COMMITTEE/TASK FORCE CHAIR

SPRING 2022 REPORT TO THE BOARD OF DIRECTORS

Due to SAA Executive Director, SAA Secretary, and Board Liaison on February 8, 2022, for inclusion in the materials for the Spring Board of Directors Meeting. Your report serves to inform the SAA Board of the committee/task force’s accomplishments and as background for the action items.

The Board asks all committee and task force chairs to use this Word document to report to the Executive Director (oona_schmid@saa.org), the SAA Secretary (tmajewski@sricrm.com), and your Board Liaison. Reports are required in the spring of each year and optional in the fall.

Please note: The Board will host an orientation meeting for Committee and Task Force chairs via Zoom in the spring of 2021. Please watch for details.

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<tr>
<th>Report of the</th>
<th>International Government Affairs Committee</th>
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<tr>
<td>From Chair</td>
<td>Robert Drennan</td>
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<td>Date</td>
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1. Membership and terms for your committee:

So that the SAA Office’s records are as complete as possible, please list your committee members and their terms here. Please also note if there are anticipated changes in a member’s status before their term end date.

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<thead>
<tr>
<th>Name</th>
<th>Term End Date</th>
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<tr>
<td>Robert Drennan</td>
<td>4/1/2022</td>
<td>Chair</td>
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<tr>
<td>Silvia Salgado</td>
<td>n/a</td>
<td>Board Liaison</td>
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<tr>
<td>Kenneth R. Aitchison, RPA</td>
<td>3/31/2023</td>
<td>Member</td>
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<td>Dr. Charlotte M. Cable, PHD, RPA</td>
<td>4/1/2022</td>
<td>Member</td>
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<tr>
<td>Cyler N. Conrad, PhD, RPA</td>
<td>3/31/2023</td>
<td>Member</td>
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<tr>
<td>Terressa Davis</td>
<td>3/31/2023</td>
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<tr>
<td>Alex Frey, M.A.</td>
<td>4/5/2024</td>
<td>Member</td>
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<tr>
<td>Enrique Lopez-Hurtado</td>
<td>3/31/2023</td>
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<td>Robert M. Rosenswig</td>
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<td>Gerald Wait, RPA</td>
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<td>James A. Zeidler, Ph.D., RPA</td>
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<td>Andrew Malhotra removed for non-payment of membership dues</td>
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2. Executive summary of Committee’s/Task Force’s activities over the past year:

Please note that the activities summary should not exceed 250 words. Should the committee or task
The IGAC continued to lead the SAA’s longstanding effort to positively impact the renewal or creation of new bilateral agreements, under the Cultural Property Implementation Act, with foreign nations for the protection of their cultural resources from looting. Most recently, SAA members spoke in favor of the renewal of the existing agreements with Peru and Guatemala. In addition, the SAA signed a letter drafted by the Archaeological Institute of America for the renewal of the agreement with Mali.

The Committee continued its effort to increase the global reach and responsiveness of the archaeological community, by the successful creation of the Archaeology Action Network. This group, which communicates via email directed by the Manager, Government Affairs, informs archaeologists in every region of the world on issues concerning the archaeological record. The network consists of representatives of 26 archaeology groups across the globe, with particular focus on under-represented areas such as Africa, Latin America, Asia and the Pacific. The current topic that both the AAN and IGAC are addressing is the development of environmental and cultural resources protection protocols by the Asian Development Bank.

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<tr>
<th>3. Items for Board Consideration, if applicable. These are recommendations and requests that specifically require Board approval.</th>
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| These items range from statements that you may wish to be disseminated, requests to undertake projects, requests to disseminate results, or any other action for which a committee or task force needs specific Board guidance/approval. Please do not embed such items in your activities summary. These items must be separately listed in this section. These are actions you are asking the Board of Directors to take. Please also include a discussion of fiscal impacts, if any, but note that budget requests occur in advance of the Fall Board meeting (and not as part of this report).

