendations:**

- The ESIA for the first phase of the port development is not adequate to assess the impact of LAPSSET on the OUV of the property. A Strategic Impact Assessment of the whole LAPSSET project is necessary.
- The HIA has a number of limitations due to the lack of information provided by the State Party and LAPSSET authorities and the changing masterplan: however it remains a valid and powerful tool to assess the impacts of LAPSSET on the OUV of the Property
- The mission feels, and the State Party agrees, that there is no benefit to making the HIA an annex to the ESIA. The ESIA is now adopted for some time and covers very different LAPSSET scope of works to that considered by the HIA.
- The proposed SIA including a heritage assessment, should be carried out for the entirety of the LAPSSET project as soon as practicable. The mission considers that the soon-to-be-completed HIA should be appended to the SIA as it will cover a more similar scope of the project. This will also give the HIA an administrative validity within overall assessment process.
- LAPSSET need to make available a report on the revised masterplan so that the impact of the changes can be understood and assessed.

### **3.4.3 Findings and observations**

See above

#### **4 ASSESSMENT OF THE STATE OF CONSERVATION OF THE PROPERTY**

##### **4.1 Review whether the attributes of Outstanding Universal Value, on the basis of which the property was inscribed on the World Heritage List, and the conditions of integrity and authenticity are being maintained**

There was no evidence presented of current changes to the state of conservation of the property.

##### **4.2 Review any follow-up measures to previous decisions of the World Heritage Committee on the state of conservation of the property and measures which the State Party plans to take to protect the Outstanding Universal Value of the property**

See above.

## 5 CONCLUSIONS AND RECOMMENDATIONS

### 5.1 Summary of findings

- The State Party has not halted the work on the LAPSSET project, despite request from the World Heritage Committee. It indicated that it considered the continuation of the project to be a major national priority. There is, however, a slight delay in the project with a delay while compensation is finalised for affected landowners. It is expected, however, to resume work shortly.
- The LAPSSET project current preparatory works do not, themselves, at present pose a threat to the OUV of the Lamu WH property.
- The developing LAPSSET master plan to 2030 appears to be improved compared to the project assessed in the draft HIA.
- Nevertheless, there can be no doubt that a project of this scale and scope, in an area as remote and protected as Lamu, cannot help but have profound negative impacts on the heritage. These impacts will come from pressure on the old town to change, pressures of tourism, pressures of pollution, visual pressures associated with the ships coming in and out of port, visual pressures of the large constructions, and pressures on the living Swahili culture which is an attribute of the OUV. As stated in the HIA, the best that can be hoped for is to mitigate and limit these impacts
- Mitigation measures and precautionary approach appear to be agreed by the State Party in principle but are not yet embedded in the planning context. There remains some uncertainty about some of the future phases of the LAPSSET development which is changing and will no doubt continue to develop and change.
- The proposed boundaries of the property corresponding to those submitted with the original nomination are adequate to express the OUV of the property. The proposed buffer zone, as now being proposed by the State Party is not sufficient to protect the property from the strong development pressures that will be brought in as a part of the LAPSSET project and associated development by private developers.

### 5.2 Recommendations for any additional action to be taken by the State Party, including draft recommendations to the World Heritage Committee

- The State Party should submit to the World Heritage Centre, details of work undertaken on the LAPSSET project, and updated details of works currently suspended, for review by the WHC and Advisory Bodies.

- The State Party should submit to the World Heritage Centre, plans for the extension of airport on Manda Island, for review by the WHC and the Advisory Bodies;
- The State Party should carry out a SIA for the whole LAPSSET development including a heritage specialist, and submit it to the World Heritage Centre for review by the WHC and Advisory Bodies. The SIA should include, inter alia, recommendations on fishing plans, recommendations on planting mangroves, and recommendations on the need to survey coastal morphology.
- A number of commitments were made orally to the mission team at the time of the mission, including a pledge not to carry out any developments on the islands of the archipelago and a pledge that the National Museums of Kenya would have a seat on the Board of LAPSSET. These need to be followed up with a revised project document for the whole LAPSSET project which clearly indicates the revised plans. This will allow for a proper assessment of the promised changes and commitments. These commitments should be confirmed and reported on by the State Party in its next state of conservation report.
- The commitment of the LAPSSET project not to carry out any developments on the islands themselves will not necessarily halt other inappropriate developments, caused by the existence of LAPSSET. There is a need to ensure that there are adequate planning measures in place to protect against spill-over development that would create the same negative impacts that the LAPSSET development would have.
- Due to the potential for impact on the physical fabric of the World Heritage property due to development pressures, there is an urgent need for strong building controls to be developed for the Lamu Old Town. These controls should include clear limits on size, materials and design, for any proposed changes to the building stock and urban fabric of the World Heritage property. These development controls should be based on those already in place in the existing conservation plan and should be written by the National Museums of Kenya in conjunction with the Lamu County government. These development controls should be submitted to the World Heritage Centre for review by the WHC and the Advisory Bodies before being finalized and given the necessary legal status. Enforcement mechanisms must also be improved for the regulations.
- The State Party has indicated that it will be updating its management plan to take into account the LAPSETT development. This updated management plan may provide the necessary framework for the development controls and enforcement mechanisms mentioned in the above bullet point, as long as the resulting regulation has a legal standing. The supplement to the management plan should also include recommended actions for sustaining the local Swahili culture, and a strengthened management framework to ensure that the various new management aspects can be effectively implemented. The finalized, updated management plan should be submitted to the World Heritage Centre as soon as possible for review by the WHC and Advisory Bodies.

- The LAPSSET development project should provide significant funding for conservation activities. This should include a fund specifically for conservation of buildings within the property, and should also include funds for training in traditional building technologies and the use of traditional building materials.
- There is a need for an enlarged World Heritage buffer zone to include at least the whole of Lamu and Manda Island with sufficient regulation to protect the OUV of the property. These regulations should not halt all development, but should ensure that approved developments do not have a negative impact on the OUV of the property. In particular, uses which are deemed to be harmful to the continued well-being the Swahili culture should not be permitted. Some tourist activities could be allowed, but these would need to be carefully regulated in terms of types and numbers (so as not to be overwhelming). A minor boundary modification, taking these issues into account, should be prepared by the State Party for submission to the World Heritage Centre by 1 February 2016.
- The State Party is encouraged to pursue the idea of a Special Conservation Area for the entirety of the Lamu Archipelago with strong regulations to further protect the setting of the property and its OUV along with other heritage values of Lamu.
- The Resort Cities proposals for Lamu need to be re-examined to ensure that they do not have negative impacts on the Swahili culture that is a part of the OUV of the property (as part of Criterion vi). Strong guidelines would be needed for these resort cities before any specific proposals could be considered.
- In regard specifically to the protection of the Swahili cultural traditions which is an attribute of the OUV of the property, the mission recommends the following:
  - In partnership with the Lamu Museum and Lamu Fort, develop and/or strengthen programmes on Swahili culture in universities and colleges in Lamu in order to ensure transmission of the Swahili culture including poetry, cooking, dhow building, traditional fishing, etc, and ensure their adequate funding.
  - Ensure that regulations related to tourism are developed and enforced to protect the local culture, in line with the World Heritage Sustainable Tourism Programme. Policies may include limits on the numbers of tourist establishments and the behaviour and comportment of visitors. Also, certain types of activities such as casinos, discos, and bars that may have a negative impact on this attribute of OUV need to be strictly limited or prohibited.
  - The voice of the local communities should not be lost within the overall demographic changes. Mechanisms should be developed to ensure that Swahili culture still has an input into ongoing decision-making and development of the World Heritage property.
  - Mechanisms should be developed to support the traditional livelihoods of local populations. These should build on the current entrepreneurship/business planning

training activities being carried-out by the World Heritage Centre and the African World Heritage Fund (AWHF) in line with the priorities of the Action Plan for World Heritage in the Africa Region, endorsed by the World Heritage Committee in 2012 (6 COM 10A), which aim to bring direct economic benefits to local communities living in or around World Heritage properties.

