

Lamu Old Town World Heritage Site and Buffer Zone

REPORT OF THE WORLD HERITAGE CENTRE/ICOMOS/ICCROM ADVISORY MISSION TO NAIROBI CONCERNING LAMU OLD TOWN, KENYA, FROM 24 TO 26 JANUARY 2018



United Nations
Educational, Scientific and
Cultural Organization



World
Heritage
Convention



International Council on
Monuments and Sites

Conseil International
des Monuments et des Sites

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ACKNOWLEDGEMENTS

The 2018 Joint WHC, ICOMOS and ICCROM Advisory mission team extend their thanks to the Government of Kenya, and in particular the National Museums of Kenya (NMK) for arranging the mission, the representative of the Ministry of Foreign Affairs for their support, and the Ministry of Environment, the Lamu County Government Official, the LAPSSET Corridor Authority Representative, the Ministry of Transport, Infrastructure, Housing and Urban Development, and the National Commission for UNESCO.

Our heartfelt thanks to the NMK for the warm welcome extended to our Mission team and for developing a comprehensive schedule that included meetings with relevant stakeholders. During the three-day meetings, the Mission greatly benefited from the information and co-operation provided by the NMK staff. The LAPSSET Corridor Authority Representative provided valuable information.

Our thanks also go to ministries represented at the meetings, and the assistance of the UNESCO Nairobi Office.

EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS

In recent years, the UNESCO World Heritage Committee has become concerned over the likely negative impact of the Lamu Port – South Sudan – Ethiopia Transport (LAPSSET) corridor and the new Lamu Port and Metropolis Development Project on the Outstanding Universal Value (OUV) of the Lamu Old Town World Heritage property inscribed in 2001.

During the 41st World Heritage Committee Session held in Krakow, Poland, the Committee, in its Decision 41 COM 7B.69, recommended that the revised Management Plan, including the new Chapter covering the LAPSSET development project, be submitted to the World Heritage Centre as soon as possible and no later than 1st December 2017.

The Committee was also concerned about the late submission of the Strategic and Environmental Assessment (SEA) of the LAPSSET project to the World Heritage Centre (WHC). It urged the State Party of Kenya to revise it in close consultation with the World Heritage Centre and the Advisory Bodies and to submit the revised SEA to the World Heritage Centre for review by the Advisory Bodies no later than 1st December 2017.

This Decision therefore informed the need for NMK to revise the draft LAPSSET SEA report and review the chapter on the LAPSSET in the Lamu Management Plan, as a matter of urgency, and, in addition, to review the additional impacts of the LAPSSET project on other sites.

After consultation between the WHC, the Advisory Bodies and the State Party regarding availability of all parties concerned, an Advisory mission was scheduled for 24-26 January 2018. This aimed to discuss progress with the overall LAPSSET project and to consider its potential impacts, to review progress with the SEA, the Management Plan, and with the HIA for Manda Airport, and to clarify the details of the proposed coal plant. The full terms of reference of the mission are set out in Annex 1.

List of recommendations:

- The State Party should revise the SEA for the whole LAPSSET development to include a specific chapter on the impacts on cultural and natural heritage and specifically the impacts on the Outstanding Universal Value of World Heritage properties located along it. This includes both Lamu Old Town and Lake Turkana. Furthermore, the HIA already carried out for the first phase of the LAPSSET project should be annexed to the SEA to ensure that its recommendations are taken into account by the Government of Kenya as the project continues.
- The Management Plan chapter on LAPSSET should be revised to reflect the changes to the LAPSSET proposals. It should identify the threats to the Outstanding Universal Value of Lamu Old Town from the LAPSSET project. Mitigation measures identified in the HIA, which are appropriate to the local government, should be included in the objectives.
- At the time of the 2015 Reactive Monitoring mission to Lamu Old Town, a pledge was made by the State Party that the NMK would have a seat on the LAPSSET Board. This

has still not occurred. It is strongly recommended that this pledge be fulfilled by the State Party.

- The commitment by the LAPSSET Corridor Development Authority not to extend the LAPSSET project below the original red line shown to the 2015 mission (see Figure 6.10) should be respected in the future. Clearly-revised plans showing this commitment would be useful.
- The LAPSSET Corridor Development Authority should clarify how mitigation measures identified in the various impact assessments are being implemented and monitored.
- The commitment of the LAPSSET Corridor Development Authority not to carry out any developments on the Lamu islands 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.
- The Resort City proposal for Lamu need to be re-examined to ensure that it does not have negative impacts on the Swahili culture that is a part of the Outstanding Universal Value of the property, as part of criterion (vi). Strong guidelines should be developed for this resort city before any specific proposals could be considered. As the plans for the city continue to be developed, the State Party should provide information to the World Heritage Centre for any parts of the development which may have an impact on the OUV of the property. In any event, once plans become more developed, an HIA should be carried out to ensure that negative impacts can either be avoided or mitigated. This HIA should be provided to the World Heritage Centre for review by the Advisory Bodies.
- In regard to the coal power plant, the status of the project is still not known, but the State Party should carry out additional studies to ascertain any effects that the resulting pollution may have on the fragile coral stone buildings of the Old Town and any other impacts on other attributes that carry the Outstanding Universal Value of the property.
- The State Party should undertake a Heritage Impact Assessment for any additional works that are foreseen for Manda Island airport, to be submitted to the World Heritage Centre for review by the Advisory Bodies.
- Additional HIAs should be carried out for any other development projects which have a potential to impact on the OUV of the property.
- The State Party should submit a proposal for a Minor Boundary Modification to the World Heritage Centre which sets out the extent of a revised buffer zone around the World Heritage property, which must be of adequate size to protect its Outstanding Universal Value. Development control measures should also be submitted for the buffer zone, as well as for any special conservation areas that are put forward by the State Party in the Lamu Archipelago.
- The mission recommends that the LAPSSET authorities make a much stronger effort to engage the local communities and ensure better communication, listening to and understanding local needs, and responding to those needs within the context of the ongoing development.
- The mission was not able to look at the physical conservation issues of Lamu Old Town, but it would like to recall two recommendations of the 2015 mission in regard to physical conservation that are still relevant. That mission report states that, “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.”

- Furthermore, the 2015 mission also made the following recommendation: “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.”

1. BACKGROUND TO THE MISSION

1.1. Inscription history

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 the *Operational Guidelines for the Implementation of the World Heritage Convention* (UNESCO). In line with this, Kenya 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 Kenyan properties (3 cultural and 3 natural) have been successfully inscribed on the World Heritage List, including Lamu Old Town in 2001.

Lamu Old Town is located on Lamu Island, one of the islands 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, and is 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. Statement of Outstanding Universal Value

The Inscription Criteria, as approved in 2011, follow:

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.

By nominating Lamu for inscription, the State Party did recognize its obligations to ensure the proper conservation and management of the property, including putting into place measures necessary for the maintenance and improvement of the property's OUV.

The full Statement of Outstanding Universal Value (SOUV) for Lamu Old Town, as approved in 2011, is included in Annex 8:

1.3. Authenticity issues raised in ICOMOS' evaluation at time of inscription

The ICOMOS evaluation report carried out at the time of inscription confirmed the value of Lamu Old Town 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 evaluation report also indicated potential risks to the property as a result of increasing population pressure, resulting in changes with regard to lifestyles and demand for visitor accommodation, ultimately leading to construction of hotels just outside the historic area, but also emphasised the risk of fire, which would be disastrous for the Island's structures.

In this regard, the evaluation report made the following recommendations for future action:

- (i) 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.
- (ii) The need to extend the buffer to some 2km on the shoreline in order to guarantee control of new constructions.
- (iii) The need to develop a more detailed management plan with clearly defined tasks for the authorities, and the possibility of establishing an interdepartmental Lamu Town Authority to be considered.
- (iv) The need for continual updating of action plans related to the 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

From the time of inscription in 2001, major issues highlighted in the state of conservation reports submitted by the State Party and in the decisions adopted by the World Heritage Committee have focused on concerns regarding 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 State Party's state of conservation reports, such developments have the potential to negatively affect the OUV of the property and its setting, and, in particular, its social and cultural unity and cohesion, its relationship with the surrounding landscape and setting, extending to the surrounding islands, and the Shela sand dunes water catchment areas, 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 OUV 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 State Party's state of conservation reports include:

- (i) Rapid, extensive and uncontrolled urban development (housing, hotels and associated infrastructure, informal settlements);
- (ii) Massive influx of additional population significantly enlarging the urban community in Lamu District to 1 million;
- (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 comprehensive Management and Conservation Plans
- (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 threatened by a large-scale industrial and infrastructural development referred to as LAPSET, which includes a wide range of components: Lamu Port, railway lines and roads network, a highway, a crude oil pipeline, an 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. This development has further increased the level of the potential impact 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 adopted 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 of Lamu Town and the town of Shela and its sand dunes, as well as taking into consideration such natural values as the mangroves;
- (ii) Extension of the property 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 within the World Heritage zone in order to address expected impacts on the property resulting from large-scale uncontrolled and illegal development;
- (iii) Production of a map for the property clearly demarcating and labelling its boundaries;
- (iv) To conduct a study of Lamu Island's solid and liquid waste management, with particular concern given to the sewerage situation, and to adapt the most viable way of disposal it;
- (v) Documentation and inventorying of all historical buildings and mapping of archaeological assets;
- (vi) Gazetting 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 in the form of a committee/task force for the management of the property;
- (x) Establishing a 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.

1.5. Justification of the mission (terms of reference, itinerary, programme and composition of the mission team are provided in the annexes)

In recent years, the UNESCO World Heritage Committee has become concerned over the likely negative impact of the Lamu Port – South Sudan – Ethiopia Transport (LAPSSET) corridor and the new Lamu Port and Metropolis Development Project on the Outstanding Universal Value (OUV) of Lamu Old Town World Heritage property, inscribed in 2001.

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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 included as Annex 1, the composition of the mission team is included as Annex 2 and the programme of the mission is attached as Annex 3.

The mission met with relevant ministries and national authorities, a representative of LAPSSET, National Museums of Kenya (NMK) representatives, Lamu community representatives and other relevant stakeholders, and held extensive discussions about the LAPSSET development project as well as the boundaries of the property and its buffer zone, and a number of relevant reports. See Annex 4 for the list of the people met during the mission.

Although the terms of reference of the mission requested feedback on the Lake Turkana World Heritage property, the State Party felt that this was not pertinent to the Lamu Advisory mission. This report therefore makes no recommendations relating to Lake Turkana World Heritage property. Nevertheless, the Mission team does recommend that the impacts of LAPSSET on the Lake Turkana World Heritage property should be addressed by the State Party sooner rather than

later. It would not be wise to wait until development plans are too far along before taking the World Heritage status into account, especially keeping in mind the other state of conservation issues that the property faces.

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

2.1. National Heritage Legislative Framework

The designation and inscription of Lamu Old Town World Heritage property was implemented 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 property 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 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, which is [their] heritage, and [...] sustain it for the benefit of future generations” as well as be “PROUD of [their] ethnic, cultural and religious diversity”;
- Vision 2030, a national long-term development plan covering the period 2008-2030, which aims 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, including its County Sectoral Plan; County Spatial Plan; and City and Urban Areas Plan. Its objective is to offer a good quality of 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, which led to the establishment of a Lamu Local Planning Commission through which the relevant government regulatory agencies can harmoniously invoke the provisions of their specific rules for the purposes of implementing or solving particular issues pertaining to the World Heritage property. The Commission also advises the County Authority on salient issues pertaining to the protection and preservation of Lamu as a cultural heritage property. The main function of the Commission is to review proposals for the alteration, extension and construction of new buildings within the property and its buffer zone;
- The LAPSSET Master Plan.

The day-to-day management of the property is regulated 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 the National Environmental Management Authority and others.

2.2. Institutional Framework

Heritage conservation planning for Lamu Old Town began in the early 1980s, with a number of seminal studies on the well-conserved Swahili Town. This led to the development of the first Conservation Plan by the NMK in 1986 (Sirvao and Pulver, 1986). The plan foresaw a strong collaboration between the NMK and 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 fluctuated in strength depending on the specific circumstances. Nevertheless, the relationship has been successful in conserving both the building stock of Lamu Old Town and promoting the intangible attributes of the property.

