

# ADB Safeguard Policy Review and Update: Cultural Heritage

REGIONAL CONSULTATIONS

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10-11 January 2022



SAFEGUARD  
POLICY REVIEW  
AND UPDATE

ADB

## Restatement of ADB's Commitment to Meaningful Consultations



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The Safeguard Policy Review and Update Phase 2 consultations intend to provide opportunities for stakeholders to express their views and opinions on ADB's environmental and social safeguards in the most meaningful and safest manner possible.

All stakeholders are encouraged to articulate any project-related inputs and concerns they have during the consultation sessions, all of which will be recorded and duly documented during each event. This allows the ADB to review, consider and respond to, if necessary, any comments and inputs made. Background materials on the thematic areas have been released for the reference of participants in preparation for the consultations and dialogues.

All types of project feedback are welcome and will not be used for the purposes of retaliation, abuse, or any other kind of discrimination. Written session documentation containing a summary of feedback will be disclosed from the transcripts and recordings of the consultations. This will ensure the accuracy and transparency of proceeding records.


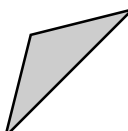
If you have any issues or concerns on confidentiality, potential risks, abuse, or any kind of discrimination during the course of the consultations, please get in touch with the SPRU Secretariat through [safeguardsupdate@adb.org](mailto:safeguardsupdate@adb.org).

# Gentle Reminders



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- 
- ✓ If possible, join from a quiet, distraction-free area
  - ✓ Ensure your audio and video are working
  - ✓ Put your microphone on mute when you are not speaking
  - ✓ Virtually raise your hand on the Zoom feature to raise a point or question
  - ✓ Be respectful to other joining participants
  - ✓ Be conscious of time as per the agreed agenda
- 



# Simultaneous interpretations available!

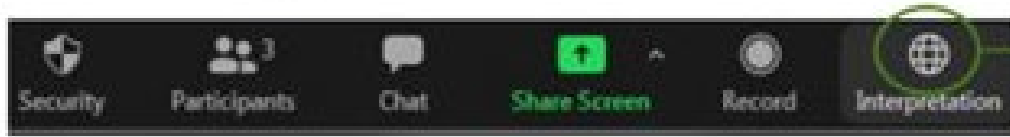
समकालीन भाषांतरण उपलब्ध है!

رواں ترجمے کے لئے دستاب زبانیں

Осуществляется синхронный перевод!



1



**Please click on the Interpretation button at the Zoom bar on the bottom of your screen.**

कृपया ज़ूम बार के इंटरप्रिटेशन (Interpretation) बटन पर क्लिक करें जो आपके स्क्रीन के निचले भाग में है।

اپنی سکرین کے بالکل نیچے زوم کی بار پر گلوب کی تصویر والے انٹریپرٹیشن یعنی ترجمہ کے بٹن پر کلک کریں۔

Нажмите на кнопку «Перевод» внизу экрана.

2

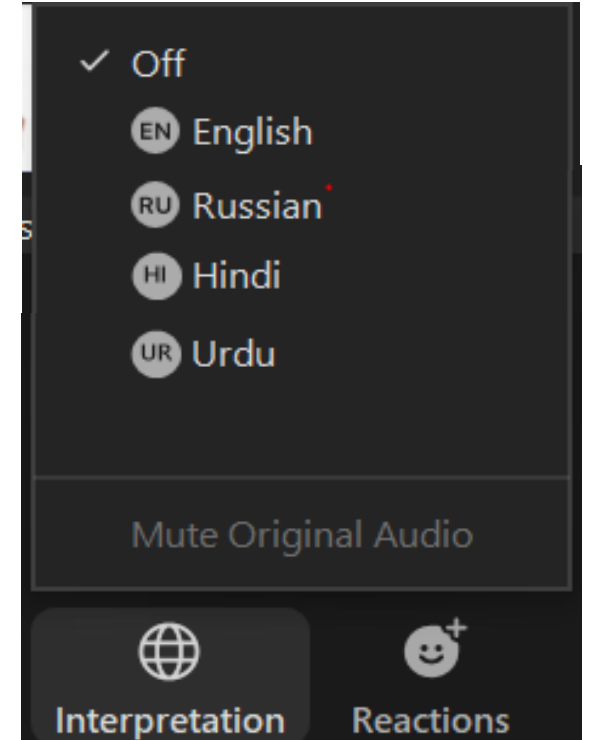
**Languages available:**

उपलब्ध भाषाएं:

دستیاب زبانیں

Выбор языка:

- **Hindi**  
हिंदी
- **Urdu**  
اردو
- **Russian**  
Русский язык

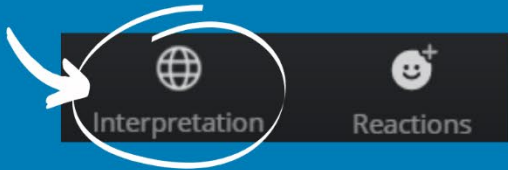




## HOW TO LISTEN TO INTERPRETATIONS

1

Click on the Interpretation button at the bottom of your Zoom screen.

