



United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

World Heritage Patrimoine mondial

34 COM

Distribution limited / limitée

Paris, 17 June / 17 juin 2010

Original: English

UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION
ORGANISATION DES NATIONS UNIES
POUR L'EDUCATION, LA SCIENCE ET LA CULTURE

CONVENTION CONCERNING THE PROTECTION OF THE WORLD
CULTURAL AND NATURAL HERITAGE

CONVENTION CONCERNANT LA PROTECTION DU PATRIMOINE
MONDIAL, CULTUREL ET NATUREL

WORLD HERITAGE COMMITTEE / COMITE DU PATRIMOINE MONDIAL

Thirty-fourth session / Trente-quatrième session

Brasilia, Brazil / Brasilia, Brésil
25 July – 3 August 2010 / 25 juillet – 3 août 2010

Item 7 of the Provisional Agenda: State of conservation of properties inscribed on the World Heritage List and/or on the List of World Heritage in Danger.

Point 7 de l'Ordre du jour provisoire: Etat de conservation de biens inscrits sur la Liste du patrimoine mondial et/ou sur la Liste du patrimoine mondial en péril

MISSION REPORT / RAPPORT DE MISSION

Lamu Old Town (Kenya) (C 1055)
Vieille ville de Lamu (Kenya) (C 1055)

7-9 May 2010
7-9 mai 2010

This mission report should be read in conjunction with Document:
Ce rapport de mission doit être lu conjointement avec le document suivant:

WHC-10/34.COM/7B.Add.2

**REPORT ON THE REACTIVE MONITORING MISSION TO LAMU OLD TOWN (C1055),
KENYA, FROM 7-9 MAY 2010**



**KA BAKKER, ICOMOS
JOE KING, ICCROM
L. ELOUNDOU & F. OHINATA, UNESCO
July 2010**

TABLE OF CONTENTS

ACKNOWLEDGEMENTS

EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS

1 BACKGROUND TO THE MISSION

- 1.1 Inscription history
- 1.2 Criteria considered for the inscription of the property
- 1.3 Examination of the state of conservation by the World Heritage Committee and its Bureau
- 1.4 Justification of the mission

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

- 2.1 Legal and Institutional framework
- 2.2 Management structure
- 2.3 Response to the recognition of values under international treaties and programmes (World Heritage, Biosphere Reserve designation)

3 IDENTIFICATION AND ASSESSMENT OF ISSUES

- 3.1 Management
- 3.2 Factors affecting the property

4 CONCLUSIONS AND RECOMMENDATIONS

5 ANNEXES

ANNEXURE A

Terms of Reference for the Reactive Monitoring Mission to Lamu old town (WH number C1055)

ANNEXURE B

Mission itinerary and programme

ANNEXURE C

Composition of the Mission team

ANNEXURE D

Maps of the World Heritage site indicating action referred to in Text

ANNEXURE E

Photographs taken during the Mission

ACKNOWLEDGEMENTS

During the meetings and on-site visits, the mission greatly benefited from the information and kind cooperation provided by many experts and professionals, in particular:

- Dr Jacob Ole Miaron Permanent Secretary, Ministry of State for National Heritage and Culture,
- Dr Farah Idle Omar Director General of the National Museums of Kenya (NMK)
- Mr Issa Timamy NMK Chairperson, Board of Directors
- Dr Hassan Wario Arero NMK Director, Museums, Sites and Monuments
- Mr Athman Hussein NMK Assist Director for coast region
- Mr Mbaraq Abdulqadir Abdallah NMK Senior Curator Lamu Museum
- Hasi Muhamed NMK Conservation officer, Lamu Museum
- Mr Mohammed Mwenje NMK Lamu Museum, planning officer
- Mrs Amina Kale NMK Administration officer, Lamu Museum
- Mrs Fatma Ali Busaidy NMK Education officer, Lamu Museum
- Mr Stephen Ikua Lamu District Commissioner
- Mr Ali Hussein Abdalla Taib Lamu County Council, Chairman Finance
- Mr Peter Supeyo Kimani WRMA Nairobi, Ground water officer
- Mr Habdhi Omar WRMA Tana, Sub regional Officer
- Dr George Abungu Okello Abungu Consulting

The team also want to extend their appreciation to the people of Lamu for attending meetings to share concerns and provide invaluable information on the property. We thank the town and various community organisations for the friendly and warm reception.

EXECUTIVE SUMMARY AND LIST OF RECOMMENDATIONS

Following the concerns expressed by the World Heritage Committee (Decision 32 COM 7B.48), key for the mission was:

- a) to assess the status quo regarding oil and gas exploration in the area and the proposed 2nd Port for Kenya, to what extent it may pose a threat the property and to follow-up on the recommendation to have the National Museums of Kenya involved in the planning and assessment process, as well as in the management of possible threats;
- b) to understand the difficulties encountered in implementing the recommendations by the World Heritage Committee to extend the buffer zone, and from an inspection of the current context to ascertain what its extent should be to effectively protect and conserve the values of the property and its setting;
- c) to investigate the evolving issues around illegal land allocation and intrusion in the Shela water catchment area and from an understanding of the fresh water ecology of the island, to recommend how this should be managed and protected;
- d) to look at the overall sustainability of the property and at the overall state of conservation of the property, inclusive of the informal settlements as well as the improvement of infrastructure and management of Lamu Old Town.

The mission met with many of the key stakeholders, including the relevant Ministry of State for National Heritage, the National Museums of Kenya (NMK), senior management and site staff of the NMK, officials from the Water Resources Management Authority, senior staff and officials from the Lamu County Council, local councillors, religious and community leaders, youth and women's groups, representatives from NGO's and business.

The outcomes of the mission were that:

- after the previous reports of a low level threat from oil exploration and the port project there is a renewed sense of urgency to have specific and timeous knowledge of the port project and the extent of heritage management and control in the planning and impact assessment process in order to ensure that any threat be diverted in time and managed to the future benefit and sustainability of the property and its people;
- the issues around the port and the Shela water catchment area has brought a renewed urgency on the question of the enlargement of the buffer zone;
- there is a greater common understanding of the need for a set of effective planning and management tools and enforcement of By-laws that will protect the values of the property and nevertheless allow for the increase in quality of life through infrastructure upgrades and controlled development;
- there is a need to better understand the social and economic fabric of the town and its context to ensure future sustainability and a resilience in the face of large scale future changes and possible accompanying threats.

The Mission team makes the following broad recommendations (See Section 5 for detailed recommendations):

- The mission team could not acquire any official documentation regarding the status quo of the port project but was able to understand that the port project is likely to happen in the near future, is of a very large scale and is likely to have large impacts on the environment, inclusive of the World Heritage property. In the absence of official information about the scale, nature and extent of the port, and without being able to assess information provided by the State Party (SP), it is not possible to determine if the threat is big enough to recommend inscription of property on the List of World Heritage in Danger, in accordance with Paragraph 179 of the Operational

Guidelines – because the project can become a reality in the near future, the State Party is urged to provide the necessary information as a matter of urgency.

- The currently proclaimed buffer zone appears to be inadequate to effectively protect the Outstanding Universal Value (OUV) of the property – the mission team is of the opinion that the buffer zone should be extended as soon as possible to encompass the whole of the Lamu archipelago to ensure effective conservation and protection of the World Heritage property and its setting. The team ascertained that NMK had gazetted an enlarged buffer zone (inclusive of the area up to Shela town, a portion of the Shela dunes and Manda island) but in the absence of documentation and because this enlargement is insufficient in scope, the mission recommends that the State Party reports on obstacles to enlarge and gazette the whole archipelago.
- Due to the imminent threat to the survival of the fresh water source of Lamu, (involving the exceeding of the precarious balance influenced by rainfall, water retention, evaporation and vegetation, population size, water extraction rate, source salination and aquifer replenishment rate), it is imperative the entire Shela dune area of 19km square be part of the buffer zone, declared as riparian land and gazetted as a 'groundwater conservation area', that all water use and agrarian activity on the dunes be controlled accordingly and that all illegal land allocation on the dune area be revoked.
- The inhabitants of the town are resilient and resourceful – nevertheless there is poverty and lack of joblessness, and a general lack of resources to maintain the property and a fear of the social and economic changes a future mega port will bring. There is a need for specialist studies to understand the social and economic component of the property and how these can help to withstand impacts and how they should be managed and sustained in the face of future change.
- The property maintains the values for which it was inscribed and it can be experienced on site – nevertheless, in terms of the historical architectural quality, the creeping changes to the traditional architecture and urban spaces need to be effectively monitored and controlled by stringent application of the Lamu County Council (LCC) By-laws. There is appreciation for the fact that the District Development Plan acknowledges the World Heritage property, and that the State Party plans to complete the Draft Management Plan to ensure that the property is managed from a basis of effective planning and regulatory tools.
- There is appreciation for the progress made with the paving project and the subsequent increase in the quality of the environment – care must however be taken to look at the retention and storage of storm water in the completion of the project. The mission team have been informed of the intention to proceed with the seafront public space improvement project (paving, lights, seats, amenities) and the State Party is requested to submit drawings for comment by World Heritage Centre and the Advisory Bodies.

1 BACKGROUND TO THE MISSION

1.1 Inscription history

Lamu Old Town (C1055) was inscribed on the World Heritage List in 2001. The justification for the inscription as submitted by the State Party, is stated in Section 2 of the Nomination Dossier (2000).

The Statement of Significance that still stands for the site is as in the Nomination Dossier and is quoted below (however, a draft statement of Outstanding Universal Value was drawn up by the State Party in April 2010 as part of the Second cycle of Periodic Reporting exercise for Africa, and it will be examined by the World Heritage Committee at its 35th session in 2011):

“Lamu is the oldest and the best-preserved living settlement among the Swahili towns on the East African coast. Its buildings and the applied architecture are the best preserved and carries a long history that represents the development of Swahili technology. The old town is thus a unique and rare historical living heritage with more than 700 years of continuous settlement.

It was once the most important trade centre in East Africa before other towns such as Zanzibar took over.

Since the 19th century, Lamu has been regarded as an important religious centre in East and Central Africa due to the *tarika* activities introduced by Habib Swaleh, a Sharif descendant of Prophet Mohamed (P.B.A.H). There are many descendants of the Prophet in Lamu. Their presence has kept up that tradition, which continues to the present day Lamu in form of annual festivals known as ‘*Maulidi*’. These festivals are endemic to Lamu and draw the Muslim community from all over East and Central Africa as well as the Gulf. Lamu is an Islamic and Swahili education centre in East Africa. Researchers and scholars of Islamic religion and Swahili language come to Lamu to study this cultural heritage, which is relatively unchanged. The island town has adopted very little modern technology due to its isolation”
(Nomination Dossier, 2000)

1.2 Criteria considered for the inscription of the property

The Committee inscribed Lamu Old Town on the World Heritage List under criteria (ii), (iv), and (vi):

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 in the region. It continues to be a significant centre for education in Islamic and Swahili culture.

1.3 Examination of the state of conservation by the World Heritage Committee and its Bureau

The last UNESCO/ICOMOS Joint Reactive Monitoring Mission took place from 22 to 27 March 2004 and was followed up by a UNESCO's World Heritage Centre (WHC) Mission between 12-22 February 2005. The WHC Mission was an exhaustive fact finding exercise on the urban environment and health risks related to the protection of the fresh water supply, water division, solid waste disposal, sewerage and other services, and this was followed up by a state of conservation (SOC) from the State Party in March 2005. The findings were dealt with at the following 29th World Heritage Committee Session in June 2005, and from then on the subsequent recommendations by the World Heritage Committee, based on the State Party status, progress and SOC reports, repeatedly focused on key issues like the completion of a Management Plan, the extension of the buffer zone, the protection, sanitation and distribution of fresh water and other services like solid waste management, uncontrolled development and allied to that documentation of change and the reinforcing of planning control.