In specific terms of the Lamu Old Town World Heritage property, the 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 the National Environmental Management Authority. Hence, while NMK is responsible for the cultural environment, NEMA is responsible for the natural environment. The two institutions, through their various mandates, are crucial in ensuring that the natural and cultural environment of both the 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 property is managed by Lamu Museum in co-operation with Lamu County Government.

2.4. Relationships among the institutions (national and local government, National Museums of Kenya and LAPSET)

As already mentioned, the critical institutions that are responsible for ensuring that Lamu Old Town 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 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 incur significant impacts on the World Heritage property. The LAPSSET Corridor Development Authority and all agencies linked to must be engaged in an ongoing dialogue to ensure that its decisions do not diminish the Outstanding Universal Value of the 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 organizations, such as SAVE Lamu, and other community-based organizations 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 well-being. Hence, there is a need for an institutionalized 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 in order to protect Lamu Old Town.

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 property. 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 Lamu County Government need to be clarified. The NMK has well-qualified professionals in heritage matters, but so does the county government. It would strengthen the management of the property if mechanisms were developed to ensure the co-operation 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 might partially be solved by the inclusion of a representative from the NMK on the LAPSSET Board, as was also recommended by the HIA and requested in the past by the World Heritage Committee. 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 also looked at issues related to the 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.

The mission relied on oral submissions and the following documentation:

Prior to the mission, the following information on the LAPSSET project had been made available for the 2015 Reactive Monitoring mission:

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

The following additional information was made available for the 2018 Advisory mission:

- Lamu Old Town World Heritage Site Management Plan 2013-2017. Undated (Ref 4).
- Existing Situation Review Report by European Commission (Ref 5)
- LAPSSET presentation: (PowerPoint presentation) (Ref 6)
- Strategic Environmental Assessment for LAPSSET Corridor Infrastructure Development Project (Ref 7)
- SEA for LAPSSET Corridor Infrastructure Development Project LCIDP Disclosure (PowerPoint presentation) (Ref 8)
- Revised Buffer Zone map (Ref 9)
- State party SOC reports; National Museums of Kenya; 2008-2017 (Ref 10)
- ESCA for power station (Ref 11)
- Summary of Responses to WHC decisions (Ref 12)

3.2.3 The LAPSSET project

Existing/ongoing works

The State Party is continuing with the LAPSSET development. Works that have already taken place or are in progress are:

- Construction of an LAPSSET administration building (Figure 6.1), port administration building and a police station – completed;
- A power supply line from the south to the LAPSSET site with a link to Lamu – completed;
- Lamu Port berths 1, 2 and 3 comprising mangrove clearance, a causeway, dredging, reclamation, and a quay wall – 40% complete (see Figures 6.3, 6.4 and 6.5).

Other existing/developments

- A combined forces camp and a National Youth service camp – completed;
- Manda Island airstrip paved to accommodate larger airplanes and a new airport terminal building (Figure 6.2) - completed.

Proposed further works in phase 1

- Completion of the construction of berths 1, 2 and 3 at Lamu Port, comprising a bulk terminal, a container terminal and a multipurpose terminal;
- Garissa - Lamu road and Garsen – Lamu road;
- A coal-fired power station at the north end of Manda Bay. The mission was led to understand that the proposed power station is currently facing a legal challenge (for this reason, there was a reluctance by the State Party to discuss it with the mission).

The mission was informed that Figure 6.7 in Annex 6 represents the master plan for the works in Phase 1. Berths 1-3 are being built by the State Party but it is intended that they will be operated by a private company.

The LAPSSET Master Plan to 2030

The LAPSSET representative presented an outline of the Master Plan to 2030 (see Figures 6.6 and 6.10). The proposals include:

- 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 multipurpose dam on the Tana river with a pipeline supplying water to Lamu;
- A new Lamu metropolis on the mainland;
- Lamu Port at Manda Bay extended to 32 berths;
- An 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 civic centre
- A resort city;
- New fishing harbour;
- A desalination plant.

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

Changes to the Master Plan

The revised Master Plan (Figure 6.10) is overall generally in line with the 2011 proposals (Figure 6.8) which were assessed in the HIA (ref 3). However, there are some significant changes to the current masterplan proposals. In particular:

- There are no longer proposed satellite resorts on Manda and Pate Island or a cruise terminal on Manda Island;
- The 2015 Reactive Monitoring mission had been orally informed that there would be a 'red line' boundary to the LAPSSET development indicatively some 4km from Lamu Island (see Figure 6.9). There would be no development south of this line except for the Resort City and associated tourist developments. There is now a new high density mixed use development shown in the area south of the 'red line' (see Figure 6.10);
- The scale of the Resort City has grown substantially.

Assessment of existing/ongoing phase 1 works

At the outset, the mission notes that, despite a request by the World Heritage Committee, the National Museums of Kenya has not been given representation on the LAPSSET Board. While it is understood that there are many stakeholders in the LAPSSET project across its entire length, the fact that Lamu Old Town is a World Heritage property means that the State Party must take extra efforts to ensure that the OUV of the property is safeguarded. The mission team believes that the presence of the NMK on the LAPSSET Board would most likely provide a first means of ensuring that, as developments progress, necessary advice is available and present before decisions are taken.

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 Lamu Old Town as the rather fragile limestone can be impacted by air pollution.

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 LAPSSET representative 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 fishing vessels to fish further afield.

In summary, there appear to be significant threats and opportunities to 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 mangroves 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 the planting of mangrove woodland elsewhere as compensation and it was confirmed orally at the mission that this would happen. However, no details of this compensation were provided.

The State Party's state of conservation reports highlight that the LAPSSET development has increased the level of potential impact on the morphology of the coastline, tidal flows, and on the formation of sandbanks over a wide coastal area. Neither the ESIA for berths 1-3 nor the SEA for the full LAPSSET development consider any potential impacts on the coastal geomorphology. The HIA, considering the full LAPSSET development, raises concerns about the loss of mangroves and destruction of coral reefs in Manda Bay, and loss of a community-managed marine conservation area; with the consequential loss of marine heritage and ecotourism value.

The proposed power station is to be located approximately 20 km from the property, according to the most recent presentation (see figure 6.11 in Annex 6). However, potential impacts are:

- Extensive dredging and mangrove loss to allow large coal-carrying ships access to 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 the 210m tall power station chimneys from the World Heritage property.

More details of the power station proposals and impacts are provided in section 3.4.2 below.

Assessment of Master Plan to 2030

The revisions to the Master Plan, and in particular the decision to not carry out any LAPSSET developments on the Lamu Archipelago, could reduce negative impacts, but may also encourage other developments which may be problematic.

The potential adverse 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.

- The expanded port - from 3 berths to 32. This is a 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 numbers of vessels using Manda Bay. The area of lost fishing will be greater. The area of lost mangroves will be considerably greater. The constant presence of ships passing within view of 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. However, it will permit the massive expansion of the new Lamu metropolis;
- Lamu metropolis is expected to exceed 1m people by 2030. Although physically all on the mainland, it is likely to have a very substantial impact on the OUV of the property. These impacts are considered in some detail in the HIA, including:
 - Large influx of outsiders to the region with different cultures,
 - A loss of the cultural qualities of the property both in terms of the physical and social attributes of the Old Town and its setting which are part of its OUV;
- Other potential impacts from the metropolis on the OUV of the property are:
 - Potential depopulation of Lamu old town as people relocate to seek employment 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. Although the metropolis is now to be physically more remote from the property than earlier proposals, and not on Manda Island, inappropriate tourist development could have an impact on the cultural OUV of the property,
 - Other strong development pressures (commercial, residential, industrial, etc.) which will follow the increase in population.

Assessment of the wider impacts of the LAPSSET Project

While the mission considered it a positive step that the LAPSSET development Master Plan is entirely on the mainland and not on the Lamu archipelago, 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, unless planning controls are tightened.

- Potential adverse 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 (which may include the addition of tall buildings that out of character with the local building traditions);

- A strong visual impact 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 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 significant changes to the physical and in particular social fabrics.

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 benefits 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 January 2018, 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 Lamu 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 excluded from 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.

3.2.4 Manda airport

The mission was provided with information about the construction works at the airport on Manda Island, comprising:

- Repaving part of the runway and extending the paved area;

- A new terminal building (see Figure 6.2).

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:

- Larger and noisier and more frequent planes in operation. It was not clear how the type and frequency of aircraft landings has changed or would change in the future;
- The mission was informed that the new airport terminal is not visible from the Lamu property;
- The LAPSSET representative stated that the airport on Manda island will remain in use when the new Lamu international airport is opened.

3.2.5 The Boundaries and Buffer Zone of the Property

Issues related to the property's boundaries and buffer zone have been ongoing since the 28th session of the World Heritage Committee in 2004 (the property was inscribed in 2001). Although the issues related to the boundaries of the property have been resolved, the mission finds that there has been little to no progress on the buffer zone up to this time.

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 main and outer conservation areas as designated at that time. The nomination did not clearly state, however, the limits of the World Heritage property and its relationship to the maps enclosed. Clarification was, therefore, sought. During the 2015 mission, the State Party made it clear that it did not intend to extend the boundaries of the property beyond the 1986 conservation area. While it might have been preferable to have an enlarged property to take into account more of the heritage attributes found on Lamu Island, the 2015 mission did find that the boundary as presented remained adequate to represent the Outstanding Universal Value of the property.

Unfortunately, the issues related to the buffer zone have not been satisfactorily addressed. The buffer zone provided with the nomination was a large red rectangle drawn around Lamu Old Town, including a part of Lamu Island and its seafront, and included the sea directly in front of the Old Town and a small part of Manda Island directly across from the Old Town (see Figure 5.1). Unfortunately, the buffer zone did not correspond 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. It should be noted that on the original map, the sand dunes were identified as being proposed for gazettment without Shela, giving them a quasi-buffer zone status. However, they were identified separately from the red square buffer zone on the map and were therefore not included (the dunes have, in fact, been gazetted since the nomination).

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 on an almost yearly basis 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 buffer zone, or to include all of Manda Island along with all of Lamu Island. In one case, the Committee requested Kenya to consider extending the property to the whole of the Lamu archipelago.

At the time of the 2015 mission, the State Party had prepared a proposed buffer zone (see Figure 5.3) which incorporated a very small area around the property itself (on the landward side only) along with the sand dunes and the entire mangrove forests, which ring parts of Lamu and Manda islands and the mainland areas near the property.

At the time of this 2018 Advisory mission, a new map has been proposed by the State Party (see Figure 5.4) which no longer includes the mangroves on Lamu Island, but maintains the small area around the property, the sand dunes, and the part of Manda Island that faces the Old Town. The State Party explained that the mangroves are protected under environmental regulations and that therefore there was no need to include them in the buffer zone.

As was stated in the 2015 mission report, the issue of the buffer zone is even more important and urgent than it was at the time of inscription. In 2004, the Committee requests were linked to protection against any hypothetical development pressures that might have arisen in the future. The urgency now 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.

It should be noted that the LAPSET project has promised that none of the “official” project will be constructed on any of the islands of the archipelago. This current promise cannot, however, guard against any changes to the project at a later date. Nor can it protect against other development pressures that may result from the LAPSET project, but are not officially connected to it. It seems clear that land prices will rise in the area as the project continues, and without stronger protections for the setting of the property as should be guaranteed by a World Heritage buffer zone, it may not be possible to block developments that could have a negative impact on the OUV of the property.

It should further be noted that the proposed area of the part of the buffer zone immediately surrounding the property is much smaller than the one originally included with the map at the time of inscription. Comparing the part of the original red square behind the property with the current proposal shows that the buffer zone currently being proposed is a net reduction on the landward side of the property (see Figure 5.5). It also no longer includes the sea in front of the Old Town. This may become important as ship traffic continues to increase in the area and the population also continues to increase.

For this reason, the Advisory mission considers that the boundaries selected by the State Party (reduced from the 2015 proposal) do not represent sufficient protection for the setting of 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 Lamu Old Town to become swallowed up by new developments on the island immediately behind it and along both sides on the waterfront. The very small area immediately surrounding the property currently proposed as a buffer zone would not be sufficient to protect its OUV if taller or even similar-sized new constructions were to be built. One could imagine the entire island becoming urbanized rather quickly in such a way that it would no longer be possible to distinguish the World Heritage property from the rest of the island. Of even more concern would be if the World Heritage property became surrounded by much taller buildings on the rest of the island.

