

**GUIDANCE
NOTE FOR
BORROWERS**

**Environmental &
Social Framework
for IPF Operations**

**ESS8:
Cultural Heritage**

The Guidance Notes provide guidance for the Borrower on the application of the Environmental and Social Standards (ESSs), which form part of the World Bank's 2016 Environmental and Social Framework (ESF). The Guidance Notes help to explain the requirements of the ESSs; they are not Bank policy, nor are they mandatory. The Guidance Notes do not substitute for the need to exercise sound judgment in making project decisions. In case of any inconsistency or conflict between the Guidance Notes and the ESSs, the provisions of the ESSs prevail. Each paragraph of the Standard is highlighted in a box, followed by the corresponding guidance.

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Introduction

1. ESS8 recognizes that cultural heritage provides continuity in tangible and intangible forms between the past, present, and future. People identify with cultural heritage as a reflection and expression of their constantly evolving values, beliefs, knowledge, and traditions. Cultural heritage, in its many manifestations, is important as a source of valuable scientific and historical information, as an economic and social asset for development, and as an integral part of people's cultural identity and practice. ESS8 sets out measures designed to protect cultural heritage throughout the project life cycle.

2. This ESS sets out general provisions on risks and impacts to cultural heritage from project activities. ESS7 sets out additional requirements for cultural heritage in the context of Indigenous Peoples. ESS6 recognizes the social and cultural values of biodiversity. Provisions on Stakeholder Engagement and Information Disclosure are set out in ESS10.

Objectives

- To protect cultural heritage from the adverse impacts of project activities and support its preservation.
- To address cultural heritage as an integral aspect of sustainable development.
- To promote meaningful consultation with stakeholders regarding cultural heritage.
- To promote the equitable sharing of benefits from the use of cultural heritage.

Scope of Application

3. The applicability of this ESS is established during the environmental and social assessment described in ESS1.

GN3.1. It is important to consider the risks and impacts to cultural heritage at all stages of the project cycle as part of the environmental and social assessment. Early attention to cultural heritage is particularly important as its presence may need to be considered in the design of, and during, the project. Consultations with relevant stakeholders, including project-affected parties and national or subnational cultural heritage authorities; analysis of national legislation and regulations for managing cultural heritage; and review of available heritage inventories, maps, and land or coastal surveys, are all steps that can help to identify cultural heritage, and to understand the nature and significance of the project's potential environmental and social risks to, and impacts on, that heritage.

4. The term 'cultural heritage' encompasses tangible and intangible heritage, which may be recognized and valued at a local, regional, national, or global level, as follows:

- Tangible cultural heritage, which includes movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Tangible cultural heritage may be located in urban or rural settings, and may be above or below land or under the water; and
- Intangible cultural heritage, which includes practices, representations, expressions, knowledge, and skills—as well as the instruments, objects, artifacts, and cultural spaces associated therewith—that communities and groups recognize as part of their cultural heritage, as transmitted from generation to generation and constantly recreated by them in response to their environment, their interaction with nature, and their history.

GN4.1. Cultural heritage may be recognized and valued for many reasons, including:

- (a) Social and spiritual value of historic and present connections to existing communities;
- (b) Scientific importance as a source of archaeological or historical evidence;

- (c) Contextual value inherent in its condition, completeness, rarity, artistic or aesthetic qualities, or provenance; and
- (d) Economic value as a generator of income from tourism and other commercial activities.

5. The requirements of this ESS8 will apply to all projects that are likely to have risks or impacts on cultural heritage. This will include a project which:

- (a) Involves excavations, demolition, movement of earth, flooding, or other changes in the physical environment;
- (b) Is located within a legally protected area or a legally defined buffer zone;
- (c) Is located in, or in the vicinity of, a recognized cultural heritage site; or
- (d) Is specifically designed to support the conservation, management, and use of cultural heritage.

GN5.1. Besides the more obvious types of impacts that are often linked to excavations, demolitions, or other physical changes, including air or water pollution that may affect cultural heritage sites and structures, impacts can occur because of an irrigation project that results in a rise and fall of the water table in an area that may damage the foundations of ancient buildings or artifacts, or due to an energy project to construct transmission lines that may disfigure historic or natural landscapes.

GN5.2. The environmental and social assessment should identify any nationally or subnationally recognized cultural heritage sites and take into account legal or other requirements for their protection and management. Other requirements may include local customs and traditions.

