



NATIONAL MUSEUMS OF KENYA

WHERE HERITAGE LIVES ON

Ref: NMK/UN/2/1

31st January 2019

Dr. Mechtild Rossler,
Director of World Heritage Centre,
UNESCO
7, Place de Fontenoy, 75352 Paris CEDEX 07
FRANCE

Dear Dr. Rossler,

**RE: SOC REPORT FOR 42 COM 7B.92. LAKE TURKANA NATIONAL PARKS
(KENYA) (N 801BIS)**

Kindly receive the State of Conservation report for the Lake Turkana National Parks World Heritage Property for year 2019. On behalf of the State Party of Kenya, I thank the UNESCO World Heritage Centre for the continued support in the conservation of heritage in Kenya.

Yours sincerely,

Stanvas Ongalo

For: Director General

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STATE OF CONSERVATION REPORT 2019

Lake Turkana National Parks (Kenya) (N 801bis)

Executive summary of the Report

This is a report of Lake Turkana National Parks World Heritage Property that was inscribed on the List of World Heritage in Danger during the 42nd session of the World Heritage Committee held in Bahrain in 2018 vide WHC Decision: 42 COM 7B.92. The State Party of Kenya has been working to ensure the protection of the World Heritage Property. All projects within the Lake Turkana Basin are being monitored to manage any threats to the conservation of the World Heritage Site.

In this respect, an Environmental and Social Impact Assessment Study (ESIA) for the Lamu-Lokichar Crude Oil Pipeline Cultural heritages is under way and is being conducted in all the six counties through which the pipeline is proposed to transverse. The National Museums of Kenya (NMK), the Kenya Wildlife Service (KWS), the State Department of Fisheries and other stakeholders have been incorporated in disclosure workshops and are being consulted in their diverse areas of interest and concern.

Regarding the delay in finalizing the SEA by February 2018, the State Party of Kenya wishes to clarify that it was not ever intended that there would be such a delay in the commissioning of the SEA. The issue involves two States Parties that have very different governance structures and legislations that operate in very different ways. For any action proposed by one State Party, there is a corresponding need to receive the views of the other before a consensus can be reached for any progress to be made. The desire to give mutual respect for differing laws and to diplomatically agree on divergent issues affects the time taken to achieve a single milestone.

The State Party of Kenya finalized the development of the Lake Turkana National Parks Management Plan 2018-2028. The document was co-signed in December 2018 by the Directors of both under the KWS and the NMK. KWS has already initiated implementation of Action Plans set out in the plan. One of these is the national recovery action plan for Giraffe dubbed: *the Recovery and Action Plan for Giraffe (Giraffa camaeleopardis) in Kenya 2018-2022*. The recovery action plan covers the three recognized subspecies of Giraffe (*G.c. tippelskirchi*, *G.c. rothschildi* and *G.c. reticulate*) all of which are found in Kenya. Monitoring has been enhanced to conduct tracking the breeding and movement of the Grevys Zebra and other herbivores, birdlife and the big cats such as lions.

The two State Parties have been in bilateral communication to agree on the modalities and appropriate time for the pending Reactive Monitoring Mission. A scheduled bilateral meeting between the two is expected in February 2019 on Special Status Agreements where this issue will be further discussed. An invite will be extended upon the mutual agreement of the two states parties.

As concerns the Lake Turkana Wind Power Project which has already been commissioned, the investor is closely monitored by Environmental Advocacy groups and will also be monitored through periodic environmental audits as stipulated by the EMCA Act.

Having examined Document WHC/18/42.COM/7B,

1. Recalling Decisions **39 COM 7B.4** and **40 COM 7B.80** adopted at its 39th (Bonn, 2015) and 40th (Istanbul/UNESCO, 2016) sessions respectively,
2. **Notes the collaboration between the States Parties of Kenya and Ethiopia towards establishing the Joint Ethiopia-Kenya Technical Experts Panel to oversee the Strategic Environmental Assessment (SEA) to assess the cumulative impacts of development projects in the Lake Turkana Basin;**

The Joint Ethiopia-Kenya Technical Experts Panel was formulated and its Terms of Reference (TORs) developed and mutually agreed upon by the two States Parties. The TORs for the SEA were also developed and mutually signed. The two documents have been shared by the State Party of Kenya in the previous State of Conservation report. A Call for Proposal Document was prepared and a draft budget prepared for the SEA. The pending issue has been formulation of a joint funding formula for the proposed project.

