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Cultural Organization

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pour l'éducation,  
la science et la culture

Организация  
Объединенных Наций по  
вопросам образования,  
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联合国教育、  
科学及文化组织

UNESCO Bangkok  
Asia and Pacific Regional Bureau for Education

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2 December 2008

Dear Sir,

**Re: ADB's Safeguard Policy Concerning Physical Cultural Resources**

UNESCO is very pleased to note the inclusion of Physical Cultural Resources (PCR) in the updated Safeguard Policy prepared by ADB which has been circulated for public review and extends its appreciation to ADB for providing an opportunity to provide comments.

ADB's commitment to safeguarding the Physical Cultural Resources is very much in line with the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (popularly known as the World Heritage Convention). The World Heritage Convention is one of the most widely adopted international legal instruments, with 185 member states ratifying the Convention, which comprehensively includes ADB's members, with the exception of some island states and Taipei, China.

The standing commitment which these countries have to protect heritage sites within the scope of the Convention provides a strong legal and political framework to enhance the enactment of the Safeguard Policy. It should be noted that the Convention applies not only to World Heritage sites, but provides a framework for safeguarding all heritage sites. The alignment of the principles and mechanisms for enacting the Safeguard Policy, therefore, will stand to benefit by close alignment with the World Heritage Convention and its Operational Guidelines (most recently updated in 2008).

There are currently 878 World Heritage properties around the world, of which 182 are located in the Asia-Pacific region. These include single monuments, groups of buildings and sites, such as historic towns. Due to the high development potential surrounding these properties, many of these sites have been targeted by development partners, including ADB, notably through infrastructure projects within the tourism sector.

The protection of these heritage sites is of the highest mutual concern, and UNESCO looks forward to cooperating with ADB in ensuring the sustainable safeguarding of these sites through the following modalities.

Assessing country systems

Within the country systems approach adopted by ADB in line with the World Bank and other multilateral development banks, assessing the strength of country systems implies the need for a regional benchmark system to serve as the basis to measure up the country systems.

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As the sole UN agency with a culture mandate, UNESCO has been developing an Asia-Pacific methodology for Cultural Heritage Impact Assessment (CHIA), which can serve as a reference to benchmark country systems for PCR assessment. The key indicators identified by UNESCO for the robustness of a national-level CHIA system include:

- Is the CHIA implemented within a legally endorsed national EIA system?
- Is the definition of "cultural heritage" wide and comprehensive – including not only listed monuments, archaeological sites and heritage buildings, but also unlisted monuments, and in the widest scope, also associated intangible heritage as well? In this latter scenario, it reflects the country's legal commitment to implement the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, and provides a legal framework to recognize the significance of intangible heritage in maintaining the social authenticity of the physical cultural resources.
- If a project may impact on significant cultural resources, but on nothing else, will this trigger an impact assessment at the screening stage?
- Is there a wide range of players/stakeholders involved and to what degree?
- Are the baseline studies (including field investigation) and the assessment carried out by qualified professionals (either government staff or consultants hired through a controlled licensing or pre-approved pool or through the open market)?
- Are there standards set for Cultural Heritage Impact Assessors? Are these assessors licensed or formally listed in a national register or in some other way? Is there a code of ethics set by the government or by a professional body?
- Is detailed technical guidance on carrying out the baseline studies provided by the relevant authorities and must practitioners adhere to it?
- Is a detailed methodology provided for carrying out assessment of impacts by the relevant authorities and must practitioners adhere to it?
- Are there specific standards set by the relevant government authority concerning the design and implementation of mitigation measures?
- Does the CHIA system include provision for monitoring compliance with mitigation measures and of their overall effectiveness?
- Is there provision for independent review of the CHIA at the baseline and assessment stages?
- Is there communication during the CHIA process between the project designers and the CHIA practitioners to allow for changes in the project or its methodology?
- Are there requirements and standards for reporting the CHIA findings?

#### Strengthening legislation and mechanisms for cultural heritage impact assessment

Where national legislative frameworks and mechanisms for enacting cultural heritage impact assessments may be weak, UNESCO would be pleased to cooperate with ADB in bolstering such frameworks and mechanisms at the policy level, particularly as a means of strengthening the country's capacity to implement the World Heritage Convention.

