



Environmental & Social Management System (ESMS)

Standard on Cultural Heritage

Version 2.1 – December 2019

Code Version Control and History

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Applicable to	IUCN staff, IUCN Commission members, IUCN Members and other partners executing IUCN projects
Purpose	To establish risk assessment and management requirements for IUCN projects to avoid negative impacts on cultural heritage.
Is part of	IUCN's Environmental and Social Management System (ESMS)
Conforms to	Internationally accepted environmental and social standards and safeguards; in particular with the GEF Policy on Agency Minimum Environmental and Social Standards and with the Green Climate Fund's Environmental and Social Safeguards
Related Documents	ESMS Manual, IUCN ESMS Standards on Involuntary Resettlement and Access Restrictions, on Indigenous Peoples, on Biodiversity and Sustainable Use of Natural Resources
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Document History

Version	Release date	Summary of changes
Version 1.0	May 2014	Released at Standard on Physical Cultural Resources in May 2014
Version 1.1	March 2015	Small adjustments
Version 2.0	May 2016	Change of title to prepare for a broadening of scope to include non-tangible resources, refinement of scope description and conditions of applicability, clarification of risk assessment and management procedures and requirements
Version 2.1	December 2019	Additions about consultation with qualified experts on whether disclosure is appropriate in the context of cultural heritage (new chapter 17) Minor edits on chance finds (new chapter 18, iii)

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Environmental and Social Management System Policy Framework

The Environmental and Social Management System (ESMS) is an intrinsic part of IUCN's project cycle. It provides systematic steps and operational tools for managing the environmental and social performance of projects implemented or supported by IUCN. The system allows IUCN to identify potential negative environmental or social impacts of its projects and develop suitable measures to avoid, minimise, or compensate for these impacts. It also ensures that the implementation and effectiveness of mitigation measures are monitored and that any impacts arising during execution of the project are addressed.

The ESMS is guided by eight overarching principles and four standards which reflect key environmental and social areas and issues that are at the heart of IUCN's conservation approach.

Principles

Principle on Taking a Rights-Based Approach

Principle on Protecting the Needs of Vulnerable Groups

Principle on Gender Equality and Women Empowerment

Principle on Stakeholder Engagement

Principle on Free, Prior and Informed Consent

Principle on Accountability

Principle on the Precautionary Principle

Principle on Precedence of the Most Stringent Standards

Standards

Standard on Involuntary Resettlement and Access Restrictions

Standard on Indigenous Peoples

Standard on Biodiversity Conservation and Sustainable Use of Natural Resources;

Standard on Cultural Heritage

Contents

- A. Introduction 1
- B. Purpose of the standard 1
- C. Conformity and relationship with other systems and policies 1
- D. Scope of application 2
- E. Requirements 3
 - General requirements 3
 - Specific requirements for three types of projects..... 4
 - I. Projects that may risk damages to cultural resources 4
 - II. Projects that may restrict access to cultural resources 5
 - III. Projects that develop benefits from cultural resources 6
- F. World Heritage Properties 6
- G. Specialised expertise 7
- H. Technical guidance 7
- Annex 8

A. Introduction

1. This **Standard on Cultural Heritage** is a component of IUCN's Environmental and Social Management System (ESMS).
2. For this standard, 'cultural heritage' refers to:
 - i. a tangible, movable or immovable cultural resource or site with paleontological, archaeological, historical, cultural, artistic, religious, spiritual or symbolic value for a nation, people or community; or
 - ii. a natural feature or resource with cultural, religious, spiritual or symbolic significance for a nation, people or community associated with that feature.

Examples of the first category are burial sites, monuments, buildings, group of buildings, urban areas, and cultural landscapes. Examples of the second are sacred mountains, forests, trees or landscapes.

3. IUCN recognises the value and importance of cultural resources to society and as critical elements of sustainable development important for present and future generations. Hence, IUCN projects should generally promote positive measures for the conservation of cultural resources and ensure that communities continue to have access to and enjoy these resources. However, IUCN also recognises that there is a risk that conservation projects and programmes might potentially harm cultural resources or restrict peoples' access to their cultural resources if no special attention is taken.