The WHC received a Report from the State Party in February 2008 and another one in January 2009. In this time the aspect of uncontrolled development in the Shela sand dunes (the only source of Lamu's fresh water supply), and increased urban and industrial development pressures, *inter alia* in the form of uncontrolled informal settlements, oil exploration in the area and the large port development were added to the list of concerns and issues.

At its 33rd session in 2009 the WHC commented on the fact that while progress is being made with most of the issues raised in previous recommendations, many were still not resolved, and requested the State Party to invite a joint World Heritage Centre/ICOMOS/ICCROM reactive monitoring mission to the property in 2010, to assess the state of conservation and in particular, the potential threat to the Shela sand dunes and other parts of the buffer zone, and also the overall sustainable development of the property.

1.4 Justification of the mission

The Terms of Reference for the Mission in terms of 33 COM 7B.44 of 2009 are provided in **Annexure A**, followed by the itinerary and programme in **Annexure B** and the composition of the mission team in **Annexure C**.

Maps defined in this Report are included in **Annexure D**, and photographs pertaining to the text below are included in **Annexure E**. The detailed study of the Shela sand dune water catchment area commissioned by the NMK is contained in **Annexure F**. The team includes two documents received during the mission, namely the State party proposal for a train corridor from to southern Sudan and Ethiopia (**Annexure G**) as well as the Draft Regional Development Plan for the Lamu District (**Annexure H**).

The current Report will focus on the pressing issues of the extension of the buffer zone, the large port development, oil refinement and oil exploration in the archipelago close to the World Heritage Property, on securing and protecting the vital fresh water catchment area at Shela dunes, uncontrolled development, infrastructure development, the speedy completion of the Management Plan and procurement of effective planning measures and control mechanisms for the property and the district, and also on the sustainable development of the property and its setting.

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

2.1 Legal and Institutional framework

From a review of the Nomination Dossier as well the Draft Management Plan (Unpublished) for the property, it appears as if the property is not protected by a specially formulated and dedicated World Heritage Act as in some countries, but rather falls under various National Acts. The following is a short synopsis of how the legislation for the Lamu World Heritage site evolved:

The 1984-5 update by F. Siravo of the 1976 survey of Lamu Old Town by U. Ghaidan, and the subsequent publication of By-laws in the legislation, made possible the listing of Lamu in 1986 as a national 'monument' in the time of the Antiquities and Monuments Act (1984).

Currently the World Heritage property is protected under the National Museums and Heritage Act of 2006 that replaced the previous Antiquities and Monuments Act of 1984 and the National Museums Act of 1983, and which in effect gave the National Museums of Kenya more powers to adequately manage heritage properties in Kenya, including Lamu Old Town. Under this legislation the National Museums of Kenya is vested with powers of caring for and protecting the built and the open spaces within the boundaries of the historic town of Lamu. This Act is in agreement with Lamu County Council (Lamu Old Town Conservation) By-laws, which were drafted and approved by the Minister for Local Government in 1991. As per the Lamu County Council By-laws, all built elements and environmental features in the conservation area ought to be preserved as historical and architectural features. Protective procedures for Lamu Old Town in included in the Act and the County Council By-laws.

The following statutes cover activities with direct impact on the World Heritage property:

Land Control Act (Cap 302); the Local Government Act (Cap 268), the Trust Lands Act (Cap 288), the land Planning Act (Cap 303), the Government lands Act (Cap 290), the Water Act No.8 of 2002, the Public Health Act (Cap 242), the Physical Planning Act of 1996 and the Registered land Act (Cap 300). The Environmental management and Co-ordination Act No.8 of 1999 provides for a legal and institutional framework for the management of the environment – the national Environmental management Authority (NEMA) is established under Section 7 of this Act.

In terms of Institutional framework, the overall responsibility for the management of the property falls under the National Museums of Kenya in the Ministry of State for National Heritage and Culture, and is governed at the top management level by the Director General of NMK, guided by the National Museums' Board of Directors and represented at the site level by the Chief Curator, Lamu Museums, who is in charge of, as site manager, everyday preservation and conservation management of the property.

Other government bodies that are involved in the management are the Provincial administration, represented by the District Commissioner, who is the chairperson of the District Development committee that is tasked with the coordination of all development activities between the different parties in Lamu, and then also the County Council, the Ministry of Lands as well as the Ministry of Health.

2.2 Management structure

National Museums of Kenya is responsible for the management and day to day protection and preservation of the site. The Lamu Museum reports directly to the Board of Directors of NMK through its Director General.

The Management of the World Heritage property however involves role players from the other mentioned government bodies, as well as officials who have to enact and enforce legislation in the World Heritage site. The local Provincial administration has formed the District Physical Planning Liaison Committee (DPPLC) to bring all these agencies together and to make sure all developments in the World Heritage site adhere to planning regulations. The DPPLC in 2005 instated a Local Planning Commission (LPC) to make legally binding decisions for the respective government departments to implement. The LPC is a statutory body constituted under the Local Planning Act (Cap 265). The DPPLC oversees development for the whole of the Lamu district, whereas the LPC is solely in charge of the World Heritage site.

The LPC provides a legal framework for regulative governmental agencies to harmoniously invoke provisions of specific rules to implement or solve issues pertaining to the WH property - the core function of the LPC is to proposals for alterations, additions and construction of new buildings within Lamu Old Town and as the Buffer Zone, to use Local Council By-laws to make decisions when implementing development proposals, as well as to advise the Local Authority on issues pertaining to the protection and preservation of Lamu as a WH property. The LPC comprises of experts from government departments as well as local community members.

The Lamu Town Planning and Conservation Office was established in the Lamu Fort by July 1987, working closely with the NMK's Building Department responsible for restoration work.

The management of the property has since 2004 joined the Organisation of World Heritage Cities (OWHC) for East African Regional network.

2.3 Response to the recognition of values under international treaties and programmes (World Heritage, Biosphere Reserve designation)

a) World Heritage

As a signatory to the World Heritage Convention the State Party agrees that the national legislation pertaining to the protection and management of World Heritage property will conform to the Convention and follow the Operational Guidelines. The mission team has formed the opinion that the State Party in all respects conforms and responds to the strictures and the requirements of the Convention and its Operational Guidelines, and is a willing partner in the management and protection of the OUV of the property. The State Party's approach to the Convention and its adherence to the protective mechanisms included in its environmental and Heritage Acts will however be severely tested by its recent commissioning of a feasibility study for Kenya's 2nd Port in Manda Bay and which, from many sources of intelligence, appears to be an inevitability (The reader is referred to Section 3.2.1 of this report, where the Port and its impacts are discussed)

b) Biosphere Reserve designation

In 1980 a total of 60,000 hectares of the marine part of the northern archipelago north of Lamu was designated as a Biosphere Reserve (Kiunga and Kiwaiyu) under UNESCO's *Man and the Biosphere* (MAB) Project in recognition of the international conservation importance of the north-eastern coastal region. The Magogoni Creek mouth flowing into Manda Bay, and which is part of the Tana River Delta, an area of international conservation importance, is the proposed site to be developed as Kenya's 2nd Port, and sits at the edge of this biosphere reserve at coordinates 2°03' S and 41°00' E. The area is a rich farming area, was till recently traversed by an elephant trail to Manda Island, and the coastal edge is home to mangroves, corals and sea grass beds and to the endangered dugong (*dugong dugon*), and

known as a prime shrimp fishing area for the fisherman of the Lamu archipelago. This biosphere is closely connected to two national reserves to the north of the proposed port site: Kiunga Marine National Reserve along the coast, and Dodori National Reserve, in the interior, and close to Boni National Reserve also on the coast. The location of a mega port project within this biosphere reserve will indicate disregard for the values contained in its designation and will have large environmental impacts in terms of natural and cultural aspects. Various national and international conservation NGO's are voicing extreme concern regarding the impacts of the Port project on the biosphere reserve.

c) World Wildlife Fund Kenya Integrated Sea Turtle Conservation (KIST-Con) Program

The Lamu Archipelago is one of the most important **marine turtle** nesting grounds in Kenya. Five of the seven sea turtle species that range in the Western Indian Ocean are found within the Lamu Seascape. Three among these species - Green turtle (*Chelonia mydas*), Hawksbill (*Eretmochelys imbricata*) and Olive ridley (*Lepidochelys olivacea*) nest and the other two - Loggerhead (*Caretta caretta*) and Leatherback (*Dermochelys choriacea*) have been reported to feed within the Lamu Archipelago. The main areas of concentration are Kiunga, Manda Island and Shela – the sea turtles are protected under an international WWF international program number 623-A-00-08-00004-00 with the Kenya Wildlife Service.

It is a concern to the mission team that the *MAB* Biosphere Reserve and the KIST-Con project are not specifically specified in the Draft Regional Management Plan and that the area and its needs and potential are not explored more fully.

3 IDENTIFICATION AND ASSESSMENT OF ISSUES

3.1 MANAGEMENT

3.1.1 Requested State Party progress Report

As per Decision 33 COM 7B.44 of 2009 (see **ANNEXURE A**) no progress report was requested for 2010, but rather the State Party is required to submit a progress report on the implementation of the recommendations contained in Decision 32 COM 7B.48 of 2008, to the World Heritage Centre by 1 February 2011 for consideration by the World Heritage Committee at its 35th session in 2011.

3.1.2 General quality of management of the property

The mission team were impressed by the directed leadership shown by the Chairperson of the Board of Directors of the NMK, and the strong role that the NMK and the Lamu Museum seem to be playing in the region (e.g. the requests to give advice in development project briefs as well as in the Lamu World Heritage education programme for hoteliers and other stakeholders), and the trust they receive from the community of Lamu, as can be seen from a general awareness in the community about factors affecting the World Heritage property and that was witnessed at the stakeholder meeting as well. The NMK is seen as a partner and leader in the resistance of negative impacts on the community and values of the property as well as their yearning towards benefits flowing from being a World Heritage property. The NMK is planning to organize a 3rd Consultative Forum on the Management Plan adoption. In terms of continuing research there was an archaeological mapping of Siyu and Paté (the mission team points out that this will be important to also help understand the relative significance of the sites and the impacts of the mega port just across the water from there).

The management team however still suffer from scarce resources and manpower. The team at present are not fully empowered to effectively plan and protect the property due to a lack of a full suite of strong planning and protection mechanisms, most glaringly the Management

Plan and Action Plan which will only be complete by the end of 2010 at soonest. The fact that the 1991 LCC By-laws are being enforced is good news, but these need more stringent application, as will be discussed later.

3.1.3 Site delimitation

a) Boundary of World Heritage property

In using the final meeting with the NMK to examine again the exact boundaries of the World Heritage property, the mission team pointed out that the 1:50000 topo map in the Nomination Dossier (2000, Appendix I, Map 2) showed gazetted World Heritage property as a small black entity on the plan, but that this plan was not an accurate enough definition with which to manage the property and that it would not withstand legal scrutiny (See **ANNEXURE D, Fig.3**).

