



SOCIETY FOR AMERICAN ARCHAEOLOGY

The Society for American Archaeology's Comments on the Asian Development Bank's 7 September 2023 Draft for Consultation—Environmental and Social Standard 8. Cultural Heritage

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The Society for American Archaeology (SAA) supports the Asian Development Bank's (ADB) discussion draft of its Safeguard Policy Statement (SPS) Environmental and Social Standard 8. Cultural Heritage. As we mentioned in our comments on the first round of the review process, protecting cultural resources is imperative for the rapidly developing world. There is a great danger that in the rush to improve the physical infrastructure of underdeveloped regions, both the tangible and intangible heritage of impacted local, Indigenous, and descendant (LID) communities will be irrevocably lost. Such a loss diminishes global understanding and culture, to say nothing of posing an existential threat to LID communities.

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 is composed of professional archaeologists working in academia, NGO/IGOs, government agencies, and the private sector; avocational archaeologists; and undergraduate and graduate students in programs as diverse as archaeology, anthropology, heritage, museology, Indigenous studies, urban planning, and more.

In general, we support the current version of the document. There are three areas, however, that we believe would benefit from clarifications, edits, or wholesale changes: intangible heritage; adequacy of archaeological identification; and evaluation and internal bank staff, consultants, and peer review use and qualifications.

Intangible heritage is an important but difficult topic for any multilateral financial institution (MFI), such as the ADB. In many stakeholder meetings throughout the world, intangible heritage—food, songs, oral history, natural landmarks, way of life, etc.—rise to the top of community concerns, often even above issues such as health, economy, and education. Unlike tangible heritage, which can be addressed directly through avoidance, protection, or data recovery (e.g., excavation, analysis, or curation), intangible heritage requires social and physical protections that last long after the project is completed. Moreover, intangible heritage, such as language or lifestyle, cannot be addressed by programs within the project area but must cover regions, often of considerable size. It is frequently difficult, if not impossible, to specify these costs during project planning.

We suggest that the ADB policy regarding intangible heritage specifically state that project impacts can extend well beyond the geographical limits of the project area (in the draft policy,

the scope of cultural heritage safeguard work is limited to direct project impact areas). Further, identifying, evaluating, and treating intangible heritage should follow international best practices, which involve both ethnographic research and community input. Because ceremonies, rites, fairs, etc., often occur at different times of the year, ethnographic research needs to cover an entire annual cycle for all LID communities impacted by the project. This research needs to be coupled with formal stakeholder involvement, such as community meetings, held throughout the affected area. Appropriate methods must be employed for ensuring that marginalized peoples, such as women, LGBTQ, religious minorities, and others, are included. Information provided by LID communities must be deemed private and confidential. All programs designed to identify and evaluate intangible heritage should be detailed in the project's terms of reference (TOR) that is communicated in language and forums appropriate to the affected LID communities, government agencies, and project proponents. LID communities should be provided the opportunity to contribute to the TORs as well as considered partners when conducting Environmental and Social Impact Assessment (ESIA) studies and in the development and implementation of cultural and natural resource management recommendations.

Second, the ADB, like all MFIs, needs to stop basing the identification of tangible cultural heritage, including archaeological remains, on the assumption that an absence of documented physical cultural resources in a project area is evidence that such resources do not exist. This assumption has led to the overuse of desktop studies to argue that project proponents do not need to perform archaeological and historic property surveys and has led to an overuse of chance-find protocols, which have failed to stop destruction or disturbance to tangible cultural heritage (as the current draft safeguard asserts). In short, the guiding assumption should be that in the absence of a recent archaeological survey (within the last 10 years), project areas should be subjected to a form of archaeological prospecting (e.g., pedestrian survey, shovel test survey, remote sensing, and/or lidar or drone surveys) that meets international best practices. Survey designs need to be documented and reviewed by qualified internal ADB cultural staff (see below).

Third, ADB standards should include criteria for the qualifications of cultural heritage experts, including, but not limited to, archaeologists, anthropologists, historians, and architectural historians. These criteria should apply to internal bank staff reviewing ESIA, management recommendations, and other documents related to cultural heritage and consultants producing such documents. ADB policy should also make clear that traditional experts are to be compensated for their time and knowledge, and project proponents should compensate LID communities should the latter decide to hire their own cultural heritage experts.

ADB policy should encourage the use of in-country cultural heritage experts, but in all cases, consultants *must* have appropriate regional expertise. Capacity-building programs, by which expatriate ESIA consultants are teamed with in-country cultural heritage experts, are to be encouraged. All archaeological consultants should subscribe to a code of ethics and standards of performance that can be enforced through a grievance process, such as provided by the Register of Professional Archaeologists or the Chartered Institute of Archaeologists.

As concerns the ADB itself, we strongly suggest that the bank hire a staff of in-house cultural heritage experts whose expertise is broad both in terms of geographic area and in terms of the various subdisciplines within the field of cultural heritage. Every part of the Asian continent and the Pacific Rim—and the myriad differences in peoples and their environments—should be

reflected in the knowledge base of ADB staff. These experts should include, but by no means be limited to, archaeologists, anthropologists, historians, linguists, ethnographers, folklorists, and architectural historians. Such a staff would also be integral in evaluating applicant nation precautionary actions, which ought to be mandatory for funding approval.

A substantial in-house staff, though vital, is only one component in developing an effective cultural resources protection program. For projects that have significant impacts to cultural heritage, the ADB should assemble an outside panel of experts to review TORs, ESIAs, and heritage management plans as well as their implementation. Such a panel of regional and local experts will support the work of the ADB's personnel, both in its headquarters and in applicant countries. It will also provide an effective means of assuring that the work of applicant consultants meets international best practices and standards.

The SAA looks forward to the next phase of the policy revision process.