B. Purpose of the standard

4. The purpose of this standard is to assure that IUCN projects:
 - i. anticipate and avoid negative impacts on cultural resources or, if avoidance is not possible, minimise and compensate for impacts;
 - ii. avoid restrictions of peoples' ability to legitimately use and/or access cultural resources;
 - iii. assure a fair and equitable sharing of benefits if existing and new uses of cultural resources generate economic, cultural and social benefits.

C. Conformity and relationship with other systems and policies

5. This standard is consistent with internationally accepted social safeguard standards related to cultural heritage, notably International Finance Corporation's *Performance Standard 8 on Cultural Heritage*¹ and the World Bank's *Operational Manual section on Physical Cultural Resources*.² It also meets the Global Environment Facility's *Policy on*

¹ International Finance Corporation, 2012, *Performance Standards on Environmental and Social Sustainability*, Washington DC: IFC, available at <http://tinyurl.com/IFC2012PS>.

² World Bank, *Operational Policy on Physical and Cultural Resources*, OP 4.11, available at <http://tinyurl.com/WorldBankPCR>.

*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. the Convention on Biological Diversity's *Akwé: 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 https://cmsdata.iucn.org/downloads/sp_equity_policy.pdf.

⁷ IUCN, 2012, *Policy on Conservation and Human Rights for Sustainable Development*, available at <http://tinyurl.com/IUCNPolicyConservation-HR2012>.

⁸ UNESCO, 1972, *Convention on Protection of the World Cultural and Natural Heritage*, available at <http://whc.unesco.org/en/conventiontext/>.

⁹ UNESCO, 2005, *Convention on Protection and Promotion of the Diversity of Cultural Expressions*, available at <https://en.unesco.org/creativity/convention>.

¹⁰ UNESCO, 2003, *Convention on Safeguarding of the Intangible Cultural Heritage*, available at <http://www.unesco.org/culture/ich/en/convention>.

¹¹ UNESCO, 2001, *Convention on Protection of the Underwater Cultural Heritage*, available at <http://tinyurl.com/UNESCO-UnderwaterCH>.

¹² Convention on Biological Diversity, 2004, *Akwé: Kon Guidelines*, Voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities, available at <https://www.cbd.int/doc/publications/akwe-brochure-en.pdf>.

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. The standard's applicability is determined through a case-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 resources as well as in compliance with the host country's international obligations regarding 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 assessment to be carried out.
13. The ESIA, guided by competent professionals with expertise on cultural resources, must identify potential risks and verify provisions of the legal framework relevant for cultural resources; where appropriate, a cultural mapping exercise or other field-based surveys should be conducted to evaluate the cultural resources. The ESIA must develop mitigation measures to address the impacts to be documented as part of the project's environmental and social management plan (ESMP).¹⁵
14. The application of this standard is guided by the ESMS principles in the ESMS Policy Framework. In adherence to the ESMS Principle on Stakeholder Engagement, the ESIA must involve relevant groups and communities, concerned government authorities, relevant civil society organisations, local experts and traditional knowledge holders to document the presence or verify the probability of the existence of cultural resources.
15. The consultations also serve to achieve a better understanding of the significance of the cultural resource to social groups and the nature and extent of potential negative impacts as well as to develop acceptable mitigation measures.
16. In all ESIA consultation processes, particular attention must be paid to the involvement of stakeholders who have a specific relationship with the cultural resource under consideration, including indigenous¹⁶ and other communities that attach religious, spiritual or cultural values to these resources; people, communities and businesses that generate social and economic benefits from the resources; and scientists, researchers, and other professionals and organisations involved in cultural heritage research and preservation.
17. Where necessary, particularly in the case of chance finds, qualified experts, including the relevant government authorities and civil society organisations, as well as traditional knowledge holders and other people from the area will be consulted on whether disclosure of information is desirable, since there are situations in which disclosure may compromise the safety or integrity of the cultural heritage in question and/or endanger the sources of information. More details on disclosure requirements are provided in the ESMS Manual.¹⁷