3. **Deeply regrets that the SEA, which should have been completed by 1 February 2018, has still not been commissioned;**

The State Party of Kenya observes that a lot of milestones have been covered to meet the desired goal of delivering a comprehensive SEA report that can be used for sustainable management the property in question and as recommended in the previous WHC decisions. The State Party would also like to clarify that it was not ever intended that there would be such a delay in the commissioning of the SEA.

It needs to be appreciated that the issue involves two States Parties that have very different governance structures and legislations that operate in very different ways. For any action proposed by one State Party, there is a corresponding need to receive the views of the other before a consensus can be reached for any progress to be made. The desire to give mutual respect for differing laws and to diplomatically agree on divergent issues affects the time taken to achieve a single milestone.

As has been stated in the paragraph 2, the pending issue has been formulation of a joint funding formula for the proposed project. There has not yet been an agreement on the draft budget and the funding sources. An agreement is however expected to be reached during a proposed Special Status Agreement Meeting between the two States Parties which is to be held in Ethiopia in mid-February 2019.

4. **Notes with utmost concern that the preliminary hydrological data for the Gibe III dam show that the seasonal fluctuation patterns of Lake Turkana have already been heavily disrupted, and urges the States Parties of Kenya and Ethiopia to undertake the long- overdue SEA without further delay in order to assess the cumulative impacts of the multiple developments in the Lake Turkana Basin on the Outstanding Universal Value (OUV) of the affected properties, and to identify urgently needed mitigation measures;**

The State Party of Kenya assures that part of the TOR for the SEA study is the assessment of the most current water regime for the Lake Turkana-Omo Basin. The basin-wide scope proposes to cover all the catchment areas of the Lake Turkana both in the Ethiopian and in the Kenyan territories. Though overdue, it is expected that the hydrological assessment will help the two States Parties in planning and agreeing on the most appropriate and environmentally sustainable use of the shared water resource at the basin. This will help in safeguarding the OUV of the Lake Turkana National Parks Property.

5. **Also notes with utmost concern that the Kuraz Sugar Development Project is operational, and also urges the State Party of Ethiopia to halt all activities in relation to the project until an Environmental Impact Assessment (EIA), including a comprehensive assessment of potential downstream impacts on the OUV of the property, has been completed, and reviewed by the World Heritage Centre and the Advisory Bodies;**
6. **In light of the transpiring impacts on water flow and the lake ecosystem, and continuation of works on the Gibe III dam and the Kuraz project in Ethiopia, without respecting the Committee's request to undertake the necessary impact assessments prior to the works, including an SEA and implementation of mitigation measures, considers that the property's OUV is increasingly subject to potential danger in conformity with Paragraph 180 of the *Operational Guidelines*;**
7. **Notes with concern that the Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor Project may have potential impacts on the property's OUV, and requests the State Party of Kenya to conduct Environmental and Social Impact Assessment Studies on specific projects of the LAPSSET clarifying how mitigation measures are implemented and monitored;**

An Environmental and Social Impact Assessment Study (ESIA) for the Lamu-Lokichar Crude Oil Pipeline Cultural heritages is under way and is being conducted in all the six counties through which the pipeline is proposed to traverse. The pipeline is proposed to start at the Turkana County then go through the counties of Samburu, Isiolo, Meru, Garissa and terminate in Lamu. The National Museums of Kenya (NMK), the Kenya Wildlife Service (KWS), the State Department of Fisheries and other stakeholders have been incorporated in disclosure workshops and are being consulted in their diverse areas of interest and concern.

NMK has been involved in scoping studies beginning in Lamu County. The areas of interest for the NMK have been potential fossil fields, archaeological assemblages including old and fresh burial sites, community watering spots and sacred sites and in areas of important biodiversity both in the terrestrial and aquatic ecosystems. The NMK is also interested in ensuring that the ESIA Study factors a disaster management plan in the final report.

In addition, the previous over LAPSSET SEA study was recommended for revision and the consultant has already commenced the revision work with wide consultations with the stakeholders.

8. **Appreciates the progress made with the draft Management Plan 2018-2028 for the property, which includes a wildlife monitoring programme, feasibility assessment for the reintroduction of Grevy's zebra and the involvement of local communities to address livestock grazing inside the property, and also requests the State Party of Kenya to finalize and implement the Management Plan without delay;**

The State Party of Kenya finalized the development of the Lake Turkana National Parks Management Plan 2018-2028 which has already been gazetted under the Wildlife Conservation and Management Act 2013. The Kenya Wildlife Service (KWS) has already initiated implementation of Action Plans set out in the plan. In line with afore-stated, KWS has formulated, in consultation with stakeholders, a national recovery action plan for Giraffe dubbed: *the Recovery and Action Plan for Giraffe (Giraffa camaeleopardis) in Kenya 2018-2022*. The recovery action plan covers the three recognized subspecies of Giraffe (G.c. tippelskirchi, G.c. rothschildi and G.c. reticulate) found in Kenya.