- As a final recommendation, as LAPSSET is a long, ongoing project, the State Party should report on an ongoing basis every two years for the next six years to the World Heritage Committee on its implementation and its effects on the OUV of the property. This should not be seen as a punishment or in a negative light, but rather a positive aspect of the Convention to provide support and assistance to the State Party in the face of strong development pressures that will be ongoing for a long period of time.

**5.3 Recommendation as to whenever further action is needed, with clear benchmarks indicating the corrective measures to be taken in order to improve the state of conservation and management of the property**

See section 5.2 above

**5.4 Recommendation as to whether the level of threats to the property warrants the property being placed on the List of World Heritage in Danger**

The mission proposes that the level of threat does not at this time warrant the property being placed on the List of World Heritage in Danger. However, as indicated above, the ongoing development of the LAPSSET project does have a real potential to have a severe adverse effect on the OUV of the property. Mitigation measures have been proposed by the State Party, in the HIA and in this report, but these are not yet embedded in relevant policies by the State Party. The two year reporting cycle which this mission recommends for the property should indicate whether the proposed mitigation measures are being effectively implemented and if the threats to OUV are diminishing or increasing. This information should be evaluated every two years by the World Heritage Committee to determine if listing the property on the World Heritage List in Danger would be warranted.

**References:**

- 1) Republic of Kenya Ministry of Transport Environmental and Social Impact Assessment Study Report for the construction of the first three berths of the proposed Lamu port and associated infrastructure. Final Report February 2013
- 2) LAPSSET corridor and new Lamu Port feasibility study and master plans report Volume three: LAPSSET corridor master plan and development plan Executive Summary (May 2011)
- 3) Heritage Impact Assessment for the proposed Lamu Port- South Sudan- Ethiopia Transport (LAPSSET) corridor and the new Lamu port and Metropolis Development Project, as well as related development in the Lamu Archipelago, Kenya
- 4) Lamu County Development Profile (Ministry of Devolution and Planning, 2013) which is a part of the Kenya Vision 2013

## 6 ANNEXES

### Annex 1 Terms of reference

#### DRAFT

#### TERMS OF REFERENCE

#### Joint UNESCO/ICOMOS/ICCROM Reactive Monitoring Mission

#### to Nairobi – Kenya

#### for Lamu Old Town World Heritage property

9 to 11 February 2015 (2 ½ days)

Following the request of the World Heritage Committee at its 38<sup>th</sup> session in Doha (June 2014) for the State Party of Kenya to invite a joint World Heritage/ICOMOS/ICCROM reactive monitoring mission to the Lamu Old Town (Decision **38 COM 7B.49**), and the letter of invitation for this mission sent by the State Party on 12 November 2014, and taking into consideration the current security situation in Lamu (Source: UNDSS Kenya Weekly Security Advisory 8 to 15 January 2015: *Official missions [to Lamu] remain suspended*), the mission team will travel to Nairobi, Kenya to carry-out the following tasks:

- 1) Meet with the relevant ministries and national authorities, the LAPSSET CEO, National Museums of Kenya (NMK) representatives and Lamu site manager, Lamu community representatives and other relevant stakeholders in order to discuss the Heritage Impact Assessment (HIA) report, as an Annex of the EIA, and the LAPSSET development project as well as the boundaries of the property and its buffer zone. In particular, the meetings should aim to:
  - a) Learn whether the State Party has halted the ongoing work on the LAPSSET development project around the property as requested by the World Heritage Committee, until the Heritage Impact Assessment (HIA) report has been finalized and its results discussed by the World Heritage Committee;
  - b) Examine the work already done for the LAPSSET development project and the impacts of the project for the conservation and the management of the property;
  - c) Review the draft HIA document, as an annex of the broader EIA document, to understand whether these two documents are an adequate analysis of the potential impact of the LAPSSET project on the OUV of the World Heritage property; and if not recommend how they might be augmented;
  - d) Further discuss the conclusions of these two documents and whether suggested mitigations measures are considered adequate; and consider whether any identified adverse impacts could be mitigated;

- e) Discuss the adoption of the HIA and EIA and their implementation for all stakeholders concerned by it;
  - f) Discuss the planning and mitigation mechanisms with the involvement of the local community representatives;
  - g) Review the new chapter of the management plan covering the LAPSSET development project,
  - h) Review maps to be furnished by the State Party showing the boundaries of the property and its buffer zone, and offer advice to the State Party;
  - i) Discuss the overall state of conservation of the property with the site manager and other relevant NMK representatives.
- 2) Prepare a joint mission report, following the attached format, in English, for review by the World Heritage Committee at its 39<sup>th</sup> Session (Bonn, 2015).

The State Party should facilitate the abovementioned meetings in Nairobi with the relevant government institutions and ministries (including all member of the LAPSSET Steering Committee), the CEO and relevant staff of LAPSSET, the local community representatives from Lamu, including pertinent members of the Lamu county government, as well as representatives of the National Museums of Kenya, especially those involved in the management of the World Heritage property. The State Party should also ensure that the maps of the boundaries of the property and the buffer zone are furnished to the mission team prior to the mission.

## Annex 1: Decision of the World Heritage Committee

### Decision: 38 COM 7B.49

#### Lamu Old Town (Kenya) (C 1055)

The World Heritage Committee,

1. Having examined Document WHC-14/38.COM/7B.Add,
2. Recalling Decisions **34 COM 7B.46**, **35 COM 7B.39**, **36 COM 7B.43** and **37 COM 7B.40**, adopted at its 34th (Brasilia, 2010), 35th (UNESCO, 2011), 36th (Saint-Petersburg, 2012) and 37th (Phnom Penh, 2013) sessions respectively,
3. Strongly regrets that the Lamu Port – South Sudan – Ethiopia Transport (LAPSSET) Corridor Development Authority project was not halted, and reiterates its request to the State Party to halt all work on the LAPSSET development project until the Heritage Impact Assessment (HIA) report has been finalized and its results discussed by the World Heritage Committee;
4. Takes note of the delay in the finalization of the HIA, and urges the State Party to complete the report and submit it to the World Heritage Centre as soon as possible for review by the Advisory Bodies;
5. Also takes note of the progress made on the development of a new chapter of the management plan covering the LAPSSET development project, requests that it integrates the results of the HIA, and that the finalized version be submitted to the World Heritage Centre for review by the Advisory Bodies as soon it is completed;
6. Also requests the State Party to encourage the involvement of the local community in the development and implementation of the planning and mitigation mechanisms that will be developed to offset the impacts of the LAPSSET project;
7. Also reiterates its request made at its 34th (Brasilia, 2010), 35th (UNESCO, 2011), 36th (Saint-Petersburg, 2012), and 37th (Phnom Penh, 2013) sessions that the State Party furnish maps clearly showing the boundaries of the property and its buffer zone, and further requests that any extensions to the buffer zone be submitted to the World Heritage Committee as a minor boundary modification as soon as they are completed and approved at the State Party level;
8. Requests furthermore the State Party to invite a joint UNESCO/ICOMOS/ICCROM reactive monitoring mission to the property to discuss the results of the HIA and their implementation with the State Party and local stakeholders, to examine the work already undertaken for the LAPSSET development project, and to examine the state of conservation of the property;
9. Requests moreover the State Party to submit to the World Heritage Centre by **1 February 2015**, an updated report, including a 1-page executive summary, on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 39th session in 2015.