The NMK indicated that the development plan of the town in the Nomination Dossier (2000, Appendix II, Map 5 – being a plan taken from the Siravo publication), showing the ‘conservation boundary’ of the National Conservation Area that was eventually elevated to be the boundary of the WH Property, was the plan that currently defines the property’s boundary and that is used for management (See **ANNEXURE D, Fig.4**). The mission team indicated that this drawing in the Nomination Dossier that originated in the pre-inscription period should be re-scaled to show the total Property (the original cuts off a portion), should clearly indicate the boundary with an appropriate legend and should include GPS co-ordinates. This reconstituted map of the extent and location of the property boundary must be lodged with the WHC as soon as is possible.

b) Boundary of buffer zone

The buffer zone of the property is shown as a red square in the Nomination Dossier (2000, Appendix I, Map 2). From the time of Inscription of the property there has, based on expert reports, been a constant recommendation from the World Heritage Committee for the State Party to extend the buffer zone to better protect the property – a scan of these recommendations show that the type of protection and the extent of the area to be included has changed over time (ie the whole of Lamu Town, Shela and the dunes, the whole island of Lamu, the mangroves of Manda Island, Ras Kitau and Manda island, and also all the islands of the Lamu archipelago inclusive of Paté Island (References to these recommendations of the World Heritage Committee include WHC-03/27.COM/7B, p. 24; WHC-04/28.COM/15B, p.. 55; WHC-04/28.COM/26, p.95; WHC-05/29.COM/22, p. 63; WHC-06/30.COM/7B, p. 104; WHC-06/30.COM/19, p. 82; WHC-07/31.COM/24, p. 80; WHC-07/31.COM/7B, p. 120; WHC-08/32.COM/7B, p. 91; WHC-09/33.COM/7B, p. 119; WHC-09/33.COM/20, p. 94) and of which the essential intention was to extend the area over which proper control could be exercised to that what is necessary to protect the OUV.

The team brings to the attention of the World Heritage Committee the introduction of the Draft Management Plan that states that it provides:

“the rationale for extending the limits of the listed areas to include the entire Historic Archipelago. Aim of this plan is to guarantee the proper application of conservation and management approaches that would ensure that the World Heritage site of Lamu is properly managed and that there is an appropriate balance between conservation needs, access, sustainable economic development and interests of the local community”.

The mission team could witness the impacts to sense of place, natural vegetation, architectural typology and loss of unbuilt virgin land and mangrove cover in the areas outside the current small buffer zone, and are mindful of the more profound changes to come with

increased development pressure and the proposed mega-port. These impacts would today have been minimal if the archipelago had been defined as the setting of Lamu old town, been included as the buffer zone and been subject to guidelines for appropriate development to support and sustain the OUV. Shela is steadily growing towards Lamu Old Town and the historical architectural typology is steadily being eroded; On Manda Island a burgeoning luxury villa and hotel settlement has sprung up in the uncontrolled area just west of the border line of the 'Ras-Kitau-Manda skyline' protected area in the two years since it was gazetted in April 2008, resulting in large negative impacts to the Manda skyline, waterfront and mangroves as well as being an additional drain on scarce resources (namely the water supply of Lamu being depleted through these developments) and using the setting of Lamu Old Town without compensation while not providing any positive benefit to the OUV; The mangrove diversity and dispersion at Ras Kitau are impacted on severely as a result of the incorrect dredging of the narrow connection channel; Paté Island (which has several historic settlements that also need effective protection), is severed from the rest of the archipelago by the "super-tanker" corridor to and from the proposed port – this alienation, and leaving this island and its heritage without a manner of control of inappropriate development types and a way to guide development to attain a harmonious whole in the archipelago, would result in a erosion or even loss of the setting of Lamu Old Town and diminishment of the OUV of the property.

In discussion with the NMK during the final meeting of the mission the team were informed that there are various obstacles to including the whole of the archipelago in the buffer zone, but the mission team holds that the earlier recommendations for its extension may not have been impeded by various factors (as described in the Draft management plan) but that this ideal must still be pursued, the more so because the threat to the World Heritage property may be escalated dramatically since the announcement of the impending port project and subsequent large scale development of the region. If the ideal state of extending the buffer zone to include the whole archipelago cannot be attained due to valid reasons, and/or if the results of an EIA for the mega port development indicates that the threat to the property is downscaled, it remains important to extend the buffer zone to include Ras Kitau, Manda Island and the whole of Lamu Island.

In using the meeting with the NMK to again examine the exact co-ordinates of the buffer zone as described in the Nomination Dossier, the NMK disclosed that they have subsequent to the managed to have the area up to Mokowe on the mainland, as well as the area between Lamu Old Town and inclusive of Shela town, as well as a portion of the Shela sand dunes and also the whole of Manda island gazetted and included in the buffer zone.

However, World Heritage Centre is not in possession of any documentation to this effect, and has up to today not been officially informed of this change of status of the buffer zone. It was requested that NMK provides these documents (ie the Gazette, maps and co-ordinates) at the soonest opportunity and as a matter of urgency, and to take note of the mission team's above recommendation to further extend the buffer zone before the port development is commenced.

It is also imperative to upgrade the building regulations for any newly included areas in the buffer zone, to not extend permits for new developments on Manda Island and to not provide it with piped water from the Shela sand dunes in order not to exacerbate the shortage of fresh water supply to the existing Lamu population (see detailed explanation at **3.2.5**).

3.1.4 Infrastructure improvement

a) Paving

The mission team has been informed of the extensive paving project performed by the Lamu County Council and the informal settlements amounting to Shillings 1 Million (note that there is also a large project in Paté as a joint programme by the NMK and the Thune Foundation). Although the mission team did not inspect the full extent of the project due to time constraints, it is clear that the quality of the walkway surfaces and water canalisation in the Old Town has markedly improved and enhances the quality of life for residents as well as visitor experience. The mission team points out that due to providing impervious surfaces to the sloping historic lanes, the town is losing all its storm water and grey water.

b) Waste management

The mission team could not visit the solid waste dumps due to time constraints. The NMK informed the team that the earlier problems with dumps inside the property boundaries has been solved through moving the dumps far away from the Old Town. There are positive signs that NGO's and youth groups in the Old Town are arguing for recycling. The mission team points out that a recycling approach for solid waste management has become indispensable in current urban resource management.

During the public stakeholder meeting the mission team were informed that in the olden days not all sewerage landed up in the sea (ie pit latrines) but that currently all sewerage ended up in the bay and that it presented a health and environmental hazard. The mission team was informed that a study, performed some time ago, indicated what it would cost to upgrade the sewerage system, and that due to the large amount involved, the Government has continuously indicated that the project would only be tackled when and if money becomes available. In the mean time Lamu has been identified as a development focus area within the Kenya 2030 programme, within which the country wants to make a large improvement on sewerage treatment and environmental quality – the issue of an upgrade of the sewerage of Lamu has been included in a report on all infrastructure which was been prepared with assistance from the African World Heritage Fund. The team was assured that a copy of this report and its proposals on sewerage upgrades would be sent to the World Heritage Centre forthwith.

3.1.5 Management plan and Action plan

The previously requested Management plan and Action plan for the property has not yet been finalised but is in a draft format. International assistance to the order of \$10 000, for the improvement and completion of the draft, for stakeholder involvement and for subsequent approval by the District Development Committee and the NMK Board, all still in 2010, has been recommended for approval by the WHC and Advisory Bodies in the panel of International Assistance.

3.1.6 Regional Development Plan

A 2007-2010 Regional Development Plan (RDP; See **Annexure H**), that for the first time makes specific reference to Lamu and the World Heritage status of the property, has been compiled with a lot of input from the NMK – this draft RDP is now open for review and as such is not yet a promulgated planning document (the Ministry of Economic Planning will give the last input). The NMK reports that on the whole the Plan compliments the vision of the NMK for the region, and does not impact negatively on the property and its setting, apart from the items regarding oil exploration and the mega port development. The mission team later received a copy of the Draft Regional Development plan and would like to stress that the Acts that deal with the World Heritage property be clearly spelled out, that there is a clear reference to the World Heritage Convention's *Operational Guidelines*, and that the document rather have a separate component dealing specifically with the World Heritage property and its buffer zone.

In the opinion of NMK, it is important to ensure that a Town Development Plan be well aligned with the Regional and National Plans. It was agreed in the final meeting with the NMK that there be an attempt to ensure that the Regional Development Plan can deal in an integrative manner with all issues that have a possible negative impact on the OUV of the property and its setting, inclusive of the new port, the problems surrounding informal settlements, oil exploration, possible transport networks, the exploitation of Manda island, water limits in the region as well as population size and limits. In the absence of a promulgated RDP the NMK is trying to do damage control to the best of their ability.

3.2 FACTORS AFFECTING THE PROPERTY

3.2.1 New 2nd Port of Kenya and the exploration for and refinement of oil

During the briefing session at the start of the mission, the mission team asked the requested any pertinent detail regarding the proposed port development. The mission team was told that the idea of a port had been muted for a very long time, but that details were to be obtained from the relevant Ministries.

In the absence of any substantial information on the location, scale, nature and content of the proposed project, the team explained the requirement of the Operational Guidelines to timeously inform the World Heritage Centre (WHC) of any intention to construct any project that could have an impact on a World Heritage Site, and to disclose detail of such a project to the WHC as soon as such detail may be available. The team further suggested the formation of a Task team by the State Party, that would ensure the timeous flagging of critical impacts before the design of the proposed project had proceeded beyond a point where it could not change or be mitigated, to provide proper guidance of the design regarding aspects of the cultural and natural aspects of the environment and the OUV of the property, and to be an integral part of the drafting of Terms of Reference for an Environmental Impact Assessment to be performed on the completed design for the project.

In Lamu the mission team similarly asked the local authorities (including the Lamu District Commissioner) for pertinent information on the proposed port project. The only additional information received was that the project was of extreme strategic importance to the country, that the government had appointed a Japanese ports consultant to perform a (costly) feasibility study, that the project would include an oil refinery and oil storage facilities. Finally there was an indication of the location of the project somewhere in Manda Bay (see top left photograph on page 8 of in **ANNEXURE E**). The mission team before the mission already asked if they could visit the proposed port location during the mission – this request was fulfilled in the planning phase of the mission by means of inclusion of a visit in the mission programme, and during the mission the team could inspect the area first hand – additionally, detail regarding the qualities of the cultural and natural environment of the target area and its relation to Lamu Old Town and its people were provided by the NMK.

In the absence of official data on the scale, nature and content of the port project, the mission team had to rely on unofficial sources and newspaper reports to flesh out the detail of the proposed development and its possible impact on the World Heritage property. On completion of the report the team received a document from the NMK describing the broad outlines of the development (See **ANNEXURE G**)

The Lamu archipelago with its deep sea bottom has been a safe port venue for over two thousand years – for this reason the fact that a port is planned for Manda Bay in the archipelago should come as no surprise – however the examination brought to light that the scale and content of the proposed project could be of an order of magnitude that could result in permanent large scale impacts on both the natural and cultural attributes of the Lamu

archipelago and Lamu town, could result in large scale changes to the socio-cultural and socio-economic make-up of the region and could have deleterious effects on the OUV of the property.

For the location and context of the proposed new Port development and the international rail corridor, the reader is referred to Figures 1a, 1b, 2a and 2b in **ANNEXURE D**. The proposed port area in Manda Bay, adjacent to the Kenya West port and marine base on the mainland, is the Dadori area, known to be a large farming community and also the best fishing area for Lamu fisherman, with langoustine, crab, prawns and calamari occurring mostly here, and it is a feeding place for reef fish. In 1980, a total of 60,000 hectares off the coast in the northern Lamu archipelago was designated a Biosphere Reserve under UNESCO's *Man and the Biosphere* (MAB) Project in recognition of the international conservation importance of the north-eastern coastal region. The Magogoni Creek mouth flowing into Manda Bay, and which is part of the Tana River Delta, an area of international conservation importance, is the proposed site to be developed as Kenya's 2nd Port, and sits at the edge of this Biosphere Reserve at coordinates 2°03' S and 41°00' E. The area which is a rich farming area, was till recently traversed by an elephant trail to Manda Island, and the coastal edge is home to mangroves, corals and sea grass beds and to the endangered dugong (*dugong dugon*), and known as a prime shrimp fishing area for the fisherman of the Lamu archipelago. This biosphere is closely connected to two national reserves to the north of the proposed port site: Kiunga Marine National Reserve along the coast, and Dadori National Reserve, in the interior, and close to Boni National Reserve also on the coast.