The mission also notes that there have been no regulations proposed for the buffer zone which would provide the necessary regulatory protections. These regulations should be considered an integral part of the buffer zone in order to protect the OUV of the property.

During the mission, the State Party indicated to the mission team that there may be political difficulties in creating a larger buffer zone. They suggested (as they did in 2015) that they may be able to create a special conservation area spanning the rest of Lamu Island and the entirety of the Lamu archipelago. They did not, however, provide any maps to show the extent of this possible special conservation area, nor any draft regulations for the protection of the OUV of the property and the other heritage values found throughout the archipelago. The mission explained that without much greater detail, it would not be possible to assess whether such a special conservation area would adequately protect the heritage values. In addition, the mission team pointed out that it would not provide the same level of protection that an official World Heritage buffer zone would provide.

Nevertheless, such a special conservation area could potentially have a positive impact on the protection of the wider setting of the property, and, as in 2015, the mission recommends that the State Party follow up with the idea. 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.

Taking into account the above points, the mission strongly supports the findings of the 2015 mission that the buffer zone should be 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.

The mission believes that this may be the last chance to put in place the necessary buffer zones of sufficient size, along with accompanying regulations, to safeguard the OUV of the property. The satisfactory resolution of this issue (both the buffer zone and accompanying regulation) is considered one of the priorities at the present time.

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

The principle significant changes to the property since the 2015 Reactive Monitoring mission are as follows:

- Construction of Lamu Port berths 1-3 is under way;
- The LAPSSET Master Plan has been significantly changed in some respects;
- Manda Island airport runway improvements and new terminal have been completed;
- A number of relevant reports and assessments have been undertaken, in particular:
 - State Party state of conservation reports for 2015, 2016 and 2017,
 - Additional chapter to the Management Plan which addresses the LAPSSET development,
 - LAPSSET SEA,
 - Power Station ESIA.

The potential positive and negative impacts of these developments are discussed in other sections 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 HIA (Ref 3)

The HIA was re-issued to the mission team. This document was reviewed by the 2015 Reactive Monitoring mission.

The HIA concluded that, without mitigation, there were many severe potential 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 marginalizing the community but total disruption of a tradition and all sustaining traditional lifestyle developed and nurtured over millennia with the 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 minimize negative impacts and maximize positive impacts; including in particular a Special Protection Area covering the whole Lamu Archipelago. With the mitigation measures: *“The challenges of LAPSET 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, LAPSET 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 HIA assessed the LAPSET proposals before the changes to the Master Plan outlined in section 3.2.3 above.

3.4.2 Power station ESCP (ref 11)

The report highlights that the power station is being developed in order to meet the growing demand for electricity in Kenya, rather than to service the LAPSET project specifically. It will use super-critical technology.

The coal-fired power station will receive coal from a receiving berth at Kililana (Lamu Port) along a coal conveyor system, approximately 15km long, to the coal stock yard at the power station. The project also includes: ash yard; limestone receiving system and gypsum handling system; once-through seawater cooling system; flue gas quality equipment including a 210m tall chimney; sea water desalination facilities; substation and switching facilities; distributed control system; buildings, roads and other structures; auxiliary boiler and diesel generator; a permanent workers’ colony for 250-300 people.

Key findings of the ESCP which are most relevant to the property are:

Thermal effluent: *“According to the World Bank Group’s EHS guidelines for Thermal Power Plants 2008, the thermal discharge water temperature should not exceed ambient water quality standards by 3° C at the edge of a scientifically established mixing zone.”* Following hydraulic modelling studies, a 600m long discharge outfall pipe is proposed which meets this criteria. However, the report also proposes a cost/benefit analysis to determine the optimal design.

It is not justified whether the 3° temperature difference criterion is appropriate for the sensitive coral receptors in Manda Bay. The report itself mentions extensive coral bleaching and mortality in East Africa caused by 1-2° C sea temperature rise in March-April 1998. The report also

mentions other threats to the marine life due to entrainment of fish at the cooling water intake, chlorination of the cooling water, damage to coral from the construction of the outfall (direct damage from dredging and from sediment in suspension). The potential threat to Lamu Old Town would be the loss of fishing livelihoods if the Manda Bay coral habitat was destroyed or severely damaged.

Air quality: An air dispersion study concluded that *"...it was extremely unlikely for any of the priority pollutants to exceed the air emission guidelines recommended by the World Bank Group's 2008 Guidelines for Thermal Power Plants"* The fallout areas would be to the north of the site where there are no sensitive receptors. *"It must be noted that the prevailing wind directions within the general project area are from the south and easterly regions. Wind directions from the other sectors occur relatively infrequently"*.

The ESIA did not consider the coral blocks used in the buildings in Lamu as a sensitive receptor to air pollution. However, wind rose for the project site (see Figure 6.13 in Annex 6) confirms that there should be very few occasions where the atmospheric emissions from the power station chimney will reach the property.

Cultural Heritage: *"archaeological and cultural heritage impacts... are expected to be of low to medium significance without mitigation."*

The report recognizes the Lamu Old Town World Heritage property and the HIA for LAPSSSET.

"The proposed power plant will create a demand for housing and other activities surrounding the project site and it is expected that there will be an influx of migrants from other parts of Lamu County and the country at large. ... Such developments are not expected to influence the change in cultural heritage of Lamu Island and cultural practices will continue in Lamu Town"

"From a cultural heritage perspective, some of the mitigation measures include (i) consideration given to Swahili architecture in the design and/or construction of the permanent workers' colony in order to maintain the cultural landscape, (ii) providing financial support to Swahili institutions within the Lamu County that are involved with cultural preservation, (iii) provision of prayer room with the workers colony or the building of a mosque near the project footprint area for the Muslim workers, (iv) promoting and supporting annual cultural festivals such as the Mulidi, (v) inductions of project related workers and visitors on the culture and traditions of the Lamu people, (vi) promoting local foods serving Swahili dishes within the project site, (vii) promotion of local dress code in the project area that is aligned with Swahili values, and (viii) implementing a peer educator program for HIV/AIDS for workers within the project area."

The ESIA assigns a low negative rating to the impact of the project on the OUV of the World Heritage property. It does not, however, carry out any in-depth studies to assess possible long-term pollution damage caused by the plant to the fragile coral stone constructions in the Old Town (and used elsewhere in Swahili construction). In addition, it underestimates the impact of higher densities and changes to the Swahili character of the local communities. The presence of the Lamu Festival cannot be considered a mitigation measure in this regard, as the composition of the community changes. It is the social and cultural life of the day-to-day activities that will be

strongly affected, and this issue needs to be studied and better understood before effective mitigation measures can be developed.

As for archaeology, it is noted that the Executive Summary states that a “Chance Finds” procedure will be introduced. This is not, however, found in the section on Cultural Heritage impacts in the body of the text. It will be important to ensure that this policy is developed and implemented before work begins.

Finally, in regard to the cultural landscape, care does need to be taken in designing the plant and its surrounding developments. Construction should not be visible from the World Heritage property nor from other important view sheds associated with the World Heritage property, including smoke stacks and other tall constructions which might have an impact. Specific visual impact analyses might be necessary as the project develops.

ESMP: The report includes an Environmental and Social Management Plan to reduce and preferably to prevent adverse impacts.

Feasibility: The European Commission report (Ref 5) states that the very long coal conveyor proposed is impractical. See section 3.4.4 below. If this assessment is correct, then this could substantially change the project and potentially the impacts on the property

3.4.3 LAPSSET SEA (ref 7 and 8)

The Strategic Environmental Assessment (SEA) document entitled Final Report of January 2017 (Ref 7) which was issued to the WHC in May 2017 has been superseded by a revised document which has been submitted to NEMA for approval. This revised document was not seen by the mission. The consultants who prepared the SEA presented slides which illustrated the SEA process and the key threats and mitigations to the cultural heritage of Lamu (Ref 8, see Figure 6.14).

The scope of the SEA had been approved by NEMA.

The SEA identifies that water shortages could be a significant constraint to the LAPSSET project. The demand of the LAPSSET project in the Lamu area is likely to exceed the supply, even taking account of the proposed measures to increase supply. It is not clear how Lamu Old Town’s water supply will be protected or enhanced given an overall predicted shortage of water. *“Development and operation of the Lamu port without simultaneous expansion of services such as water and housing on the mainland is likely to overload the delicate resource supply at Lamu Island with detrimental effects”* The Shela Aquifer is highlighted to be at risk.

The report identifies that 16km (500ha) of gazetted forest belt in Lamu will be displaced. *“However, each unit of mangrove forest cleared will be compensated with planting elsewhere in the immediate vicinity”*

The report also identifies the importance of fishing to the population of Lamu and the vulnerability of Lamu's economy to any decline in fishing productivity. The main threats to fishing from LAPSSET are identified as: destruction of fish breeding grounds in Manda Bay estuaries; blocking of fishermen's access to fisheries; and potential impact of oil spills in fisheries. The SEA proposes measures to restore productivity of fishing-based livelihoods (Table 10.3), including a new fishing port with processing facilities and capacity building for deep sea fishing.

The report recognises the importance of Lamu as a World Heritage property. However the report assesses (Table 9.8) that the impact on Lamu Town cultural heritage is *"Limited impact because Lamu Island is not directly affected by LAPSSET"*

The weakness of the SEA is that the scope does not include heritage impact. There are very few references in the report to Lamu's status as a World Heritage property, and no identification of the potentially considerable impacts that the LAPSSET project may have on the World Heritage property and its setting except as outlined above. Furthermore, the existence of an HIA report is not mentioned (the World Heritage Committee requested that the HIA be annexed to the SEA). The mission understood that neither the NMK nor the World Heritage Centre had been consulted in the scoping of the SEA nor in the preparation of the report.

The mission team reminded the State Party of the Committee Decision 39 COM 7B.40 that the HIA be annexed to the SEA. The SEA report should cross-refer to the HIA and identify any changes to cultural heritage impacts resulting from the changes to the LAPSSET proposals since the HIA was written.

It was agreed by NEMA and the SEA consultants that:

- NMK and local representatives would be given an opportunity to comment on the issues raised in the presentation;
- The World Heritage Committee would also be given an opportunity to comment;
- The consultants will revise the SEA taking account of the comments before the finalizing the report and resubmitting to NEMA for approval;
- The consultants will produce a timeline for completing the SEA.

3.4.4 European Commission Report (Ref 5)

The report states:

"The global objective of this assignment is to support the LAPSSET Corridor Development Authority (LCDA) in implementing the project in a sustainable manner. The specific objective of this project is to develop an integrated transport infrastructure Master Plan to interlink the various Lamu project components".

The Existing Situation report is an early stage in the process. It is essentially a technical report and does not assess potential impacts on the OUV of Lamu Old Town. However, it noted some factors which could affect the future developments and change the Master Plan:

- The combined forces facility has been constructed in the port area where it will considerably impede the efficient operation of the port, unless it were relocated;
- The coal-fired power station is located some 11 km from the coal unloading berth. An 11 km conveyor is envisaged which is thought to be impractical.

3.4.5 Management Plan (Ref.4)

An updated Management Plan (undated) has been submitted to the WHC. This updated report includes a chapter on the LAPSSET project as requested by Committee. However, the new chapter refers to the earlier LAPSSET proposals, which are no longer valid, and does not identify threats to the OUV which could be mitigated by the county government. Lamu County Government has recently changed and wishes to review the plan. The revised document will be issued within 6 months.

3.4.6 Manda Airport HIA

No HIA has been carried out for the development of Manda Airport, as requested by the Committee. The Local Government did not consider an HIA to be necessary, since they considered the works to be refurbishment. The mission feels that, since the works are now completed, there would be no benefit in carrying out an HIA retrospectively. However, if any further changes are proposed to the airport then an HIA may be necessary.

4. ASSESSMENT OF THE STATE OF CONSERVATION OF THE PROPERTY

Not applicable to this advisory mission report.

5. CONCLUSIONS AND RECOMMENDATIONS

5.1. Summary of findings

The threats to OUV remain substantially as identified in the HIA, but the ongoing amendments to the LAPSSET proposals do in some cases significantly change the scope and extent of threats to the OUV of the property.