**Annex 2: Format for the report on the findings and recommendations of the Reactive Monitoring Mission**

**REPORT ON THE REACTIVE MONITORING MISSION TO (World Heritage property),  
(Country)  
FROM ... TO .... (Year)**

**TABLE OF CONTENTS**

**ACKNOWLEDGEMENTS**

**EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS (1-2 Pages max)**

(Please note: This section should be written for use as the official State of Conservation report draft working document to the World Heritage Committee.)

Report length 10-15 pages plus annexes

**1. BACKGROUND TO THE MISSION**

- 1.1. Inscription history
- 1.2. Inscription criteria and/ or Statement of Outstanding Universal Value
- 1.3. Authenticity issues raised in the ICOMOS evaluation report at time of inscription
- 1.4. Examination of the State of Conservation by the World Heritage Committee and its Bureau (refer to previous State of Conservation reports etc.)
- 1.5. Justification of the mission (terms of reference, itinerary, programme and composition of mission team should be provided in the Annexes)

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

- 2.1. Heritage legislation
- 2.2. Institutional framework
- 2.3. Management structure

**3. IDENTIFICATION AND ASSESSMENT OF ISSUES / THREATS**

- 3.1. Management effectiveness
- 3.2. Nature and extent of threats to the property, taking into consideration the criteria and attributes for which the property was inscribed and specific issues outlined by the World Heritage Committee
- 3.3. Positive or negative developments in the conservation of the property since the last report to the World Heritage Committee
- 3.4. Information on any threat or damage to or loss of Outstanding Universal Value, integrity and/or authenticity for which the property was inscribed
- 3.5. Findings and observations

#### **4. ASSESSMENT OF THE STATE OF CONSERVATION OF THE PROPERTY**

- 4.1. Review whether the attributes of Outstanding Universal Value, on the basis of which the property was inscribed on the World Heritage List, and the conditions of integrity and authenticity are being maintained
- 4.2. Review any follow-up measures to previous decisions of the World Heritage Committee on the state of conservation of the property and measures which the State Party plans to take to protect the Outstanding Universal Value of the property

#### **5. CONCLUSIONS AND RECOMMENDATIONS**

- 5.1. Summary of findings
- 5.2. Recommendations for any additional action to be taken by the State Party, including draft recommendations to the World Heritage Committee
- 5.3. Recommendation as to whenever further action is needed, with clear benchmarks indicating the corrective measures to be taken in order to improve the state of conservation and management of the property
- 5.4. Recommendation as to whether the level of threats to the property warrants the property being placed on the List of World Heritage in Danger

#### **ANNEXES**

1. Terms of reference
2. Composition of mission team
3. Itinerary and programme
4. List and contact details of people met
5. Maps (most recent maps of the boundaries of the property)
6. Photographs and other graphical material (showing issues of integrity)
7. Decisions of the World Heritage Committee

## **Annex 2      Composition of mission team**

The mission was composed of 3 people as follows:

- (i) Mr Joseph King, Directeur d'unité, Unité Sites, Via di San Michele, 13 1-00153 Rome, Italie; representing ICCROM
- (ii) Mr Clon Ulrick, Associate Director, Arup, 13 Fitzroy Street, London W1T 4BQ United Kingdom; representing ICOMOS
- (iii) Ms Mulekeni Ngulube, Programme Specialist, Culture, UNESCO regional office-Nairobi, Kenya

### **Annex 3 Itinerary and programme**

All meetings took place in Nairobi

#### **Monday 9 February**

- 08.30 Briefing session with the Cabinet Secretary, Ministry of Sports, Culture and Arts
- 14.00 Meeting with Lamu Community Representatives

#### **Tuesday 10 February**

- 09.00 Meeting to discuss management plan for the property
- 12.00 Meeting with the CEO, LAPSSET Corridor Authority
- 15.00 Meeting to review maps and buffer zone

#### **Wednesday 11 February**

- 09.30 Debriefing session with the Director General, National Museum of Kenya

**Annex 4 List and contact details of people met**

**LAMU REACTIVE MONITORING MISSION**

**Nairobi Kenya: 9-10<sup>th</sup> February**

**List and contact details of people met**

<b>NO</b>	<b>NAME</b>	<b>INSTITUTION</b>	<b>CELLPHONE</b>	<b>E-mail address</b>
1.	Galgalo Rashid A.	NMK - Lamu	0721660645	<a href="mailto:galoabdi@yahoo.com">galoabdi@yahoo.com</a>
2.	Haji Mohamed	NMK - Lamu	0722558228	alihajimohamed@yahoo.com
3.	Dennis Milewa	NMK - Nairobi	0722895725	milewa@africamail.com
4.	Mbarak Abdulkadir	County government	0722943999	Abuamar02@hotmail.com
5.	Mohamed Mwenje Ali	NMK - Lamu	0721141906	mwenje@yahoo.com
6.	Hosea Wanderi	NMK - HQ	0724371232	hoswanderi@yahoo.com
7.	Olunga Longole J. F.	MOSCA	0712596685	jfolunga@treasury.go.ke
8.	Bashir Salati	AWER	0716017042	-
9.	Khadija Guruba	AWER	0708073611	-
10.	Yusuf Shidho	AWER	070577542	-
11.	Hindu Salim	Chair MYWO	0718291272	hindusalim@yahoo.com
12.	Raya Famau	Sauti ya wanawake Lamu	0722990582	rayaafamau@gmail.com
13.	Mohamed Athman	Kanya Marine org - Lamu	0729624630	kenyamflamu@yahoo.com
14.	Purity Kiura	NMK - HQ	0722806543	pkiura@museums.or.ke
15.	Joseph King	ICCROM	-	jk@iccrom.org
16.	Clon Ulrick	ICOMOS	-	Clon.ulrick@arup.com
17.	Athman H. Athman	NMK	0721472005	husseinathman@hotmail.com
18.	Dr. Mzalendo N. Kibunjia	NMK	0723920666	kibunjia@yahoo.com
19.	Wycliffe Oloo	NMK	0722421670	wycondi@yahoo.com
20.	Mulekeni Nguluba	UNESCO	-	md.ngulube@unesco.com
21.	Silvester Kitsuku	DG/CEO LAPSSET	0723716842	kitsuks@yahoo.com
22.	John M. Mireri	KNATCOM	0711255426	John.mireri@gmail.com