Should you have questions about whether any of your Committee’s items require Board approval, please consult with your Board Liaison prior to submitting your report. We also recommend that you run a draft of your report by your liaison before you “officially” submit it. |

None at this time.
4. Draft motions, if appropriate. (Optional)

Drafting a suggested motion or motions for any requests noted above will help the Board more clearly understand your request and increase the “fit” between the request you make and corresponding Board action. Please keep in mind that suggested motions may be revised or not accepted by the Board, whose responsibility it is to consider the full range of member needs. If you choose to include suggested motion(s) with your report, it is essential that you work with your liaison before you submit your report. They will be able to provide examples of motions that you can use as models for the ones you create.
Draft for Consultation

Summary of the Analytical Study for the Safeguard Policy Review and Update: Cultural Heritage

December 2021
I. INTRODUCTION

1. The Asian Development Bank (ADB) is undertaking a comprehensive review and update of its Safeguard Policy Statement, 2009 (SPS).\(^1\) The update process has been initiated by ADB Management following a Corporate Evaluation of the SPS by ADB’s Independent Evaluation Department (IED), completed in May 2020 (IED Report).\(^2\) The update will build off the findings and recommendations of the IED Report, which ADB Management endorsed. The update will seek to modernize the policy, considering the changing development context and evolving developing member country (DMC) and client needs and capacities; as well as opportunities for greater harmonization with the policy principles and standards of other multilateral financial institutions (MFI). The update will consider the diversity of ADB lending modalities and operations, including the private sector, as well as requirements for different contexts such as fragile and conflict affected situations (FCAS), small island developing states (SIDS) and emergency assistance. Overall, the policy update will seek to strengthen safeguard implementation effectiveness and efficiency, in ways that will enhance beneficial safeguards outcomes for the environment and affected people.

2. The revised safeguard policy is expected for ADB Board consideration in March 2023, following a process of further review, policy development and meaningful stakeholder engagement. To inform this process, ADB is undertaking a series of brief analytical studies.\(^3\) The studies will benchmark ADB’s current SPS against the policies of selected MFIs and briefly consider implementation experience.\(^4\) The studies will inform the development of the new safeguard policy and will be provided for stakeholder review and consultations. Initial summaries will be disclosed first to gather initial stakeholder views. The analytical studies themselves will then be updated and disclosed in full. Stakeholder engagement and consultation will have three main phases: (i) preliminary information and outreach on the overall approach for the policy update and stakeholder engagement plan; (ii) consultation on the analytical studies; and (iii) consultation on the draft policy paper. There will be multiple opportunities for stakeholder engagement, including regional consultations; “deep dive” sessions with ADB developing member countries (DMCs) and civil society organizations (CSOs); focus groups on specific topics; and consultations with people affected by ADB projects.\(^5\) This document provides a summary of the analytical study on Cultural Heritage.

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\(^4\) The studies are intended to complement the evaluation completed by IED in May 2020 and will not duplicate IEDs work on the overall effectiveness of the SPS.

\(^5\) Please refer to the ADB website and Stakeholder Engagement Plan for further details. [https://www.adb.org/who-we-are/safeguards/safeguard-policy-review](https://www.adb.org/who-we-are/safeguards/safeguard-policy-review)
II. METHODOLOGY

3. **Objective.** This consultation draft analytical study has four objectives to: (i) review ADB’s current safeguard policy framework and documentation of practices and challenges in the area of cultural heritage; (ii) undertake a broad comparison of the requirements of other relevant safeguard frameworks utilized by other multilateral financial institutions (MFI); (iii) look at other related environmental aspects and emerging issues not currently covered in existing MFI policies; and (iv) present initial findings of this assessment for further development and discussion with various stakeholders for inclusion in the revised safeguards framework.