Particular concerns are:

- High density development is now proposed on the mainland just north of Lamu which encroaches beyond the 'red line' that was previously proposed;
- In addition, the proposals for the Resort City are now much more ambitious compared to the previous proposals. The scale and intrusiveness of the proposed Resort City, including very tall towers, golf course and apparent encroachment into existing mangrove areas, could affect the landscape setting, the mangrove and the cultural context of the property;
- There will no doubt be further changes as the development progresses. It is not clear how the impacts of the changes will be assessed and mitigated;
- Construction mitigation measures have been highlighted in the HIA and SEA for the LAPSSET project, and the ESIA for the first stage of the project. It is not clear which of the proposed mitigations are being carried out and who is monitoring these. For example, Figure 6.3 in Annex 6 shows substantial silt plumes around the reclamation area which could smother coral and fisheries and impact the artisanal fisheries;
- The proposed coal-fired power station could potentially have substantial impacts including cooling water effluent affecting coral and fisheries and air pollution affecting the coral stones in the buildings in Lamu Old Town World Heritage property. It is not clear which of the mitigations proposed in the power station ESIA will be implemented and how these will be monitored;
- Movement of artisanal fishing vessels will be controlled by the proposed port authority. It is not clear how this will be managed and to what extent the fishing boats will be restricted. The Master Plan drawing, see Figure 6.10, appears to show that the Faza waterway channel will eventually be blocked by reclamation. In this case, boats between Lamu and Manda Bay would be forced to travel across the open sea, which could be unsafe in rough weather;
- With regards to overall management, the mission found that management relationships between the National Museums of Kenya (as site manager), the Lamu County government, and the management of the LAPSSET project still needs to be clarified. The apparent autonomy enjoyed by LAPSSET with regard 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;
- The State Party reiterated its pledge not to build any LAPSSET project developments on the islands of the archipelago. The mission was shown a "red line" on the map

(reproduced in Figure 6.9), which indicated where there would be no developments. Unfortunately, this “red line” seems to have moved since the time of the 2015 mission. This change causes the current Advisory mission some concern as it is not clear how fixed that line is;

- The mission assessed the information provided in the Strategic Environmental Assessment (SEA) and found that it did not cover the issue of impacts to the cultural heritage. A revised version is needed;
- As was already stated in the 2015 Reactive Monitoring mission report, the mission found 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. There is a need for the State Party to develop and implement mitigation measures, and for a very robust system of monitoring to be instituted to ensure that these measures are being implemented and have the desired effect;
- 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 and for monitoring mechanisms to be able to take into account later changes;
- With regard to the buffer zone, the mission was shown a map that consists of only a very small area surrounding the property on Lamu Island as well as the sand dunes area and a small strip of Manda Island that faces the Old Town. This is a reduction of the buffer zone shown to the 2015 mission which also included the mangroves on Lamu and Manda islands and the mainland. There is also a reduction on the landward side behind the Old Town of the “red square” that was proposed at the time of inscription. The mission finds that the buffer zone, as currently proposed, 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. For this reason, 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;
- The State Party informed the mission that a larger conservation area was being considered for all of Lamu archipelago. No proposals were put forth, however, which makes it impossible to make a judgement as to whether such a conservation area could provide necessary protection perhaps in conjunction with a smaller buffer zone.

5.2 List of recommendations

The mission recommends the following:

- The State Party should revise the SEA for the whole LAPSSET development to include a specific chapter on the impacts on cultural and natural heritage and specifically the impacts on the Outstanding Universal Value of World Heritage properties located along it. This includes both Lamu Old Town and Lake Turkana. Furthermore, the HIA already carried out for the first phase of the LAPSSET project should be annexed to the SEA to ensure that its recommendations are taken into account by the Government of Kenya as the project continues.
- The Management Plan chapter on LAPSSET should be revised to reflect the changes to the LAPSSET proposals. It should identify the threats to the Outstanding Universal Value of Lamu Old Town from the LAPSSET project. Mitigation measures identified in the HIA, which are appropriate to the local government, should be included in the objectives.
- At the time of the 2015 Reactive Monitoring mission to Lamu Old Town, a pledge was made by the State Party that the NMK would have a seat on the LAPSSET Board. This has still not occurred. It is strongly recommended that this pledge be fulfilled by the State Party.
- The commitment by the LAPSSET Corridor Development Authority not to extend the LAPSSET project below the original red line shown to the 2015 mission (see Figure 6.10) should be respected in the future. Clearly-revised plans showing this commitment would be useful.
- The LAPSSET Corridor Development Authority should clarify how mitigation measures identified in the various impact assessments are being implemented and monitored.
- The commitment of the LAPSSET Corridor Development Authority not to carry out any developments on the Lamu islands 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.
- The Resort City proposal for Lamu need to be re-examined to ensure that it does not have negative impacts on the Swahili culture that is a part of the Outstanding Universal Value of the property, as part of criterion (vi). Strong guidelines should be developed for this resort city before any specific proposals could be considered. As the plans for the city continue to be developed, the State Party should provide information to the World Heritage Centre for any parts of the development which may have an impact on the OUV of the property. In any event, once plans become more developed, an HIA should be carried out to ensure that that negative impacts can either be avoided or mitigated. This HIA should be provided to the World Heritage Centre for review by the Advisory Bodies.
- In regard to the coal power plant, the status of the project is still not known, but the State Party should carry out additional studies to ascertain any effects that the resulting pollution

may have on the fragile coral stone buildings of the Old Town and any other impacts on other attributes that carry the Outstanding Universal Value of the property.

- The State Party should undertake a Heritage Impact Assessment for any additional works that are foreseen for Manda Island airport, to be submitted to the World Heritage Centre for review by the Advisory Bodies.
- Additional HIAs should be carried out for any other development projects which have a potential to impact on the OUV of the property.
- The State Party should submit a proposal for a Minor Boundary Modification to the World Heritage Centre which sets out the extent of a revised buffer zone around the World Heritage property, which must be of adequate size to protect its Outstanding Universal Value. Development control measures should also be submitted for the buffer zone, as well as for any special conservation areas that are put forward by the State Party in the Lamu Archipelago.
- The mission recommends that the LAPSSET authorities make a much stronger effort to engage the local communities and ensure better communication, listening to and understanding local needs, and responding to those needs within the context of the ongoing development.
- The mission was not able to look at the physical conservation issues of Lamu Old Town, but it would like to recall two recommendations of the 2015 mission in regard to physical conservation that are still relevant. That mission report states that, “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.”
- Furthermore, the 2015 mission also made the following recommendation: “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.”

6. REFERENCES:

1. Environmental and Social Impact Assessment (ESIA) for LAPSSET stage 1 (berths 1-3 of Lamu Port and Associated Infrastructure)
2. Feasibility report for the LAPSSET project to 2030
3. Heritage Impact Assessment report for the proposed Lamu Port- South Sudan-Ethiopia (LAPSSET) corridor and the new Lamu Port and Metropolis Development Project, as well as related development in the Lamu Archipelago, Kenya; UNESCO & Ministry of Education, Culture & Science of the Netherlands; 30 May 2014.
4. Lamu Old Town World Heritage Site Management Plan 2013-2017. Undated
5. Existing Situation Review Report contract no. 2017/384946 by experts team for the European Commission. 16/10/2017
6. LAPSSET presentation: Building transformative and game changer infrastructure for a seamless and connected Kenya (PowerPoint presentation) Jan 2018. By Silvester Kasuku Director General/CEO of LCDA
7. Consultancy Services for the Strategic Environmental Assessment for LAPPSET Corridor Final Report Volume 1: Main Report. Repcon Associates January 2017
8. SEA no 037 LAPSSET Corridor Infrastructure Development Project LCIDP Disclosure (PowerPoint presentation) Repcon Associates January 2018
9. Lamu World Heritage Site Buffer Zone (map); National Museum of Kenya; January 2015
10. State Party state of conservation reports; National Museums of Kenya; 2008-2017
11. ESIA Study for 1,050MW Coal Fired Power Plant, Lamu County, Kenya (Volume 1); Kurrent Technologies; July 10 2016
12. Lamu Old Town (Kenya) (C1055) The World Heritage Committee 24 January 2018 (Management Plan)

Annex

1. Terms of reference:

TERMS OF REFERENCE WHC/ICOMOS/ICCROM Advisory mission to Nairobi regarding Lamu Old Town World Heritage Property Kenya (C 1055)

24 - 26 January 2018 (excluding travel)

During a meeting between the Kenyan Delegation and representatives of the World Heritage Centre (Africa Unit) and of the Advisory Bodies (ICOMOS and ICCROM), which took place on 2 July 2017 during the 41st session of the World Heritage Committee (Krakow) and pursuant to Decision 41 COM 7B.69, it was recommended that a technical expert meeting be organized with a view to examining the LAPSET project and its potential impacts on Lamu Old Town and other World Heritage properties in the immediate region.

The request for financial support for a technical meeting in Kenya with experts from the World Heritage Centre, ICOMOS and ICCROM was made by the State Party in letters dated 6 July 5 October 2017 and 11 January 2018 addressed to the World Heritage Centre. In the first two letters, the State Party proposed that the meeting take place in December 2017, but subsequently requested that it be postponed until January 2018.

In light of the involvement of the East Africa Community (EAC) in various projects in East Africa, notably the LAPSET project, the World Heritage Centre contacted the EAC for documentation on development projects in region.

The World Heritage Centre also considered the possibility of combining the technical meeting with the Reactive Monitoring mission that was requested by the Committee in the above-mentioned decision in order to reduce costs. However in light of the security situation in Lamu, it was decided that it was not possible to undertake the Reactive Monitoring mission to the property and that an Advisory mission to Nairobi would be organized with the participation of the Kenyan authorities, the World Heritage Centre, ICOMOS, ICCROM, IUCN, UNESCO Regional Office for Eastern Africa and the Kenyan National Commission for UNESCO. IUCN's participation is considered useful in consideration of the possible impacts of the LAPSET project on Lake Turkana and other natural properties in the East Africa region. However owing to logistical reasons, IUCN is not in a position to be physically represented at the meetings in Nairobi. It has been agreed that IUCN will undertake a desk review of the relevant documents and information received during the mission and recently received LAPSET documents.

The Advisory mission will carry out the following tasks:

- 1) Meet with the relevant national authorities of the Government of Kenya -- including representatives of the following ministries: the Ministry of Transport, Infrastructure, Housing and Urban Development; the Ministry of Tourism; the Ministry of Lands and Physical Planning, and the Ministry of Water and Irrigation – National Museums of Kenya (NMK), the CEO of the LAPSSET Corridor Development Authority (LCDA), the Lamu County government, the Lamu and Lake Turkana site managers, Lamu community representatives, and other relevant stakeholders to discuss the LAPSSET project and its potential impacts. The mission will also meet with representatives of the UNESCO National Commission and the UNESCO Regional Office for Eastern Africa (Nairobi) as necessary. On the basis of discussions and documents received, the experts will:
 - a) Examine in detail work already carried out on the LAPSSET project (documentation and a presentation with detailed plans and photographs from all relevant angles should be presented),
 - b) Review the progress to date on the implementation of the World Heritage Committee Decisions 39 COM 7B.40, 40 COM 7B.12 and 41 COM 7B.69 as concerns the LAPSSET project.
 - c) Clarify the current scope of the LAPSSET project in relation to its actual and potential impacts on the Outstanding Universal Value of the Lamu Old Town and Lake Turkana properties,
 - d) Provide advice on the revision of the Strategic and Environmental Assessment (SEA) of the LAPSSET project.
 - e) Review progress with work on the buffer zone and protection of the wider setting.
 - f) Review progress with strengthening the integration of the LAPSSET project with the Lamu City Council and the National Museums of Kenya (NMK).
 - g) Review the HIA carried out for Phase 1 of the LAPSSET project and progress with mitigation measures requested by the Committee.
 - h) Review progress with the new chapter in the revised Management Plan of the property covering the LAPSSET project that was requested by the Committee.
 - i) Consider details of the Manda Airport development and progress with the HIA requested by the Committee.
 - j) Obtain clarification regarding the contract that has reportedly been signed for the financing of a coal power plant adjacent to the World Heritage site as part of the LAPSSET project and request the Environmental and Social Impact Assessment (ESIA) carried out on the Coal Plant and examined by Kenya national Environmental Management Authority in 2015. (see letter of 29 May 2017 to the State Party from the Director of the World Heritage Centre).

2. Based on the assessment of available information and discussions with the State Party representatives and stakeholders, prepare a report on the findings and recommendations of this Advisory mission no later than 4 weeks after the completion of the mission.