#### Building capacity of professionals

UNESCO's experience with safeguarding heritage sites shows that presently there is an acute shortage of qualified practitioners in the Asia-Pacific region to carry out impact assessment for PCR in particular or for cultural heritage resources as a whole. Moreover, training and qualification systems and standards may be wholly lacking or weak in most countries.

In order to close any gaps in the delivery capacity between the Bank's standards/implied technical resources and the existing country systems/technical resources, especially among developing country members, UNESCO would be pleased to cooperate with ADB in professional capacity building efforts and the development of professional certification standards.

UNESCO recommends the Bank to privilege building the capacity of staff of national cultural heritage agencies in conducting impact assessments. This will wean countries from reliance on international experts to conduct the assessment, who will necessarily have a limited understanding of the extent and value of the local heritage, as well as less time and

cultural/linguistic barriers. This would be also a way to ensure the sustainability of the investment.

In the interim, while such national competencies are being established, UNESCO could roster experts with regional expertise and make this roster available to ADB and member countries.

#### Developing concrete guidelines for undertaking cultural heritage impact assessments

Concrete guidelines will be required to operationalize the updated Safeguards Policy concerning PCR both within the Bank itself and among the developing member countries.

At the national level, this can be undertaken by building on the foundation of existing national professional guidelines for cultural heritage safeguarding. For instance, in China, the State Administration on Cultural Heritage has adopted as its professional guiding document the *Principles for the Conservation of Heritage Sites in China*, which provides detailed guidelines to heritage professionals and allied professionals such as those in municipal construction, land and housing management, etc. The development of corollary guidelines specifically aimed at cultural heritage impact assessment will be required that are compatible with these underlying foundation principles for conservation.

Handbooks aimed at professional cultural heritage impact assessors can be collaboratively developed, along the lines of publications such as *Streetwise Asia: A Practical Guide for the Conservation and Revitalisation of Heritage Cities and Towns in Asia*, which has been jointly published by the World Bank and UNESCO. Available in both English and Chinese editions, this practical guide has been socialized by the World Bank and counterparts in relevant historic heritage districts in China impacted by urban sector projects.

#### Screening projects

For projects affecting World Heritage sites, for which UNESCO centrally maintains data pertaining to the location, boundaries and condition of sites provided by national authorities, it may be worthwhile for the Bank to consider the JBIC modality whereby JBIC calls for UNESCO consultation in the early project conceptualization stage to help screen projects with unacceptable heritage impacts.

#### Independent advisory panels

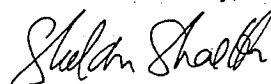
The updated Safeguard Policy calls for setting up independent advisory panels for sensitive projects. For projects that will affect World Heritage sites, the Bank should strongly consider to invite the participation of UNESCO in such panels, within the terms of reference of UNESCO as the secretariat in the implementation of the World Heritage Convention.

#### Active safeguarding

Beyond a "do no harm" approach, the updated safeguards policy opens the way for more pro-active safeguarding measures. In protecting PCR, this can take the form of investing in protective infrastructure at vulnerable sites or sites with anticipated development boom.

In conclusion, I look forward to our ongoing collaboration and discussion in the area of heritage safeguarding. In particular, as the issue of PCR is still a nascent one, compared to other more well-developed aspects of environmental safeguards, I invite ADB to consider convening a workshop next year with UNESCO and other multilateral development bank partners, notably the World Bank and JBIC, in order to identify opportunities for collaboration and exchange of knowledge and resources in the area of operationalizing PCR safeguarding in the region.

Yours sincerely,



Sheldon Shaeffer  
Director  
UNESCO Bangkok

cc: Mr Francesco Bandarin, Director, World Heritage Center  
Mr Giovanni Boccardi, Chief, Asia and Pacific Unit, World Heritage Center

Enc. Text of the World Heritage Convention  
Operational Guidelines for the World Heritage Convention  
*Principles for the Conservation of Heritage Sites in China*  
*Streetwise Asia* (English and Chinese editions)