Specific requirements for three types of projects

I. Projects that may risk damages to cultural resources

18. Projects that entail small-scale civil works, such as construction or improvement of small infrastructure (e.g., watch towers, visitor centres, access roads), require a simple assessment of the site where the infrastructure is being placed to verify that it doesn't

¹⁴ See the ESMS Manual for more details on ESIA, available at www.iucn.org/esms.

¹⁵ See the *ESMS Manual* for more details on the ESMP, available at www.iucn.org/esms.

¹⁶ If indigenous peoples are affected by an intervention, the provisions of the IUCN Standard on Indigenous Peoples will apply in a complementary way.

¹⁷ Available at www.iucn.org/esms.

contain cultural resources. Because the site is often unknown during project preparation, the ESMP or project contract must include a provision confirming:

- i. that due diligence will be undertaken when selecting the site;
- ii. that communities will be consulted, thereby assuring that areas of cultural importance which may not be visible or known in advance are also taken into account; and
- iii. that contracts for civil works will include a procedure for chance finds (see Annex) to ensure that provisions are established for managing and responding to needs arising from unexpected encounters.

19. Projects that involve major civil works that extend beyond the local area of intervention will be classified as high- or moderate-risk projects depending on the anticipated significance of impacts; hence, requiring either a full or a partial ESIA as explained in paragraphs 11–16.
20. Avoiding damages is the first and best option of risk management. This can be done by identifying and assessing the feasibility of alternative locations or of alternative project designs.
21. If impacts cannot be avoided, measures for minimising the risks must be identified. If it is not possible to minimise risks sufficiently, in situ restoration measures should be considered provided that the authenticity, integrity, and functionality of the resource can be assured.
22. IUCN projects generally do not cause damages to the extent that would require removal or relocation of cultural resources. However, if this applies, the requirements in paragraphs 22–23 must be respected.
23. Relocation is a viable option only in the case of movable cultural resources and it is done after consultation and discussion with the relevant communities and stakeholders and the mandated government agencies. The impacts of relocation must be mitigated by restoring the resource in a different location (relocation) while assuring maximum functionality and integrity. If significant residual impacts remain, they must be mitigated through appropriate compensation measures to relevant actors (e.g., community or other users).
24. Relocation should be considered only if strategies for avoiding and minimising impacts have proven not to be viable. It should also be critically judged whether a project's expected conservation benefits substantially outweigh the risks for cultural resources and associated losses and the decision may be taken not to support the project.

II. Projects that may restrict access to cultural resources

25. Risk management focuses first and foremost on avoiding the need for access restrictions, for instance by establishing alternative methods of access. For cultural resources with strong cultural significance for certain groups or which are used for religious and other cultural purposes, a strategy for minimising impacts could be to include specific provisions that guarantee these groups access to the sites.
26. Within IUCN's ESMS, the avoidance and mitigation of potential negative impacts on cultural resources are also guided by the Standard on Involuntary Resettlement and

Access Restrictions. If access restrictions to cultural resources (including natural heritage sites) involve the risk of *livelihood* losses, that standard will apply.

III. Projects that develop benefits from cultural resources

27. If a project intends to promote the development and generation of greater social or economic benefits from a cultural heritage site or resource, relevant local and national stakeholders must be informed of the scope and nature of the proposed development and potential consequences.
28. If a project proposes a wider (especially commercial) use of community cultural resources, such as arts and other cultural expressions to which communities have legal (including customary) rights, in adherence to the ESMS Principle on Free, Prior and Informed Consent, obtaining free, prior, and informed consent from the right-holders is mandatory. Arrangements must be made to ensure fair and equitable sharing of the benefits derived from using and/or commercialising the resources
29. The ESMS screening checks whether the intended use might entail potential risks for concerned local communities or for the cultural resources themselves. In adherence to the precautionary principle, the project will be conservatively assigned a higher risk level if information gaps or uncertainty about impacts prevail to allow for rigorous risk assessments.