The State Party should facilitate the above-mentioned meetings in Nairobi with the relevant government institutions and ministries (including all members of the LAPSSET Steering Committee), the CEO and relevant LAPSSET staff, the local community representatives from Lamu, including pertinent members of the Lamu and Turkana county governments, as well as representatives of the National Museums of Kenya, especially those involved in the management of World Heritage properties. The State Party should also ensure that all relevant documents (including the revised Lamu management plan with a chapter on LAPSSET) are furnished to the mission team prior to the mission.

2. Decision of the World Heritage Committee

Decision : 41 COM 7B.69

The World Heritage Committee,

1. Having examined Document WHC/17/41.COM/7B,
2. Recalling Decisions **39 COM 7B.40** and **40 COM 7B.12**, adopted at its 39th (Bonn, 2015) and 40th (Istanbul/UNESCO, 2016) sessions respectively,
3. Welcomes the Memorandum of Understanding (MOU) between the Lamu Port–South Sudan–Ethiopia Transport (LAPSSET) Authority and the National Museums of Kenya (NMK) according to which NMK should provide heritage advisory services to the LAPSSET project;
4. Notes that the 2011 Feasibility Study and Master Plan for the LAPSSET project are complete as well as, the Heritage Impact Assessment (HIA) carried out in 2014 and continues to encourage the State Party to exclude the Lamu Archipelago from any LAPSSET developments, and acknowledges that whilst the LAPSSET project is ongoing, the details of the LAPSSET project be submitted to the World Heritage Centre as soon as possible, and no later than **1 December 2017**;
5. Reiterates its concern that the LAPSSET project will significantly increase the development pressures for the entire region, including the Lamu Archipelago, and that consideration must be given to all potential impacts on the World Heritage property caused by such pressures;

6. Notes the late submission of the above-mentioned Strategic and Environmental Assessment (SEA) of the LAPSSET project to the World Heritage Centre, but urges the State Party to revise it, in close consultation with the World Heritage Centre and the Advisory Bodies, and submit this revised SEA to the World Heritage Centre for review by the Advisory Bodies no later than **1 December 2017**;
7. Notes with concern that an HIA for the already completed Manda Airport upgrade has not been undertaken, although requested by the Committee, and also reiterates its request to the State Party to undertake such an HIA as soon as possible in order to identify any adverse impacts on the property and ways to mitigate these impacts, and to submit the HIA to the World Heritage Centre for review by the Advisory Bodies;
8. Requests that the revised Management Plan, including the new chapter covering the LAPSSET development project, be submitted to the World Heritage Centre, as soon as possible and no later than **1 December 2017**;
9. Also requests the State Party to invite a joint World Heritage Centre/ICOMOS/ICCROM/IUCN Reactive Monitoring mission to the property to clarify the current scope of the LAPSSET project in relation to its actual and potential impacts on the Lamu Old Town property, to examine work already carried out for the LAPSSET project and on the Manda airport developments, and to examine the overall state of conservation of the Lamu Old Town property;
10. Acknowledges the submission of a draft SEA report and urges the State Party to continue enhancing the mitigation measures to address the identified negative impacts of the project in line with Paragraph 180 of the *Operational Guidelines*;
11. Further requests the State Party to submit to the World Heritage Centre, by **1 February 2018**, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 42nd session in 2018.

3. Composition of mission team / Itinerary and programme

Composition of mission team

Edmond Moukala	UNESCO
Joseph King	ICCROM
Clon Ulrick	ICOMOS

Itinerary and programme

All meetings took place at National Museums of Kenya, Nairobi



WHERE HERITAGE LIVES ON

Detailed Programme for the Lamu Advisory Mission 24th January -26th January 2018 Day One

Date (2018)	Time	Activity	Responsibility
24 rd January	9.00 am-9.30 am	Courtesy call on the DG NMK by Advisory Mission	Secretary DG
		Arrival and registration of all participants	Secretary DASM
	9.30am-10.30 am	Official opening ceremony: -Opening remarks and introductions (Dr. Kiura) -Welcome remarks by DG NMK -Brief Remarks (Edmond Moukala) -Opening Address (PS MOSCA)	Dr. Purity Kiura
	10.30am - 11.00am	Group photo and Tea break	A.V Dept./Secretariat
	11.00 am -11.40 am	Detailed presentation of the LAPSET project plan and implementation progress	LAPSSET Authority

	11.40 am-12.30 pm	Reactions and discussions on the presentation	All
	12.30 pm-1.00 pm	Break to allow experts time to review the LAPSSET presentation	Advisory bodies
	1.00 pm-2.00 pm	Lunch Break	All
	2.00 pm -3.00 pm	Results of the Advisory Body review on the LAPSSET Project	Advisory Bodies
	3.00pm -3.45 pm		
	3.45 pm-4.00 pm	Reactions and discussion on the document	All
	4.00 pm	Tea and break for the day	



Day Two

Date	Time	Activity	Responsibility
25 th January 2018	9.30 am-10.00 am	An overview the Lamu Old Town Management Plan and assessment of the Chapter on the LAPSSET Project	Mwenje Mohammed
	10.00 am-10.30 am	Reactions on the Lamu Management Plan, and Progress on the LAPSET Projects	Advisory Bodies
	10.30am-11.00am	Tea Break	All
	11.00 am-11.30 pm	Review of progress on implementation of the World Heritage Committee Decisions 39 COM 7B.40, 40 COM 7B.12 and 41 COM 7B.69 as concerns the LAPSSET project.	Mwenje Mohammed and Haji Mohammed
	11.30pm-12.30 pm	Presentation on the Draft LAPSSET SEA document	SEA Consultant
	12.30 pm-1.00 pm	Technical advice on the draft document	Advisory Bodies

	1.00pm - 2.00 pm	Lunch Break	
	2.00pm - 2.30 pm	Comments on the decisions' implementation progress	Advisory Bodies
	2.30 pm- 3.00 pm	-A brief presentation on the map of the Lamu WHS, gazetted buffer zone and protection of the wider setting of Lamu Old Town	-Dennis Milewa, -Mwenje Mohammed
	3.00pm- 4.00 pm	Discussions to highlight the emerging issues observations, action points and recommendations	Advisory Bodies



NATIONAL MUSEUMS OF KENYA

WHERE HERITAGE LIVES ON

Day Three

Date	Time	Activity	Responsibility
26 th January	9.00-10.00	Synthesis of information provided -LAPSSET projects -LAPSSET SEA report -Lamu Management Plan -Coal Plant	Advisory Bodies
	10.00-10.30 am	Tea break	All
	10. 30 am- 11.00 am	Key action points for the State Party	Advisory Bodies
	11.00 am- 11.30am	Reactions from the State Party	All participants
	11. 30am - 12.30 pm	Wrap up and closing of the meeting	Advisory Bodies/NMK/MOSCA
	12.30am - 1.30 pm	Lunch and departures	

Note: the timing of the above programme was adjusted as the mission progressed

4. List and contact details of people met



Photograph of meeting attendees at day 1

Meeting Attendees at day 1:

24/1/18

LAMU WORLD HERITAGE SITE ADVISORY MISSION MEETING – 24TH TO 26TH JANUARY 2018 IN THE OLD BOARD ROOM - NMK

REGISTRATION FORM- DAY ONE

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37	Dr. Purity Kiura	NMK	0722506545	pkura@muscum.or.ke	

