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ADB Safeguard Policy Review and Update: Cultural Heritage

REGIONAL CONSULTATIONS

10–11 January 2022

SAFEGUARD POLICY REVIEW AND UPDATE

ADB

Restatement of ADB's Commitment to Meaningful Consultations

SAFEGUARD POLICY REVIEW AND UPDATE

ADB

The Safeguard Policy Review and Update Phase 2 consultations intend to provide opportunities for stakeholders to express their views and opinions on ADB's environmental and social safeguards in the most meaningful and safest manner possible.

All stakeholders are encouraged to articulate their inputs and concerns during the consultation sessions. These will be recorded and documented during each event. This allows the ADB to review, consider and respond to, if necessary, any comments and inputs made. Background materials on the thematic areas have been released in preparation for the consultations and dialogues.

All types of feedback are welcome. These will not be used for the purposes of retaliation, abuse, or any other kind of discrimination. Session documentation summarizing the feedback will be disclosed throughout the consultations process. This will ensure the accuracy and transparency of proceedings.

If you have any issues or concerns on confidentiality, potential risks, abuse, or any kind of discrimination during the course of the consultations, please get in touch with the SPRU Secretariat through safeguardsupdate@adb.org.

Gentle Reminders

SAFEGUARD POLICY REVIEW AND UPDATE

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Please introduce yourself in the meeting chat box by typing in your **NAME, DESIGNATION**, and **ORGANIZATION**.

- ✓ If possible, join from a quiet, distraction-free area
- ✓ Ensure your audio and video are working
- ✓ Put your microphone on mute when you are not speaking
- ✓ Virtually raise your hand on the Zoom feature to raise a point or question
- ✓ Be respectful to other joining participants
- ✓ Be conscious of time as per the agreed agenda

Simultaneous interpretations available!

Penerjemahan Simultan tersedia!
提供同声传译服务!
មានផ្តល់ការបកប្រែប្រដេញ!
ທ່ານສາມາດຮັບຟັງການແປເປັນພາສາຂອງທ່ານໄດ້!
Chúng tôi cung cấp phiên dịch đồng thời!

1

Please click on the Interpretation button at the Zoom bar on the bottom of your screen.

Silakan klik tombol Interpretation pada fitur Zoom di bagian bawah layar Anda.

请点击屏幕底部Zoom工具栏上的传译按钮.

សូមចុចលើប៊ូតុងបកប្រែសញ្ញារូបផែនដី នៅផ្នែកខាងក្រោមអេក្រង់របស់លោកអ្នក។

ກາລຸນາກົດປຸ່ມເພື່ອຮັບຟັງການແປພາສາຜ່ານລະບົບ Zoom ທີ່ຢູ່ທາງຂ້າງລຸ່ມຫນ້າຈໍຂອງທ່ານ

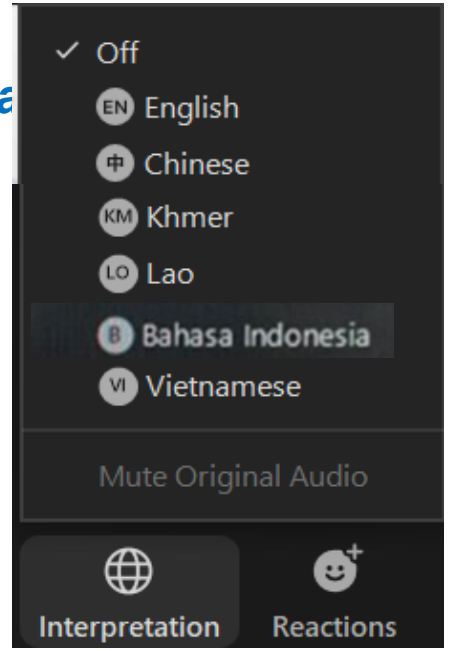
Đề nghị nhấp chuột vào nút phiên dịch (Interpretation) trên thanh công cụ Zoom ở phía dưới màn hình của bạn.

2

Languages available:

Bahasa yang tersedia:
语言服务:
ភាសាដែលមាន៖
ພາສາທີ່ສາມາດເລືອກຮັບຟັງໄດ້:
Ngôn ngữ sử dụng:

- ***Bahasa Indonesia***
  Bahasa Indonesia
- ***Chinese***
  中文
- ***Khmer***
  ខ្មែរ
- ***Lao***
  ພາສາລາວ
- ***Vietnamese***
  Tiếng Việt



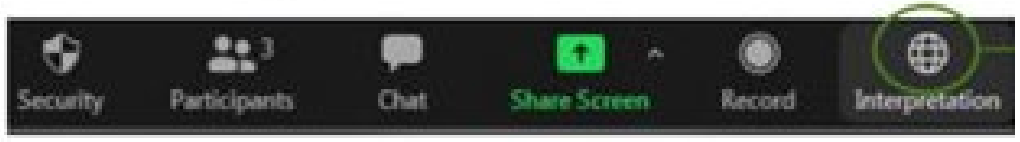
Simultaneous interpretations available!