6. The requirements of ESS8 apply to cultural heritage regardless of whether or not it has been legally protected or previously identified or disturbed.

GN6.1. Cultural heritage may have different values for different individuals or groups, regardless of whether it has been legally protected or previously identified or disturbed. Stakeholder engagement, including with members of the community as well as cultural heritage experts, is important to identify relevant stakeholders and the values and significance they attach to cultural heritage. For example, a local shrine may be important for traditional religious worship, but may be unknown or not considered significant by national cultural heritage authorities. In some cases, archaeological evidence, both on and beneath the surface, may be of limited interest to a local community, but significant to specialists for an understanding of past human habitation.

GN6.2. While some cultural heritage in a country may have already been identified, and in some cases legally protected, many areas may not have been subject to cultural heritage surveys, and therefore documentation regarding possible cultural heritage may be relatively limited. Consequently, the preparation and implementation of projects can result in the discovery of previously unknown tangible and intangible cultural heritage.

GN6.3. Impacts on cultural heritage that are recognized by local communities as important need to be considered even if the cultural heritage is not legally recognized or protected. This consideration is important because the cultural heritage may be designated, protected, or managed by religious, tribal, ethnic, or other community authorities, and therefore recognized in accordance with tradition and customs. In some societies, the character, location, and use of heritage sites and objects may be kept secret or known only to authorized persons.

7. The requirements of ESS8 apply to intangible cultural heritage only if a physical component of a project will have a material impact on such cultural heritage or if a project intends to use such cultural heritage for commercial purposes.

GN7.1. The environmental and social assessment also takes into consideration the significance of intangible cultural heritage that may be materially affected or put at risk as a result of the project. For example, project activities may require cutting of trees or the movement of boulders that are used for cultural or religious practices and are considered sacred. If potential risks and impacts are identified, measures and actions to avoid, mitigate, and/or manage them are put into place. For example, it may be possible to arrange for protection in place, or for scheduled visitations, or community-sanctioned movement of such sacred items.

GN7.2. It is also important to consider risks to, and impacts on, intangible cultural heritage if a project intends to use such heritage for a commercial purpose, or contains components that seek to exploit and develop knowledge, innovation, or practices of local communities that fall into the category of intangible cultural heritage (see paragraphs 29 and 30 of ESS8 and Section E below for more information on commercial use of cultural heritage). For example, a tourism

project intended to support intangible cultural heritage may at the same time present risks to that heritage due to potential overexploitation or impacts due to overuse.

Requirements

A. General

8. The environmental and social assessment, as set out in ESS1, will consider direct, indirect, and cumulative project-specific risks and impacts on cultural heritage. Through the environmental and social assessment, the Borrower will determine the potential risks and impacts of the proposed activities of the project on cultural heritage.

GN8.1. Direct impacts, such as those caused by construction activities, are often the most readily apparent. These impacts generally result from excavation, dredging, flooding, or the vibration caused by heavy machinery. Indirect and cumulative impacts that may occur during implementation or after completion of a project may result from changing conditions in a watershed area, or from increased traffic and construction along a new or improved road.

9. The Borrower will avoid impacts on cultural heritage. When avoidance of impacts is not possible, the Borrower will identify and implement measures to address impacts on cultural heritage in accordance with the mitigation hierarchy.¹ Where appropriate, the Borrower will develop a Cultural Heritage Management Plan.²

Footnote 1. Mitigation measures include, for example, relocating or modifying the physical footprint of the project; documentation; strengthening the capacity of national and subnational institutions responsible for managing cultural heritage affected by the project; establishment of a monitoring system to track the progress and efficacy of these activities; establishment of an implementation schedule and required budget for the identified mitigation measures; and cataloging of finds. Such measures will take into account the provisions in Section D for specific types of cultural heritage.

Footnote 2. The Cultural Heritage Management Plan will include an implementation timeline and an estimate of resource needs for each mitigation measure. This may be developed as a stand-alone document or, depending on the nature and the scale of the risks and impacts of the project, as part of the Environmental and Social Commitment Plan (ESCP).

GN9.1. When impacts on cultural heritage cannot be avoided, it is important that the mitigation measures reflect national laws, involve relevant cultural heritage authorities and, as appropriate, consider the views of project-affected and other interested parties, including representatives of local and indigenous communities. For information on stakeholder engagement, see ESS10.

