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11 CULTURAL HERITAGE

11.1 CULTURAL HERITAGE RESOURCES

IFC PS8 requires Project sponsors to identify and protect cultural heritage by compliance with national laws and *'ensuring that internationally recognized practices for the protection, field-based study, and documentation of cultural heritage are implemented'*. Consultation requirements are key provisions within PS8 with affected communities and relevant national or local regulatory agencies, including if the project impacts Critical Cultural Heritage a process of Informed Consultation and Participation (ICP) must be undertaken with affected communities.

This Section presents the cultural heritage resources affected by the Project-required land take. The compensation and relocation process for tangible cultural heritage resources are presented. These sites comprise mainly graves and shrines. The traditions associated with these sites have been considered in the development of the relocation process, this includes support to be provided by the Project for ceremonies etc. Other intangible cultural heritage assets identified during the RAP surveys are presented.

The engagement, compensation and relocation process for graves and shrines will be managed as part of the RAP implementation and is described in this Section. Protection of and impacts on other affected cultural heritage (tangible and intangible¹) will be managed by the Project as part of the Cultural Heritage Management Plan, including liaison with communities over impacts and mitigation for effects on intangible cultural heritage. The Project Chance Finds Procedure which aligns with national legislation and GIIP will be updated for the construction phase. It will be implemented in case suspected cultural materials not previously identified are located within Project affected land.

11.1.1 Process to Identify Cultural Heritage Resources

Section 4.7 describes the process undertaken to identify the cultural heritage resources within the Project-required land take. Identification of cultural heritage sites was undertaken through a combination of site visits, engagement and observations on the ground, including:

- Desktop survey of relevant literature.
- Consultation with relevant Government Departments and the districts.
- Onsite/informal consultations with affected communities about cultural heritage resources. Questionnaires to the affected PAPs/responsible family members and structured/semi-structured interviews to relevant PAPs. Community level engagement regarding community resources. The RAP Contractor introduced the identification of cultural heritage sites as one of the survey components during the RAP community sensitization meetings.
- Key informant interviews with selected traditional leaders, cultural representatives and

¹ According to IFC Performance Standard 8: Paragraph 2, cultural heritage refers to (i) tangible forms of cultural heritage, such as tangible moveable or immovable objects, property, sites, structures, or groups of structures, having archaeological (prehistoric), paleontological, historical, cultural, artistic, and religious values; (ii) unique natural features or tangible objects that embody cultural values, such as sacred groves, rocks, lakes, and waterfalls; and (iii) certain instances of intangible forms of culture that are proposed to be used for commercial purposes, such as cultural knowledge, innovations, and practices of communities embodying traditional lifestyles.

village elders; and through questioning as part of the Focus Group Discussions and consultation.

- During fieldwork in the Project area, an inventory of all cultural heritage assets identified was recorded along with qualitative and quantitative documentation. This information was recorded in Cultural Heritage Survey Forms along with details of the custodian/owner/user/PAP, site name, location details, type of site, type of ownership, significance of site, details of past site use and current function, type of assets at the site, and PAP/responsible family members requirements for relocation of the site, as well as preliminary findings of proposed relocation site (s).
- The location of identified cultural heritage sites was reviewed by the Project to consider whether avoidance of direct impact on these sites was possible. In cases where avoidance of adverse impact was not possible, consultation with PAPs/responsible family members and affected community members was undertaken to discuss the relocation of the cultural heritage site (in particular graves, burial sites or ancestral shrines). This was to inform the relocation process so it would account for local customs and traditional beliefs.
- The management of tangible cultural heritage is the responsibility of the Department of Museums and Monuments in the Ministry of Tourism, Wildlife and Antiquities (MTWA), and the Management of intangible heritage is the responsibility of the Department of Culture and Family Affairs in the Ministry of Gender, Labour and Social Development (MGLSD). It is recognised that there are overlaps between tangible and intangible cultural heritage and hence both MTWA and MGLSD will be consulted jointly.
- The valuation for compensation using District Compensation Rates for eligible assets (i.e. marked ('visible') graves and built shrines) within the Valuation Reports was prepared (see Section 7.3.5).
- The relocation assistance and process for cultural heritage sites was prepared (see Section 11.1.3).

11.1.2 Affected Cultural Heritage Resources

During the RAP surveys and engagement process the following cultural heritage resources were identified within the Project-required land take:

Marked graves: 499 marked graves have been identified as affected by Project land requirements, with 33% of these in Kyotera, 23% in Lwengo and 16% in Rakai District. The types of graves impacted include earth mounds, cemented, heaped stones/bricks, terrazzo, marble and tiles. Examples of affected graves are shown in Figure 11-1 below:



Figure 11-1 Examples of Affected Graves – Earth Mounds, Cemented Graves, Heaped Stones

‘Unmarked’ graves: 168 unmarked (‘invisible’) graves were recorded by the RAP Contractor during the surveys. These are graves identified from engagements but not verified, often with no physical markings. These are not eligible for valuation for compensation without the presence of the grave being physically verified. The Chief Government Valuer (CGV) requires substantial evidence that graves are genuine and are not speculative claims, and therefore a stringent verification process will be undertaken during Implementation. If during the further Project development and construction these ‘unmarked’ graves are verified they will be covered by a supplementary valuation and compensated for. The Project Cultural Management Plan will also cover the treatment of all graves including attention to unmarked graves so they can be relocated appropriately if found.