समकालीन भाषांतरण उपलब्ध है!

رواں ترجمے کے لئے دستاب زبانیں

Осуществляется синхронный перевод!

1



Please click on the Interpretation button at th e Zoom bar on the bottom of your screen.

कृपया ज़ूम बार के इंटरप्रिटेशन (Interpretation) बटन पर क्लिक करें जो आपके स्क्रीन के निचले भाग में है।

اپنی سکرین کے بالکل نیچے زوم کی بار پر گلوب کی تصویروالے انٹرپریٹیشن یعنی ترجمہ کے بٹن پر کلک کریں۔

Нажмите на кнопку «Перевод» внизу экрана.

2

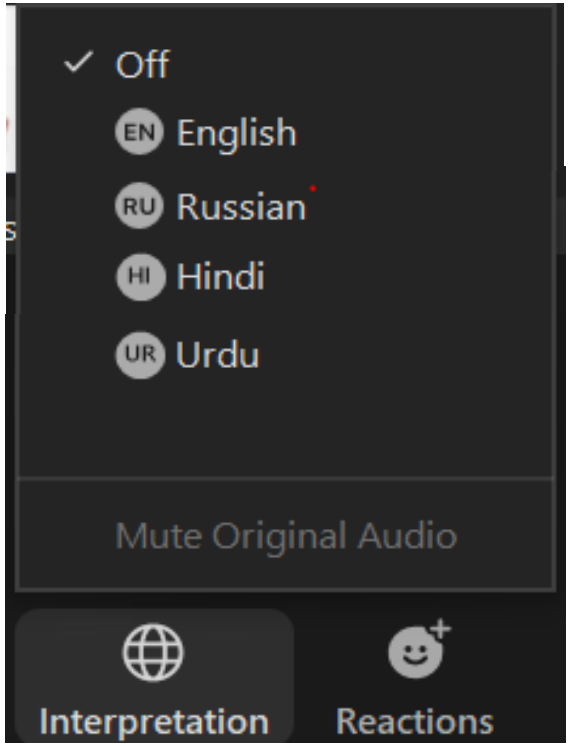
Languages available:

उपलब्ध भाषाएं:

دستیاب زبانیں

Выбор языка:

- ***Hindi***
  हिंदी
- ***Urdu***
  اردو
- ***Russian***
  Русский язык

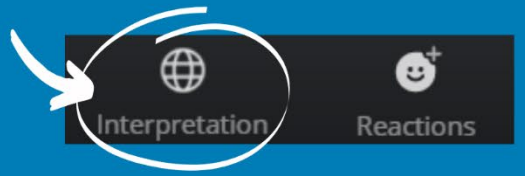


The official online platform for ADB's Safeguard Policy Review and Update (SPRU) Regional Consultations

HOW TO LISTEN TO INTERPRETATIONS

1

Click on the Interpretation button at the bottom of your Zoom screen.



2

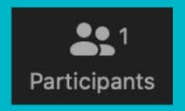
Select your preferred language among the list of available interpretations.

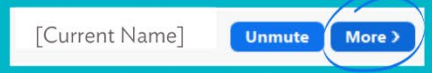
Click Mute Original Audio to mute the English audio.

3

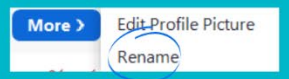
CHANGING YOUR NAME ON ZOOM

1 Click on the Participants button at the bottom of your Zoom screen

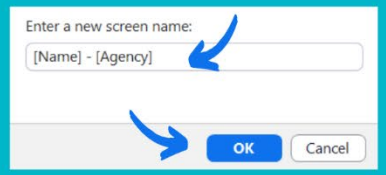




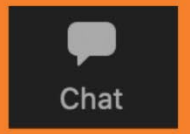
2 On the right hand of your screen, look for your name. Click on the More button on the right side of your name.