The Lamu Archipelago is one of the most important marine turtle nesting grounds in Kenya. Five of the seven sea turtle species that range in the Western Indian Ocean are found within the Lamu Seascape. Three among these species - Green turtle (*Chelonia mydas*), Hawksbill (*Eretmochelys imbricata*) and Olive ridley (*Lepidochelys olivacea*) nest and the other two - Loggerhead (*Caretta caretta*) and Leatherback (*Dermochelys choriacea*) have been reported to feed within the Lamu Archipelago. The main areas of concentration are Kiunga, Manda Island and Shela – the sea turtles are protected under an international WWF program by the Kenya Wildlife Service and the WWF in the *Kenya Integrated Sea Turtle Conservation (KIST-Con) Program*.

It is a fact that there are many known archaeological sites in the area of the proposed port that will be affected.

The following description of the nature, scale and content of the port has been pieced together from unofficial intelligence, and later augmented by the State Party report (2007) on the proposed international rail corridor received from the NMK (**Annexure G**). The Manda Bay location was chosen for the depth of the sea bottom (ie 40 meters). The port will be large enough to berth 22 super tankers and allow entrance/exit to 4 super tankers sailing abreast simultaneously. Apart from the deep sea bottom, the proposed port area has an extensive flat land, convenient for large infrastructure development. Because of the proposed port being adjacent to the Kenyan and US Navy base that has a floating quay and road access to the mainland, the establishment of a site and work on the port can apparently start much sooner (ie within 1 year) than if another site was chosen. The total development area will apparently stretch a few kilometres along the coast. From reports received as well as the State Party's own (2007) report the Lamu new Free Port at Manda Bay is code named ROOLA, designating the: Railway line, Road network, Oil refinery, Oil pipeline, Lamu free port, Lamu Airport, but that there will also be a customs facility, container storage, a super highway, a refinery-pipeline, oil storage tanks, an optic fibre connection, and a resort tourist city, meaning a housing estate, residential godowns, etc. From the report in **Annexure G** it is clear that the aim is to constitute the above described port development as a Free port focussing on transport/communication and that will link Lamu to the North Eastern province of Kenya, Ethiopia and to Southern Sudan via a dedicated railway corridor named 'the 2nd

Transport Corridor'. The Free port will also be serving Somalia, Uganda, Rwanda, Burundi and East DRC countries (See Figure 1b in **Annexure D**). The size of the resort tourist city will be very large and will bring residents from outside Lamu to this area, completely changing the demographics.

From various reports it appears that the oil refinery shall be of a merchant nature to treat crude oil from Sudan and any other countries for a fee. While the TOR for the mission stated clearly that oil and gas exploration in the area had ceased, the mission team were not handed any document stating that it has (while this may not be an important point, the mission team observed posters on buildings at Lamu port giving notice that oil exploration was ongoing in the area).

From the above description it is clear that oil exploration has not ceased, and that in terms of the port development one may safely talk about a 'mega port *cum* city'. From the scale, content and nature of the proposed mega port development it is obvious that there will be a large impact on the future of Lamu archipelago and the World Heritage property, seen from many perspectives. This understanding of the project is contrary to the understanding the World Heritage Committee had before the mission, ie that "the oil and gas exploration has ceased, and that the current plans for the second national port are unlikely to impinge adversely on the property" (Decision 33 COM 7B.44).

The team did not get an indication of exactly to what extent the State Party intends to execute every component as stated in the development plan (attached in **Annexure G**), but if the scope and content remains similar the mission team stresses that it will be paramount to understand clearly what the scale and duration of the impact will be relative to the future sustainability of Lamu (in the economic, social and environmental sense), and once that is understood, to ascertain what the impacts will be on the OUV of the property and its setting.

During the stakeholders meeting in Lamu, many fears related to the mega port development were expressed, and particularly the lack of communication with the Lamu community.. On the other hand town officials expressed the thought that if many Lamu residents may move to the development area, Lamu may in manner be relieved of the population pressure in the town. While this argument is about job creation and controlling population growth of Lamu, the mission team also heard the counter argument, namely an anxiety that Lamu people could be excluded from employment. These arguments are currently only based on peoples' speculations, and some arguments have an ethnic undertone, but the employment situation will have a large effect on the World Heritage property either way.

The mega port development is in direct competition to the main activity sustaining Lamu Old Town, ie a port and tourism. The new development will create huge development pressure on the property. The mission team heard conflicting reports on the extent of oil exploration in the area of the mega port – what is clear is that there will be a refinery, probably also for oil coming from the inland areas of the continent. The environmental threats to the natural ecology may be large. There will be changes to sea currents due to deep dredging. Impacts will extend to the island economy and the fishermen due to the loss of the Dodori fishing area (the best fish of Lamu), and there may also be ecological impact on the mangrove diversity and disappearance of some mangrove islands with their historical occupation and their use by Lamu people.

The size of the development and its proximity to Lamu by road is such that it will cause huge social impacts on Lamu and its historically rooted culture.

Cultural groups report that much of the land in the Lamu area are viewed by local inhabitants as ancestral land of sectors of the population indigenous to Lamu, but that as a result of the colonial period there are no title deeds to these lands. Acquisition of land around the port by

private developers and speculators and subsequent development of the land will from this perspective mean a form cultural alienation from the land, and that benefits from the sudden increase in land value will not actually benefit the people from Lamu.

From press statements on 2 and 3 May 2010 the mission team learnt that the Kenyan President has already secured funding for the project from the Chinese Government and signed a contract with a Japanese ports consultant to conduct the feasibility study for the project – it is not clear if cultural aspects are already included in this study. Also, the mission team heard indications that the breaking of ground for the mega port project may be as close as one year hence. An Environmental Impact Assessment has not been performed as yet.

The mission has come under the impression that the port project is likely to happen in the near future. In the absence of information about the scale, nature and extent of the Port, and without being able to assess information provided by the State Party, it is not possible to determine if the threat is big enough to have a deleterious effect on the property – because the project can become a reality in the near future, the State Party is urged to provide the necessary information as a matter of urgency.

3.2.2 Changes in architecture

The mission team did not perform a systematic survey or a sampling of sectors of the Old Town, but had a chance to observe the townscape and individual components from certain vantage points, including from the seafront, the highest vantage point and at close range in walking the area closest to the seafront.

While the main components and attributes of the phases of historic Swahili architectural styles are mainly in place, there is a creeping change coming over the core historic area, with some trends being additions to the top floors of buildings being done in a very rudimentary and inappropriate manner and with modern materials, new typologies of facades to the waterfront that are eclectically composed with contemporary features and devices, and additionally there are more and more contemporary doors in stead of the traditional Swahili carved timber doors for which the town was known.

The National Museums of Kenya confirmed that their approach was not to only allow for a purist restoration approach, but to see heritage as development within which a certain amount of leeway is required to entertain legal aspirations for economic growth and of the natural increase of inhabitants in a dwelling. All applications for additions and alterations were still being dealt with on an individual basis, and on merit. The height restriction remains Ground + 2 maximum. Inspectors are also staying vigilant for illegal demolitions but the main challenge is staffing capacity.

3.2.3 Large developments

The refurbishment of the Jetty at the harbour of the Old Town is almost complete – the design detail like walls and railings are not harmonious with the townscape. The World Heritage Centre is not yet in possession of the design drawings.

The National Museums of Kenya is trying to raise funds for a street upgrade on the waterfront to include for paving, lighting, benches and signage. The design has not yet been procured.

3.2.4 Uncontrolled development

In response to questions regarding the level of development control the mission team was informed that the Council By-laws that are in use are those that were forthcoming from the “Siravo study” and which were accepted in 1991. It was noted that, while these by-laws were

good, that the system of control was less so. While one has to accept that the city is a working harbour and a living, evolving settlement in which there is certain robustness, the mission team urges that the by-laws are applied more strictly and change monitored more diligently.

In walking through the historic core one is struck by the proliferation of signboards that, while it lends to the aura of a trade area, many of the boards are too large and crowd out the architectural features of the setting. The team was informed that a standardization of signage in places of historic significance was in progress. The mission team would also like to suggest that more attention be given to site presentation over and above the naming of sites to include for the idea of understanding the Historic Urban Landscape, especially in the main public places as well as at landmarks in the main movement spaces.

The mission team notes that the Old Town and Shela are steadily joining together, where they were two clearly separate entities at the time of the Inscription on the World Heritage List. There is a slow creeping of the Old Town towards the east, and the team puts forward the need to have a town limit to contain the historic seafront form rather than have a town extending all along the sea edge.

The issue of the uncontrolled development of informal settlements are dealt with as a separate issue below at **3.2.8**.

3.2.5 Encroachment on Shela dunes Water Catchment Area

Since the 31st Session of the World Heritage Committee (Christchurch, 2007), the issue of the water aquifers in the water catchment area (WCA) in the southern Shela Dunes have become pressing. Recently the encroachment of the Shela sand dunes have gained attention in the press, and during the mission team's visit to the site, as well as in discussions with the Water management officials, as well as during the stakeholders meeting, it became abundantly clear that the protection of the water catchment area in the Shela dunes is one of the most crucial issues facing the World Heritage property and that the citizens of Lamu are rallying around this communal issue.

The *Groundwater Resources Assessment of Lamu Island along Coastal Kenya* (see **ANNEXURE F**), a recent detailed study commissioned by the National Museums of Kenya to help in resolving the disputes over land encroachment on the Shela sand dunes, has uncovered the detail of the ecology of the fresh water catchment and replenishment system, and also provides substantiated answers on the size and carrying capacity of the fresh water source (See Annexure F) – the report brings home the following stark realities: The water catchment area of the Shela sand dunes is the main water source (apart from the smaller Matondoni and Kipungani sources) of Lamu which makes settlement possible per se; the water catchment area of Shela sand dunes is an extremely fragile and finely balanced one; the rainfall in the area is only moderate; the extraction and replenishment of the natural system is currently in balance; and, if not the tempo of use is not reduced, will cause the shrinking of the catchment area and diminishing of the water catchment area and its water supply. Officials of the Water Management Authority were at hand at the stakeholders meeting to carefully explain that the beach resorts and rapid development, plus population growth, is steadily diminishing the catchment area size and recharge tempo as well as seawater ingress into the fresh water volume in the sand medium, the need for zero encroachment and pollution of the Dunes, the dire need for decreasing the rate of water abstraction to replenish the water level carried within the dunes, and also to need to provide plant cover for the dunes to reduce water loss through evaporation. In the stakeholder meeting the point of staying within the finely tuned limits of water use and replenishment of the source was clearly made, and also that there is not enough water to supply new developments on the island without risking the depletion of the source.

The total WCA measures 19700 hectares – It has been ascertained that with the present condition of the aquifer, 50% of 72000 cubic meters of water recharge can be safely abstracted per day, which means that the sustainable yield is 3600 cubic meters a day. With the population of 35000 (the total figure projected for 2008 in a recent census, up 25% from the population in 1999) this means 1 cubic meter per person per day, not taking into account farming, tourism, and other users.

Only a 958 of the total of 19700 hectares of the water catchment area was Gazetted in 2003 (Gazette notice 8140 14 Nov 2003 pursuant to Act 2002). Two thirds of the WCA is Government property, while the remaining one third is private agricultural land.

