



Building a Blue Future for Ecosystems and People on the East African Coast

Annex D: Chance Find Procedure

Wildlife Conservation Society (WCS)

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1. Introduction

This document describes the Chance Find Procedure for the Building a Blue Future for Ecosystems and People on the East African Coast project (hereafter referred to as “the Project”), outlining the procedures that WCS will follow should potential cultural heritage discoveries occur during the small-scale construction and/or renovation activities associated with the Project.

The Chance Find Procedure has been developed in alignment with international good practice, including the Blue Action Fund Environmental and Social Management System (ESMS) requirements and the World Bank Environmental and Social Standards (notably ESS8), and also complies with Mozambican requirements as well as internal WCS policies and procedures. Details on the Project description, social context and legislative framework can be found in the first two sections of the Environmental and Social Management Plan (ESMP).

Blue Action Fund require projects to have established a provisional Chance Find Procedure upon submission of a full proposal. The scope and scale of the Chance Find Procedure will be proportionate to the nature, scale and type of potential risks and impacts to cultural heritage that may arise from the Projects’ small-scale construction and/or renovation activities. In addition, the Chance Find Procedure will be commensurate with the type and scale of the planned construction/ renovation activities. As such, construction/ renovation activities deemed at screening to have a negligible potential negative impact on cultural heritage (e.g. renovations to ranger shelters, etc.) or with a small/ negligible footprint will not require a Chance Find Procedure. This Chance Find Procedure is provisional and will be updated and established within the first three months of project implementation.

Cultural heritage is defined as resources with which people identify as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions. Cultural heritage encompasses tangible and intangible heritage, which may be recognised and valued at a local, regional, national or global level, as follows¹:

- 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, skills—as well as the instruments, objects, artifacts and cultural spaces associated therewith—that communities and groups recognise 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.

Given the decision-making role that the local communities will play in this project, it is not expected that they will choose to damage or destroy cultural resources.

The project will not take place in any nationally designated sites of cultural significance. However, sacred places exist and are highly respected by the local communities. Any restricted use areas will be defined with the active participation of local communities. Restricted access to cultural resources or natural features/sites with cultural, spiritual or symbolic significance is not foreseen.

Tangible cultural heritage is the focus of this Chance Find Procedure and in particular, chance finds which are when archaeological, historical, cultural and/or remain material is unexpectedly encountered during project construction or operation.

The activities foreseen in the scope of the project are all small-scale and will include mangrove restoration, planting of firewood and promotion of local handmade firewood saving stoves, sustainable

¹ World Bank Environmental and Social Framework, 2017.

livelihoods, ecosystem-based adaptation agriculture, small-scale civil works and installation of groundwater abstraction wells.

As such, risks and impacts to tangible cultural heritage, and in particular, archaeological material, that may arise from Project activities are unlikely but could include damage to archaeological material owing to earth works or primary materials extraction (eg. sand and clay for the production of improved cooking stoves).

1.1 Purpose of the Chance Find Procedure

A Chance Find Procedure is a project-specific procedure which is to be followed if previously unknown cultural heritage is encountered during project activities. The Chance Find Procedure sets out how chance finds associated with the project will be managed. The procedure includes 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 WB ESS8 and national law; and to train project personnel and project workers on chance find procedures².

The Chance Find Procedure aims to:

- Protect physical cultural resources from the adverse impacts of physical investment activities and support their preservation;
- Promote the equitable sharing of benefits from the use of Physical Cultural Resources; and
- Raise awareness of all construction workers and management on site regarding the potential for accidental discovery of cultural heritage resources.

This Chance Find Procedure therefore intends to provide WCS and their contractors with an appropriate response in accordance with the relevant national legislation and international good practice. As such, all contracts for civil works will include this Chance Find Procedure.

For the Chance Find Procedure to be effective, the site manager must ensure that all personnel on any proposed development site understand the Chance Find Procedure and the importance of adhering to it if cultural heritage resources are encountered. In addition, training or induction on cultural heritage resources that might potentially be found on site should be provided by WCS.

2. Procedure

Prior to project implementation, WCS is responsible for siting and designing project activities to avoid significant adverse impacts to cultural heritage. The environmental and social risks and impacts identification process at the screening stage should help determine whether the proposed location of a project is in areas where cultural heritage is expected to be found, either during construction or operations.