GN9.2. Mitigation measures should consider the specific characteristics of the cultural heritage being affected and the different values attributed to it by various stakeholders. In line with the mitigation hierarchy, immovable cultural heritage is best protected in place to avoid irreparable damage from removal. If it is not feasible to avoid impacts through a change in project design, other mitigation measures are developed to address the associated risks and impacts.

GN9.3. (Footnote 2) Based on the nature and scale of environmental and social risks to, and impacts on, cultural heritage, a Cultural Heritage Management Plan (CHMP) may need to be prepared, in consultation with relevant stakeholders. The CHMP includes measures for identifying and managing the cultural heritage, together with monitoring arrangements. An indicative outline for a CHMP is set out in Appendix A of this Guidance Note.

10. The Borrower will implement globally recognized practices for field-based study, documentation, and protection of cultural heritage in connection with the project, including by contractors and other third parties.

GN10.1. Methods for documenting and protecting cultural heritage typically include field surveys to identify cultural heritage likely to be affected by the project. Over small areas, manual survey techniques may be appropriate, while for larger areas, various cultural heritage survey techniques and technologies (for example photogrammetry, remote sensing for cross-referencing, and comparing survey data) may be more appropriate. For intangible cultural heritage, identification typically involves consultations with tradition bearers and practitioners of certain cultural practices. Intangible cultural heritage may be documented by recording the intangible forms and collecting documents that relate to it. The application of such methods is proportionate to the risks and impacts of the project on cultural heritage.

11. A chance finds procedure is a project-specific procedure which will be followed if previously unknown cultural heritage is encountered during project activities. It will be included in all contracts

relating to construction of the project, including excavations, demolition, movement of earth, flooding, or other changes in the physical environment. The chance finds procedure will set out how chance finds associated with the project will be managed. The procedure will include a requirement to notify relevant authorities of found objects or sites by cultural heritage experts; to fence-off the area of finds or sites to avoid further disturbance; to conduct an assessment of found objects or sites by cultural heritage experts; to identify and implement actions consistent with the requirements of this ESS and national law; and to train project personnel and project workers on chance find procedures.

GN11.1. A chance find is any unanticipated discovery or recognition of cultural heritage. Most often, chance finds occur during the construction phase of a project. Such finds include, for example, the discovery of a single artifact, an artifact indicating the presence of a buried archaeological site, human remains, fossilized plant or animal remains or animal tracks, or a natural object or soil feature that appears to indicate the presence of archaeological material.

GN11.2. A chance finds procedure is included in relevant procurement documents and instructions to contractors. The procedure should cover discovery of artifacts in the soil or under water. A chance finds procedure is not a substitute for preconstruction surveys and analyses.

GN11.3. A chance finds procedure covers the identification, notification, documentation, and management of chance finds in accordance with national laws and, where applicable, internationally accepted practice and local customs. Components of a chance finds procedure may include:

- (a) An advance survey and monitoring of ground-disturbing activities, especially in locations with a high likelihood of cultural heritage;
- (b) Steps for temporary work stoppages in the event of a potentially significant discovery;
- (c) Steps to protect chance finds from the impacts of any further project activities;
- (d) A contractor code of conduct with rules and guidance on how to address chance finds and training of contracted workers;
- (e) Steps for appropriate intervention where chance finds have been discovered;
- (f) A monitoring system for the implementation of the chance finds procedure;
- (g) Arrangements with relevant government authorities; and
- (h) Arrangements with relevant indigenous authorities, where appropriate.

12. Where necessary due to the potential risks and impacts of a project, the environmental and social assessment will involve the participation of cultural heritage experts. If the environmental and social assessment determines that the project may, at any time during the project life cycle, have significant potential risks and impacts on cultural heritage, the Borrower will engage cultural heritage experts to assist in the identification, valuation assessment, and protection of cultural heritage.

GN12.1. Different kinds of cultural heritage have their respective areas of relevant expertise. It is important that any experts engaged have the appropriate experience and expertise to address the cultural heritage identified in the project.

B. Stakeholder Consultation and Identification of Cultural Heritage

13. The Borrower will identify, in accordance with ESS10, stakeholders that are relevant for the cultural heritage that is known to exist or is likely to be encountered during the project life cycle. Stakeholders will include, as relevant:

- (a) Project-affected parties, including individuals and communities within the country who use or have used the cultural heritage within living memory; and
- (b) Other interested parties, which may include national or local regulatory authorities that are entrusted with the protection of cultural heritage and nongovernmental organizations and cultural heritage experts, including national and international cultural heritage organizations.