Built Shrines and Natural Shrines:

Two types of shrines were recorded in the project corridor. These are built and natural shrines. Both the built and natural shrines are eligible for relocation assistance. The breakdown of the shrines is as explained below.

1. Built shrines

There are eight (8) built shrines recorded, verified and valued in the Project corridor. The shrines are distributed as follow; 2 in Lwengo District, 1 in Kyotera District, 4 in Rakai District and 1 in MCPY-03, Sembabule District. These will be eligible for compensation using the general asset compensation rates. The PAPs will also be eligible for relocation assistance to facilitate the cultural ceremony for shifting the built structures and spirits to another location. Examples of affected built shrines shown in Figure 11-2 below.

2. Natural Shrines

There are a total of 16 natural shrines recorded in the Project corridor. Out of these, seven (7) were verified and valued. The distributions are as follow; 2 in Kakumiro District; 2 in Mubende District; 1 in Sembabule District and 2 in Rakai District. All verified natural shrines will be eligible for relocation assistance to facilitate the cultural ceremony for shifting the spirits to another natural location.

Additionally, nine (9) natural shrines were identified from engagements with the PAPs but not verified. The shrines have no clear physical markings but scrubs/herbs (no-man made

artefacts attached to them) which are not part of district compensation rates items but claimed by the PAPs. These need to be verified for authenticity. They are distributed as follow; 1 in Kikuube District, 1 in Kakumiro District, 6 in Rakai District and 1 in Kyotera District. All verified natural shrines will be eligible for relocation assistance to facilitate the cultural ceremony for shifting the spirits to another natural location.



Figure 11-2 Examples of Built Shrines

Other ‘intangible’ cultural heritage assets: such as traditional use of medicinal plants for medicine and healing practices were also identified as practices carried out in the Project area. Use of medicinal plants for traditional medicine and healing practices is common throughout Uganda, providing an accessible, familiar and affordable source of medicine in most rural areas. It should be noted that traditional medicine is not limited to human ailments as there are remedies commonly prepared for and used on livestock. Most traditional medicine production relies heavily on the processing and specific application of plant species found in the local area and thus constitutes a natural resource. In most cases, the species are indigenous, but in other cases may have been introduced from another region and therefore could be unique within the local area or growing in limited numbers. Knowledge of traditional healing and herbal medicine preparation is passed from generation to generation and is an important form of intangible cultural heritage. Since the project is linear in nature and the corridor is largely 30m width and will be unfenced during operations, the impact on such assets is unlikely to be significant. Mitigation measures for impacts on traditional use of medicinal plants will be managed under the CHMP. Medicinal plants contained in the District Compensation Rates were valued in the Valuation Reports.

11.1.3 Relocation Procedure & Assistance

The international financing standards (i.e. IFC PS5 and PS8) do require relocation assistance be provided for cultural heritage resources, such as graves and shrines. In agreement with the CGV the Valuation Reports do contain an estimate of the financial assistance to be provided to PAPs/responsible family members for relocation of graves and shrines, as well as the procedure for relocation. This would be in addition to the compensation value for eligible site based on the District Compensation Rates and contained within the Valuation Reports.

The Project will provide financial assistance to cater for all the relocation items and procedures of grave and shrine relocation. The relocation procedure and estimate of relocation assistance for Project-affected graves and shrines in each District is contained in the appendices of the Valuation Reports. The proposed assistance and procedure is based on knowledge of cultural

and traditional requirements within the respective local area and the PAPs/families own descriptions of the processes likely to be involved gathered during the survey program. This is mainly to promote culture and its continuity.

The proposed assistance may include the following items/support: labour for exhumation and reburial, bark cloth/cloth, coffin, food, local brew, livestock (chicken, goat, sheep) and transport. The proposed relocation procedure is summarised in Table 11-1.

Exhumation of graves and transport of human remains is covered by the Public Health Act and accordingly, permits will need to be obtained by the Project. The Project will also work appropriately with the relevant Government authorities. Relocation of family-owned shrines or other significant sites is not catered for in national legislation.

For unclaimed graves, the relocation will be discussed with the local community and authorities to locate an appropriate process and place for the relocation.