F. World Heritage Properties

30. If cultural resources are legally protected or have been internationally recognised (such as UNESCO World Heritage Properties), IUCN and its partners will comply with the provisions associated with the protection status and will implement additional activities, whenever possible and applicable, to enhance the conservation and management of these protected properties.
31. For IUCN projects located at an existing World Heritage Property that have been classified by the ESMS screening as high- or moderate-risk projects, the ESIA must include an assessment of the project's impact on the totality of the 'outstanding universal value' of the Cultural World Heritage Property as expressed in its Statement of Outstanding Universal Value (SOUV).¹⁸ This is to assure that the criteria used for the inscription as World Heritage Property are adequately taken into consideration as well as the key issues for authenticity and integrity. This is applicable to both natural and cultural World Heritage Properties.
32. If an IUCN project is associated with a site nominated as a World Heritage Site, this standard and its provisions must be applied in conjunction with the report form used by IUCN field evaluators in the assessment and mission reports to the IUCN World Heritage Panel, which requires consideration of cultural resources within a site nominated on the basis of outstanding natural value.¹⁹

¹⁸ The UNESCO World Heritage Committee requires that all World Heritage Sites have a Statement of Outstanding Universal Value (SOUV). For more details on SOUV see UNESCO World Heritage Centre, 2015, *Operational Guidelines for the Implementation of the World Heritage Convention*, <http://whc.unesco.org/en/guidelines/>.

¹⁹ The report form can be requested from the IUCN World Heritage Programme.

G. Specialised expertise

33. General roles and responsibilities are described in the ESMS Manual. External expertise can be sought whenever necessary. Advice can also be sought as needed from the International Council on Monuments and Sites (ICOMOS)²⁰ and from the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM),²¹ since these two organisations, together with IUCN, are the three formal advisory bodies to the World Heritage Committee of the World Heritage Convention.²²

H. Technical guidance

Technical guidance is available from a number of sources, including:

- the IUCN study on the *Application of Criterion VII (of the World Heritage Convention)* (2013), which examines aesthetic considerations in the application of the cultural criteria, and the application of the concept of cultural beauty²³;
- International Council on Monuments and Sites, 2011, *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties*²⁴
- the recommendations in the independent review of IUCN's *World Heritage and evaluation processes related to communities and rights* commissioned by the IUCN World Heritage Programme in 2012²⁵ and;
- the *Resource Manual for Practitioners: Natural World Heritage Nominations* (IUCN 2008)²⁶;
- Finke, G., 2013, *Linking Landscapes: Exploring the relationships between World Heritage cultural landscapes and IUCN protected areas*²⁷,
- the World Heritage resource manuals prepared by UNESCO²⁸

²⁰ International Council on Monuments and Sites (ICOMOS) website is at <http://www.icomos.org/en/>.

²¹ International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM) website is available at <http://www.iccrom.org/>.

²² World Heritage Convention website is available at <http://whc.unesco.org/en>

²³ Available at <http://whc.unesco.org/uploads/events/documents/event-992-14.pdf>

²⁴ Available at http://www.icomos.org/world_heritage/HIA_20110201.pdf

²⁵ Available at <http://tinyurl.com/WH-Review2012>

²⁶ Available at <https://cmsdata.iucn.org/downloads/nominations.pdf>

²⁷ Available at <https://portals.iucn.org/library/efiles/documents/2013-040.pdf>

²⁸ Available at <http://whc.unesco.org/en/resourcemanuals/>

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 keeping appropriate records and ensuring expert verification of the process;
- the public release, in a culturally appropriate format, of the results of the assessment;
- the implementation of the protection or mitigation measures recommended by the assessment, when applicable, including alternative siting;
- the inclusion of this procedure in the project implementation plan, as part of the ESMP.