GN13.1. Consultation with stakeholders may lead to the identification of cultural heritage. For example, consultations with project-affected parties may reveal the presence of unexplored archaeological material. Identification of cultural heritage can also be achieved through consultation with national heritage authorities, cultural heritage experts, and, where appropriate, local and individual tradition bearers.

GN13.2. Relevant stakeholders are identified and consulted early in project preparation, as this can help to identify cultural heritage, document its presence and significance, assess potential project impacts, and determine appropriate mitigation measures in a timely manner. The variety in types of cultural heritage may call for consultation with different stakeholders, including local and indigenous tradition bearers where appropriate, who may have different interests in, or attach different significance to, the cultural heritage. ESS10 and related guidance provide more details on stakeholder identification.

14. The Borrower will carry out meaningful consultations³ with stakeholders in accordance with ESS10 in order to identify cultural heritage that may be affected by the potential project; consider the significance⁴ of the cultural heritage affected by the project; assess the potential risks and impacts; and explore avoidance and mitigation options.

Footnote 3. The Borrower will support the inclusion and cooperation of the various stakeholders through a dialogue with the appropriate authorities, including the relevant national or local regulatory authorities entrusted with the protection of cultural heritage, to establish the most effective means for addressing the views and concerns of the stakeholders and involving them in the protection and management of the cultural heritage.

Footnote 4. The significance of cultural heritage is considered according to the value systems and interests of project-affected parties (including individuals and communities) and other interested parties, who are concerned with the protection and appropriate use of the cultural heritage.

GN14.1. Documentation of consultations on cultural heritage usually includes the following:

- (a) The way in which stakeholders recognize and understand the cultural heritage and the values they attribute to it;
- (b) Any issues relating to the need for confidentiality regarding the cultural heritage, for example, location or details of traditional use of the cultural heritage and individuals involved, as appropriate (see also paragraph 15 below);
- (c) Any existing or potential conflicts arising from different views regarding the cultural heritage; and
- (d) Any views of affected parties and other interested parties regarding ways to address project-related risks to, and impacts on, the cultural heritage, including on proposed mitigation measures.

GN14.2. In case of disagreement between project-affected parties and other interested parties—for example, national cultural heritage agencies or heritage experts—about the significance of the cultural heritage affected by the project or the approach to its management, the Borrower may decide to engage third-party experts to advise on its significance.

Confidentiality

15. The Borrower, in consultation with the Bank, project-affected parties (including individuals and communities), and cultural heritage experts, will determine whether disclosure of information regarding cultural heritage would compromise or jeopardize the safety or integrity of the cultural heritage or would endanger sources of information. In such cases, sensitive information may be omitted from public disclosure. If the project-affected parties (including individuals and communities) hold the location, characteristics, or traditional use of the cultural heritage in secret, the Borrower will put in place measures to maintain confidentiality.

GN15.1. In some cases, the disclosure of information relating to cultural heritage may put stakeholders or the cultural heritage itself at risk. It is important to consult with project-affected parties to determine whether information regarding the cultural heritage can or should be disclosed. Where consultation has determined that it is best not to disclose information regarding the cultural heritage in question, appropriate measures are to be taken to protect it. Such measures may include withholding from the impact assessment documentation any maps identifying sensitive areas or information that would reveal the location or nature of the cultural heritage or the identity of the stakeholder.

GN15.2. Where only general information is known about the location of cultural heritage that may be affected by the project, appropriate mitigation measures are developed to protect the cultural heritage as far as possible despite the lack of knowledge of the precise location. This protection is best accomplished in consultation with project-affected parties who have knowledge of the specific location of the cultural heritage concerned.

Stakeholders' Access

16. Where the Borrower's project site contains cultural heritage or prevents access to previously accessible cultural heritage sites, the Borrower will, based on consultations with users of the site, allow

continued access to the cultural site, or will provide an alternative access route, subject to overriding health, safety, and security considerations.

GN16.1. Where project activities restrict access routes to cultural heritage, different ways of providing access for traditional users of the cultural aspects of the site are identified, if possible prior to construction. For example, if construction blocks a path to a worship site, providing a different access route should be considered during the environmental and social assessment process.

GN16.2. Where access cannot be provided, for example, because the cultural heritage is located within a construction site, consideration is given to allowing access on specified days or during specified times. If this is possible, the details of such access are communicated to the traditional users of the cultural aspects of the site so that they can take advantage of the opportunities for access.