4. **Methodology.** A desk review was undertaken to compare how selected MFI safeguards policies, as well as SPS and associated documents address the topic of cultural heritage, which the ADB SPS refers to as Physical Cultural Resources (PCR). In addition, ADB’s current practices and experience of implementation was also briefly documented. This was based on internal review with ADB safeguard staff and will be further supplemented by additional review and inputs by other stakeholders, including DMCs and CSOs, among others. The study considered five MFIs in addition to ADB including: Asian Infrastructure Investment Bank (AIIB), European Bank for Reconstruction and Development (EBRD), International Finance Corporation (IFC), Inter-American Development Bank (IDB) and the World Bank (WB). These were selected given that their business models are similar to ADB’s, with a mixture of sovereign and non-sovereign lending and in all cases each of these MFIs have more recently updated their safeguard policies in comparison to ADB. As the study progresses, the team conducting cultural heritage review will continue to gather information internally about the Bank’s experience implementing the current cultural heritage safeguard. Further, the team will widen its consultations reaching out proactively to additional experts in different subfields of cultural heritage and in different geographies.

III. CULTURAL HERITAGE IN ADB SPS, 2009

A. Existing Policy Provisions on Cultural Heritage

5. The SPS contains policy principles and requirements for consideration of physical cultural resources (PCR). Policy principles are provided under policy principle 11 of the Environmental Safeguards, and within SPS Appendix 1, Safeguard Requirements 1: Environment (SR1). Policy principles for PCR are detailed in the SPS as follows:

   (i) Conserve and avoid damage or destruction of PCR.
   (ii) Apply field-based surveys that employ qualified and experienced experts during assessments

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6 PCR is defined by ADB as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings and may be above or below ground or under water. Their cultural interest may be at the local, provincial, national, or international level.

7 The term PCR was chosen in 2009 to harmonize with WB terminology of the time under WB OP 4.11. The WB terminology and scope has since changed its term to **cultural heritage** within the WB Environmental and Social Framework, which includes a separate standard on cultural heritage. The new term is used to signify that WB now also includes intangible or non-physical cultural heritage under its policy.
(iii) Adopt “chance find” procedures including a pre-approved management and conservation approach for materials that may be discovered during project implementation.

6. Environmental safeguard requirements for borrower’s/ client’s are further discussed in SR1, with section 11 focused on PCR. SR1 sets out actions and responsibilities for the borrower/client to avoid significant damage to PCR and specifies the need to utilize experienced experts during field-based surveys to assess the projects potential impacts. SR1 highlights the importance of consultation, both with local communities and relevant national or local regulatory agencies, to adequately identify and assess PCR. Findings are disclosed as a part of the environmental assessment unless such disclosure could compromise or jeopardize the PCR.

7. When avoidance is not possible and adverse impacts likely, SR1 promotes a range of potential mitigation measures from avoidance to full site protection, to salvaging and documenting PCR. The removal of any PCR is prohibited, unless strict conditions are met, namely i) no alternative to removal available ii) overall benefits of the project substantially outweigh the cultural heritage loss from removal iii) any removal is conducted in accordance with relevant international and national laws and regulations and employs best available techniques.

8. Where proposed project locations are expected to come into contact with PCR, a “chance find” procedure is developed and included in the Environmental Management Plan (EMP), which includes the commitment that if PCR is found it will not be disturbed until it is assessed by a competent specialist. Where PCR are found by the pre-project assessment to be a significant issue, then project-specific requirements are indicated in a Cultural Heritage Management Plan (CHMP) which applies to all relevant parts of the project cycle, from pre-construction planning through operation.

9. ADB’s “Environment Safeguards, A Good Practice Sourcebook”, (2012) supports the SPS by adding clarity, providing technical guidance, and recommending good practices in the implementation of the SPS. The Sourcebook, is based on ADB experience of environmental assessment and management, and international good practices adopted by other multilateral development banks.

B. Experience in implementation of the existing policy

10. The SPS has been in effect since January 2010 and applies to all projects financed and/or administered by ADB. The IED Report emphasized the infrequent application of PCR safeguards across ADB projects, yet also recognized that when PCR safeguards were applied during the assessment process the policy added value to the project and protected important sites. 