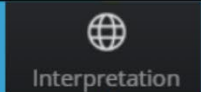


2

Select your preferred language among the list of available interpretations.



Click Mute Original Audio to mute the English audio.



3

## CHANGING YOUR NAME ON ZOOM

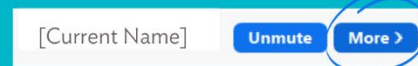
1

Click on the Participants button at the bottom of your Zoom screen



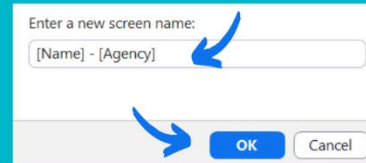
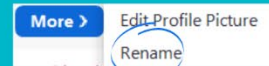
2

On the right hand of your screen, look for your name. Click on the More button on the right side of your name.



3

Click on the Rename button, type in your Name and Agency, then click OK.

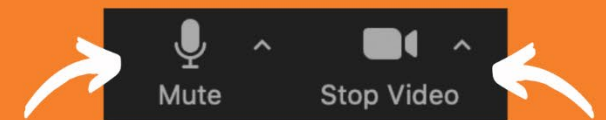
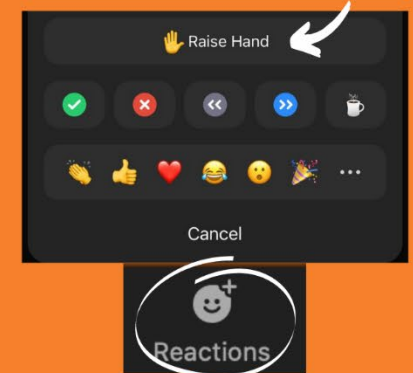


## USING ZOOM BUTTONS



Send a message, question or feedback by clicking the chat button.

To comment or raise a question live in the language you prefer, click on the smile icon (Reactions button), and then click on Raise Hand.



To speak and unmute yourself, click on the microphone icon.

To show your video, click on the video icon.



# AGENDA



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- 1. Introduction** (5mins)  
Azim Manji, Session Moderator and Stakeholder Engagement Team Leader
- 2. Session 1:** Welcome and Overview of the Safeguard Policy Statement (2009) and Update Process (10mins)  
Bruce Dunn, Director, Safeguards Division, Sustainable Development and Climate Change Department (SDCC)
- 3. Session 2:** Presentation on ADB Safeguards for Cultural Heritage (15 minutes)  
Aaron Sexton, Environment Specialist, Safeguards Division, Sustainable Development and Climate Change Department (SDCC)
- 4. Session 3:** Moderated Discussion (75 minutes)
- 5. Event Evaluation** (5 minutes)
- 6. Wrap up** (5 minutes)  
Bruce Dunn, Director, Safeguards Division, Sustainable Development and Climate Change Department (SDCC)

DRAFT

# Session I: Welcome and Introduction

Bruce Dunn, Director, Safeguards Division,  
Sustainable Development and Climate Change Department (SDCC)



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# Session 2: Cultural Heritage – Study Summary

Aaron Sexton, Environment Specialist, Safeguard Division,  
Sustainable Development and Climate Change Department (SDCC)



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# Cultural Heritage

## Safeguards Policy Statement 2009



### Presentation Overview

1. Study objectives, approach and methodology
2. Existing policy and implementation challenges
3. Findings from MFI comparative analysis
4. Areas for further consideration and emerging issues
5. Key messages

# Cultural Heritage

## Study Objectives, Approach and Methodology



- Assessment of ADB's **current approach** to assessment and management of impacts on cultural heritage.
- Review the scope, coverage and implementing procedures of other Multilateral Finance Institutions (MFIs) - **AIIB, EBRD, IDB, IFC, World Bank** - and assess key differences in policy scope and coverage in addressing the topic of Cultural Heritage.
- Identify sub-topics and issues that may require additional attention as ADB updates its safeguards framework.
- Related emerging issues for further consideration in ADBs revised safeguards framework

# Cultural Heritage

## Existing SPS Requirements



- Identify measures to **conserve and avoid damage or destruction** of physical cultural resources (PCR); **apply field-based surveys** that employ qualified and experienced experts; and adopt **‘chance find’ procedures** (CFP).
- Highlights the **importance of consultation**, both with local communities and relevant national or local regulatory agencies.
- If avoidance of PCR is not possible, strict conditions are to be met- **removal of PCR is prohibited unless strict conditions are met.**
- CFP is included in project EMP. Where PCR is found during assessment, project-specific requirements are indicated in a **Cultural Heritage Management Plan (CHMP)**

# Cultural Heritage

## Implementation Challenges for the SPS

- **Infrequent application** of PCR safeguards across project portfolio.
- **Varied geographical presence of PCR** between and within DMCs, creating **differing internal capacity and standards of DMCs**, leading to inconsistent level of assessment for PCR and inconsistent regulatory approach.
- Lack of guidance on setting implementation conditions and preparing plans.
- Where **PCR management and assessment does not follow international practice**, risks of misinterpreting the importance of PCR exists.
- **Lack of detailed requirements** with respect to baseline collection.
- No mention of **integration of social and community PCR interests** and how to **consider natural features and landscapes**.
- **Lack of recognition, understanding and awareness** with regards internationally designated sites.