C. Legally Protected Cultural Heritage Areas

17. As part of the environmental and social assessment, the Borrower will determine the presence of all listed legally protected cultural heritage areas affected by the project.⁵ If the proposed project will be located within a legally protected area or a legally defined buffer zone, the Borrower will:

- (a) Comply with local, national, regional, or international cultural heritage regulations⁶ and the protected area management plans;
- (b) Consult the protected area sponsors and managers, project-affected parties (including individuals and communities), and other interested parties on the proposed project; and
- (c) Implement additional programs, as appropriate, to promote and enhance the conservation aims of the protected area.

Footnote 5. Examples include world heritage sites and nationally and subnationally protected areas.

Footnote 6. The applicability of regional or international cultural heritage regulations to the project will be determined through the environmental and social assessment.

GN17.1. To help ensure compliance with relevant legislation for project-affected cultural heritage, it is important to consider national legislation, regulations, and practices relating to the identification and management of cultural heritage, and any registers or lists of cultural heritage that are protected, including dedicated World Heritage sites. In some countries, registers are compiled and maintained at different levels of government—national, subnational, and local—with specific legal and administrative provisions.

D. Provisions for Specific Types of Cultural Heritage

Archaeological Sites and Material

18. Archaeological sites comprise any combination of structural remains, artifacts, human, or ecological elements and may be located entirely beneath, partially above, or entirely above the land or water surface. Archaeological material may be found anywhere on the earth's surface,⁷ singly or scattered over large areas. Such material also includes burial areas,⁸ human remains, and fossils.

Footnote 7. Most archaeological sites are hidden from view. Only rarely is there no archaeological material in any given area, even if such material is not known to or recognized by local people or recorded by national or international archaeological agencies or organizations.

Footnote 8. The burial areas referred to in paragraph 18 are those unrelated to current populations living in the project area. For more recent burial places connected directly to project-affected parties, appropriate mitigation measures will be identified pursuant to paragraphs 8 and 9 through consultations with such parties.

GN18.1. Archaeological material comprises the physical remains of past human activity, especially a human settlement. These remains may be found concentrated in a single area or scattered over the landscape, as well as in caves and rock formations; and along riverbeds, coastlines, and under water, including shipwrecks and flooded habitation sites. An archaeological site may contain artifacts, plant and animal remains, structural remains, and soil features. Archaeological material may range in nature from a large or small ancient settlement that is completely or partially buried by surface soils or other sediment, to the short-term remains of a temporary nomad camp or other short-term activity.

GN18.2. In some places, burial grounds or cemeteries may not be recognized as cultural heritage. For example, they may be recent or of an indeterminate age, not considered of historical or archaeological value, or unrelated to the current local population. In these circumstances, consultations with the project-affected parties and other stakeholders are held to determine appropriate mitigation measures in accordance with ESS1.

19. Where there is evidence or high probability of past human activity in the area of the project, the Borrower will conduct desk-based research and field surveys to document, map, and investigate archaeological remains. The Borrower will document the location and characteristics of archaeological sites and materials discovered during the project life cycle and provide such documentation to the national or subnational cultural heritage authorities.

20. The Borrower will determine, in consultation with cultural heritage experts, whether archaeological material discovered during the project life cycle requires: (a) documentation only, (b) excavation and documentation, or (c) conservation in place; and will manage the archaeological material accordingly. The Borrower will determine ownership and custodial responsibility for archaeological material in accordance with national and subnational law, and until such time as custody has been transferred, will arrange for identification, conservation, labeling, secure storage, and accessibility to enable future study and analysis.

GN20.1. All archaeological evidence should be documented in accordance with national law and Good International Industry Practice (GIIP). Where excavation is carried out, this should be conducted by cultural heritage experts, in accordance with national law and GIIP, with the results provided to the appropriate cultural heritage authorities.

Built Heritage

21. Built Heritage refers to single or groups of architectural works in their urban or rural setting as evidence of a particular civilization, a significant development, or a historic event. Built Heritage includes groups of buildings, structures, and open spaces constituting past or contemporary human settlements that are recognized as cohesive and valuable from an architectural, aesthetic, spiritual, or sociocultural perspective.