11. Experience from ADB operations shows that the application of the existing policy has achieved positive results in avoiding or preventing adverse impacts on PCR. It was seen that early screening to identify PCR risks and impacts can be particularly effective in avoiding, and where necessary, managing potential impacts. In addition, early engagement with key stakeholders and employing experts to conduct field surveys is particularly important.

12. Challenges linked to implementing the existing policy include the varied presence of PCR between, and within DMCs. This variability creates differing internal capacity of

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borrowers as well as national or local regulatory agencies. For ADB this translates into an inconsistent level of assessment for PCR and an inconsistent regulatory approach towards making it hard to apply the SPS properly.

13. While PCR experts are often highly regarded in DMCs, they are often academic or associated with regulators enforcing national requirements, implying that PCR management and assessment does not necessarily follow international practice. In this situation there is a risk of misinterpretation of the importance of PCR in alignment with SPS, which can result in a number of challenges, firstly baseline may not be adequately collected to allow for a robust assessment and secondly, where PCR assessment is shifted to the pre-construction stage of the project, this can result in significant project costs, construction delays, project re-design, increased compensation payments, and increased land acquisition needs.

14. SPS generally lacks detailed requirements with respect to baseline collection needs for PCR, only setting out the requirement that field based surveys are needed. The requirement of archaeological investigations is not explicitly mentioned, and the integration of social and community PCR interests and how to consider natural features and landscapes is not specified. This lack of granularity in detail results in very basic treatment of PCR and limits what ADB can formerly request of borrowers in the way of additional surveys and assessment. Another challenge faced is the lack of recognition, understanding and awareness with regards to internationally designated sites when projects are proposed which could impact them. This can result in poor screening, assessment, and improper implementation of the SPS with regards PCR and this is particularly relevant where infrastructure already exists within these sites.

IV. CULTURAL HERITAGE STUDY FINDINGS

A. Preliminary Key Findings of the Benchmarking Analysis

15. The draft Analytical Study compared ADB’s overall approach to assessment and management of impacts on cultural heritage with that of the five comparator MFIs. The analysis focused on identifying key points of comparison ranging from stated policy rationale and objectives to the handling of specific impact types such as archaeological chance finds to community access to living heritage sites. The study found that ADB policy principles require strengthening and/or greater clarity or guidance to support implementation, which is likely to include the need for additional safeguard language. The study considered several themes for the comparison varying in specificity and these are captured in the following sections.

16. Rationale for Protecting Cultural Heritage and Definition of Protected Cultural Heritage. Although the current policy does not provide an overall rationale, the SPS includes a requirement to protect cultural heritage from adverse project impacts and supports its preservation. This is in line with other comparator MFIs, although EBRD, IADB, IFC and the WB do provide a rationale statement. ADB SPS, along with comparator MFI’s does define cultural heritage. The WB policy goes further by

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9 Notwithstanding the above, ADB’s Indigenous People’s (IP) Safeguards are triggered if a project directly or indirectly affects, among others, “the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset”. Policy Principle 4 of the IP Safeguards also requires that consent of IP communities is required is under certain cases, including among others “commercial development of the cultural resources and knowledge of Indigenous Peoples”. The term ‘cultural resources’ is not further defined within the context of the IP Policy Principles or Requirements. For further information on IP safeguards, refer to the consultation draft Summary Analytical Study on Indigenous People’s Safeguards.
including intangible forms of cultural heritage within its rationale statement. The WB also establishes four separate categories to detail tangible cultural heritage, which provides further clarity, leading to improved field and desk methods whilst also ensuring correct specialists are allocated to each project. The WB approach is particularly helpful for borrowers that are unfamiliar with the methods of cultural heritage study and protection.