NO.	NAME	INSTITUTION	CLI.-PHONE	E-MAIL ADDRESS	SIGNATURE
38	Dr. Mbalendo	NMK			
39					
40					

5. Most recent maps of the boundaries of the property

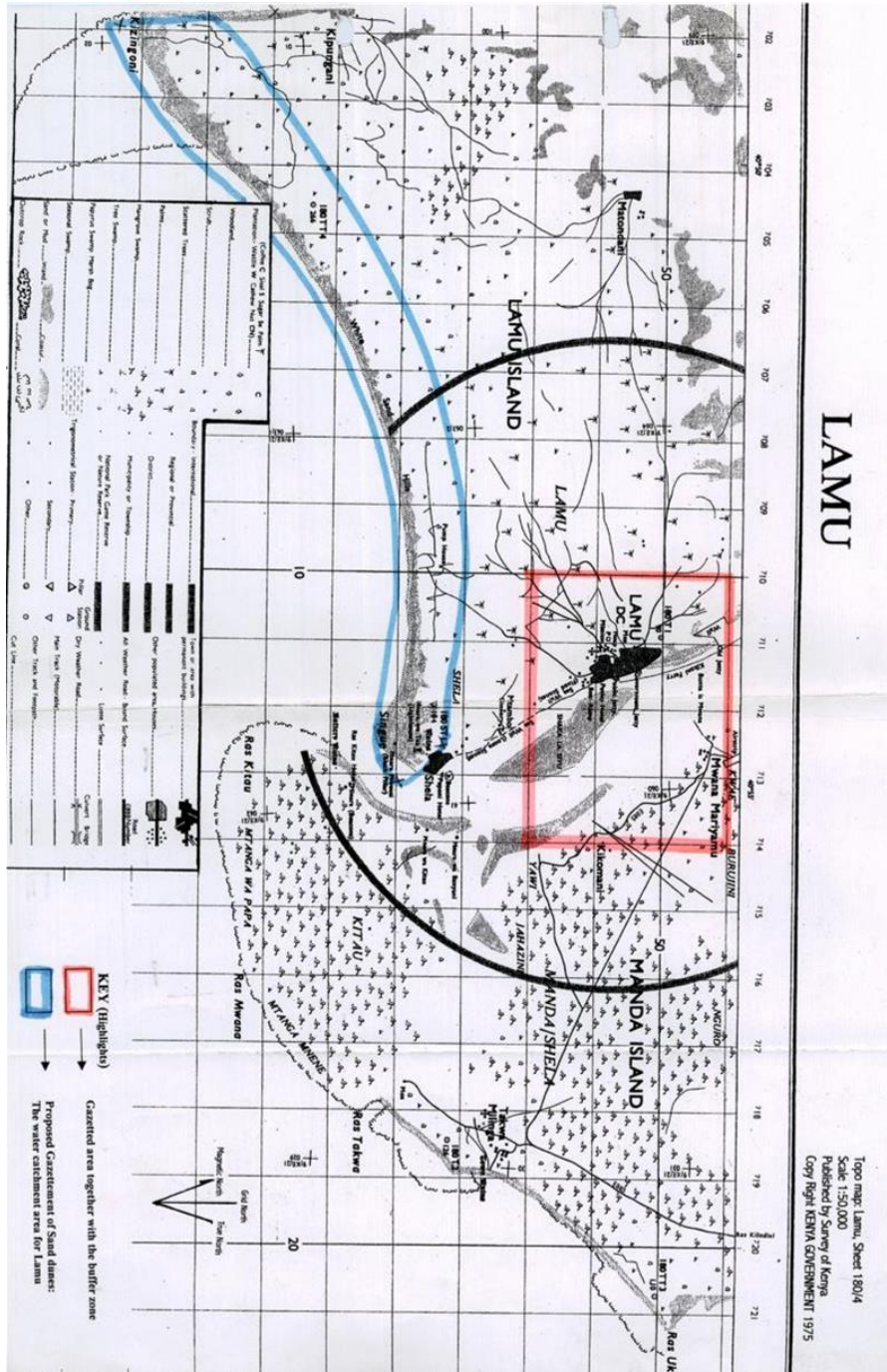


Figure 5.1 Original Buffer Zone- as shown on UNESCO website

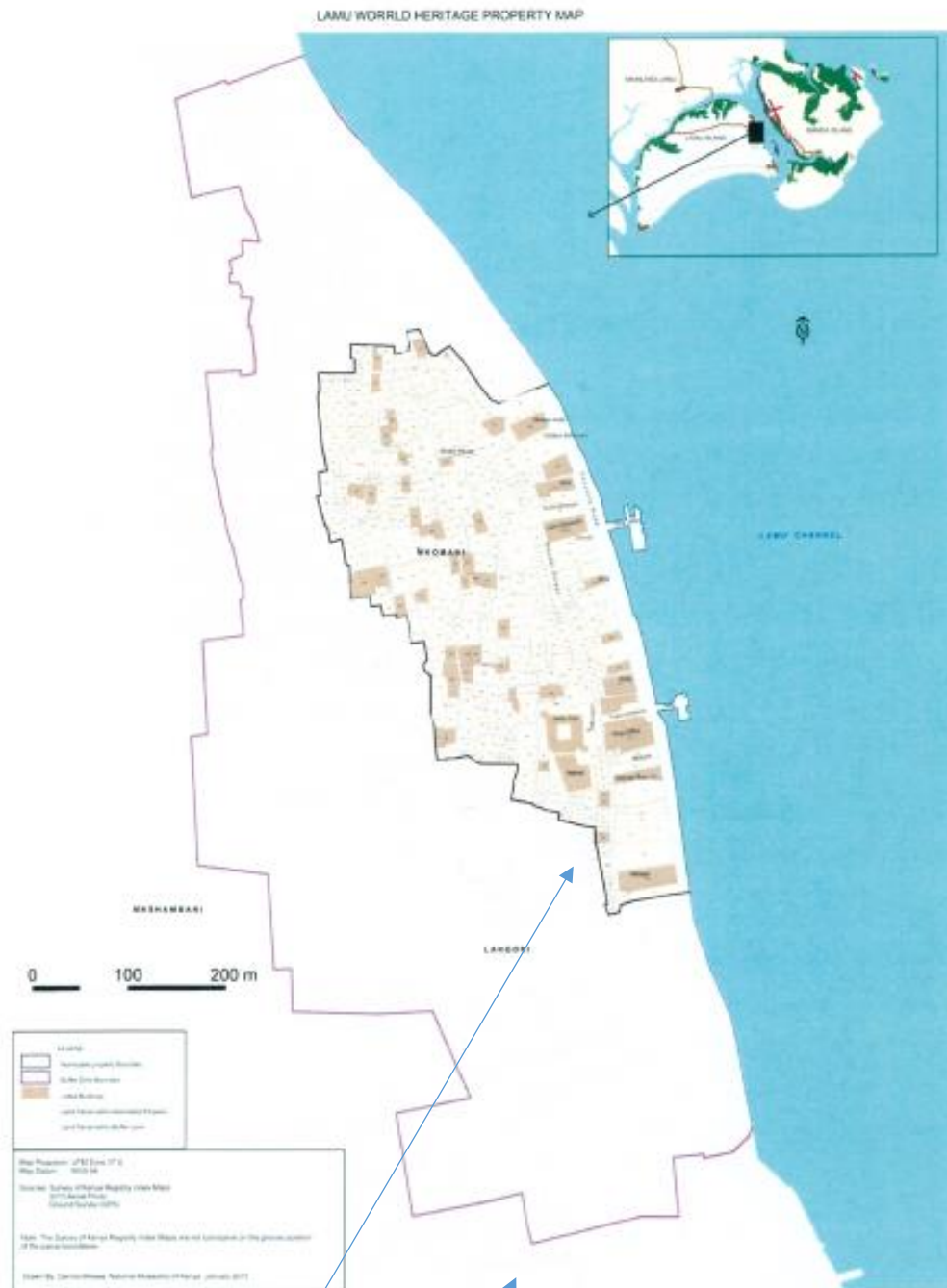


Figure 5.2 Property Boundary and part of buffer zone shown on State party SOC report 2016 Annex 1

Note:

Black line = property boundary

Purple line = boundary of part of the buffer zone

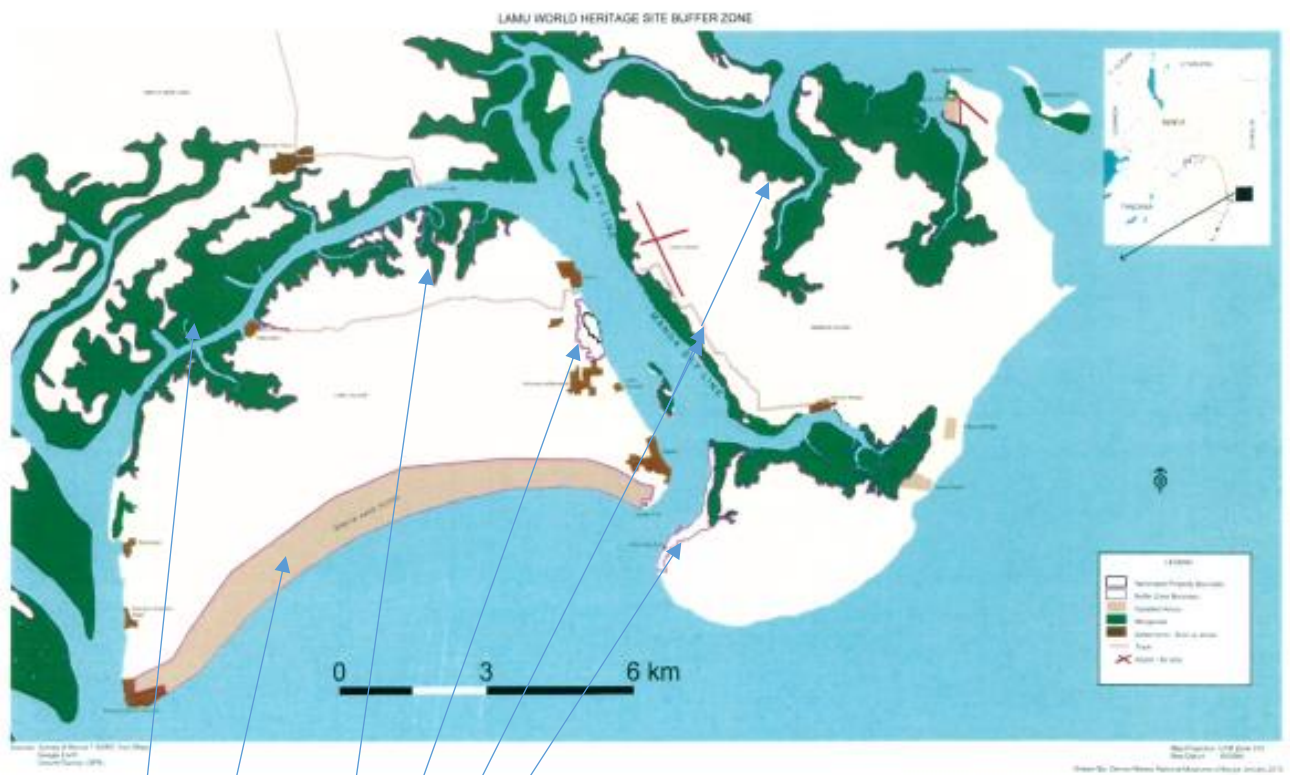


Figure 5.3 Buffer zone as shown on State party SOC report 2016 Annex 2

Note:

Green= mangroves

Peach= and dunes

Purple line = limit of proposed property boundary

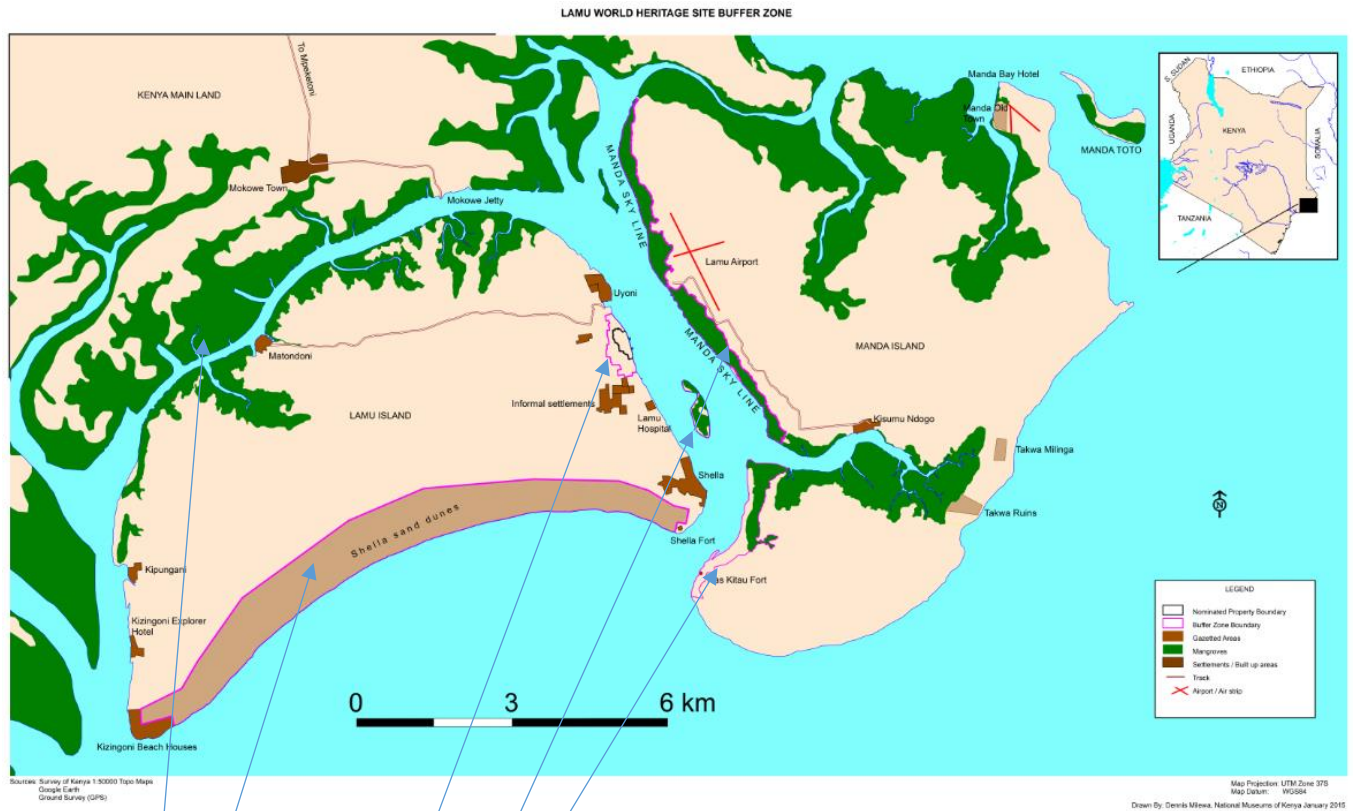


Figure 5.4 Proposed Buffer Zone map presented to the Mission

Green= mangroves

Peach= sand dunes

Purple line = limit of proposed property boundary (reduced extent compared to 2016 SOC report)

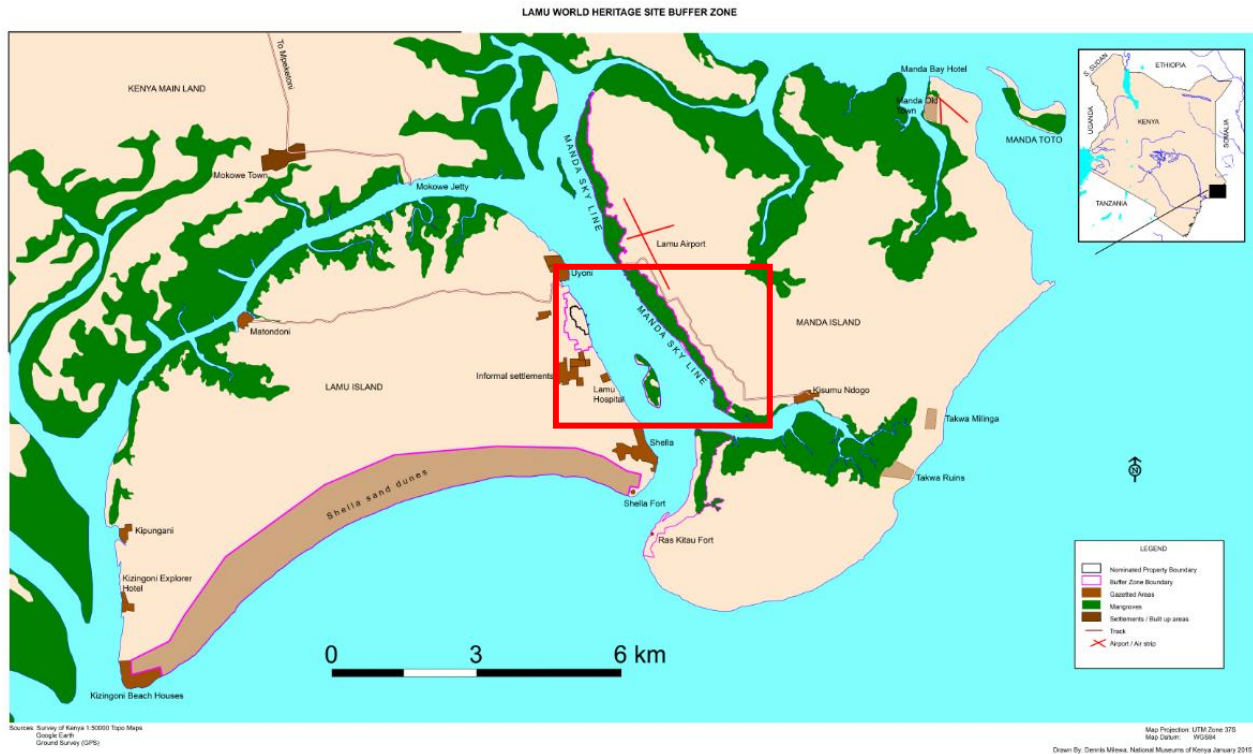


Figure 5.5 Comparison of original buffer zone and latest proposed buffer zone

Green= mangroves

Peach= sand dunes

Purple line = limit of proposed property boundary

Red line= original buffer zone (approximate)