In such cases, in line with Blue Action Fund's ESMS, WCS will develop provisions for managing chance finds through a chance find procedure which will be applied in the event that cultural heritage is subsequently discovered. WCS and any contractors will make sure not to disturb any chance find further until an assessment by competent professionals is made. Where necessary, this will include qualified experts, including the relevant government authorities and civil society organisations, as well as traditional knowledge holders and other people from the area who should be consulted on whether disclosure of information is desirable, since there are situations in which disclosure may compromise the safety or integrity of the cultural heritage in question and/or endanger the sources of information.

² World Bank Environmental and Social Framework, 2017.

2.1 Procedures for accidental discovery of cultural resources (chance finds)

This Chance Finds Procedure covers the actions to be taken if, in the course of doing work related to the BAF project, teams discover a heritage site or cultural resources. Steps include investigation and assessment by a professional archaeologist or other appropriately qualified person who can assist with the rescue or salvage operations for the cultural resource. The requirements of the Mozambican Archaeological Heritage Protection Regulations (Decree 27/1994) are reflected in this procedure.

If cultural resources (e.g. archaeological sites, historical sites, remains, objects, graveyards or individual graves) are discovered when undertaking small-scale construction activities, civil works and/or renovation activities, the following procedure will be executed:

1. Halt the construction activities around the chance find to avoid any (or further) damage;
2. Report the discovery to your supervisor or the Environmental Control Officer (or project equivalent) immediately;
3. Delineate and fence the discovered site or area and provide a 25-meter buffer zone around all sides of the find;
4. Photograph the exposed materials, preferably with a scale (e.g. a file binder, coin, ruler etc.) date stamp, and GPS location, and share the photographs with the appropriate national authorities;
5. Forbid any removal of the objects by the workers or other parties;
6. Note the type of archaeological materials thought to have been encountered, their location (GPS) and if possible, the depth below the surface the find occurred;
7. Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard will be arranged until the responsible local authorities or the District/ Provincial Department of Culture, or the local Institute of Archaeology, if available, can take over;
8. Notify the responsible local authorities. According to the Mozambican Archaeological Heritage Protection Regulations "*The author of any accidental discovery of archaeological elements, must communicate within 48 hours to the District Administration, which will then notify the competent organs of the Ministry of Culture and Tourism, as soon as possible, and take the appropriate measures for the protection of these elements*";
9. Responsible local authorities would oversee protecting and preserving the site before deciding on subsequent appropriate procedures. This would require a preliminary evaluation of the findings to be performed by the local Institute of Archaeology (potential funding for this evaluation is not included in the project budget). The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage; these include the aesthetic, historic, scientific or research, social, and economic values;
10. Decisions on how to handle the finding shall be taken by the responsible authorities. This could include changes in the physical investment layout (such as when finding an irremovable remain of cultural or archaeological importance) conservation, preservation, restoration, and/or salvage;

According to the Mozambican regulations, The National Directorate of Cultural Heritage is responsible for designating, within thirty days of receiving notification, an inspector to supervise the protection measures and prepare a report (potential funding for this supervision is not included in the project budget), within a maximum of sixty days after notification, with a statement about the importance and content of the elements discovered and a proposal for the most advisable measures, to be issued after in-situ observations and excavations (if applicable).
11. Implementation for the authority decision concerning the management of the finding shall be communicated in writing by relevant local authorities;
12. The mitigation measures could include the change of proposed Project design/ layout, protection, conservation, restoration, and/or preservation of the sites and/or objects;

13. Construction work at the site could resume only after permission is given from the responsible local authorities concerning safeguard of the heritage; and
14. The physical investment proponent is responsible for cooperating with the relevant local authorities to monitor all construction activities and ensure that the adequate preservation actions are taken and hence the heritage sites protected.

In addition, WCS is obliged to declare the chance find discovery at the earliest possible date to the Blue Action Fund.

To note that according to the Mozambican regulations, the owner of the property or of the works (in this case WCS as proponent of the Project) where the discovery took place, is responsible for the conservation of the elements discovered and must pay the necessary expenses for the protection and safeguarding actions determined by the competent authorities (potential funding for these expenses is not included in the project budget).