23.	Ebrahim Mwangi	NMK	-	mwangi@museums.or.ke
24.	Ann B. Nyikuli	MOSCA	0714024997	annnyikuli@yahoo.com
25.	Vincent O. Osewe	Lamu county	0722100448	osewemax@gmail.com
26.	Bashir Salay	AWER Basuba	0716017042	-
27.	John Bett	WWF-Kenya	0716005252	jbett@wwfkenya.org

Annex 5 Maps (most recent maps of the boundaries of the property)

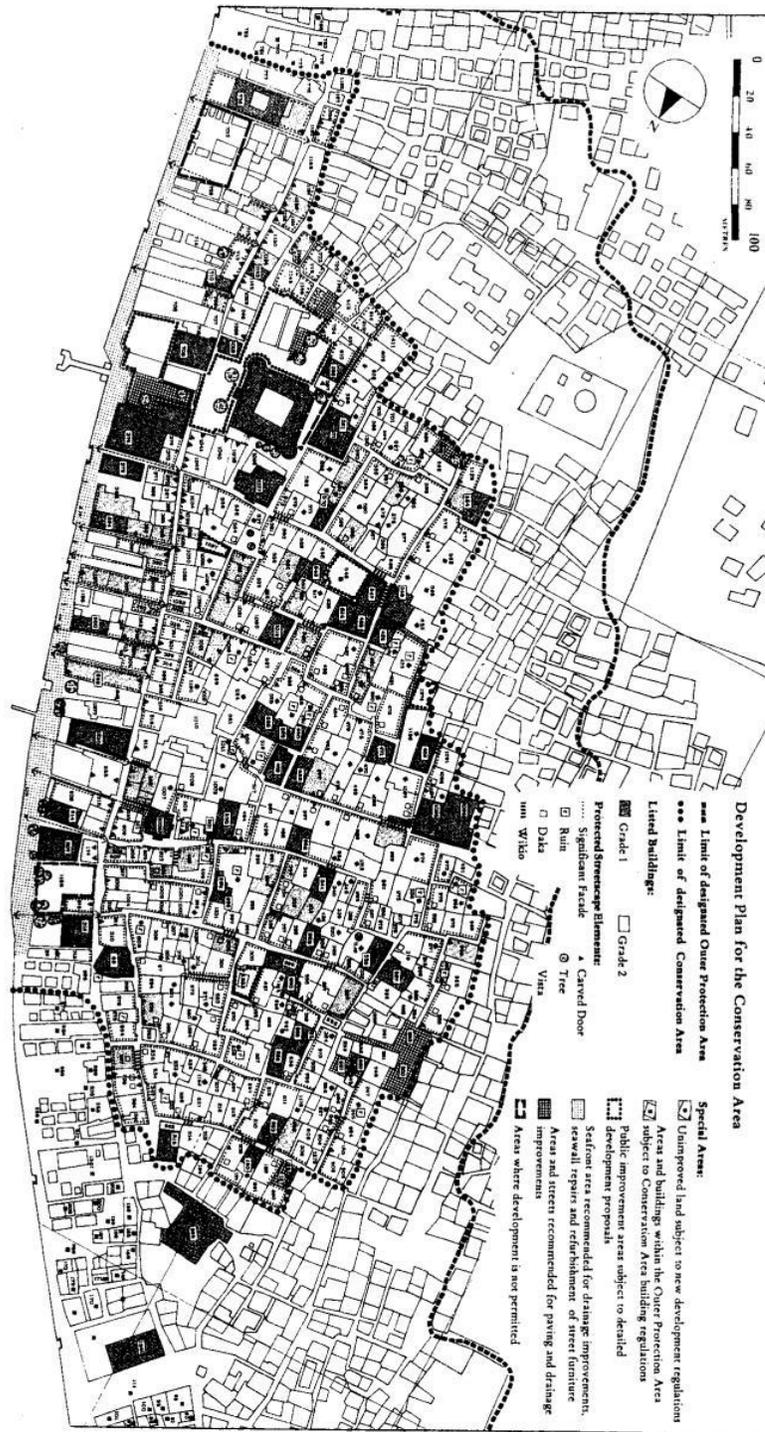


Figure 5.1 Original Boundaries

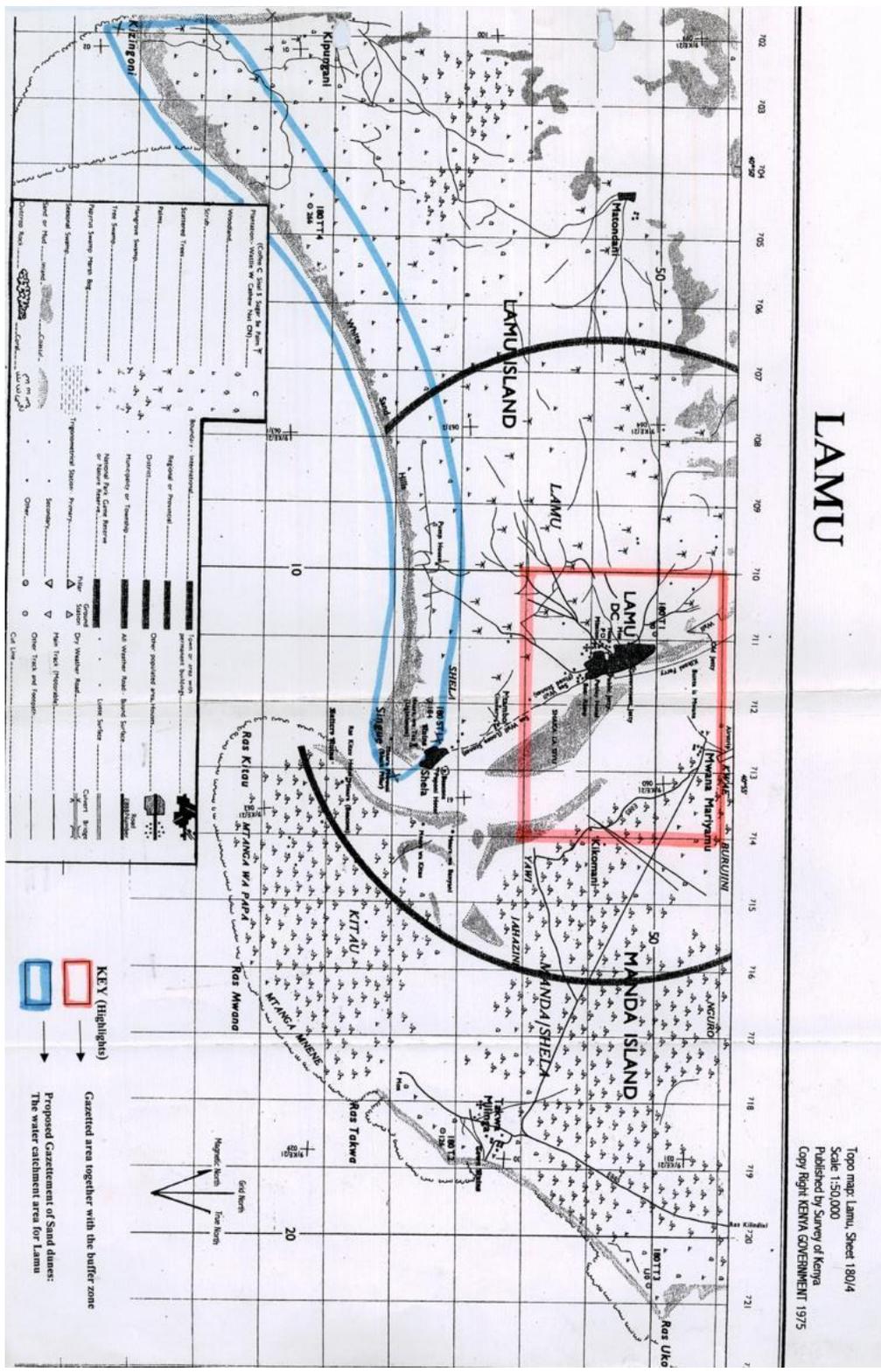
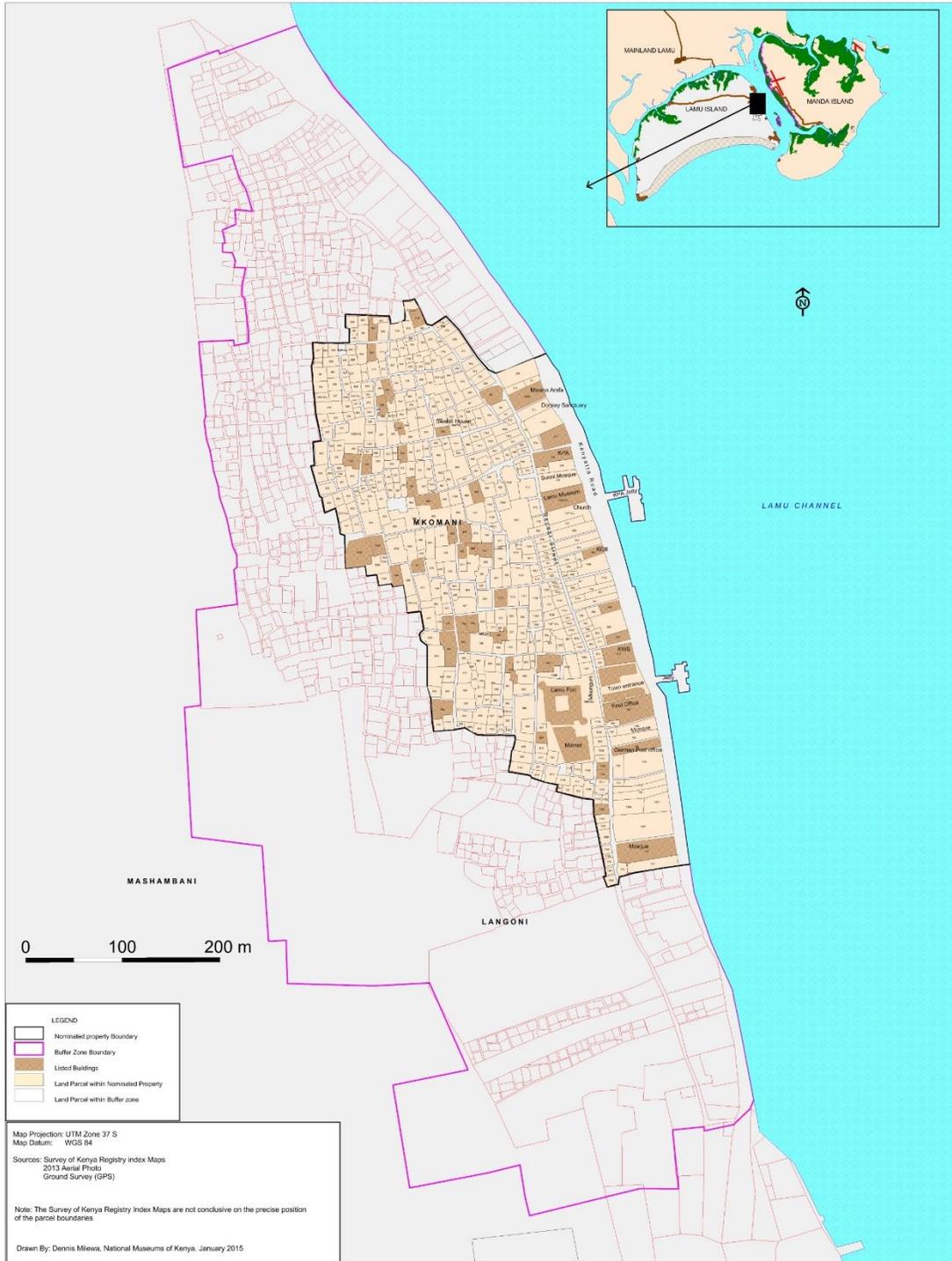


