

Environmental & Social Management System (ESMS)

Standard on Cultural Heritage

Version 2.1 December 2019

Contents

A. Introduction

1. This **Standard on Cultural Heritage** is a Social Management System (ESMS).
2. For

*Agency Minimum Standards on Environmental and Social Safeguards*³ and its provisions for physical cultural resources.

6. The standard also reflects or has been guided by:
- i. the *Universal Declaration of Human Rights* (Article 27)⁴ and by the *International Covenant on Economic, Social and Cultural Rights* (Articles 13 and 15)⁵ affirming that conservation and development must be culturally appropriate, must respect the right to cultural identity, sovereignty and expressions, and must recognise that culture can and should contribute to the other dimensions of sustainable development;
 - ii. the IUCN *Policy on Social Equity in Conservation and Sustainable Use of Natural Resources* (2000);⁶
 - iii. the IUCN *Policy on Conservation and Human Rights for Sustainable Development* (2012);⁷
 - iv. the UNESCO Conventions on culture, in particular *Protection of the World Cultural and Natural Heritage* (1972);⁸ *Protection and Promotion of the Diversity of Cultural Expressions* (2005);⁹ *Safeguarding of the Intangible Cultural Heritage* (2003);¹⁰ *Protection of the Underwater Cultural Heritage* (2001);¹¹
 - v. *Akw...: Kon Guidelines* (2004).¹²

D. Scope of application

7. This standard applies to projects that concern cultural resources as defined in paragraph 2 provided they are recognised as such by affected communities and other users or mandated government agencies and/or project partners regardless of their legal and protection status.

³ Global Environment Facility, 2015, *Policy on Agency Minimum Standards on Environmental and Social Safeguards*, available at <http://tinyurl.com/GEFSafeguards2015>.

⁴ United Nations, 1948, *Universal Declaration of Human Rights*, available at <http://www.un.org/en/universal-declaration-human-rights/>.

⁵ United Nations, 1966, *International Covenant on Economic, Social and Cultural Rights*, available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

⁶ IUCN, 2000, *Policy on Social Equity in Conservation and Sustainable Use of Natural Resources*, available at

8. This standard applies when a project:
 - i. involves the risk of damaging cultural resources;
 - ii. might require restricting access to cultural resources (including sites) by individuals and communities with legitimate rights to use these resources for their livelihoods and cultural and spiritual reasons in order to meet biodiversity conservation objectives; or
 - iii. intends to promote the development and use of greater social or economic benefits from cultural resources.

Examples of activities that might risk damaging cultural resource are civil works such as construction or improvement of infrastructure (e.g., watch towers, visitor centres, access roads), particularly when they involve excavation or movement of earth, flooding or physical environmental changes as part of ecosystem restoration projects. This standard applies not only to projects that directly restrict the use of resources or sites but also to any alteration of the physical environment which would make it more difficult for communities to use the resources according to their cultural practices.

9. -by-case examination as part of
the ESMS screening.¹³ The screening is a preliminary desk assessment of potential impacts and their significance. It is based on information, including the ESMS Screening Questionnaire, provided by the project proponent and is conducted by the ESMS Coordinator in consultation with members of the IUCN ESMS Expert Team and, as needed, with staff from the IUCN regional programmes. It takes into account (to the extent available data allow) the importance and sensitivity of the cultural resources, the magnitude of the anticipated impact(s), the probability of the impact(s), the risk of non-compliance, and the potential reputational risks for IUCN. The screening determines the risk level and requirements to further assess impacts, as needed.

10. The standards must be applied in conjunction and in compliance with applicable legislation of the host country concerning assessment and management of cultural heritage. However, in accordance with the ESMS Principle on Precedence of the Most Stringent Standard, the most stringent standard related to cultural heritage must be given precedence. If IUCN ESMS standards and procedures on cultural heritage matters are more rigorous than those of national laws, IUCN projects will adhere to the more stringent IUCN standards.

E. Requirements

General requirements

11. In instances where the ESMS screening has determined that cultural resources and/or the rights of people to continue to access and use these resources might be significantly affected by the project, the project will be classified as high-risk project and a full ESIA will be carried out. If the project has less adverse impacts, which can be more readily

¹³ See the ESMS Manual for further details about the ESMS screening www.iucn.org/esms.

addressed by mitigation measures, it will be classified as moderate-risk project and a partial Environmental and Social Impact Assessment (ESIA) will become necessary.¹⁴

12. If information gaps or uncertainty about the presence of cultural resources or potential impacts exist, the ESMS screening will conservatively assign a higher risk level to allow for a more rigorous risk

G. Specialised expertise

33.

Annex

Procedures for accidental discovery of cultural resources (chance finds)

If cultural resources are discovered during project implementation (e.g., when undertaking civil works), the agency responsible for the work that has resulted in the find (e.g., the executing entity, executing partner or contractor) is obliged to declare the discovery at the earliest possible date to IUCN and the competent national authority.

If there is a legally established procedure for accidental discoveries (e.g., of archaeological objects or remains) in the country where the project is implemented, that procedure will be followed, without prejudice to compliance with this standard. If there is no such procedure, it will be the responsibility of the executing entity to prepare a specific chance find procedure that must contain the following elements:

- a clear identification of roles and responsibilities;

- procurement of the services of a qualified entity, expert or group of experts to assess the cultural significance and conservation requirements of the find;

- a temporary suspension of the work, for up to one month, to allow this assessment to take place;

- protection and security for the resource and/or the site during the assessment to prevent looting or other loss;

- consultation of relevant local, national and international actors in the conduct of this assessment;

- a system for reporting and recording chance finds.