GN21.1. The significance attributed to “Built Heritage” may differ between cultures, and even within the same culture. Built Heritage may be associated with historic events or persons, cultural practices, festivals, or historic periods, or as evidence of local and imported building cultures. Built Heritage may be abandoned or occupied and may also be associated with archaeological deposits. Built Heritage in the vicinity of the project can be identified through research and consultation with relevant stakeholders, which may include local and national cultural heritage authorities, cultural heritage experts, and project-affected communities.

GN21.2. Built Heritage may be publicly or privately owned, managed by individuals, or by religious or secular, governmental, or nongovernmental institutions. A review of national urban and rural planning laws and regulations, as well as applicable zoning standards, helps to identify nationally or locally protected Built Heritage, as well as informs mitigation measures.

22. The Borrower will identify appropriate mitigation measures to address the impacts on Built Heritage, which may include (a) documentation; (b) conservation or rehabilitation in situ; and (c) relocation and conservation or rehabilitation. During any rehabilitation or restoration of cultural heritage structures, the Borrower will maintain the authenticity of form, construction materials, and techniques of the structure(s).⁹

Footnote 9. In compliance with applicable national and subnational laws and/or zoning regulations and in accordance with GIIP.

GN22.1. Mitigation measures take into account the customs, traditions, and practices of communities that may be associated with the Built Heritage. Where possible, they utilize local trades, crafts, and materials to support the integrity of Built Heritage.

23. The Borrower will preserve the physical and visual context of individual or groups of historic structures by considering the appropriateness and effect of project infrastructure proposed for location within the range of sight.

Natural Features with Cultural Significance

24. Natural features may be imbued with cultural heritage significance. Examples include sacred hills, mountains, landscapes, streams, rivers, waterfalls, caves, and rocks; sacred trees or plants, groves and forests; carvings or paintings on exposed rock faces or in caves; and paleontological deposits of early human, animal, or fossilized remains.¹⁰ The significance of such heritage may be localized in small community groups or minority populations.

Footnote 10. Often the designation of cultural significance is kept secret, known only to a specific local population, and associated with ritual activities or events. The sacred character of such heritage may pose a challenge in determining how to avoid or mitigate damage. Natural cultural sites may contain archaeological material.

GN24.1. This category of cultural heritage, closely linked with intangible spiritual significance, also includes cultural landscapes. Cultural landscapes are combined natural effects and man-made works. They illustrate the evolution of human society, local culture, and settlement over time under the influence of the physical constraints and/or opportunities presented by the natural environment and of successive external and internal social, economic, and cultural forces. A cultural landscape may also include historic monuments and archaeological sites. Cultural landscapes can contribute to modern techniques of sustainable land use or enhance natural values in the landscape, thus supporting biological diversity.

25. The Borrower will identify, through research and consultation with project-affected parties (including individuals and communities), natural features with cultural heritage significance affected by the project, the people that value such features, and the individuals or groups with authority to represent and negotiate regarding the location, protection, and use of the heritage place(s).

GN25.1. Research and consultation with project-affected parties can help to determine the cultural significance of natural features early in project preparation and to identify the optimal solutions for managing or mitigating the impacts on such heritage. Such solutions could result in project alterations such as realignment of roads, irrigation channels, rail tracks, or redesign of buildings. All solutions and processes should be thoroughly documented and copies of the agreed solution distributed among all parties. Where the agreed solution requires the completion of relevant ceremonies and rituals carried out as part of mitigation measures, the relevant traditional bodies will confirm that all the agreed-upon mitigation measures have been carried out.

26. Most natural features with cultural heritage significance are best protected by preservation in situ. If it is not possible to preserve the natural features in their existing location, the transfer of the cultural heritage to another location will be conducted in consultation with project-affected parties, in accordance with GIIP. The agreement that is reached regarding the transfer will respect and enable continuation of the traditional practices associated with the cultural heritage that has been transferred.

GN26.1. It is important to safeguard the sacred character of cultural sites with spiritual significance. To this end, the Borrower's representatives and contractors should be aware of any spiritually significant sites in the project-affected area and respectfully plan project-related activities that could likely impact the sanctity and serenity of such natural features with cultural significance.

Movable Cultural Heritage

27. Movable cultural heritage includes such objects as: historic or rare books and manuscripts; paintings, drawings, sculptures, statuettes, and carvings; modern or historic religious items; historic costumes, jewelry, and textiles; fragments of monuments or historic buildings; archaeological material; and natural history collections such as shells, flora, or minerals. Discoveries and access resulting from a project may increase the vulnerability of cultural objects to theft, trafficking, or abuse. The Borrower will take measures to guard against theft and illegal trafficking of movable cultural heritage items affected by the project and will notify relevant authorities of any such activity.