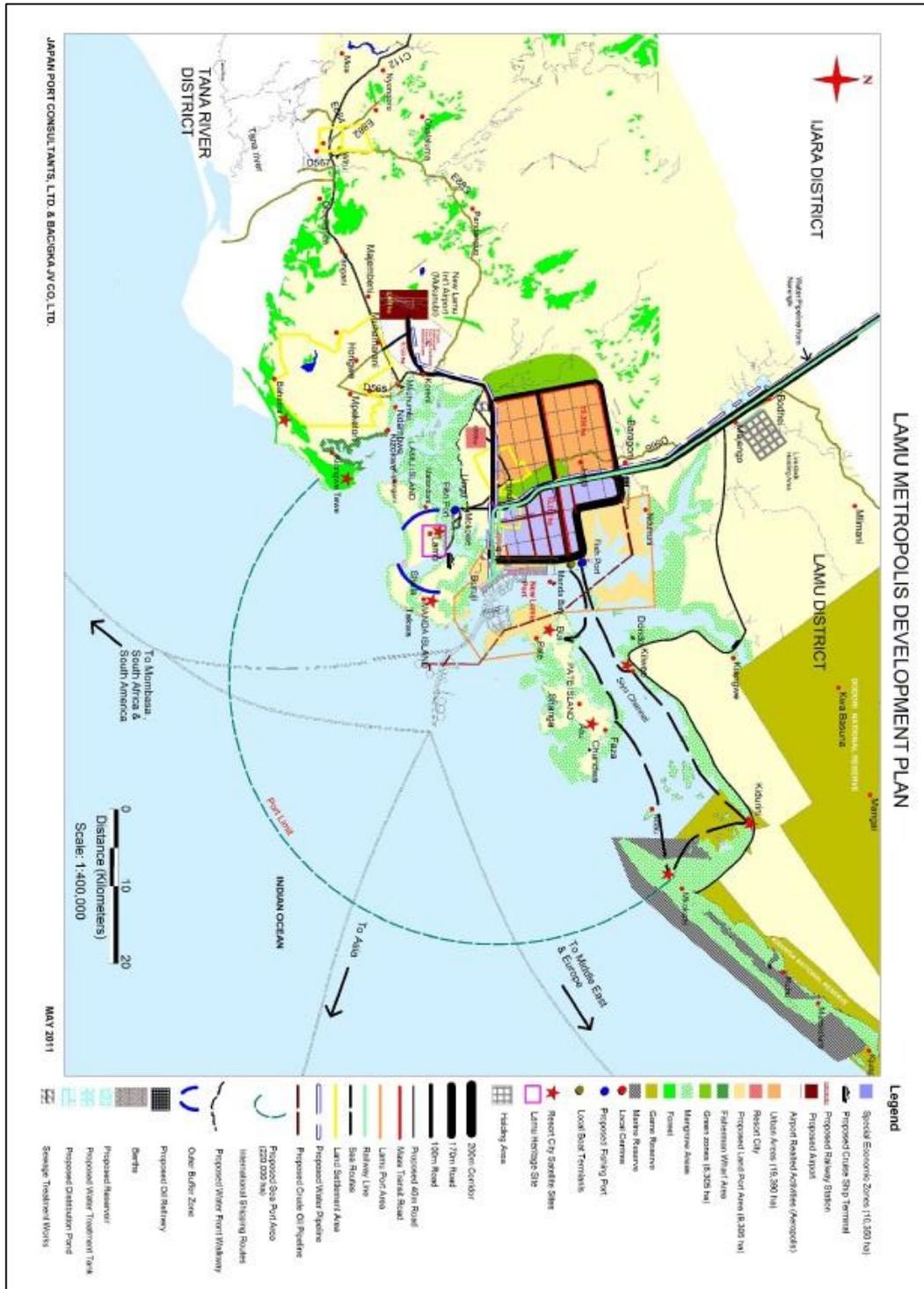
Figure 5.2 Original Buffer Zone



**Figure 5.3 Property Map Presented to Mission**



Figure 6.1: The LAPSSET proposals assessed in the HIA report: masterplan



Map of the LAPSSET Lamu Metropolis development Plan (JPC, 2011)