3 Click on the Rename button, type in your Name and Agency, then click OK.

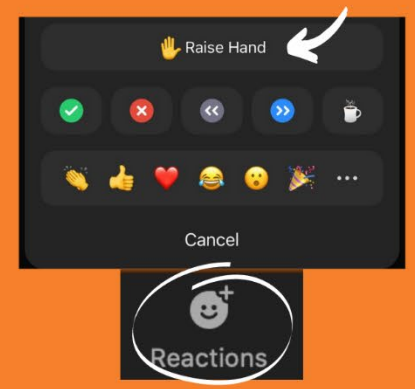


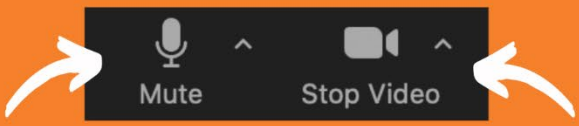
USING ZOOM BUTTONS



Send a message, question or feedback by clicking the chat button.

To comment or raise a question live in the language you prefer, click on the smile icon (Reactions button), and then click on Raise Hand.





To speak and unmute yourself, click on the microphone icon.

To show your video, click on the video icon.

CONTACT US

https://www.adb.org/who-we-are/safeguards/safeguard-policy-review

safeguardsupdate@adb.org

SAFEGUARD POLICY REVIEW AND UPDATE

ADB

AGENDA

SAFEGUARD POLICY REVIEW AND UPDATE

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1. **Introduction** (5mins)
   Azim Manji, Session Moderator and Stakeholder Engagement Team Leader
2. **Session 1**: Welcome and Overview of the Safeguard Policy Statement (2009) and Update Process (10mins)
   Bruce Dunn, Director, Safeguards Division, Sustainable Development and Climate Change Department (SDCC)
3. **Session 2**: Presentation on ADB Safeguards for Cultural Heritage (15 minutes)
   Aaron Sexton, Environment Specialist, Safeguards Division, Sustainable Development and Climate Change Department (SDCC)
4. **Session 3**: Moderated Discussion (75 minutes)
   Moderated by Duncan Lang, Senior Environment Specialist, Safeguards Division, Sustainable Development and Climate Change Department (SDCC)
5. **Event Evaluation** (5 minutes)
6. **Wrap up** (5 minutes)
   Bruce Dunn, Director, Safeguards Division, Sustainable Development and Climate Change Department (SDCC)

Session 1:
Welcome and Introduction

Bruce Dunn, Director, Safeguards Division,
Sustainable Development and Climate Change Department (SDCC)

SAFEGUARD POLICY REVIEW AND UPDATE

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Session 2:
Cultural Heritage – Study Summary

Aaron Sexton, Environment Specialist, Safeguards Division,
Sustainable Development and Climate Change Department (SDCC)

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Cultural Heritage

Safeguards Policy Statement 2009

Presentation Overview

1. Study objectives, approach and methodology
2. Existing policy and implementation challenges
3. Findings from MFI comparative analysis
4. Areas for further consideration and emerging issues
5. Key messages

Cultural Heritage

Study Objectives, Approach and Methodology

- Assessment of ADB's **current approach** to assessment and management of impacts on cultural heritage.
- Review the scope, coverage and implementing procedures of other Multilateral Finance Institutions (MFIs) - **AIIB, EBRD, IDB, IFC, World Bank** - and assess key differences in policy scope and coverage in addressing the topic of Cultural Heritage.
- Identify sub-topics and issues that may require additional attention as ADB updates its safeguards framework.
- Related emerging issues for further consideration in ADBs revised safeguards framework

Cultural Heritage

Existing SPS Requirements

- Identify measures to **conserve and avoid damage or destruction** of physical cultural resources (PCR); **apply field-based surveys** that employ qualified and experienced experts; and adopt '**chance find' procedures** (CFP).
- Highlights the **importance of consultation**, both with local communities and relevant national or local regulatory agencies.
- If avoidance of PCR is not possible, strict conditions are to be met**- removal of PCR is prohibited unless strict conditions are met**.
- CFP is included in project EMP. Where PCR is found during assessment, project-specific requirements are indicated in a **Cultural Heritage Management Plan (CHMP)**

Cultural Heritage
Implementation Challenges for the SPS

- **Infrequent application** of PCR safeguards across project portfolio.
- **Varied geographical presence of PCR** between and within DMCs, creating **differing internal capacity and standards of DMCs**, leading to inconsistent level of assessment for PCR and inconsistent regulatory approach.
- Lack of guidance on setting implementation conditions and preparing plans.
- Where **PCR management and assessment does not follow international practice**, risks of misinterpreting the importance of PCR exists.
- **Lack of detailed requirements** with respect to baseline collection.
- No mention of **integration of social and community PCR interests** and how to **consider natural features and landscapes.**
- **Lack of recognition, understanding and awareness** with regards internationally designated sites.

