

Environmental and Social Sustainability Framework

Standard 10 – Cultural Heritage

Draft – 3 June 2021

This document is for information purposes only.

In case of discrepancies between the different linguistic versions,
the English version of the document prevails.

Glossary

Terms used in these Standards have the following meanings:

“gender”	refers to the social, behavioural and cultural attributes, expectations, norms and opportunities associated with being male or female, or with an individual’s sexual orientation or sexual identity
“mitigation hierarchy”	measures to avoid, prevent and reduce any significant adverse effects and, if required, remedy/compensate any residual effects on affected people, communities and workers, as well as on the environment A human rights mitigation hierarchy is premised on the principle of remedy rather than compensation
“project”	a set of defined works, goods, services and/or business activities for which EIB financing is sought either directly or through an intermediated financing structure for a specific sub-project/underlying investment, as approved by the EIB’s Governing Bodies
“promoter”	EIB’s counterparty implementing a project, as defined in the finance contract
“rights-holders”	from a human rights perspective, all individuals and population groups that can make valid claims to fundamental rights. In the context of EIB projects, persons who are, actually or potentially, adversely affected by the project, including project-affected persons, local community members, workers, etc.
“sexual abuse”	the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. All sexual activity with children (defined by the UN Convention on the Rights of the Child as any person under the age of 18) is sexual abuse, regardless of the local age of maturity or consent. Mistaken understanding of the age of a child is not a defence
“sexual exploitation”	any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including profiting monetarily, socially or politically from the sexual exploitation of another
“sexual harassment”	any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment
“social issues”	issues which pertain to workers and persons or groups affected by the project, in relation to: a) Standards 6 to 10; and b) cross-cutting issues such as human rights, stakeholder engagement, gender equality, building resilience in particular in conflict-affected and fragile situations, and social inclusion
“stakeholder engagement”	an inclusive and iterative process that involves, in varying degrees, identification and analysis of stakeholders, engagement planning, information disclosure, meaningful consultation, and a mechanism ensuring access to grievance and remedy
“stakeholders”	persons and/or communities who: i) are directly and indirectly affected by the project, including their legitimate representatives; or ii) have an interest in the project and/or the ability to influence its outcome, either positively or negatively; and iii) the project workforce

“vulnerable groups”	groups or persons who may be more adversely affected by project impacts than others on the basis of their socioeconomic characteristics, such as, but not limited to, sex, sexual orientation, gender, gender identity, caste, racial, ethnic, indigenous or social origin, genetic features, age, birth, disability, religion or belief, political or any other opinion, activism, membership of a national minority, affiliation to a union or any other form of workers' organisation, property, nationality, language, marital or family status, medical condition, or migrant or economic status
“vulnerability”	a context-specific characteristic determined the interplay of three factors: i) exposure to risk and adverse impacts; ii) sensitivity to those risks and impacts; and iii) adaptive capacity

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STANDARD 10: CULTURAL HERITAGE

INTRODUCTION

- 1 The Standard promotes the importance of cultural heritage as a source of valuable historical and scientific information, as an asset for economic and social development and as an integral part of people's cultural rights, identity and practices.
- 2 The Standard recognises that cultural heritage incorporates all the various aspects of a community's past and present that are identified as a reflection and expression of its constantly evolving values, beliefs, knowledge and traditions and which the community considers valuable, and desires to sustain and transmit to future generations.

OBJECTIVE

- 3 This Standard outlines the promoter's responsibilities with regard to identifying, assessing, managing and monitoring cultural heritage-related impacts and risks associated with the projects for which EIB financing is requested.
- 4 The objective of this Standard is to set out requirements applicable to EIB-financed projects that the promoter shall comply with. These requirements are intended to foster:
 - a. the application of a precautionary approach to the management and sustainable use of cultural heritage;
 - b. the protection of cultural heritage from the potential adverse impacts of project activities;
 - c. the equitable sharing with local communities of financial and/or socioeconomic benefits derived from the commercialisation of cultural heritage; and,
 - d. awareness, appreciation and enhancement of cultural heritage.

SCOPE

- 5 This Standard applies to a specific project, when its relevance is determined during the Environmental Impact Assessment/Environmental Impact and Social Assessment (EIA/ESIA) process (as outlined in Standard 1) and specifically to EIB-financed projects likely to have significant impact on known cultural heritage regardless of whether or not is legally protected and/or previously disturbed.
- 6 This Standard also applies to projects under implementation that are likely to have a significant impact on cultural heritage but were not previously identified as such and for which chance find procedures shall be applied (see paragraph 21).
- 7 For the purpose of this Standard, cultural heritage includes both tangible and intangible heritage. Tangible cultural heritage¹ refers to monuments², groups of buildings³ and sites⁴. Intangible cultural heritage⁵ refers to practices, representations, expressions, knowledge and skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that rights-holders (communities, groups and, in some cases, individuals) recognise as part of their cultural heritage and which are transmitted from generation to generation.
- 8 Where a project is likely to have a significant impact on natural heritage⁶, the requirements of Standard 4 shall apply.