Before the Gazettement, as well as continuously after the Gazettement and up to very recently, the dunes were encroached upon by illegal settlement or development. The mission team has heard of many illegal structures and fences in the total dune area but were not in a position to visit them, but were able to witness first hand a very large 'fortress' like house and another house (belonging to the member of parliament for Lamu) and holiday cottages for which the dunes were flattened, just outside of the Shela town limit and inside the gazetted area (See photographs Annexure E). These properties discharge effluent into the dunes and interfere with the dune movement pattern, these aspects impacting on the water supply level and quality. The National Museums of Kenya (NMK) rather than the County Council, attempted to stop these developments and building works, and it has only been of late that the President and prime minister have stepped in to halt further encroachment. During the meeting with the District Commissioner the mission team enquired if these structures would be demolished, and the answer was that it would be unlikely.

The mission team are in agreement with the NMK and the Water Resource Management Authority that the whole dune system must be a protected area and be included in the extended buffer zone, and that the area must be vigilantly patrolled to stop any further encroachment or pollution. The effects of the agricultural use of the dune area must be studied to guide future management.

During the stakeholders meeting there was a representation from the Red Cross on their ongoing '*One Step*' project regarding water and sanitation, in which they renovate wells, survey fresh water, and drill new wells. The team indicates that such projects need to integrate within a larger methodology on water management and access.

3.2.6 Ownership issues

The mission team were informed that property prices rose steeply after the inscription on the World Heritage List. It is a recurring phenomenon that property owners in Lamu sell properties to nationals and international buyers and/or speculators to be able to buy property outside of Lamu and use the remainder of the proceeds to live from.

This steady abandonment of the city goes hand in hand with a loss in intangible heritage and a change in demographics that, while the Old Town has always had a level of diversity, results in a depletion of the Swahili culture for which the property is known.

Due to the low income level of the residents and property owners in Lamu, many of the historic buildings fall into disrepair. To exacerbate the situation, many such owners feel they should rather sell their property before they cannot fetch a good price for it any more. The mission team has heard that even so, ruined properties are also bought by non-Lamu buyers or developers.

During 1995-2000, an European Union matching grant system (75% grant + 25% owner) resulted in the restoration of 16 historic houses. The *status quo* of this scheme has not been ascertained by the mission.

This depletion of Lamu culture, as well as the trend towards external or even absentee ownership of properties must be seen as a threat to the OUV of the property.

3.2.7 Informal settlements

The Mission team could not visit the informal settlements around Lamu Old town due to time constraints. The mission team is concerned that due to this it cannot speak with authority – the team did however discuss the settlements with the NMK and after the mission also received information from a researcher of the KTH (Royal Institute of Technology, Stockholm) who is working on the informal settlements in the west (on the loping dunes) and north of Stone Town.

In discussion with the NMK it appears as if there is no real control of these settlements by the local authority. Also that some of these settlements have been in existence for many years, and have 'solidified' to a great extent into permanence. On the basis of information gathered, it appears that the towns are seriously under-serviced and under-maintained, that unsanitary conditions prevail, that some buildings (block-work and non-permanent building materials with 'makuti' or palm leaf roofs) are sinking into the ground, that there is little infrastructure, no social spaces and social services, that there are serious fire hazards, that there is no land tenure, that there are serious social problems (including the youth) and that there is no available baseline data on population numbers, demographics and economic status. The team has been made aware of a GIS mapping survey of the whole Lamu property performed by the National Council for Science and Technology for the NMK, as well as a 2009 survey of the informal settlements – it must be ascertained if these surveys are adequate as a foundational map for mapping further data.

In the NMK verbal report on the SOC at the stakeholders meeting the team was informed that an upgrading of informal settlements and an action plan for participatory urban appraisal will be undertaken by the Lamu County Council, the Lamu Museum and construction office as well as the Physical Planning Department.

The 'informal' or unregulated settlements are an important part of the question about the future sustainability of the World Heritage property in the sense that they are in actual fact part of the ecology of the whole of the island and intricately linked to the property. It is understood that already Lamu Old Town does not receive enough resources in terms of urban infrastructure and urban management, that these informal settlements are (apart from spurious infrastructure components) are not resourced and are obviously in even greater dire straits than Lamu old town. Seen together with the proposed port development - with subsequent decline in the economy of Lamu Old Town due to that competition - as well as due to a possible mainstreaming of resources to the new port, and seen together with the fact that having such a serious social problem and deficiency in the World Heritage property is not adequate from either a humanitarian, cultural or a local economic development point of view, and that ultimately this situation is detrimental to the protection and sustenance of the OUV of the property. The team is of the opinion that this item needs to be flagged as a serious factor influencing the property that the problem needs to be better understood and that action is required before the problem cannot be controlled and rectified any more.

3.2.8 Sustainability of Lamu

Due to a lack of baseline information it would not be possible to make any fundamental assessment of the sustainability of Lamu Old Town. From walking in the town and from

inquiring from various sources it is clear that the locality is under-resourced, under-managed, not economically vibrant and may come under further stress due to the proposed mega port development, that there are social problems (drug abuse was often quoted) and that the natural ecology is under stress, especially in the water catchment area at Shela sand dunes. However, the social cohesion and spirit of the townspeople is remarkable, as is their strong sense of custodianship of the property.

The team is of the opinion that it is important to understand the limits to settlement size and population relative to the natural resources and an ecological homeostasis, as well as the area's capacity to create and sustain job opportunities.

In the debriefing meeting with the NMK the mission team was pressed upon by those present that ideally a World Heritage city should be managed to provide stability and empowerment to its citizens, should accrue benefits to its citizens and should not be the harbour for a culturally, socially and ecologically deprived community. The mission team is in agreement. During the stakeholders meeting some requested help with resources in helping to raise community awareness on developmental and environmental issues and how to balance development and conservation, the ex-mayor argued for the more cultural tourism with heritage courses to support the industry and create work and for the establishment of a 'conservation fund', while a women's group argued for training in historic cultural aspects and the need for marketing of handicraft products. In this sense the team senses a lively interest in the World Heritage property and the benefits it can bring, and indicates that there is a need for a Local Economic Development Plan that ensures empowerment and that benefits flow the local community as a whole.

In the absence of baseline information on the current sustainability of the town, and how the town should be managed to achieve a greater sustainability in the face of a large potential threats, it is necessary to commission focussed studies and also to share observations with the inhabitants and get local input into best way to solve some of the issues.

4 CONCLUSIONS AND RECOMMENDATIONS

Based on the identification and assessment of issues in Section 3, as well as the condensed assessment of the state of conservation of the property and its buffer zone (and what is ideally to be part of the buffer zone) in Section 4, the following suggestions and recommendations are put before the State Party for consideration:

4.1 Management

Requested State Party progress report

- The requested progress report is only due on 1 February 2011 for consideration by the World Heritage Committee at its 35th session in 2011.

General quality of management of the property

- It is recommended that the technical component of the Lamu Museum staff be bolstered to be able to more effectively monitor impacts and to provide assistance in the management and protection of the OUV, to ensure that the still outstanding planning and protection mechanisms in the form of the Management plan and Action plan be completed with due speed and to request a greater level of integration of management between the Lamu Museum and the County Council.

Site delimitation

(i) Property boundary:

- It is recommended that a complete and accurate map of the World Heritage property with a detailed description of its boundary and coordinates be prepared and lodged with the World Heritage Centre as soon as is possible and as a matter of urgency.

(ii) *Buffer zone:*

- It is requested that the NMK officially inform the World Heritage Centre of an already affected change in the status of the buffer zone and urgently provide the documentation (ie the Gazette, maps and co-ordinates) of the additional area that is claimed to have been gazetted after Inscription, being the area between Lamu Old Town and inclusive of Shela town, as well as a portion of the Shela sand dunes and also the whole of Manda island.
- In order to effectively and adequately protect the OUV of the property and its setting, and additionally in the light of possible future threats to the OUV of the property posed by the port mega project, it is strongly recommended to further extend the buffer zone to include the whole of the Lamu archipelago from Shela to Pate before the port development is commenced.
- It is recommended that if the ideal state of extending the buffer zone to include the whole archipelago cannot be attained due to valid reasons, and/or if the results of an EIA for the mega port development indicates that the threat to the archipelago and the property is of a scale that can be mitigated, it remains important to ensure that the buffer zone is extended to include Ras Kitau, Manda Island and the whole of Lamu Island.
- In order to effectively and adequately protect the OUV of the property, it is imperative to upgrade the building regulations for any newly included areas in the buffer zone, to not extend permits for new developments on Manda Island and to not provide it with piped water from the Shela sand dunes in order not to exacerbate the shortage of fresh water supply to the existing Lamu population.

Infrastructure improvement

(i) *Paving:*

- In the light of the loss of storm and grey water due to the eventual paving of all pathways and street surfaces in the Old Town (as well as the informal settlements) it is recommended that plans be devised that both the storm and grey water runoff in the town be carefully managed for eventual catchment, treatment and re-use, and that this be taken into consideration in the design and execution of the remainder of the paving project still to be executed.

(ii) *Waste management:*

- In the light of the finite fresh water supply for the World Heritage property and buffer zone, it is recommended that plans be drafted to capture storm and grey water in settlements for future treatment and re-use.
- In the light of the health and environmental hazards of discharging sewerage into the bay it is recommended that green approaches be investigated and that sewerage upgrade proposals contained in the AWHF sponsored infrastructure report be implemented by the State Party.

Management Plan and Action Plan

- It is requested that all effort be made to (still within 2010) improve, complete and approve of the Management Plan for the property if the Panel of International Assistance grants the funding for this activity.

Regional development plan

- It is recommended that in the Review period of the Regional Development Plan about to be promulgated, the NMK tries to ensure that it can deal with all issues that have a possible negative impact on the OUV of the property in an integrative manner.

4.2 Factors affecting the property

New 2nd Port of Kenya and the exploration for and refinement of oil

- The proposed Port project is of a scale, scope and nature to pose a threat to various components of the OUV of the World Heritage property as well as on the environment around. In the absence of clear data on the project, the State Party is requested to provide all info pertaining to the nature, scale, content and timeframe of this project and submit it to the World Heritage Centre as a matter of urgency.
- It is strongly recommended that the NMK to be involved in the whole planning process for the proposed port and, as was accepted in principle by the National Authorities during the mission visit, that a Task Team involving technical experts from all relevant government Departments involved in the procurement of the project to, together with experts from the NMK, is assembled to timeously flag all issues that can impact negatively on the OUV of the World Heritage property on the short and the long term, to make that data available as input into the project concept, and to provide that data to the World Heritage Centre as a matter of urgency.
- It is recommended that a comprehensive EIA be well integrated with the Cultural assessment and archaeological report of the NMK. We were informed that the project is the responsibility in Ministry of Transport. It would be of great benefit if this Ministry is required to draft TORs with full involvement and input from the NMK to ensure that the aspects relative to the OUV of the World Heritage property are fully attended in the TORs of the EIA, that the cultural and archaeological assessments are fully integrated, that the EIA be independently reviewed and then submitted to the World Heritage Centre for consideration, and that this is achieved before any site establishment and breaking of ground on site.
- Aspects that have to be specifically addressed in the cultural assessment are focussed on protecting the OUV and authenticity and integrity of the World Heritage property, and include impacts on tangible heritage of the property, impacts on the intangible heritage of Lamu, impacts on artesinal fishing industry of Lamu, changes in skills base of the town, impacts on the tourism industry, the impacts of population increase in the district, increases in informal settlement, the impacts of demographic change, impacts of labour migration, visual impacts, impacts on sea currents and coast edge vegetation, loss of archaeological deposits and sites.
- It is stressed that heritage is not only tangible but also intangible. There is a great need to include for the immediate performance of a detailed social study of Lamu in order to be able to understand the impacts of the project on the social milieu of Lamu as this has a direct bearing on the retention and protection of the OUV, and how the town will have to be managed after the building of the Port.