Figure 6.2: The LAPSSET proposals assessed in the HIA report: port development

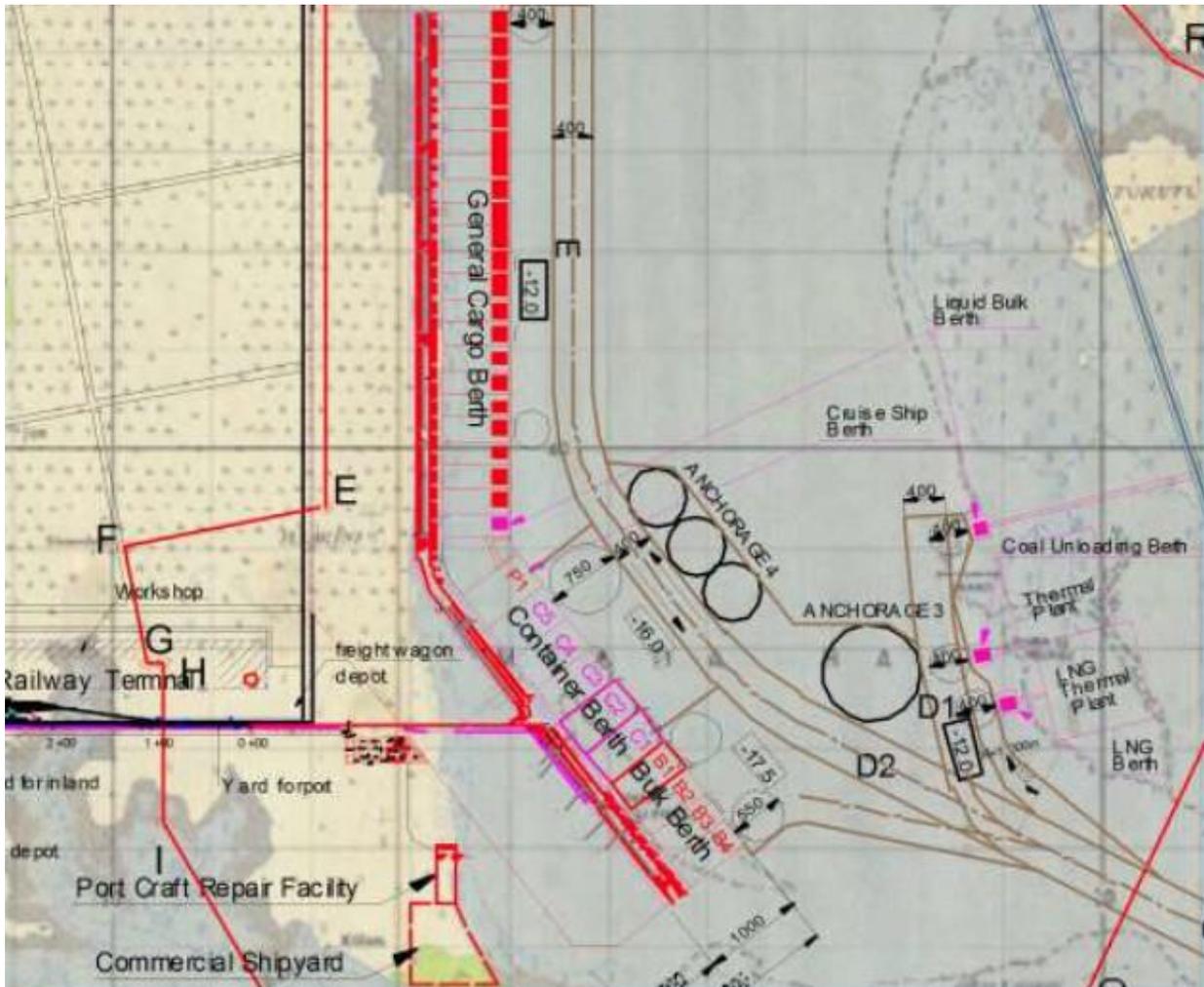
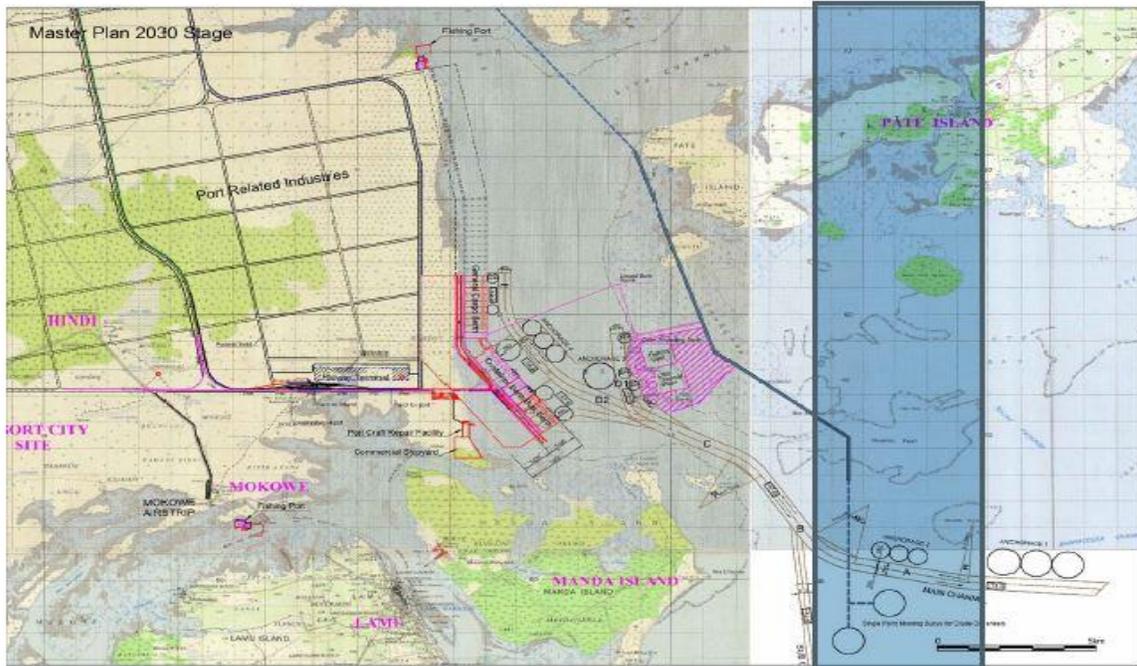
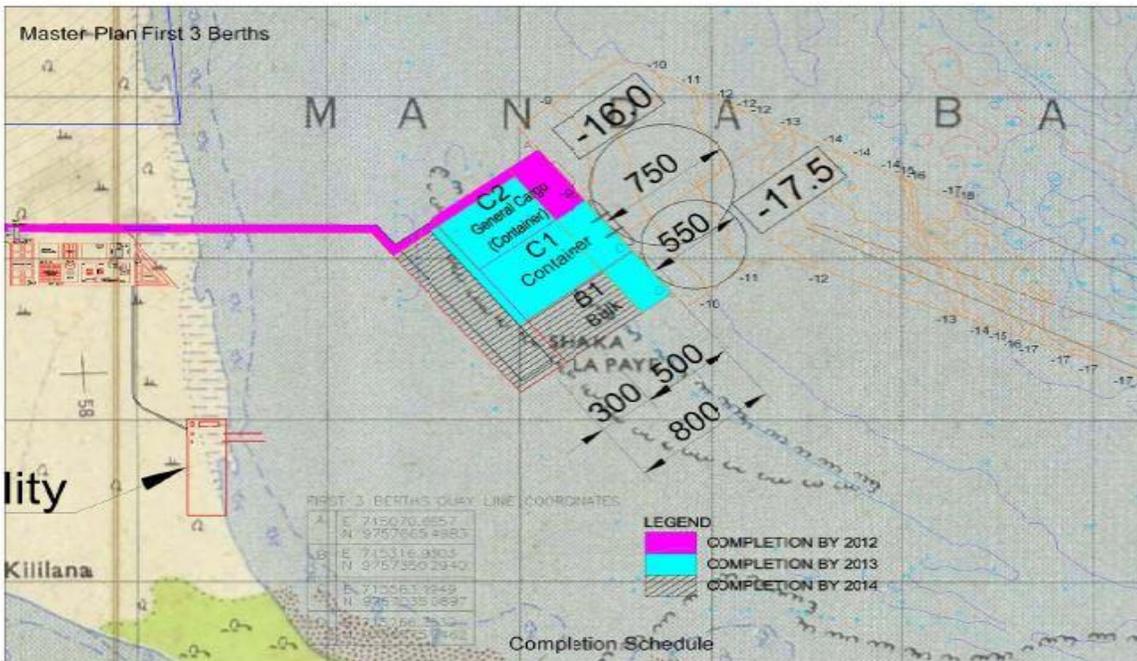