6. Photographs and other graphical material regarding integrity Figures



Figure 6.1 Lamu Port Headquarters Building (from State Party SOC report 2016)



Figure 6.2 Manda Airport terminal building (from State Party SOC report 2016)

LAMU PORT LAND RECLAMATION NOVEMBER 2017



Figure 6.3 Lamu Port berths 1-3 under construction (Source: Ref 6)

Note: Silt plumes

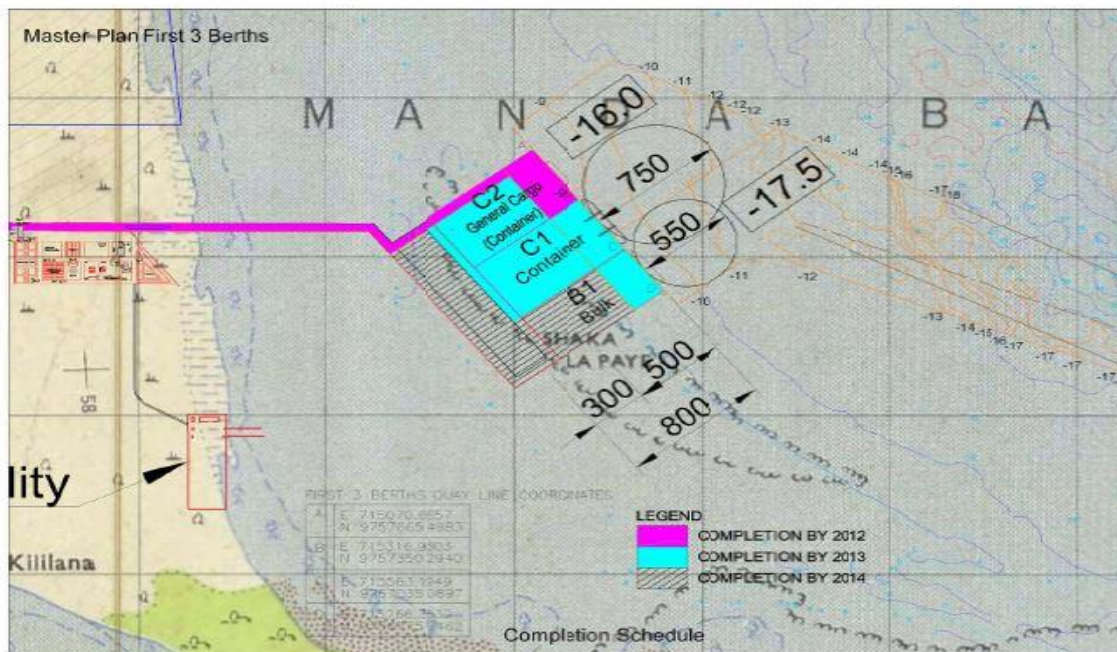
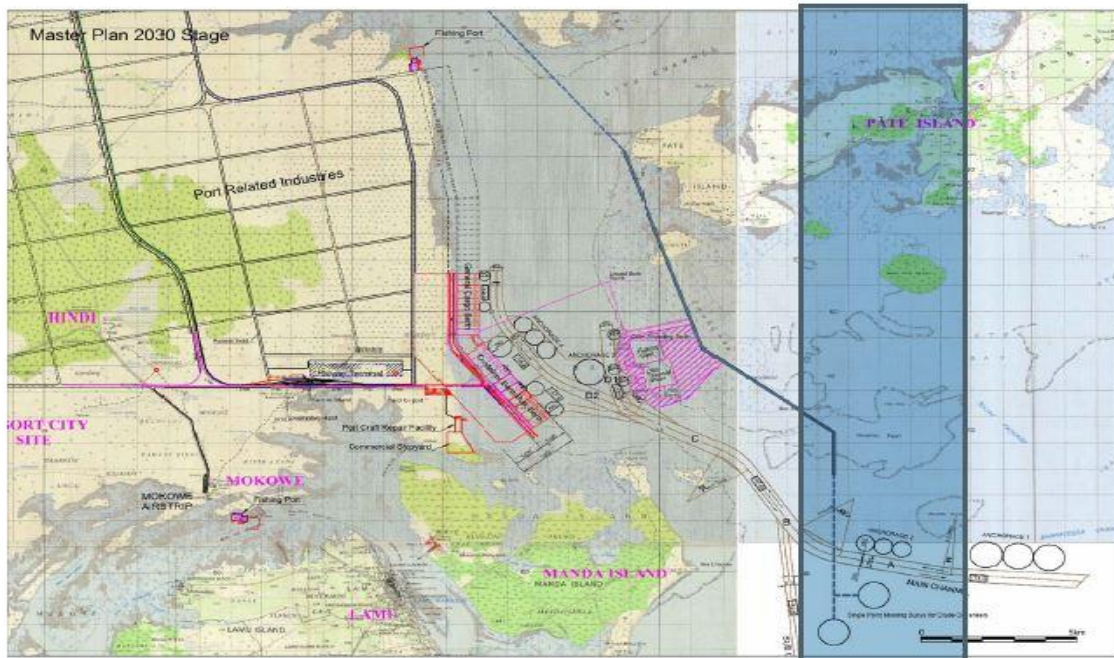


Figure 6.4 Lamu Port berths 1-3 under construction (source Ref 6)

LAMU PORT: PILLING, BEAMS AND PORT DECK WORKS NOV 2017



Figure 6.5 Lamu Port berths 1-3 under construction. (Source ref 6)



Figures 6.6 (top) and 6.7 (bottom): Long term vs short term development of Lamu Port



Figure 6.9 The red line boundary –as indicated to the 2015 RMM

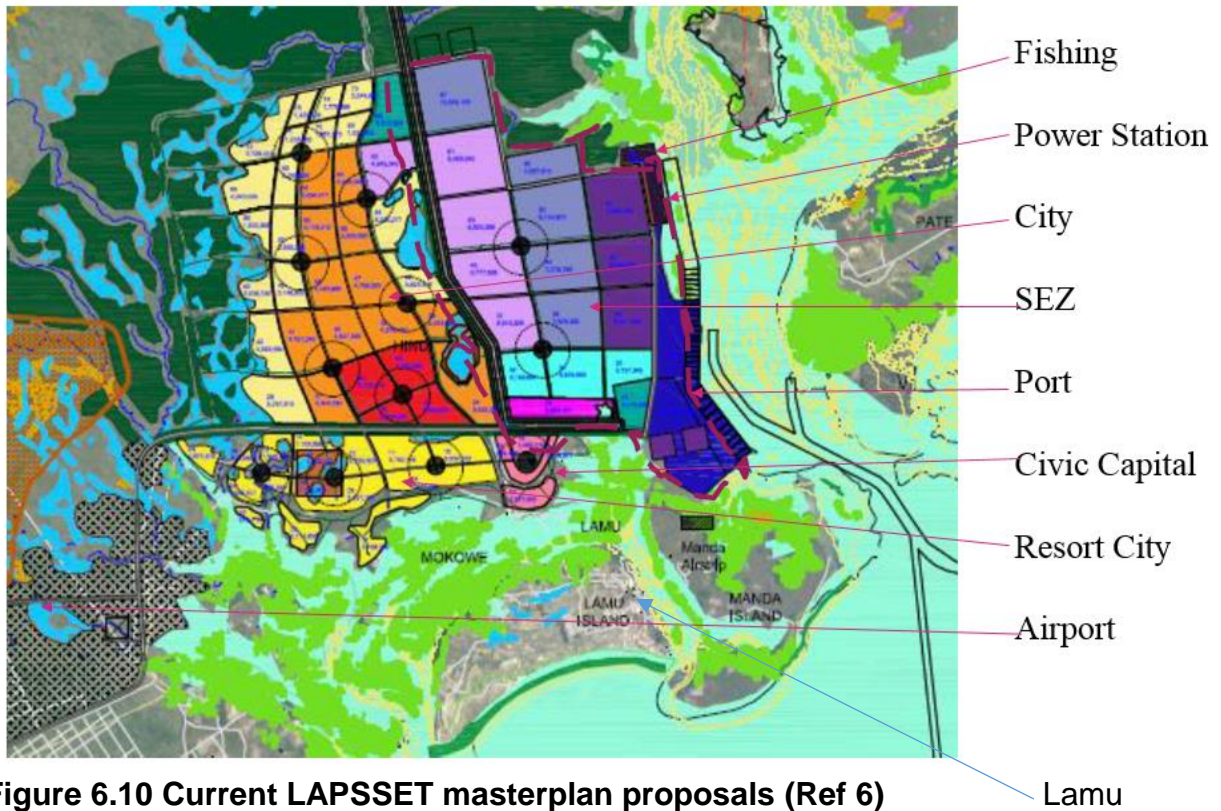


Figure 6.10 Current LAPSSET masterplan proposals (Ref 6)

LAMU RESORT CITY – Location & Vision



Figure 6.11 Masterplan proposals for Resort City (Source Ref 6)

Figure 1-1 Map showing location of proposed coal fired power plant in Lamu County

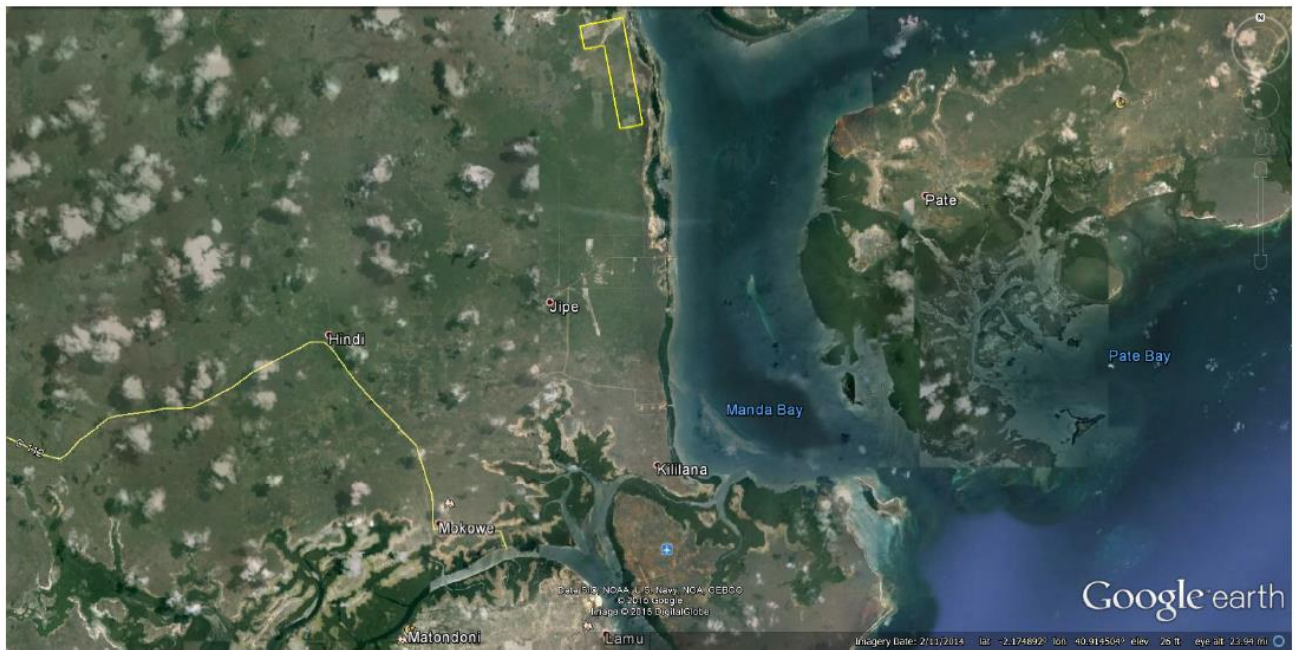


Figure 6.12 Proposed location of power station (Ref 11)

