



The Board of Executive Directors of IBRD / IDA
The World Bank
1818 H St. NW
Washington, D.C. 20433

27 November 2014

Dear Sir / Madam,

IfA Response to Consultation on World Bank Draft Environmental and Social Framework: 30 July 2014

Thank you for the opportunity to comment on this draft Framework.

The Institute for Archaeologists

The Institute for Archaeologists (IfA) is a professional body for the study and care of the historic environment. It promotes best practice in archaeology and provides a self-regulatory quality assurance framework for the sector and those it serves.

The IfA has over 3,100 members (including members practising outside the United Kingdom) and more than 70 registered practices across the United Kingdom. Its members work in all branches of the discipline: heritage management, planning advice, excavation, finds and environmental study, buildings recording, underwater and aerial archaeology, museums, conservation, survey, research and development, teaching and liaison with the community, industry and the commercial and financial sectors.

IfA's International Practice group provides a forum for archaeologists, historic environment and cultural heritage professionals working on international projects and initiatives (or based outside the UK and the Republic of Ireland), and advise IfA council on issues relevant to international practice of archaeological and cultural heritage management. This response has been informed by comments from members of that Group.

IfA has successfully petitioned for a Royal Charter of Incorporation which was granted on 03 June 2014. The Institute will become known as the Chartered Institute for Archaeologists (ClfA) on 09 December, 2014. Consequently any suggested references to the Institute in the Framework would be references to ClfA rather than IfA.

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

General

IfA welcomes the World Bank's revision of its current set of safeguard policies and its development of an Environmental and Social Framework. IfA in particular welcomes the broad objectives of the World Bank in formulating proposed Environmental and Social Standard 8 (Cultural Heritage) *'to protect cultural heritage from the adverse impacts of project activities and support its preservation; to address cultural heritage as an integral aspect of sustainable development; to promote the equitable sharing of benefits from the use of cultural heritage'* (World Bank Factsheet: Proposed Environmental and Social Standard 8: Cultural Heritage).

Detailed Comments

Page 9, paragraph 4

1. Although paragraph 4(b) identifies ‘social risks and impacts’ to include ‘(vii) risks to cultural heritage’, risks to the historic environment and wider cultural heritage are not identified under paragraph 4(a) as ‘environmental risks and impacts’. Such risks, as described in that sub-paragraph, are confined to the natural environment, but should expressly include the historic environment. Consideration of the historic environment is a key element of sustainable development - a fact which should be clearly recognised in this part of the Framework (reinforcing the recognition of cultural heritage ‘as an integral aspect of sustainable development’ at page 84 of the draft).

Pages 20 to 98, Environmental and Social Standards

2. Although Cultural Heritage is dealt with at ESS8, it would be helpful to note in the text linkages with other Standards (for instance, linkages to ESS7: Indigenous Peoples (concerning anthropology/ethnography), ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources (concerning heritage as part of integrated ecosystems services) and ESS10: Information Disclosure and Stakeholder Engagement (concerning meaningful engagement and consultation regarding such issues as heritage ownership and significance)).

3. In particular, the subsection on Cultural Heritage in ESS7: Indigenous Peoples (paragraphs 26 & 27) needs to be cross-referenced in the main Standard on Cultural Heritage (ESS8).

Page 22, ESS1: Assessment of Environmental and Social Risks and Impacts

4. ESS1 promotes a ‘mitigation hierarchy approach’. What this approach does not expressly acknowledge, however, is that there may be cases where the project is inherently unsustainable and/or cannot be made sustainable by measures which are financially and/or technically feasible. The Framework should envisage circumstances where a project should not proceed (see below).

Expertise

5. A variety of references to expertise appear throughout the document. For instance, ESS1 refers to the need for ‘internationally recognized independent experts’ for High Risk and similar projects (paragraph 31, page 28) and to the need for persons responsible for ESCP activities to be ‘adequately qualified and trained so that they have the knowledge and skills necessary to perform their work’ (paragraph 44, page 30) and ESS8 requires borrowers to ‘retain competent professionals to assist in the identification and protection of cultural heritage’ (paragraph 10, page 85).

6. Recognition of the need for expertise is welcomed, but the Framework should provide clearer guidance on what constitutes ‘expertise’ and ‘competence’. The World Bank should require professionals to be members of a professional association with objective and transparent membership criteria, a code of conduct and a mechanism for ensuring members act in accordance with that code. Examples of such organisations include the Institute for Archaeologists (soon to be known as ClfA: see above), the Register of Professional Archaeologists (RPA) and the Dutch Association of Archaeologists (NVvA).

Page 84, paragraph 4: definition of cultural heritage

7. IfA would like to see a wider and more detailed definition which should explicitly include the movable, tangible and intangible cultural heritage. This includes but is not confined to archaeological remains. The International Finance Corporation, in its Performance Standard 8: Cultural Heritage (1 January 2012)¹ defines cultural heritage at paragraph 3 as ‘(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’.