17. **Protection of Intangible Cultural Heritage and Commercial Use of Cultural Heritage.** ADB addresses intangible cultural heritage only with respect to its commercial uses. Intangible aspects of cultural heritage are explicitly referenced by both the EBRD and WB policy, which applies in situations where physical aspects of a project conflict directly with values, beliefs, and practices, with the WB, more recently, taking an additional step of also addressing the commercialization of intangible cultural heritage. With regards commercial use of Cultural Heritage, IFC were the first of the comparator MFI to address these issues, with EBRD and IADB now applying similar language in their standards.

18. **Indigenous Cultural Heritage and Importance of Specific Cultural Heritage Sites and Places.** Most of the comparator MFIs refer to indigenous people’s cultural heritage within their cultural heritage policies. ADB does not, referring to indigenous cultural heritage only in its IP policy, which uses the term *cultural resources.* This term is not specifically defined in the SPS. The importance of specific resources is defined by the multi-disciplinary assessment process within the SPS, as is with other comparator MFIs such as AIIB, EBRD and the WB. Completion of a multi-disciplinary assessment process to judge the importance of specific cultural heritage site is key to protection.

19. **Legally Protected Cultural Heritage Areas and Access to Cultural Heritage Sites.** The SPS does not explicitly address user access to cultural heritage sites, however it does refer to the need to follow applicable laws and regulations of the jurisdiction in which the project operates, including host country obligations under international law. EBRD and the WB also recognizes the need to identify protected cultural heritage areas and respect the laws and regulations that pertain to those, while, along with IADB and IFC, they require borrower/client to allow continued access to cultural heritage sites, based on consultations with users of the site.

20. **Visual Impacts.** Although the current SPS does not make distinct reference to visual assessment or impacts on cultural heritage related to projects, changes in visual surroundings are implied within the policy. Visual impacts, including light, are also included within the WB and IFC standards relating to pollution standards.

21. **Archaeological Field Surveys, Chance Find Procedures and Contractor Implementation of Protection Measures.** The SPS does require resources likely to be affected by the project to be identified, and qualified, and experienced experts to assess the potential impacts on these resources using field-based surveys. All comparator MFIs have similar requirements. All MFI's have a requirement for chance finds procedure (CFP), which include a commitment to protect unexpected finds and a plan to operationalize the commitment as a construction phase management program. Although the SPS does not explicitly refer to the need for Contractors to protect cultural heritage, it does require Contractors to appropriately implement agreed protection

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10 Note, the SPS Indigenous Peoples Safeguards, Policy Principle 5 does however require to “Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.” While this covers protected areas, it does not explicitly mention legally protected cultural heritage areas and sites.
measures on all identified impacts, which include cultural heritage. The WB is the only MFI that clearly refers to contractor and other third-party performance on protecting cultural heritage, which is an important consideration for design-build project components and chance finds during construction. However, ensuring that EMP requirements cascade down and are fully implemented by all sub-contractors is an acknowledged challenge, which could potentially lead to cultural heritage impacts which, in turn, can lead to the erosion of community support.

22. **Confidentiality and Community Consultation as a Cultural Heritage Identification Method.** The SPS policy addresses the issue of confidentiality to assure the safety or integrity of the physical cultural resources. The WB goes further by addressing both important reasons for confidentiality, including physical protection against looting or clandestine excavation or respect for cultural norms that value confidentiality of sacred places or practices. ADB, EBRD, IADB and IFC each state the importance of incorporating the views of affected people, including culturally appropriate meaningful consultation with Indigenous People. This should be considered as a good practice for understanding living cultural heritage. The WB has requirements that take consultation practices further by using consultation as a means of identifying cultural heritage. This advanced policy approach, not considered by other MFIs, can reduce risks of identifying and protecting cultural heritage within a project’s area of influence most valued by traditional communities.