GN 27.1. Risks of theft, trafficking, and abuse of movable cultural heritage may increase where workers know the value of artifacts; where third parties engage with workers to acquire artifacts for illicit trade; or in remote areas, where projects can provide a previously unknown focus on the value of cultural artifacts. In such cases, apart from physical security measures, relevant mitigation measures are included in contracts, codes of conduct for workers, and labor

management practices, and are clearly communicated to project staff, contractors, and direct and contracted workers. It may be important to secure the heritage, if necessary, by relocating it before contracts go into effect and implementation begins.

28. The Borrower, in consultation with relevant cultural heritage authorities, will identify movable cultural heritage objects that may be endangered by the project and make provisions for their protection throughout the project life cycle. The Borrower will inform religious or secular authorities or other custodians with responsibility for overseeing and protecting the movable cultural heritage objects of the schedule for project activities and alert them regarding the potential vulnerability of such items.

GN28.1. Institutions or individuals responsible for the care of movable cultural heritage should be informed about project activities and the anticipated schedule for such activities, so that they can coordinate with the project as needed. If possible, mitigation measures, including security measures, are communicated to the relevant authorities in advance of project implementation. In certain cases, mitigation measures may include relocating movable cultural objects to museums or other places for safekeeping, particularly during the construction phase of the project when such objects are likely to be most vulnerable.

E. Commercial Use of Cultural Heritage

29. Where a project intends to use cultural heritage of project-affected parties (including individuals and communities) for commercial purposes, the Borrower will inform the project-affected parties of: (a) their rights under national law; (b) the scope and nature of the commercial development and the potential impacts; and (c) the potential consequences of such development and impacts.

GN29.1. Examples of commercial use of tangible cultural heritage may include tourism projects that bring tourists to visit cultural heritage, such as castles, churches, and temples. Commercial use of intangible cultural heritage may include use of traditional medicinal knowledge or other sacred or traditional techniques for processing plants, fibers, or metals.

GN29.2. The rights of project-affected parties to manage, use, and access cultural heritage, whether individual or collective, are taken into consideration in preparing projects that propose to use cultural heritage for commercial purposes. Where such a project concerns the cultural heritage of Indigenous Peoples/Sub-Saharan African Historically Under-served Traditional Local Communities (IP/SSAHUTLC), the relevant requirements of ESS7 also apply.

GN29.3. In this context, it is also important to assess cultural sensibilities regarding the commercial use of traditional or local names or images, including photographs, and other media, art, or music.

30. The Borrower will not proceed with such commercial use unless it: (a) carries out meaningful consultation with stakeholders as described in ESS10; (b) provides for fair and equitable sharing of benefits from commercial use of such cultural heritage, consistent with customs and traditions of the project-affected parties; and (c) identifies mitigation measures according to the mitigation hierarchy.

GN30.1. Benefits accruing from commercial use of cultural heritage may include employment, vocational training, and aspects of community development.

Appendix A

This Appendix provides an indicative outline of the elements of the Cultural Heritage Management Plan (CHMP) referred to in ESS8 and this Guidance Note. The CHMP addresses the following as relevant to the project:

- (a) A review of the legal and institutional framework applicable to cultural heritage;
- (b) Roles and responsibilities of the different project and other interested parties, for example, the Borrower, contractors, project-affected people, and cultural heritage authorities;
- (c) The steps to identify and manage cultural heritage throughout the project life cycle;
- (d) Proposed mitigation measures to be undertaken;
- (e) Steps for incorporating relevant requirements relating to cultural heritage into project procurement documents, including chance find procedures;
- (f) Implementation schedule and budget; and
- (g) Monitoring and reporting requirements.

References

There are many resources that may be useful to a Borrower in addressing the application of the ESF. Set out below are references that may assist the Borrower in implementing the requirements of the ESF. The resources listed here do not necessarily represent the views of the World Bank.

World Bank Group

Goodland, Robert, and Maryla Webb. 1987. "The Management of Cultural Property in World Bank-Assisted Projects. Archeological, Historical, Religious, and Natural Unique Sites." World Bank Technical Paper Number 62. World Bank, Washington, DC, September. <http://documents.worldbank.org/curated/en/172981468739305512/The-management-of-cultural-property-in-World-Bank-assisted-projects-archaeological-historical-religious-and-natural-unique-sites>

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