8. Furthermore, the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage² provides further detail with regard to intangible cultural heritage. This is defined in Article 2 as *‘the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity’.*

9. The definition in ESS8 should reflect more fully the above definitions.

Page 85, paragraph 10

10. ESS8 requires a borrower to *‘ensure that internationally recognized practices for field-based study, documentation and protection of cultural heritage are implemented, including by contractors and other third parties’.* IfA endorses such an approach, but wishes to see *‘internationally recognized practices’* further defined to ensure the application of appropriate professional standards prescribing required outcomes. IfA Standards and guidance³ have been widely used in this context as have the US Department of the Interior’s Standards and Guidelines. These should be quoted as examples.

Page 85, paragraph 10: chance find procedure

11. Chance find procedures are valuable, but they are not a substitute for prior assessment and evaluation of the archaeological resource. Such procedures provide a specific response where either something specific is expected that can be appropriately recorded in this manner, or where the potential for significant remains can be shown to be low and if such remains are encountered they can be appropriately recorded this way. Chance finds procedures are not a default response or an alternative to prior assessment and evaluation and the Framework should make this clear.

Page 86, paragraph 15: disclosure and confidentiality

12. Notwithstanding IfA’s desire generally to see information about the historic environment and wider cultural heritage in the public domain (see, for instance, principle 4 of the IfA Code of conduct⁴), the Institute accepts that there may be cases where the non-disclosure of information is justified. However, care needs to be taken to ensure that information is not kept out of the public realm any longer than necessary.

13. Furthermore, in some countries there is widespread, if not total, lack of publication or public availability of baseline heritage field survey reports, which in some cases represent the only modern field research in an area in the last 50 years. Consideration should be given to the establishment of an online clearinghouse for baseline reporting (a) as a project-specific monitoring, assessment and compliance tool (b) for the greater good of science and knowledge (in the absence of legitimate grounds for confidentiality) and (c) as shared examples to establish benchmarks for good practice.

Page 86, paragraph 17: archaeological sites

14. Although paragraph 17 recognises that *‘Archaeological sites comprise any combination of structural remains, artifacts and ecological elements’*, it would be helpful also to acknowledge that all structures can

have archaeological interest. This would go some way to avoiding a rigid (and often inaccurate) classification of material remains as either 'buildings' / 'structures' (many of which have archaeological interest) or 'archaeological sites'.

Page 86, footnote 6, identifying value and assigning significance

15. This is an exceedingly complex area. Further guidance is needed as to:

- what should be done if affected groups and national heritage protection agencies are in conflict
- how failings of governmental/heritage agency stakeholders should be dealt with if they should arise
- how to address the common heritage and scientific interest of wider humanity, beyond the project boundaries.

Page 86, footnote 8

16. As noted above, the requirement to '*adopt an appropriate, feasible, cost-effective method*' does not admit of the possibility that there may not be an appropriate, feasible, cost-effective method to make a project sustainable. The Framework should acknowledge this and provide guidance as to how such unsustainable projects should be dealt with, including the possibility that they should not be supported (compare for instance, the approach in paragraph 12 of IFC's Performance Standard 8: Cultural Heritage (op. cit.)).

Page 87, paragraph 22, context

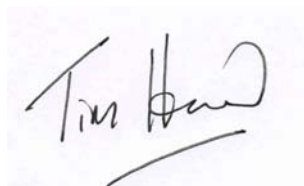
17. Paragraph 22 fails adequately to deal with non-visual aspects of setting (including, for instance, the effects of noise, vibration, dust and blasting) and other aspects such as landscape linkages. This paragraph should also not be confined to 'structures'.

Page 88, paragraphs 28 and 29, commercialisation of intangible cultural heritage

18. IfA welcomes the safeguards embodied in these paragraphs which largely mirror the provisions in paragraph 16 of IFC's Performance Standard 8: Cultural Heritage (1 January 2012)(op. cit.).

IfA and its International Group would welcome the opportunity to work with World Bank and other stakeholders further to develop the cultural heritage content of the draft Framework. In the meantime, if there is anything further that I can do to assist please do not hesitate to contact me.

Yours faithfully,



Tim Howard LLB, Dip Prof Arch
Senior Policy Advisor

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- ¹ http://www.ifc.org/wps/wcm/connect/dd8d3d0049a791a6b855faa8c6a8312a/PS8_English_2012.pdf?MOD=AJPERES
 - ² <http://unesdoc.unesco.org/images/0013/001325/132540e.pdf>
 - ³ <http://www.archaeologists.net/codes/ifa>
 - ⁴ <http://www.archaeologists.net/sites/default/files/node-files/ifa-BYLAWS-Code-of-Conduct.pdf>