Fig. 5.13. Location of Port craft repair facility (JPC, 2011)

Figures 6.3 and 6.4: Long term vs short term development of LAPSSET port

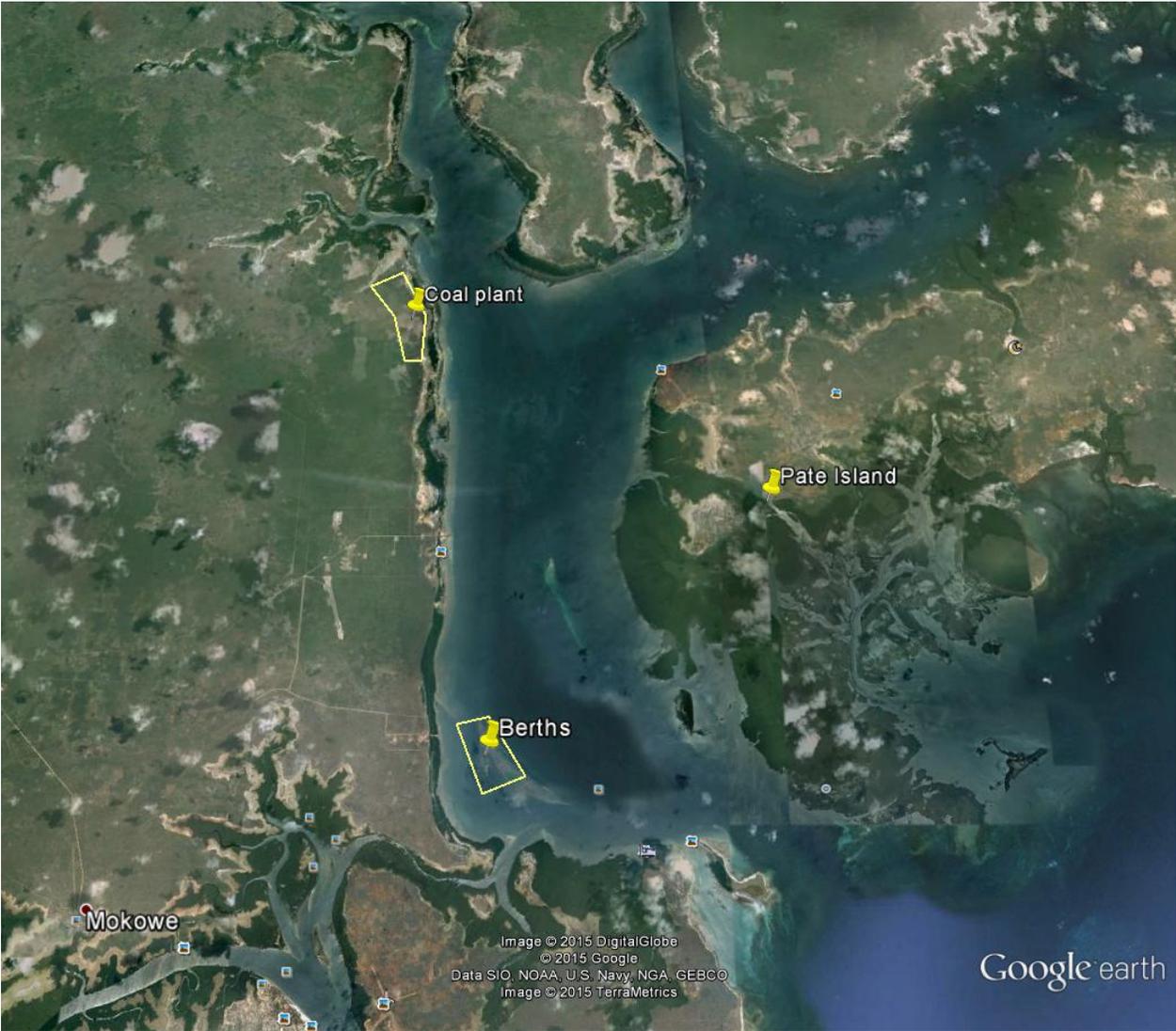


LAMU PORT DEVELOPMENT PLAN (LONG-TERM in 2030)



