



The World Archaeological Congress

February 27, 2015

The Honorable Sara Aviel
Committee for Development Effectiveness
World Bank Group
eds01@worldbank.org

Dear Ms. Aviel,

The World Archaeological Congress (WAC) supports the Review and Update of the World Bank Safeguard Policies and thank you for giving us the opportunity to comment on 'World Bank Environmental and Social Framework First Draft for Consultation July 30, 2014'.

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.

Please find below our specific comments on the section ‘Environment and Social Standard 8. Cultural Heritage’ of the World Bank Environmental and Social Framework First Draft for Consultation July 30, 2014.’

Thank you very much for your attention, and please contact me if I can be of further assistance regarding this submission.

Sincerely

A handwritten signature in black ink, appearing to read 'K. Mizoguchi', with a long horizontal flourish extending to the right.

Koji Mizoguchi

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World Archaeological Congress Comments and Suggestions for Additions and Amendments:

‘World Bank Environmental and Social Framework First Draft for Consultation July 30, 2014’

World Archaeological Congress Executive

(drafted 10 September, 2014, amended 15 September, 2014, re-amended 27 February, 2015)

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 the section ‘Environment and Social Standard 8. Cultural Heritage’ of the *World Bank Environmental and Social Framework First Draft for Consultation July 30, 2014* 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 first draft’s lack of attention to the pre-consultation with local, descendant and Indigenous communities that must occur before launching World Bank-sponsored projects. 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

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2. ESS 8 recognizes the importance of respecting national and international laws and regulations relating to cultural heritage, including those laws and regulations that relate to the cultural heritage of Indigenous Peoples.

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2. ESS 8 recognizes the importance of respecting national and international laws and regulations relating to cultural heritage, particularly those laws and regulations that relate to the cultural heritage of Indigenous Peoples. **ESS 8 also recognizes the importance of respecting the local and Indigenous laws, beliefs, meanings and values attached to cultural heritage.**

4. The term “cultural heritage” is defined as resources which people identify, independently of ownership, as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions. Cultural heritage may have value at the local, regional or national levels, as well as within the international community.

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The term “cultural heritage” is defined as resources which people identify, independently of ownership, as both reflecting and expressing their evolving values, beliefs, knowledge, and traditions. Cultural heritage has value at the local, regional and national levels, as well as within the international community. **Diasporic communities also value cultural heritage for maintaining cultural cohesion.**

5. ESS 8 applies to projects that are likely to have adverse impacts on cultural heritage.

Notwithstanding this, ESS 8 will always apply when the relevant project:

(a) Involves significant excavations, demolition, movement of earth, flooding or other changes in the physical environment; or

(b) Is located in, or in the vicinity of, a recognized cultural heritage site.

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Notwithstanding this, ESS 8 will always apply when the relevant project:

(a) Involves significant excavations, demolition, movement of earth, flooding or other changes in the physical environment; or

(b) Is located in, or in the vicinity of, a recognized cultural heritage site.

(c) Involves the destruction or disturbance cultural heritage sites and surrounding landscape features that impact visual or other types of sensorial experiences, that are significant to local, descendant or Indigenous communities.

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10. If the environmental and social assessment determines that the project may, at any time during the life of the project, have impacts on cultural heritage, the Borrower will: (a) retain competent professionals to assist in the identification and protection of cultural heritage; and (b) ensure that internationally recognized practices for field-based study, documentation and protection of cultural heritage are implemented, including by contractors and other third parties. As part of the internationally recognized practices, the Borrower will develop a chance find procedures for managing chance finds,⁴ which will be included in all contracts relating to construction of the project.

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10. If the environmental and social assessment determines that the project may, at any time during the life of the project, have impacts on cultural heritage, the Borrower will: (a) retain independent academically credentialed professionals, with appropriate specialist training in advanced research standards to assist in the identification and protection of cultural heritage; (b) retain independent cultural and heritage specialists appointed by affected communities to ensure that their heritage is appropriately characterized and that heritage is defined in a way that does not impinge on their human rights or tribal sovereignty, and (c) ensure that internationally recognized practices for field-based study, documentation and protection of cultural heritage are implemented, including by contractors and other third parties. As part of the internationally recognized practices, the Borrower will develop a chance find procedures for managing chance finds,⁴ which will be included in all contracts relating to construction of the project.