Changes in architecture

- In the light of the various creeping changes to the architecture for which the property was inscribed, it is recommended that changes are constantly monitored and documented, and that trends be mapped.
- It is recommended that the property is diligently managed via the application of the existing promulgated building by-laws.
- It is recommended that the monitoring staff be increased and strengthened.
- It is strongly recommended that there is greater co-operation between the County Council with the NMK in effecting the by-laws and other relevant regulations

Large developments at the Lamu harbour

- It is recommended that a drawing of the whole waterfront refurbishment project be submitted to the World Heritage Centre to allow it to give comment and to see if an EIA would be necessary or not.

- It is requested that the as-built drawings of the Lamu Jetty upgrade be lodged with the World Heritage Centre.

Uncontrolled development

- It is recommended that uncontrolled development is constantly monitored and documented and to apply planning provisions and building by-laws more stringently to curb uncontrolled development.
- It is recommended that there be clear planning regulations for the settlements that are focussed on retention and protection of the OUV of the property.
- It is suggested that there be a clear spatial separation between Lamu and Shela towns, and to see that there is a limit placed on the extension of the urban fabric of Lamu towards the east – this will enhance the OUV of Lamu Old Town.
- It is recommended that the proliferation of signboards in the property be controlled by regulations and guidelines.
- It is recommended that the presentation of the site receive more attention in the main public places and the public space structure of the town in general.

Encroachment of the Water Catchment Area in the Shela dunes

- It is recommended that the buffer zone be extended to include whole of the southern dune area (ie over and above the currently Gazetted area).
- It is recommended that the entire dune area of 19km square must be treated as riparian land and be mapped out and Gazetted as a 'groundwater conservation area'.
- It is essential that all illegal land allocation on the dune area be revoked and declared null and void.
- It is suggested that there be sensitization of people at all levels, inclusive of politicians, planners, and community, to understand why it is important to keep the Gazetted area unbuilt and unpolluted.
- It is recommended that signage, stating the area is a World Heritage property, is protected under the Water Act 2002 and local by laws etc, be erected on the boundaries of the dune area.
- The mission team puts forward that the ideal situation would be to remove the buildings and fences that have illegally encroached onto the dunes in order to unambiguously indicate the protected status of the dunes, to rehabilitate the disturbance in the dune formation process and to have no contamination of the fresh groundwater.
- It is recommended that the existing smaller incomplete structures and fences must be removed immediately, and that the excavated and flattened dunes be rehabilitated under guidance of coastal and hydrology management experts.
- It is recommended that steps be taken to increase appropriate vegetation cover on the dunes, under guidance of coastal and hydrology management experts.
- The impact of the use of a third of the dune area for agricultural purposes must be studied to guide future management.

Ownership issues

- It is suggested that a form of assistance be made available for local property owners to be able to stay in Lamu and fix their properties.
- It is recommended that the Management Plan must ensure necessary measures to avoid abandonment of the old town by Swahili people.
- It is suggested that there is an urgent need for a socio-geographic study to understand changes, forces and processes around migration, settlement and work, in order to better manage the property as well as to have baseline data from which to assess the future EIA of impacts on Lamu as related to the mega port development.

Informal settlements

- The mission team stresses the need for the Regional Development Plan to deal with all issues of the wellbeing and protection of the OUV of Lamu in an integrated manner.
- It is recommended that existing surveys of the property and specifically the informal settlements be used as basis documents for crucial 'baseline' data to be compiled from which to assess the actual situation in Lamu Old Town in terms of demography and socio-economy.
- It is recommended that, from reliable data, an analysis be made of newly emerged problems in the informal settlements and their anticipated effects on the Property, seen from short-medium-long term perspectives. With the problem analysis in hand, the physical and socio-economic upgrading requirements need to be identified in public consultation, to ensure quality of life but also that the settlements will not pose a serious heritage issue or diminishment of the OUV.
- It is recommended that phased costs for community assisted upgrading of the informal settlements be established and that funds be secured to carry out such upgrading.

Sustainability

- It is strongly recommend that a range of baseline data be collected, analysed, and assessed in order to formulate a strategy for a sustainable conservation of the World Heritage property, - it is imperative that the sustainability of Lamu Old Town be understood in order to understand how to manage future changes and impacts. Specific knowledge about the resources and carrying capacity of the island is vital.

5 ANNEXES

ANNEXURE A

Terms of Reference for the Reactive Monitoring Mission to Lamu old town

Decision 33 COM 7B.44

The World heritage Committee,

1. Having examined Document *WHC-09/33.COM/7B*,
2. Recalling Decision **32 COM 7B.48**, adopted at its 32nd session (Quebec City, 2008),
3. Notes the progress made with the finalisation of the management plan, the extension of the buffer zone, the development of infrastructure projects and the identification of possible donors;
4. Also notes that the oil and gas exploration has ceased and that the current plans for the second national port are unlikely to impinge adversely on the property; but nevertheless stresses the need for National Museums of Kenya (NMK) to be involved in the whole planning process for the proposed port;
5. Requests the State Party to provide three printed and electronic copies of the management plan which is due to be completed shortly, together with an action plan, for review by the World Heritage Centre and the Advisory Bodies;
6. Also requests that the proposal to extend the buffer zone to cover the Ras-Kitau-Manda skyline be submitted to the World Heritage Committee for approval;
7. Urges the State Party to continue with its exploration of a wider extension of the buffer zone to cover the Lamu peninsula and the wider water catchment area supported by the Donor Conference;
8. Requests that the proposals for major developments at Fort Lamu and the Lamu seafront be submitted to the World Heritage Centre in conformity with Paragraph 172 of the *Operational Guidelines*;
9. Expresses its continuing concern at pressures on the property from informal settlements and projects in the buffer zone;
10. Also urges the State Party, in collaboration with the relevant ministries, to support the NMK and the Lamu County Council to put in place strong planning mechanisms and protection measures in order to provide a robust structure and ensure the protection of the property;
11. Further requests the State Party to invite a joint World Heritage Centre / ICOMOS / ICCROM reactive monitoring mission to the property in 2010 to assess the state of conservation and in particular, the potential threat to the Shella sand dunes and other parts of the buffer zone, and also the overall sustainable development of the property;
12. Requests furthermore the State Party to submit to the World Heritage Centre by **1 February 2011** a progress report on the implementation of the above for consideration by the World Heritage Committee at its 35th session in 2011.

ANNEXURE B

| <p align="center">Reactive monitoring mission ICOMOS/ WHC - Kenya 6 May – 9 May 2010 Status quo mission itinerary and programme</p> | | | |
|--|--------------------|--|---|
| Day | Time | Activity | Comments |
| Thursday 6 May | 06 :00 | Arrival of mission team in Nairobi | |
| | 09:00 – 13:00 | Take part in Periodic Reporting recommendations and meeting conclusion | |
| | 15:00-16:00 | Mission team briefing at Director General and/or Permanent Secretary, National Museums of Kenya | |
| | 16:00 | Collect all requested documents re Port project for use during mission | Received no confirmation of detail of Port project and no documentation at PS of NMK. |
| Friday 7 May | 12:30 pm | Arrival of team members in Lamu with Fly 540 | |
| | 1:00-2:00 pm | Lunch | |
| | 2:00-3:00 pm | Discussion | |
| | 3:00 pm. | Courtesy call to the District Commissioner Lamu District. | |
| | 4:00 pm | Boat Tour to Sand Dunes/ Lamu Water catchments | |
| | 7:00 pm | Dinner with NMK officials and institutions | |
| Saturday 8thMay | 8:30 am to 2.30 pm | Meeting with institutions concerned with the management and service provision in Lamu – | Combined with the stakeholder meeting |
| | | <ul style="list-style-type: none"> • District Commissioner • Lamu County Council • District Physical Planner • Water resource management authority • Public Health Officer • District Tourism Officer • Public Works Officer • District Warden, KWS • Manager KPLC • Manager Kenya Ports Authority • Manager Air Kenya • District surveyor –Lamu | <ul style="list-style-type: none"> • Representatives of Shela community • Board and members of Shella Environmental Residents Group (SERG) • Chief Shela /Manda • Wanaharakati Okoa Lamu • Lamu Foundation • Councillor, Shela • Shela residents • Shela Hotel managers • Coastal sites and monuments • LCC • Religious Leaders • Representative of House owners • Representative of Hotel owners • Representative of Lamu residents • Representative of Tour operators • Representative of Tour guides • Kenya Airports Authority, Lamu • Coastal Sites and Monuments • Representative of religious groups • Chief Mkomani |
| | 2:30-6:00pm | Visit site of Port project location and also possible critical viewpoints | |
| | Evening | Mission team discuss issues and identify main issues and responses | |
| Sunday 9 May | 8:00-10:00 am: | Walking tour: Through Lamu Old Town to see conservation efforts. | The walking tour could not take place due to a heavy downpour – the team did however walk through part of the town on other occasions. |
| | 10:00 – 12:30 am | Wrap Up Meeting with Chair of the NMK Board and the Site Manager and his team | |
| | 12:30-1:30 pm | Lunch | |
| | 2:00 pm | Departure of Mission Team to Lamu airport for Air Kenya flight to Nairobi and onward flights | |

ANNEXURE C
Composition of the Mission team

Mr Lazare Eloundou Chief of Africa Unit, UNESCO World Heritage Centre

Mr Joseph King Director of Sites Unit, ICCROM

Prof Karel Bakker ICOMOS
(Head of Department Architecture, University of Pretoria)

Dr Fumiko Anahito Programme Specialist for Culture, UNESCO Nairobi Office



ANNEXURE D

Maps of the World Heritage site indicating action referred to in Text

Fig.1 Map of the Lamu Archipelago in the Nomination Dossier (2000, Appendix I, Map 1) showing the lamy WH Property and BZ area with indication of location and extent of the proposed new 2nd port for Kenya and indicating dredged super tanker shipping lane – also note interconnectedness of channels and bays in the archipelago ecosystem.