The actions for the recovery and conservation of Reticulated Giraffe as concerns the Sibiloi National Park is thus addressed in that recovery and action plan. Further, wildlife monitoring in and outside the World Heritage Property has been an ongoing activity. The monitoring has been enhanced to include tracking the breeding and movement of the Grevys Zebra and other herbivores, the big cats such as lions, and birdlife.

In addition, a participatory grazing plan was mutually agreed between the local pastoralist communities and the KWS as a way of mitigating against human-human conflict and human-wildlife conflicts. The grazing plan thus addresses the two reactive monitoring missions' recommendations.

In order to sustain the fisheries, the Kenya Marine and Fisheries Research Institute (KMFRI) and other government departments initiated in 2017 conservation measures through mapping and demarcation of fish breeding areas coupled with increased capacity building of stakeholders on the value of conservation. Areas such as El Molo Bay and the northern half of the lake has witnessed increased application of self-regulation by fishers through the implementation of the minimum recommended mesh size and closing of certain areas to fishing.

9. **Decides to inscribe Lake Turkana National Parks (Kenya) on the List of World Heritage in Danger;**
10. **Also regrets that a comprehensive update on the implementation of the outstanding 2012 and 2015 mission recommendations has not been provided, and reiterates its request to the States Parties of Kenya and Ethiopia to provide a consolidated response as well as an update on the current status of the impounding of the Gibe III reservoir, and any mitigation measures being implemented;**

As has already been stated in Paragraph 8 above, the State Party of Kenya finalized the development of the Lake Turkana National Parks Management Plan 2018-2028 which addresses the recommendations of the IUCN Reactive Monitoring Reports of 2012 and

2015. The Kenya Wildlife Service formulated *the Recovery and Action Plan for Giraffe (Giraffa camaeleopardis) in Kenya 2018-2022* that plan covers the three recognized subspecies of Girrafe namely, (G.c. tippelskirchi, G.c. rothschildi and G.c. reticulate) which are found in Kenya.

Secondly, in December 2018, a borehole was sunk in Darade Location, North Horr Ward, North Horr Sub-county in Marsabit County. This project addresses the 2012 and 2015 recommendations that advised on the need for provision of water for livestock away from the park to deter livestock incursion into the park in pursuit of the lake waters.

- 11. Further requests the State Party of Kenya to invite a joint World Heritage Centre/IUCN Reactive Monitoring mission to the property to assess the property's state of conservation, and review the impacts of the development projects in Ethiopia and Kenya on the property and the progress made to implement the past mission recommendations, and to develop, in consultation with the States Parties of Kenya and Ethiopia, a proposed set of corrective measures and a Desired state of conservation for the removal of the property from the List of World Heritage in Danger (DSOCR), for examination by the Committee at its 43rd session in 2019;**

The two State Parties of Kenya and Ethiopia have been in bilateral communication to agree on the modalities and appropriate time for the pending Reactive Monitoring Mission through the diplomatic channels. There is a scheduled bilateral meeting between the two state parties in Mid-February 2019 on Special Status Agreements when this issue will be further discussed. The Joint World Heritage Centre IUCN Reactive Monitoring Mission invite will be extended upon the mutual agreement of the two States Parties.

- 12. Requests furthermore the State Party of Kenya to ensure that all the mitigation measures proposed in the EIA for the Turkana Wind Farm project are implemented, and to provide a report on progress made to mitigate impacts on the property;**

The State Party of Kenya would like to assure the World Heritage Committee that in conformity with Environmental Management and Coordination Act, the investor is expected to observe the mitigations recommended in EIA for the Wind Farm. The investor is also being closely monitored by environmental advocacy groups, local community and through periodic environmental audits as stipulated by the aforesaid environmental Act.

The Lake Turkana Wind Power Company (LTWP) has initiated a stakeholder engagement platform which creates a feedback mechanism for the local communities and other stakeholders. The mechanism is expected to be an efficient and quick process to receive complaints or expressions of concern from interested or affected stakeholders. The LTWP has a dedicated community liaison team that responds to any complaints and to provide relevant solutions.

13. **Finally requests the State Party to submit to the World Heritage Centre, by 1 February 2019, 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 43rd session in 2019.**

Signature of the Authority



Mr. David Mbuthia

**For: Director Antiquities Sites and Monuments
National Museums of Kenya**