# Cultural Heritage

## Differences and Gaps in Scope and Coverage

- Lack of **definition on categories** for tangible cultural heritage.
- **Intangible cultural heritage** is only addressed with respect to its commercial use, with insufficient guidance.
- No explicit reference to **Indigenous people's cultural heritage** in SPS IP safeguards.
- Though the SPS refers to the **need to follow applicable laws and regulations** of the jurisdiction in which the project operates, including **host country obligations under international law**, it does not explicitly address **user access to cultural heritage sites**.
- No distinct reference to **visual assessment or impacts on cultural heritage**.
- No explicit requirement for **contractors and third-parties to protect cultural heritage**, although they are bound to implement agreed mitigation measures.
- Lack of requirements to use **consultation as a means of identifying cultural heritage**.

# Cultural Heritage

## For Further Consideration



- **Separate Standard** for cultural heritage with supporting technical guidance.
- Clear **definition** of cultural heritage types.
- Consideration of **intangible cultural heritage**.
- **Commercial use** of cultural heritage.
- **Indigenous People** and their **cultural heritage**.
- **Sensitivity of specific resources** as defined by the impact assessment process and by law.

# Cultural Heritage

## For Further Consideration



- **Recurring issues** such as:
  - user access to cultural heritage sites.
  - visual impacts.
  - chance finds procedures.
  - Confidentiality.
  - Contractor and third-parties performance on protecting cultural heritage.
- **Improved data collection and storage** to support the mitigation hierarchy.
- Enhancement of **technical working standards** and the application of **best available techniques (BAT)**.

# Cultural Heritage

## Emerging Themes for Stakeholder Discussion



- Identification of **patterns in Asian heritage and in sub-regions** within Asia.
- Protection of **marine heritage**.
- Adequately address **human burial in local community settings**.
- Improvement of **assessment capabilities** through the application of **new technologies**.
- Consideration of cultural heritage as a **project opportunity** and to not be dissuaded from projects that may incur archaeological finds.

# Key Messages



## SAFEGUARD POLICY REVIEW AND UPDATE



- I. The ADB SPS has gaps compared to other MFIs and changes are necessary to enhance the current policy and provide greater clarity for implementation
- II. Other MFIs are increasingly aligned in CH policy principles and thus provide opportunities for convergence
- III. ADB would like to improve practice through, but not limited to:
  - Inclusion of more definitions and more robust language
  - Separate standard and supplementary guidance material
- IV. Policy can place greater requirements on borrowers/clients to protect cultural heritage and achieve effective compliance
- V. Opportunity to include new concepts, such as intangible cultural heritage and emerging themes

**We will be having a short break**



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# Session 3: Moderated Discussion

Moderator: **XXX XXXX**, Environment Specialist, Safeguards Division,  
Sustainable Development and Climate Change Department (SDCC)



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# Discussion Guide

Time remaining for the break

**05:00**

**ADB**

## Round 1

1. Please share any perspectives or recommendations for improving ADB safeguard policy with respect cultural heritage

## Round 2

1. Which aspects of comparator MFI cultural heritage policies should ADB support/ continue to support?
2. Which aspects of comparator MFI cultural heritage policies should ADB take a different approach on?
3. How could ADB better work with its clients (developing member countries and private sector) and affected communities and CSOs to avoid impacts through early intervention and during implementation?
4. Are there good practices outside of MFIs that ADB should be looking at with respect to cultural heritage and protecting PCR?

# Sequence for Q&A



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**1<sup>st</sup> sequence** – Open for statements and sharing of perspectives and recommendations (raised hands to speak)

**2<sup>nd</sup> sequence** – Questions sent in advance (through Zoom registration)

**3<sup>rd</sup> sequence** – Questions posted on the chat box and participants raising hands will be called in batches

# Quick Poll



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Please rate your satisfaction with today's session:

- 5** – Highly satisfied
- 4** – Somewhat satisfied
- 3** – Neutral
- 2** - Somewhat dissatisfied
- 1** – Very dissatisfied

Quick written feedback via [www.menti.com](http://www.menti.com)

Please Click the link on the chat box:

# Quick Poll



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From 1 (not effective) to 5 (highly effective),  
how would you rate the effectiveness of this consultation?

Quick written feedback via [www.menti.com](http://www.menti.com)  
Please Click the link on the chat box:

# Wrap Up and Synthesis

Bruce Dunn, Director, Safeguards Division,  
Sustainable Development and Climate Change Department (SDCC)



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# THANK YOU!

## GET INVOLVED

Please send us your feedback and suggestions



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<https://www.adb.org/who-we-are/about/safeguard-policy-review>

**WEBPAGE**

<https://www.facebook.com/ADBsafeguardreview>

**FACEBOOK PAGE**

[safeguardsupdate@adb.org](mailto:safeguardsupdate@adb.org)

**E-MAIL**

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