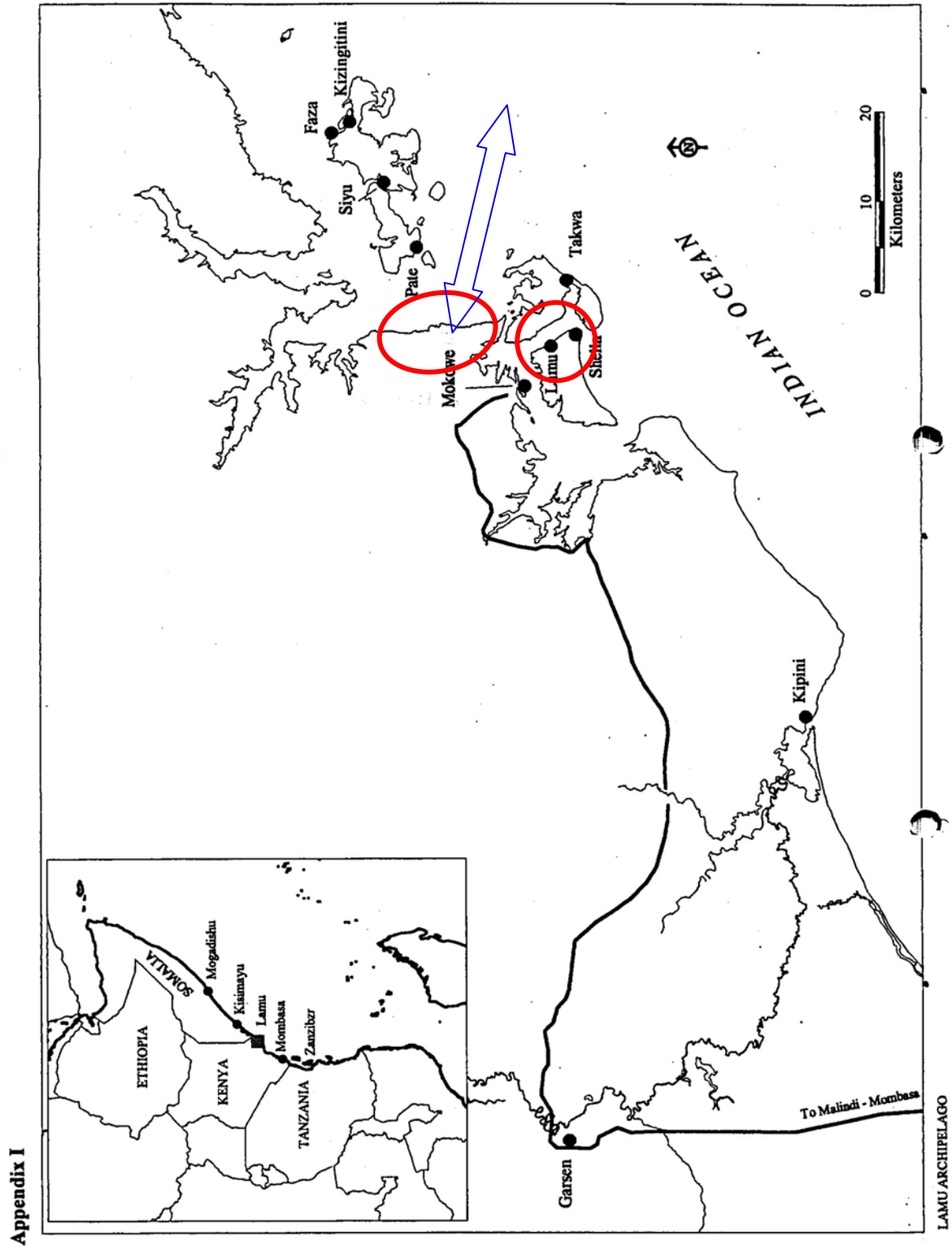


Fig.2 Aerial photograph (Google Earth 2010) showing Lamu WH Property, Manda and Paté islands and various National Parks, as well as the lamu Biodiversity Reserve, relative to the proposed site for the 2nd Port for Kenya and accompanying city and infrastructure.

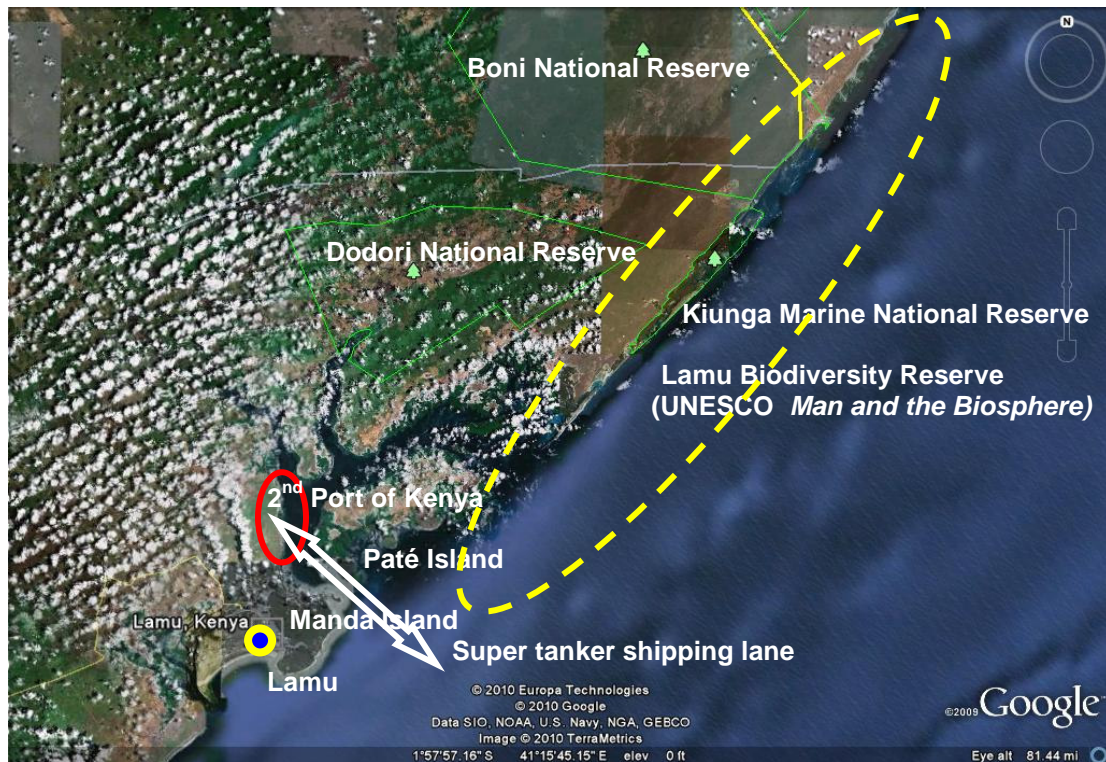


Fig. 2b Aerial photograph (Google Earth 2010) showing the close proximity between the Lamu WH Property and proposed 2nd Port for Kenya (Note Property BZ needs to extend).

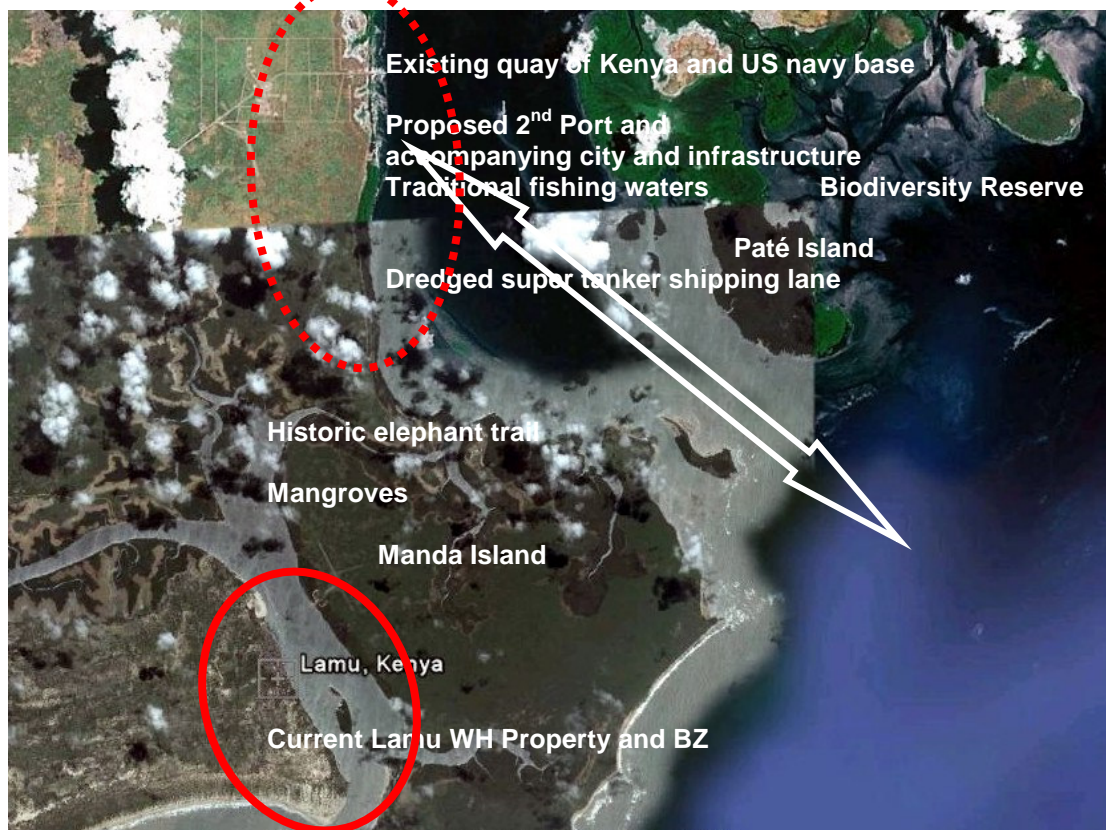


Fig.3 Map in the Nomination Dossier (2000, Appendix I, Map 2) of east of Lamu Island showing the extent of the WH Property (Lamu Old Town) in solid black, the Buffer Zone in red and the gazetted portion of the Shella sand dunes in blue – note that the Manda-Ras Kitau skyline has since been added to the original BZ.