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15. The Borrower, in consultation with the Bank and persons with relevant expertise, will determine whether disclosure of information regarding cultural heritage required under the ESSs would compromise or jeopardize the safety or integrity of such cultural heritage. In such cases, sensitive information may be omitted from public disclosure.

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15. The Borrower, in consultation with the Bank and persons with relevant expertise, **including specialists appointed by concerned communities**, will determine whether disclosure of information regarding cultural heritage required under the ESSs would compromise or jeopardize the safety or integrity of such cultural heritage or that of the people whose heritage is under consideration. In such cases, with the agreement of affected groups, sensitive information may be omitted from public disclosure.

17. Archaeological sites comprise any combination of structural remains, artifacts and ecological elements. A site may be located entirely beneath, partially above, or entirely above the land or water surface.

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18. Where there is evidence of past human habitation in the area of the project, the Borrower will conduct a surface survey to document, map and investigate archaeological remains.⁸ The Borrower will document the location and characteristics of archaeological sites and artifacts discovered during the life the project and provide such documentation to the national or subnational cultural heritage authorities.

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18. The Borrower will make every effort to ascertain whether there is the presence of any trace of past human habitations in the area of the project, recognizing that unexpected traces of past humans have been found in most regions of the world, often under the most unexpected circumstances. Where there is evidence of past human habitation in the area of the project, the Borrower will conduct a surface survey to document, map and investigate archaeological remains.⁸ **When a surface survey is recognized as insufficient/inadequate, the Borrower will conduct remote sensing or the minimal excavation deemed necessary by credentialed specialists to evaluate the impact of the project on subsurface cultural resources.** The Borrower will

document the location and characteristics of archaeological sites and artifacts discovered during the life the project and provide such documentation to the national or subnational cultural heritage authorities including affected groups.

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19. The Borrower will determine if archaeological remains and artifacts discovered during the life of the project require: (a) documentation only; (b) excavation and documentation: or (c) conservation in place; and will manage them accordingly. The Borrower will determine ownership and custodial responsibility for artifacts in accordance with national and subnational law, and will arrange for their identification and storage to enable future study, analysis and publication by experts.

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19. The Borrower will determine in consultation with specialists and affected groups if archaeological remains and artifacts discovered during the life of the project require: (a) documentation only; (b) excavation and documentation: or (c) conservation in place; and will manage them accordingly. The Borrower will determine ownership and custodial responsibility for artifacts in accordance with national and subnational law, **where possible involving consultation with concerned local, descendant and Indigenous groups.** The Borrower will arrange for the identification and storage of artifacts to enable future study, analysis and publication by experts, **as well as appropriate access for concerned local, descendant and Indigenous groups,**

21. When the project has a direct impact on single or groups of cultural heritage structures, the Borrower will identify appropriate mitigation measures, which may range from documentation, to conservation or rehabilitation in situ, to relocation and conservation or rehabilitation. During any rehabilitation or restoration of cultural heritage structures, the Borrower will ensure that the authenticity of form, construction materials and techniques of the structure(s) are maintained.⁹

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21. When the project has a direct impact on single or groups of cultural heritage structures, in consultation with specialists and affected groups the Borrower will identify appropriate mitigation measures, which may range from documentation, to conservation or rehabilitation in situ, to relocation and conservation or rehabilitation. During any rehabilitation or restoration of cultural heritage structures, the Borrower will ensure that the

authenticity (as determined in consultation with specialists and affected groups) of form, construction materials and building techniques of the structure(s) are maintained.⁹

23. Natural features may be imbued with cultural heritage significance.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. The value of such heritage may reside in small local groups or minority populations, and be of limited significance beyond the local context.

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23. Natural features may be imbued with cultural heritage significance.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. The value of such heritage may reside in small local groups or minority populations, and be of **great significance** beyond the local context.

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28. Where a project intends to use cultural heritage, including knowledge, innovations or practices of local communities, for commercial purposes, the Borrower will inform the affected communities 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.

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28. Where a project intends to use cultural heritage, including knowledge, innovations or practices of local communities, for commercial purposes, the Borrower **must notify concerned local, descendant and/or Indigenous communities of their intent by informing** them 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. **The Borrower must obtain consent from affected, local, descendant and/or Indigenous communities before initiating plans to use cultural heritage for commercial purposes, and ensure that their requirements are properly incorporated into the planning.**