Table 11-1. Summary of Procedures for Grave & Shrine Relocation

Steps	Activity	Status
Step 1: Documentation	Graves in the Project affected land take are documented; this involves characterizing the graves into; Earth graves, Cemented, Heaped stones/bricks, Terrazzo and Tiles.	Completed during RAP Planning
Step 2: Verification	Verification of all the graves documented. The personnel for verification included some independent members that were not involved in Step 1 documentation.	For verified 'marked' graves completed during RAP Planning. Verification of unmarked graves will be carried out if evidence is identified to indicate grave presence.
Step 3: Documenting Cultural Requirements for Relocation of Graves	This involved consulting the PAPs/families and communities and documenting the traditional cultural requirements needed for relocation of graves and shrines. The requirements are according to each ethnic community's customs and norms; emphasis should be on the promotion, and continuity of culture, so the items should be culturally related.	Completed during RAP Planning
Step 4: Disclosure	In this process, the responsible family members/PAPs are shown the compensation for eligible sites and the relocation (financial) assistance as approved by CGV. This assistance is to facilitate performance of cultural functions related to relocation of graves and shrines. The relocation assistance is an addition to compensation money and includes: Labor, Cloth/bark cloth, Relocation ceremonies (Food, drinks etc.), and transport.	Not yet undertaken. To be completed during RAP Implementation.

Steps	Activity	Status
<p>Step 5: Signing of Consent Form and Memorandum of Understanding of relocation</p>	<p>This is done after disclosure, when all the PAPs have accepted the disclosed amount. The PAP(s) or responsible family member(s) is supposed to consent willingly for the graves to be relocated, and also sign a memorandum of understanding (MOU) on the way and duration of relocating the graves.</p> <p>The relevant permits will be obtained for grave relocation. Thereafter, the relocation process shall commence.</p>	<p>Not yet undertaken.</p> <p>To be completed during RAP Implementation.</p>
<p>Step 6: Actual Relocation and Monitoring of the Relocation Activities</p>	<p>After the PAPs have been compensated, they are supposed to start relocating the graves. The relocation assistance will be paid during the relocation process as specified in the MOU. The MEMD, MGLSD, MTWA, MOH, DLGs and EACOP cultural heritage team shall monitor the relocation process to ensure that the graves are actually relocated according to the cultural practices of each community.</p>	<p>Not yet undertaken.</p> <p>To be completed during RAP Implementation</p>
<p>Step 7: Relocation Completion Report</p>	<p>A report of all the processes undertaken during the relocation shall be compiled by the EACOP cultural heritage team.</p>	<p>Not yet undertaken.</p> <p>To be completed during RAP Implementation</p>

11.2 ARCHAEOLOGICAL RESOURCES

During the surveys an ethnographical and ethno-archaeological study, along with field observation and archaeological survey, including some test pit excavations along the Corridor, were undertaken.

Along the pipeline and the four proposed camps, a total of 274 archaeological sites were recorded during the RAP surveys. The majority of these were pottery (69% - 188 sites). Twenty-three (23) potential sites were identified for further investigation for archaeological significance: any required excavations will be managed as part of the Project CHMP process and would not fall under the RAP program.

All the sites recorded were determined to be Non-Replicable Cultural Heritage according to IFC PS8. In this case, their removal is assessed to be appropriate because: there are no technically or financially feasible alternatives to removal; the overall benefits of the project conclusively outweigh the anticipated cultural heritage loss from removal; and the removal of these cultural heritage sites will be conducted using the best available archaeological techniques. No sites were determined to be Critical Cultural Heritage according to IFC PS8.

Table 11-2 Summary of Archaeological Sites within the Four Campsites, associated Access Roads and the Pipeline

District	Site Types							TOTAL
	Lithics (Stone Age)	Pottery	Iron Working	Faunal	Board Game	Earth Work	Rock Features	
Hoima	-	2	2	-	-	-		4
Kikuube	3	27	25	1	-	-		56
Kakumiro	-	21	4	-	-	-		25
Kyankwanzi	-	1	-	-	-	-		1
Mubende	2	64	17	-	-	-		83
Gomba	1	4	-	-	-	-		5
Sembabule	1	34	-	-	-	1	2	38
Lwengo	1	5	6	-	-	-		12
Kyotera	10	24	7	-	1	-		42
Rakai	-	6	2	-	-	-		8
<i>Totals</i>	<i>18</i>	<i>188</i>	<i>63</i>	<i>1</i>	<i>1</i>	<i>1</i>	<i>2</i>	<i>274</i>

As noted in Section 4.7, the RAP survey archaeological findings have been provided to the Environmental & Social (E&S) EACOP team to be considered in the implementation phase Cultural Heritage Management Plan (CHMP), Chance Finds Procedure and the planning of pre-construction activities (e.g. excavation of significant sites). The archaeological sites identified during the RAP study will be amalgamated into the current archaeological EACOP dataset (except graves and shrines which are covered under the RAP) from the other archaeological studies, including the ESIA, archaeological watching brief during the Geological and Geotechnical (G&G) Surveys etc. The detailed mitigation measures for impacts on archaeological resources are set out in the ESIA and the Environment & Social Management Plans.