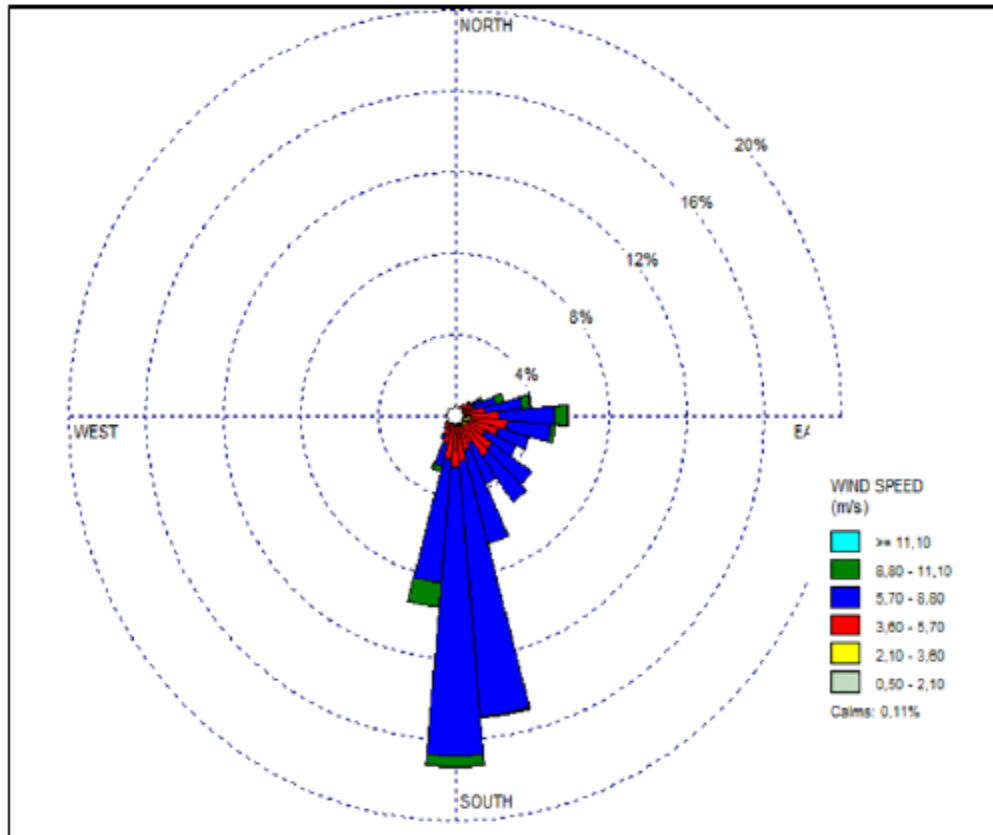


Figure 6.13 Wind direction at Lamu (Ref.11)

Core concerns at Lamu

- ▶ Long term decline of productivity of artisanal fisheries which is main means to livelihood for over 80% of Lamu population
- ▶ A section of Lamu Old Town (15Ha) inscribed in the UNESCO List of World Heritage Sites to preserve Swahili Culture
- ▶ Possible dilution of Swahili Culture by Population influx
- ▶ Possible drawdown of Shela aquifer which supplies fresh water to Lamu Town
- ▶ Impacts of closure of the Faza Waterway
- ▶ Fragile Ecosystem of Lamu Archipelago



Figure 6.14 Core concerns at Lamu in SEA (Ref 8)

7. Decisions of the World Heritage Committee

This table also highlights response/progress identified by the State Party

Lamu Old Town (Kenya) (C 1055)

The World Heritage Committee

January 2018

Decision	Request	Action	Comment
39 COM 7B.40	5. <u>Requests</u> the State Party to submit to the World Heritage Centre, for review by the Advisory Bodies, details of work so far undertaken for LAPSET near the property, as well as precise details for the Manda Airport extension and the Lamu resort city, and clarification of fishing plans, mangrove planting, and surveys of coastal morphology;	LAPSET feasibility study report sent to WHC Details of the Manda Airport was submitted in the SOC report of 2016	An Advisory Mission need to get on the ground to comprehend the scenario
	6. <u>Also requests</u> the State Party to confirm whether the scope of the LAPSET project will exclude the Lamu archipelago, as suggested to the mission;	No development is scheduled for LAPSET within the Archipelago	LAPSET Corridor Development Authority has given a commitment to keep of the area by creating a cordon line that excludes any developments in the areas south of Mokowe Town.

	8. <u>Invites</u> the State Party to submit HIAs for individual major parts of the overall project; <u>also welcomes</u> the proposed Strategic Environmental Assessment (SEA) and <u>encourages</u> the State Party to ensure that the 2014 HIA is included as an annex to the SEA;	SEA Study has been done and submitted NMK has requested draft planning reports for the other major components of the LAPSSET which are under way.	NMK has initiated discussions with LAPSSET on the matter
	9. <u>Urges</u> the State Party to strengthen the integration of the LAPSSET project with the Lamu City Council and the National Museums of Kenya (NMK), including appointing an NMK representative on the LAPSSET Board, and to widen and strengthen community engagement;	Draft principles for the an MOU between NMK and the LAPSSET Authority have been prepared	No comment
	10. <u>Also urges</u> the State Party as soon as possible to put in place stronger development controls for the property and its setting; and <u>recalls its request</u> for the State Party to submit to the World Heritage Centre, for review by the Advisory Bodies, the new chapter of the management plan, covering the LAPSSET development project and integrating the results of the HIA;	Lamu County has prepared urban development policy and county spatial plan to pave way for developing building regulations and guidelines	The existing old town guidelines will be reviewed adopted by the county government under the building regulations
	11. <u>Reiterates its requests</u> made at its previous sessions for the State Party to furnish maps clarifying the boundaries of the property, and <u>further requests</u> the State Party to define and submit proposals for extending the buffer zone to cover Lamu	Map of Lamu Old town together with the buffer zone already prepared Map submission waiting for adoption by the	Buffer zone covers the Manda skyline, Shela sand dunes and the outer and inner

	and Manda islands as a minor boundary modification as soon as they are completed and approved;	devolved County Government	protection areas of the Lamu stone town.
	12. <u>Further welcomes</u> the detailed recommendations of the 2015 mission and <u>requests furthermore</u> the State Party to take them into account in the development of the LAPSSET project;	The principles for the proposed MOU that has already been shared with LAPSSET covers broad areas among the 2015 Mission recommendations	NMK is keen to fast track the formulation of the MOU to cater for the closer engagement with LAPSSET.
	13. <u>Requests moreover</u> the State Party to give consideration to the inclusion of a conservation dimension within the LAPSSET project that could support programmes for traditional, sustainable livelihoods and traditional Swahili practices, including building as well as oral traditions;	Existing initiatives by NMK already support the ICH through festivals and vocational training at the Swahili Cultural Centres. Moreover, proposals for funding have been prepared and submitted to UNESCO WHF and AWHF for ICH documentation	This is expected to be implemented with the current year
	14. <u>Finally requests</u> the State Party to submit to the World Heritage Centre, by 1 February 2016 , 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 40th session in 2016.	Submitted	No comment

<p>40 COM 7B.12</p>	<p><u>5. Urges</u> the State Party to undertake, as a matter of priority, the already requested SEA of the overall LAPSSET project, as a basis for identifying ways to strengthen the protection, development control and management of the property, including a reconsideration of the buffer zone, and to ensure that the Port project and its associated infrastructure and development do not have a major negative impact on the property and its setting; and <u>requests</u> the submission of the SEA to the World Heritage Centre, for review by the Advisory Bodies, by 1 February 2017;</p>	<p>SEA already undertaken</p>	<p>World Heritage Committee recommended for its review in collaboration with the UNESCO and the Advisory Bodies</p>
	<p><u>6. Reiterates its request</u> to the State Party to submit to the World Heritage Centre, as soon as possible in advance of the SEA being undertaken, and by 1 October 2016, for review by the Advisory Bodies, full details of the overall scope of the LAPSSET project, including the Lamu resort city, and clarification of fishing plans, mangrove planting, and surveys of coastal morphology;</p>	<p>SEA submitted in January 2017 upon its receipt from LAPSSET</p>	<p>Awaiting comments from the Advisory Mission</p>
	<p><u>9. Also reiterates its request</u> to the State Party to take into account the recommendations of both the 2014 HIA and the 2015 Reactive Monitoring mission as it continues to develop the LAPSSET project and to strengthen the integration of the LAPSSET project with the Lamu City Council and the National Museums of Kenya (NMK), including, in particular, by appointing an NMK representative on the LAPSSET Board, and to widen and strengthen community engagement;</p>	<p>The newly constituted County Government is in the process of formulating statutory plans and policies in which the HIA will be anchored as an official working document.</p>	<p>A proposal for capacity building for the new legislative arm of the county government has been presented to the AWHF for funding.</p>

		A proposal has been made to the Lamu County Government to send their technical staff for a course on heritage management at the Kenya Heritage Training Institute (KeHTI) Based in Mombasa and which is managed by the National Museums of Kenya.	
	11. <u>Further requests</u> the State Party to submit to the World Heritage Centre, by 1 February 2017 , an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 41st session in 2017.	Done	No Comment
41 COM 7B.69	6. <u>Notes</u> the late submission of the above-mentioned Strategic and Environmental Assessment (SEA) of the LAPSET project to the World Heritage Centre, but <u>urges</u> the State Party to revise it, in close consultation with the World Heritage Centre and the Advisory Bodies, and submit this revised SEA to the World Heritage Centre for review by the Advisory Bodies no later than 1 December 2017 ;	The review of the SEA can only be completed upon receipt of the Advisory Mission experts' recommendations.	The SEA document could not have been submitted as per the deadline given as it was not complete at the time.
	7. <u>Notes with concern</u> that an HIA for the already completed Manda Airport upgrade has not been undertaken, although	HIA was not done because the Manda	It is highly recommended that another Advisory

	requested by the Committee, and <u>also reiterates its request</u> to the State Party to undertake such an HIA as soon as possible in order to identify any adverse impacts on the property and ways to mitigate these impacts, and to submit the HIA to the World Heritage Centre for review by the Advisory Bodies;	Airport was a refurbishment and not a new project.	Mission visits Lamu for clarification on the ground.
	<u>8. Requests</u> that the revised Management Plan, including the new chapter covering the LAPSSET development project, be submitted to the World Heritage Centre, as soon as possible and no later than 1 December 2017 ;	Lamu Management Plan submitted in January 2018	The State Party was in a transition phase as the general elections had just happened with accompanying petitions
	<u>9. Also requests</u> the State Party to invite a joint World Heritage Centre/ICOMOS/ICCROM/IUCN Reactive Monitoring mission to the property to clarify the current scope of the LAPSSET project in relation to its actual and potential impacts on the Lamu Old Town property, to examine work already carried out for the LAPSSET project and on the Manda airport developments, and to examine the overall state of conservation of the Lamu Old Town property;	Done	Kenya awaiting the technical expert advice from the Advisory Mission
	<u>10. Acknowledges</u> the submission of a draft SEA report and <u>urges</u> the State Party to continue enhancing the mitigation measures to address the identified negative impacts of the project in line with Paragraph 180 of the <i>Operational Guidelines</i> ;	Ongoing	One of the Advisory Mission objectives is to review the draft LAPSSET SEA report and identify gaps that need consideration

	<p><u>11. Further requests</u> the State Party to submit to the World Heritage Centre, by 1 February 2018, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 42nd session in 2018.</p>	Report ready	
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8. 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 examples of Swahili Settlements 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.

By nominating Lamu for inscription, the State Party did recognize its obligations to ensure the proper conservation and management of the property, including putting into place measures necessary for the maintenance and improvement of the property's OUV.

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.