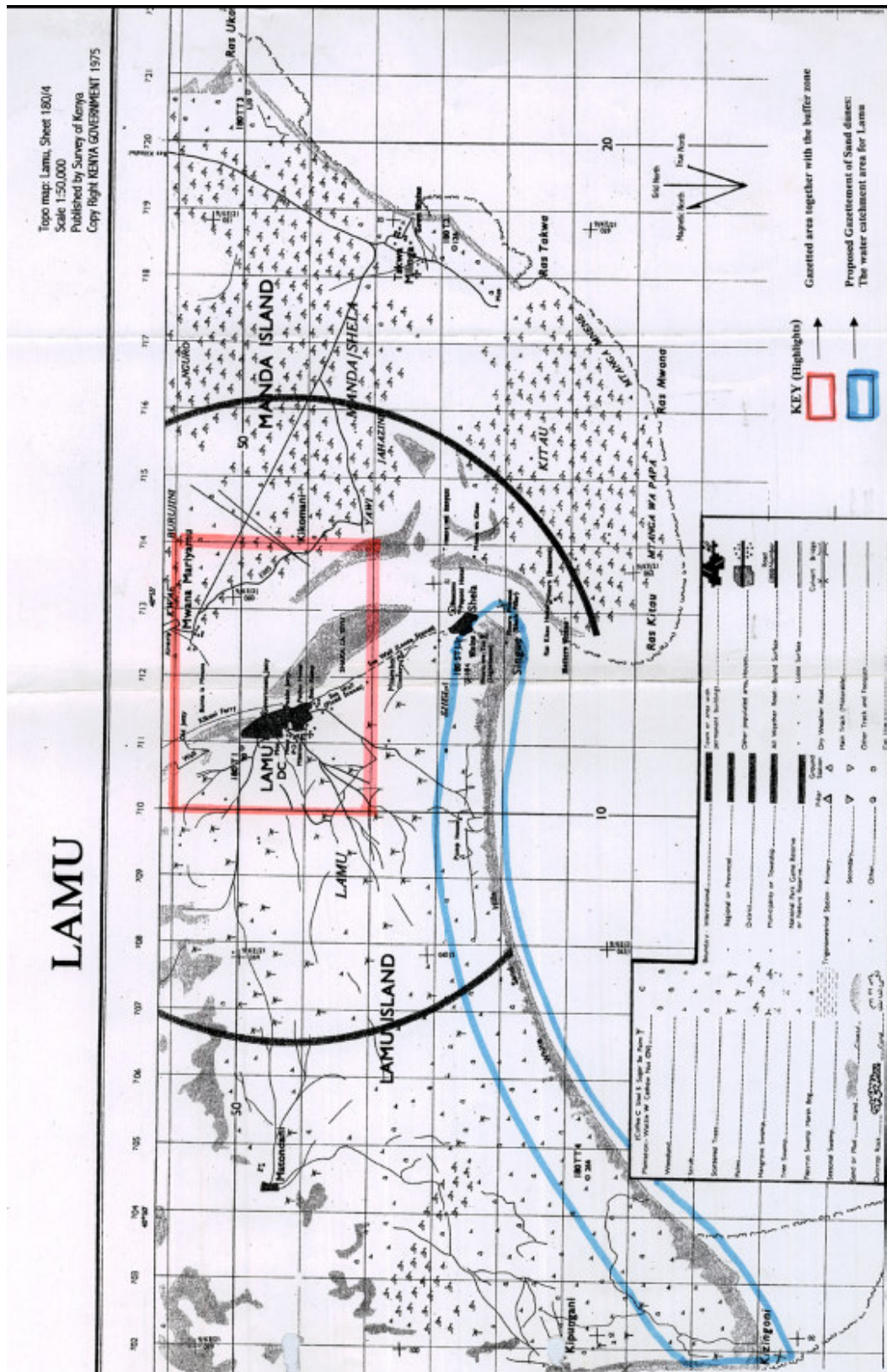
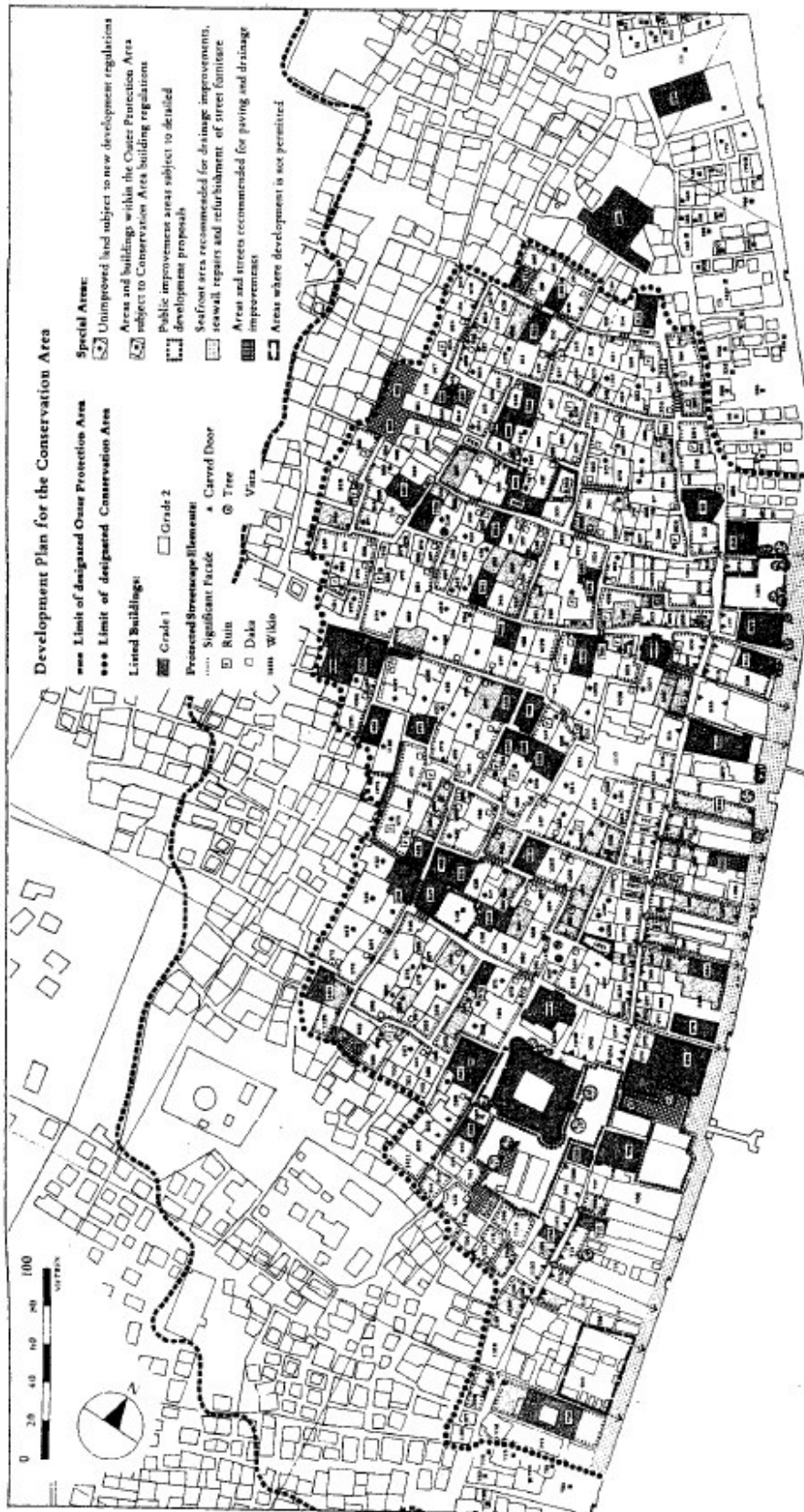


Fig.4 Map in the Nomination Dossier (2000, Appendix II, Map 2) intended to show the extent of the Property (Lamu Old Town) – note that this map (part of Siravo's 1984-5 update of the first survey of Lamu) does not indicate which line is the exact boundary of the WH Property.

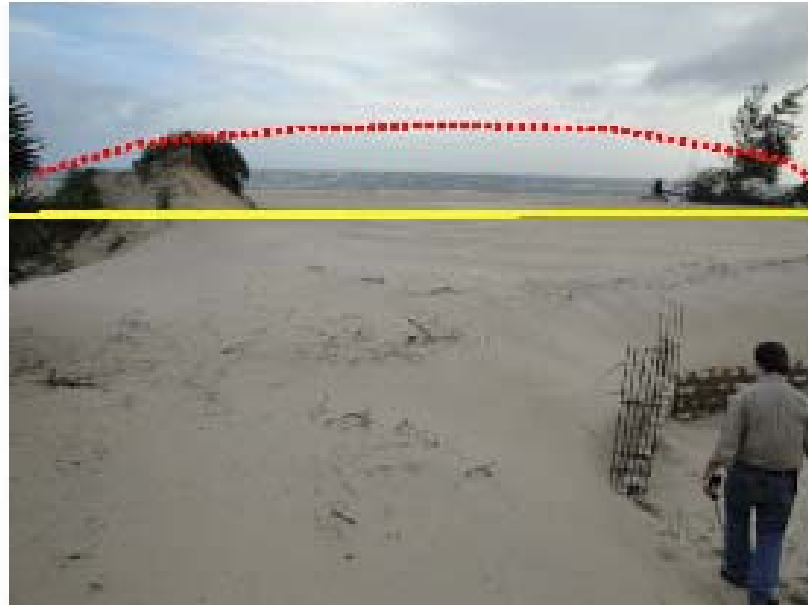


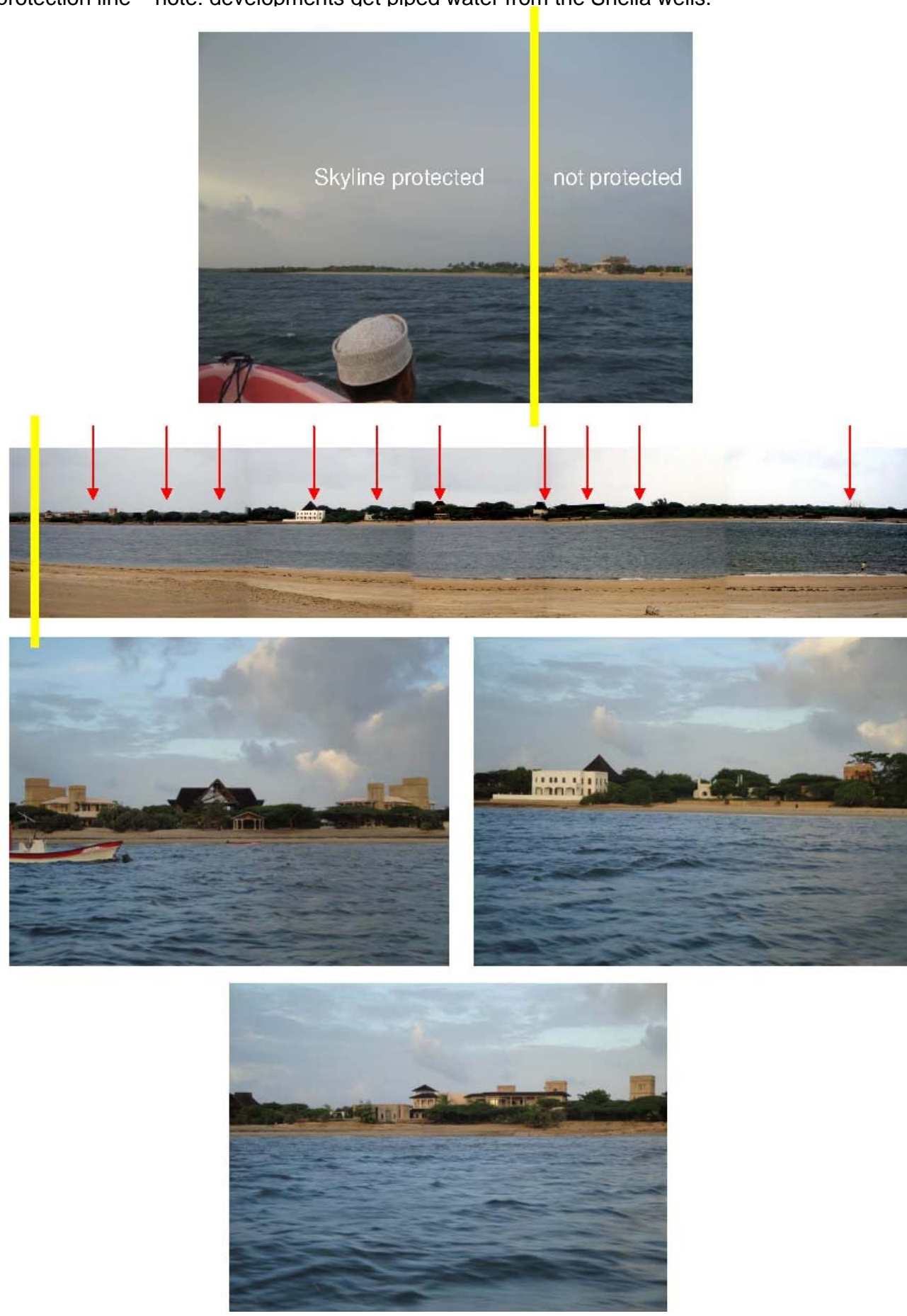
ANNEXURE E

Photographs taken during the Mission

ANNEXURE E
Photographs taken during the Mission

Joint UNESCO WHC, ICCROM and ICOMOS Reactive Monitoring Mission, Lamu Old Town (WH1055), Kenya, 6-9 May 2010







Joint UNESCO WHC, ICCROM and ICOMOS Reactive Monitoring Mission, Lamu Old Town (WH1055), Kenya, 6-9 May 2010





Joint UNESCO WHC, ICCROM and ICOMOS Reactive Monitoring Mission, Lamu Old Town (WH1055), Kenya, 6-9 May 2010



Joint UNESCO WHC, ICCROM and ICOMOS Reactive Monitoring Mission, Lamu Old Town (WH1055), Kenya, 6-9 May 2010



Joint UNESCO WHC, ICCROM and ICOMOS Reactive Monitoring Mission, Lamu Old Town (WH1055), Kenya, 6-9 May 2010

