



The World Archaeological Congress

World Archaeological Congress Comments and Suggestions for Additions and Amendments:

‘For Public Comment: November 2 – December 15, 2017 - World Bank Environmental and Social Framework (ESF) Draft Guidance Notes for Borrowers’

World Archaeological Congress Executive*

(Finalized 13 December, 2017)

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1. BACKGROUND

The World Archaeological Congress (WAC), with members in more than 90 countries, is the only fully international and globally representative organisation of practicing archaeologists. As a non-governmental, not-for-profit organization, WAC's mission is to (1) promote professional training for disadvantaged nations and communities; (2) broaden public education, involving national and international communities in archaeological research; (3) develop archaeological practice so that it empowers Indigenous and minority groups; (4) contribute to the conservation of archaeological sites threatened by looting, urban growth, tourism, development or

war; and (5) re-dress global inequities amongst archaeologists. WAC holds an international congress every four years to promote its mission.

2. General Points

The WAC executive finds that ‘Guidance Note for ESS8: cultural Heritage’ in ‘For Public Comment: November 2 – December 15, 2017 - World Bank Environmental and Social Framework (ESF) Draft Guidance Notes for Borrowers’ does not sufficiently take into account the importance of Indigenous representation, laws, and value systems, particularly those pertaining to land rights, sovereignty, and unique perceptions of the environment. We are particularly concerned with the draft’s insufficiency in ensuring that IP/SSAHUTLC have final say on the planning and the implementation of World Bank-sponsored projects, and with the draft’s lack of recognising LGBT individuals in IP/SSAHUTLC. We also find that the document fails to acknowledge the sensorial, perceptible and cosmological contexts for artifacts, landscapes and other natural features, which are increasingly recognised as important constitutive elements of cultural heritage.

3. Suggestions for additions and amendments

Deriving from the general points presented above, we would like to suggest following additions and amendments.*

*added or amended words/sentences are printed **red**

Page 2, Introduction 1:

ESS 8 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. ESS 8 sets out measures designed to protect cultural heritage throughout the project life-cycle.

should read thus:

*ESS 8 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 **transforming** 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, social and **political** asset for development, and as an integral part of people’s cultural identity and practice. ESS 8 sets out measures designed to protect cultural heritage throughout the project life-cycle.*

Page 2, 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;*
- 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 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.*

should read thus:

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, **ancestral**,*

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;

- *Intangible cultural heritage, which includes practices, representations, expressions, knowledge, skills - as well as the instruments, objects, artifacts, cultural spaces **and landscape features including certain views/vista**, associated therewith – that communities and groups recognize as part of their cultural heritage, as transmitted/inherited from generation to generation and constantly recreated by them in response to their environment, their interaction with nature, their ancestors and their history.*

Our comment:

Addition of ‘ancestral significance’ a must for recognizing the importance of cultural heritage for indigenous peoples.

Page 3, 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.*

should read thus:

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, blocking certain vista and the views of certain landscape features, 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.*

Page 4~5, 9, 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 cataloguing of finds. Such measures will take into account the provisions in Section D for specific types of cultural heritage.

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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 cataloguing of finds, both tangible and intangible, the latter including landscape features that turn connections with local/indigenous belief systems. Such measures will take into account the provisions in Section D for specific types of cultural heritage.

Page 5, GN9.1:

When impacts to cultural heritage cannot be avoided, it is important that the mitigation measures reflect national laws, involve relevant cultural

heritage authorities and consider the views of project-affected and other interested parties. For information on stakeholder engagement, see ESS10.

should read thus:

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

Page 5, GN10.1:

Methods for documenting and protecting cultural heritage typically include field surveys to identify cultural heritage likely to be impacted by the project. Manual survey techniques over small areas may be appropriate while for larger areas, various survey techniques and technologies for carrying out cultural heritage surveys (for example photogrammetry, remote sensing for cross referencing and comparing survey data) may be more appropriate.

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Methods for documenting and protecting cultural heritage typically include field surveys to identify cultural heritage likely to be impacted by the project. Manual survey techniques over small areas may be appropriate while for larger areas, various survey techniques and technologies for carrying out cultural heritage surveys (for example photogrammetry, remote sensing for cross referencing and comparing survey data) may be more appropriate. **Such survey activities mandatory involve consultations with, and involvements if desired, local and indigenous representatives.**

Our comment:

This is a must.

Page 5~6, 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.

should read thus:

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Page 6, 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. 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;
- (e) steps for appropriate intervention where chance finds have been discovered;
- (f) a monitoring system for the implementation of the chance finds procedure; and
- (g) arrangements with relevant government authorities.

should read thus:

A chance finds procedure covers the identification, notification, documentation, and management of chance finds in accordance with national laws, **local traditions and indigenous norms** and, where applicable, internationally accepted practice. 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;
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- (f) a monitoring system for the implementation of the chance finds procedure; and
- (g) arrangements with relevant government authorities.
- (h) Arrangements with relevant indigenous authorities.**

Page 6, 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.

should read thus:

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 and local and indigenous representatives. 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, local and indigenous representatives to assist in the identification, valuation assessment and protection of cultural heritage.

Page 6~7, 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.*

should read thus:

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;*
- (b) project affected indigenous groups whose use of or religious/ancestral/mythological attachment to the cultural heritage is recorded and/or memorized in various forms including oral traditions; and*
- (c) 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.

Page 7, 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 and cultural heritage experts.

should read thus:

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 local and indigenous individuals.**

Page 7, 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, who may have different interests in or attach different significance to the cultural heritage.

should read thus:

Relevant stakeholders are identified and consulted **at the initial stage of** project preparation, as this can help to identify cultural heritage, document its presence and significance, assess potential project impacts,

determine appropriate mitigation measures in a timely manner, and, **if so desired by concerned local and/or indigenous communities, stop initiating the project in the first place.** The variety in types of cultural heritage may call for consultation with different stakeholders, **including local and indigenous groups**, who may have different interests in or attach different significance to the cultural heritage.

Pages 8, 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.

Our comments:

Additional care has to be taken in the case in which the project blocks views which are regarded to constitute important parts of a sacred/ancestral landscape

Page 9, GN18.1:

Archaeological material comprises the physical remains of past human activity, especially 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, along riverbeds, coastlines, and underwater, 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.

should read thus:

Archaeological material comprises the physical remains of past human **thoughts and deeds of all kinds**. These remains may be found concentrated in a single area or scattered over the landscape, as well as in caves and rock formations, along riverbeds, coastlines, and underwater, 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.

Our comments:

Page 10, 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.

should read thus:

*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, **and local and indigenous representatives when appropriate and necessary.***

Page 11, 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.

should be read thus:

*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 **sensory perception**.*