Cultural Heritage
Differences and Gaps in Scope and Coverage

- Lack of **definition on categories** for tangible cultural heritage.
- **Intangible cultural heritage** is only addressed with respect to its commercial use, with insufficient guidance.
- No explicit reference to **Indigenous people's cultural heritage** in SPS IP safeguards.
- Though the SPS refers to the **need to follow applicable laws and regulations** of the jurisdiction in which the project operates, including **host country obligations under international law,** it does not explicitly address **user access to cultural heritage sites.**
- No distinct reference to **visual assessment or impacts on cultural heritage.**
- No explicit requirement for **contractors and third-parties to protect cultural heritage**, although they are bound to implement agreed mitigation measures.
- Lack of requirements to use **consultation as a means of identifying cultural heritage.**

Cultural Heritage

For Further Consideration

- **Separate Standard** for cultural heritage with supporting technical guidance.
- Clear **definition** of cultural heritage types.
- Consideration of **intangible cultural heritage.**
- **Commercial use** of cultural heritage.
- **Indigenous People** and their **cultural heritage.**
- **Sensitivity of specific resources** as defined by the impact assessment process and by law.

Cultural Heritage

For Further Consideration

- **Recurring issues** such as:
  - user access to cultural heritage sites.
  - visual impacts.
  - chance finds procedures.
  - Confidentiality.
  - Contractor and third-parties performance on protecting cultural heritage.
- **Improved data collection and storage** to support the mitigation hierarchy.
- Enhancement of **technical working standards** and the application of **best available techniques (BAT).**

Cultural Heritage

Emerging Themes for Stakeholder Discussion

- Identification of **patterns in Asian heritage and in sub-regions** within Asia.
- Protection of **marine heritage.**
- Adequately address **human burial in local community settings.**
- Improvement of **assessment capabilities** through the application of **new technologies.**
- Consideration of cultural heritage as a **project opportunity** and to not be dissuaded from projects that may incur archaeological finds.

Key Messages

SAFEGUARD POLICY REVIEW AND UPDATE

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I. The ADB SPS has gaps compared to other MFIs and changes are necessary to enhance the current policy and provide greater clarity for implementation

II. Other MFIs are increasingly aligned in CH policy principles and thus provide opportunities for convergence

III. ADB would like to improve practice through, but not limited to:

- Inclusion of more definitions and more robust language
- Separate standard and supplementary guidance material

IV. Policy can place greater requirements on borrowers/clients to protect cultural heritage and achieve effective compliance

V. Opportunity to include new concepts, such as intangible cultural heritage and emerging themes

We will be having a short break

SAFEGUARD POLICY REVIEW AND UPDATE

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Session 3:
Moderated Discussion

Moderator: Duncan Lang, Senior Environment Specialist, Safeguards Division, Sustainable Development and Climate Change Department (SDCC)

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Discussion Guide

Time remaining for the break

05:00

Round 1

1. Please share any perspectives or recommendations for improving ADB safeguard policy with respect cultural heritage

Round 2

1. Which aspects of comparator MFI cultural heritage policies should ADB support/ continue to support?
2. Which aspects of comparator MFI cultural heritage policies should ADB take a different approach on?
3. How could ADB better work with its clients (developing member countries and private sector) and affected communities and CSOs to avoid impacts through early intervention and during implementation?
4. Are there good practices outside of MFIs that ADB should be looking at with respect to cultural heritage and protecting PCR?

Sequence for Q&A

SAFEGUARD POLICY REVIEW AND UPDATE

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1st sequence – Open for statements and sharing of perspectives and recommendations (raised hands to speak)

2nd sequence – Questions sent in advance (through Zoom registration)

3rd sequence – Questions posted on the chat box and participants raising hands will be called in batches

Quick Poll

SAFEGUARD POLICY REVIEW AND UPDATE

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Please rate your satisfaction with today's session:

5 – Highly satisfied
4 – Somewhat satisfied
3 – Neutral
2 - Somewhat dissatisfied
1 – Very dissatisfied

Quick written feedback via www.menti.com

Please Click the link on the chat box:

Wrap Up and Synthesis

Bruce Dunn, Director, Safeguards Division,
Sustainable Development and Climate Change Department (SDCC)

SAFEGUARD POLICY REVIEW AND UPDATE

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THANK YOU!

GET INVOLVED

Please send us your feedback and suggestions

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safeguardsupdate@adb.org

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