LAMU PORT DEVELOPMENT PLAN (SHORT-TERM in 2015)

Figure 6.5: Proposed location of power station (relocated)



### NMK EXPERTS REVIEW OF THE LAMU HIA

Recommendations		Implementer	Regulatory	Oversight	Mitigation measure	Proposed steps	Comment	Page
Additional Studies								158
	Cost Benefit			NMK	The studies will inform on the cost benefit of the development in relation to the heritage	Immediate -check if the document exist	NMK to try and get hold of the document  (Government's blue print so we expect it to be there)	158
	SEA	LAPSSET NMK NEMA Ministry of Energy County Government			This is the main heritage protecting activity	Immediate	NMK has engaged UNESCO Nairobi office in fundraising strategy	158
	Exhaustive documentation of Heritage	NMK Ministry of Sports Department of Culture NEMA KWS Ministry of Environment			Provide baseline information on when and what has been affected	Immediate	NMK has written a proposal to UNESCO- ICH-intangible. There is already a study by NEMA, WWF and Ministry of Environment- maps used for HIA came from this study -IGAD PROJECT- Agro forest resource mapping	158
	CIA	Ministry of environment and Ministry of Energy, LAPSST and NEMA NMK			Baseline information on what heritage is available and how it will be affected	Short term		158
	Oil and Gas					Medium term	This statement should be edited as there is already a good relationship between	159

						-Ongoing exercises	NMK and oil exploration companies. There is already an existing framework in this. World Bank is also funding ministry of energy for SESA- Board should not adopt this	
Boundaries								159
Lamu World Heritage property	Redefine the property and/or buffer zone  Protection of Manda Island in its entirety	NMK  Others			Protect views and vistas/setting	Immediate	There is a proposal for LAMU archipelago to be declared a special conservation area -There is already one layer of protection within the biosphere-Kiunga biosphere reserve. The area is proposed as a Special conservation Zone- (immediate area of mainland)	159
	Special Conservation Area	County Government LAPSSET Ministry of Planning Ministry of Sports culture and the Arts	NMK	NMK	This will assist in protecting the OUV	Short term-medium term	NMK should send a letter to County Governor for this proposal indicate areas and modalities of how to do it. Also begin process to gazette this area with the Parent ministry.	159
		County Government, NMK				Long term	Proposal was already made to have NMK incooperated in the Planning committee	
	Kiunga Marine						Already taken care of.	160
	Conservation Fund	County Government NMK			There will be funds available to	Long term	This is something which the government has already started to	160

		Ministry of Foreign Affairs Ministry of East Africa community			deal with mitigation measures on protection etc		undertake through NEMA and other agencies involved with conservation of heritage	
Institutional Capacity Building	Capacity building for Lamu museum and Lamu old town conservation office (1-5)	NMK County Government			Expertise on heritage management and awareness with advance heritage conservation	Medium term- long term	NMK is looking at collaborating with other international bodies to increase staff training and capacity e.g. training with SIDA and WIMOSA –marine pollution and health of marine life. County Government has already started capacity building for heritage management especially in functions which have been devolved to them-cultural experts	160
Planning	Planning existing laws (1-5)	NMK County government			These laws and regulations will regulate on how development is undertaken while taking care of heritage	immediate	NMK to provide county with laws and regulations which had been drafted and accepted by former county council for adoption	161
	Restrict influx						Unconstitutional and thus this should be expunged. Entrench and strengthen planning laws to take care of this.	161

	Clear strategy and timeline of mitigation and alternatives regarding the proposed LAPSSET						Will be part of the TORs for the SESA. Clarification from UNESCO office. No alternatives here! Mitigations only	161
	Maulidi and Cultural festivals	County Government NMK					Remove this as this is already an ongoing activity Lamu cultural festival-14 Maulidi-129. Government should not be involved as these have been managed for a very long time by communities	161
Resort City and Thermal Power Plant	Proposal to build mass tourism facilities	LAPSSET NMK County Government			As technical advisor NMK will make sure that OUV Is taken care of	Long term	NMK has been designated as technical HIA advisor. Lamu county will oversee the masterplan for all developments in order to follow the planning laws and regulations	161
	Thermal Power plant	Ministry of energy County Government LAPSSET		NMK		Long term	Raise pertinent issues with the implementers on why the power plant should be relocated away from Pate Island	161

## Annex 7 Decisions of the World Heritage Committee

### 36COM7B.43

#### Lamu Old Town (Kenya) (C 1055)

The World Heritage Committee,

1. Having examined Document WHC-12/36.COM/7B,
2. Recalling Decision 35 COM 7B.39, adopted at its 35th session (UNESCO, 2011),
3. Notes the general information provided by the State Party on the Lamu-Southern Sudan-Ethiopia Transport (LAPSSET) corridor, Lamu Port development, encroachment and uncontrolled development in the Shela sand dunes and Lamu Old Town;
4. Expresses its strong concern that detailed information on the LAPSSET corridor and Lamu Port project, such as its scope, projected kinds of primary and secondary developments foreseen, projected economic and population data, has not been submitted by the State Party as requested by the World Heritage Committee at its 34th session (Brasilia, 2010) and 35th session (UNESCO, 2011);
5. Notes with concern, that information made available by Kenyan government authorities to the public domain suggests a project of major scale, which may impact the social and cultural unity of Lamu Old Town, its environment and setting, in particular the coastline, tidal flows and the ecological balance of the water catchment area at the Shela sand dunes;
6. Also expresses its concern about the likely negative impact of the LAPSSET corridor and the new Lamu Port and Metropolis, including secondary developments foreseen, on the Outstanding Universal Value of the property;
7. Requests the State Party to halt and prevent any further construction of the new Lamu Port and LAPSSET facilities at Lamu until:
  - a. A comprehensive Environmental Impact Assessment (EIA) and Heritage Impact Assessment (HIA), in conformity with the ICOMOS Guidelines on Heritage Impact Assessments for World Heritage Cultural Properties, to assess the project's potential impact on the Outstanding Universal Value including its social, cultural and religious impacts, have been carried out by independent experts in collaboration with the National Museums of Kenya (NMK)
  - b. These EIA and HIA have been submitted to the World Heritage Centre for examination by the World Heritage Centre and the Advisory Bodies
  - c. Appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved, have been identified and agreed upon;

8. Reiterates its request to the State Party to provide detailed information on the development of the LAPSSET corridor and new Lamu Port and Metropolis, and planned secondary developments, in line with Paragraph 172 of the Operational Guidelines, including but not limited to its scope, exact location of all developments, anticipated construction schedule as well as compensation procedures for traditional and legal land owners, before making any decisions that would be difficult to reverse;
9. Also reiterates its request to the State Party to provide to the World Heritage Centre for review by the Advisory Bodies:
  - a. The requested maps showing the precise boundaries of the property and the buffer zones areas, indicating those gazetted at present as well as those planned to be gazetted in the near future,
  - b. Three printed and electronic copies of the finalized draft Management Plan;

Also requests the State Party to submit to the World Heritage Centre, by **1 February 2013**, a detailed report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 37th session in 2013.