



Netherlands Commission for
Environmental Assessment

Dr. Ayub Macharia
Ag. Director General NEMA

your reference

your letter

our reference
OS25-O93/AK/Lw

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Date: 25 July 2012
Subject: Second advice on the Land Use Plan and SEA for the Tana Delta, Kenya

Dear Dr. Macharia,

In November 2011, you asked the Netherlands Commission for Environmental Assessment at the request of the Inter-Ministerial Technical Committee, the LUP/SEA secretariat and the Office of the Prime Minister, to advise on the Strategic Environmental Assessment of the Land Use Plan, for the Tana Delta in Kenya. It is my pleasure to submit herewith the second advice on both the Land Use Plan and the Strategic Environmental Assessment.

I would like to draw your attention to the following issues:

- Water is crucial for the development of the Tana Delta. The Water Catchment Strategy (2008) and the Water Allocation Plan (forthcoming in 2012) provide guidance on the use and distribution of water in the Tana basin. Therefore, the development opportunities for the Tana Delta should ideally be assessed in the framework of those plans for the entire basin.
- The decrease of the water availability in the Lower Tana already has implications for the present users of the Delta. The expected on-going decrease of the water availability due to upstream developments will further hamper the potential for (economic) development of the Delta. Therefore, I propose to carry out an analysis of the constraints and in addition identify and assess the application of, for example, best technical means (more crop per drop).
- Land use planning in a context like the Tana Delta, where formal land rights are not clear, may be a conflict sensitive process. I would thus like to emphasize that consultation of all stakeholders is required to adopt and implement the Land Use Plan. Furthermore, in my opinion, the steering and implementation of this process demands impartiality. Nature Kenya has an interest and a central

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role in this process. This might hamper the adoption of the Land Use Plan. In the SEA / LUPs that are planned for five more deltas, I recommend to reconsider the position of Nature Kenya.

- The proposed Land Use Plan, including Strategic Environmental Assessment is a promising pilot for land use planning in the other Deltas in Kenya. I propose to make sufficient capacity and means available to secure quality.

The NCEA would appreciate to be kept informed on how this advice will be used.

I would like to reiterate the willingness of the Commission to continue co-operation with NEMA in the coming years.

Yours sincerely,

Professor Rudy Rabbinge



Chairman of the Working Group – Advice on the Land Use Plan and SEA for the Tana Delta, Kenya