23. **Technical Standards for Heritage Works and Subject Matter Experts (SMEs).** ADB, IDB, and IFC all refer to use the best available technique (BAT) when physical cultural heritage must be removed. IDB and IFC also include the requirement for heritage work done by the borrower/client to use internationally recognized practices for protection, field-based study, and documentation. Continuing advances in remote sensing, digital technology and data science are revolutionizing the collection and analysis of environmental and social baseline data in both terrestrial and marine settings. This trend is especially beneficial for cultural heritage protection, where otherwise prohibitively expensive reconnaissance and assessment of large or remote project areas can now allow potential physical cultural heritage impacts to be identified early in the projects cycle and avoided by project design.

B. **Areas for Further Consideration**

24. Through review and comparison of the safeguard frameworks of other MFIs, the study identified key areas and topics that are being addressed in other MFI safeguard frameworks. Two key considerations coming from the analysis suggest that ADB should consider: (i) development of a separate standard that addresses all relevant areas and forms of tangible and intangible cultural heritage; and (ii) development of additional supporting technical guidance, similar to those provided by some MFIs to support their safeguard frameworks.

25. Several specific areas were also identified, which require further consideration. These include: (i) clear definition of cultural heritage types; (ii) consideration of intangible cultural heritage; (iii) commercial use of cultural heritage; (iv) Indigenous Peoples and their cultural heritage; (v) sensitivity of specific resources as defined by the impact assessment process and by law; (vi) recurring issues such as user access to cultural heritage sites, visual impacts, chance finds procedures, confidentiality, and contractors and third party performance on protecting cultural heritage; (vii) better data to support the mitigation hierarchy; and (viii) technical work standards and subject matter expert.
C. **Emerging Cultural Heritage Issues**

26. The study, which is still in its preliminary stages, has also identified five potentially emerging areas which will require further discussion during the policy update. These include: i) the need to identify patterns in cultural heritage and in sub-regions across Asia and the Pacific, and relate this to updated ADB policy and guidance; ii) inform borrower/client of the risks and methods for protecting marine heritage, which should include at least the following: ships (all ages and types); recent conflict-related water and aircraft (which can include war dead); archaeological remains hosted by formerly terrestrial landforms that are now inundated; and cultural landscapes in shoreline and near-shore settings; iii) the need to adequately address human burial in local community settings; iv) improve assessment capabilities through the application of new technologies, exploring the potential advances in remote sensing, digital technology in the collection and analysis of environmental and social baseline data in both terrestrial and marine settings; and v) consider cultural heritage as a project opportunity and to not be dissuaded from projects that may incur archaeological finds.

D. **Next Steps**

27. ADB will undertake further study and analysis on thematic areas that may be included in the revised safeguards framework, and specifics on how these areas may be strengthened, or how new and emerging approaches can be integrated into the revised policy. Feedback on this approach, and the areas identified in this preliminary analysis will be incorporated into the ongoing discussion on the policy update. Stakeholder inputs and recommendations on the analysis will be solicited proactively to enhance the analysis. More detailed analyses will also be initiated for specific topics, among them the emerging trends identified.
February 24, 2022

The Society for American Archaeology (SAA) supports the Asian Development Bank’s (ADB) undertaking of an analytical study and update of its Safeguard Policy Statement (SPS), including for cultural resources, and for providing a summary of the Safeguard Policy Review and Update (SPRU) for consultation purposes. The protection of cultural resources is an issue of great priority to the world, and must be recognized as such by Multilateral Funding Institutions (MFI’s) such as the ADB.

The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas and the world. With nearly 7,000 members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

Substantial progress has recently been made in safeguarding cultural heritage by other MFI’s, including the World Bank (WB) and Inter-American Development Bank (IADB). It is greatly encouraging to see the ADB doing the same. The SAA offers the following comments, arranged in order corresponding to numbered paragraphs contained in the Preliminary Key Findings section of the SPRU Summary, followed by other conclusions:

14. We recognize the Findings’ observation that archaeological investigation is not explicitly mentioned in the SPS and strongly recommend that the “lack of granularity in detail” regarding the sorts of surveys and assessments needed (including but not limited to archaeological ones) be remedied.

16. We support the Findings’ conclusion of the need for the inclusion of a rationale for protecting cultural heritage in the updated SPS. Cultural heritage is one important pathway local and descendant communities use to transmit social norms and mores to the next generation. Loss of cultural heritage is not simply the loss of buildings, monuments, and artifacts, but also the loss of the connections people use to construct and pass on their social identity and ideology. Our use of “protection” in this context encompasses preservation as is (or in situ for archaeology) or managed change incorporating appropriate investigation with analysis and public presentation of the results. Study of archaeological heritage, in particular, represents the only pathway for research to document some important parts of the human experience and to gain knowledge that complements historical documents and oral traditions. We agree that “The WB also establishes four separate categories to detail tangible cultural heritage, which provides further clarity, leading to improved field and desk methods whilst also ensuring correct specialists are allocated to each project. The WB approach is particularly helpful for borrowers that are unfamiliar with the methods of cultural heritage study and protection.”
17. We urge that the issue of Intangible Cultural Heritage be explicitly addressed in the updated SPS, in a manner that reflects the approaches taken by other organizations such as the WB and that encompasses more than just its commercial uses.

18. We urge that the protection of Indigenous People’s cultural heritage, both tangible and intangible, be addressed not only in the Indigenous Peoples section of the SPS but also in the cultural heritage section of the environmental section of the SPS so as to connect these two parts of cultural heritage protection more clearly and consistently while fully recognizing the special concerns raised by the cultural heritage of Indigenous Peoples. This would facilitate the development of a “separate standard that addresses all relevant areas and forms of tangible and intangible cultural heritage” and “additional supporting technical guidance” called for in paragraph 24, both of which we strongly support. We recommend consistent use of the term cultural heritage rather than cultural resources in both the environmental and Indigenous Peoples’ safeguards.

21. We agree with the recognition in the Summary that “ensuring that EMP requirements [Field Surveys, Chance Find Procedures, and Contractor Implementation of Protection Measures] cascade down and are fully implemented by all subcontractors is an acknowledged challenge, which could potentially lead to cultural heritage impacts that, in turn, can lead to the erosion of community support.” We provide the same recommendation here that we provided the WB: “The establishment of a Cultural Heritage Preservation Fund to provide financial resources to countries that lack strong cultural heritage frameworks. The major impediment...is, in many cases, the lack of viable cultural heritage protection infrastructure and personnel in applicant countries. Following the model of the US Historic Preservation Fund, the World Bank should establish a fund that applicant countries can use to train cultural heritage specialists in technical aspects of cultural heritage management and establish strong regulatory controls. The bank should also facilitate training opportunities for applicant countries with agencies such as the US National Park Service or the German Archaeological Institute, which have foreign assistance programs.”

26. We enthusiastically agree that it is wise to “consider cultural heritage as a project opportunity and to not be dissuaded from projects that may incur archaeological finds.”

Additional points for ADB consideration:

- In the considerable experience of our members, who have worked on many MFI projects around the world, MFI specialists assigned to evaluate project impacts, the scope of environmental and social assessments, and the capacity of country systems often do not have cultural heritage, and especially archaeological, expertise. In the past, this has meant that cultural heritage, and particularly archaeological heritage, has often been poorly served by MFI policies and procedures. It is crucial, therefore, that the ADB have permanent in-house heritage professionals on staff to guide the implementation of the ADB’s cultural heritage standards.

- Independent peer review must be included in the revised SPS. It is the only mechanism by which the ADB, the applicant, regulatory government agencies, local and descendant communities, stakeholders, and other interested parties can be assured that the cultural heritage safeguard plans have been adequately implemented. Peer reviewers must be accredited or registered cultural heritage experts (members of professional associations) who subscribe to internationally and professionally accepted codes of conduct and standards of research performance and agree to be held accountable to those principles.