GENERAL REQUIREMENTS

- 9 All projects located in the EU, EFTA, Candidate and potential Candidate countries shall comply with the applicable national and EU legislation. All projects located in the rest of the world shall comply

¹ The UNESCO 1972 Convention concerning the Protection of the World Cultural and Natural Heritage (<https://whc.unesco.org/archive/convention-en.pdf>).

² Architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science.

³ Groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science.

⁴ Works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

⁵ The UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (<https://ich.unesco.org/en/convention>)

⁶ The UNESCO 1972 Convention concerning the Protection of the World Cultural and Natural Heritage (<https://whc.unesco.org/archive/convention-en.pdf>).

with the applicable national legislation relevant to the cultural heritage and align with the principles of EU legislation, as defined in the remaining sections of this Standard. All projects shall also align with the principles and standards set out in the international instruments relevant to the protection of cultural heritage.

SPECIFIC REQUIREMENTS⁷

- 10 The promoter is responsible for locating and designing a project in such a manner that it will avoid significant adverse impacts on cultural heritage. When the promoter can demonstrate that impacts cannot be avoided for reasons other than cost considerations, the promoter shall adequately assess if any cultural heritage is likely to be significantly affected by the project and/or if there are indications of the likelihood of any chance finds (see paragraph 21). Where the project site may potentially prevent access to previously accessible cultural heritage, the promoter shall allow continued access to these sites or shall provide alternative access, during construction and operation.
- 11 In doing so, the promoter shall engage with relevant national or local regulatory authorities entrusted with the protection of cultural heritage, local communities and other relevant stakeholders as appropriate (see paragraph 18).

Projects located in EU, EFTA, Candidate and potential Candidate countries

- 12 The promoter shall assess potential impacts on cultural heritage throughout the whole EIA process, taking into account the views of key relevant stakeholders (see paragraph 19) and, if a cultural heritage impact assessment has been deemed necessary by the competent authorities, shall provide the following information prepared by professionals with appropriate expertise, experience and qualifications in cultural heritage:
 - a. The baseline conditions with a focus on the need for a clear identification of all cultural heritage;
 - b. A baseline study compiling a comprehensive inventory of cultural heritage assets supported by a full description of their cultural significance within the proposed project area;
 - c. The prediction and evaluation of the significance of both direct impacts (direct loss, destruction or disturbance of an element of cultural heritage) and indirect impacts which may affect the preservation of cultural heritage;
 - d. The application of a mitigation hierarchy by identifying measures to avoid, prevent and reduce any significant adverse effects specific to the cultural heritage asset to be protected;
 - e. A management and monitoring plan to ensure that the proposed mitigation measures are properly implemented and that the cultural heritage asset is preserved in the desired state.
- 13 If the project is not subject to an EIA process, depending on the nature and context of the project and if there is reason to believe that there are existing cultural heritage assets in the proposed project area, the EIB may require the promoter to provide additional information on these assets by providing to the EIB the minimum information outlined in Annex 1. On the basis of this information, the EIB may require the promoter to provide a more detailed assessment.

Projects located in the rest of the world

- 14 If a cultural heritage impact assessment has been deemed necessary by the competent authorities, the promoter shall ensure that the impact on cultural heritage is duly considered in the ESIA process by taking into account the views of key relevant stakeholders (see paragraph 19) and engaging professionals with appropriate expertise, experience and qualifications in cultural heritage to assist in the preparation of the assessment.
- 15 The cultural heritage assessment as a standalone study or as part of the ESIA Report shall provide information on at least:
 - a. The description of the project and the reasonable alternatives studied during the project preparation phases with an indication of whether the impact on cultural heritage was considered in the selection of the chosen option;
 - b. A baseline study compiling a comprehensive inventory of cultural heritage assets supported by a full description of their cultural significance using both desk-based research and field surveys;

⁷ Specific requirements are applicable for all projects regardless of their location, unless specified otherwise.

- c. The prediction and evaluation of the significance of both direct impacts (direct loss, destruction or disturbance of an element of cultural heritage) and indirect impacts which may affect the preservation of cultural heritage;
 - d. The application of a mitigation hierarchy by identifying measures to avoid, prevent and reduce significant adverse impacts on cultural heritage, outlined in a cultural heritage management plan;
 - e. A cultural heritage management plan to ensure that the proposed mitigation measures are properly implemented and that the cultural heritage asset is preserved in the desired state.
- 16 When defining the mitigation measures, the following order should be considered:
- a. Minimise adverse impacts with appropriate technical and/or management measures specific to the cultural heritage asset to be protected;
 - b. When minimisation is not possible, restore in situ after the adverse impacts have occurred to ensure full restoration of the functionality and significance of the cultural heritage for the affected communities;
 - c. When the promoter can demonstrate that minimisation and restoration are not feasible for reasons other than cost considerations, compensate for loss of cultural heritage in ways that are acceptable and have been agreed with the affected communities before any works affecting the cultural heritage have started.
- 17 The proposed cultural heritage management plan (see paragraph 15, point e) shall be part of the promoter's overall Environmental and Social Management Plan (ESMP – as described in Standard 1). The promoter shall ensure that trained and qualified personnel are available to oversee the implementation of the plan, directly or through contractors working on the project, by applying internationally recognised practices for field surveys, documentation and protection of cultural heritage.
- 18 If the project is not subject to an ESIA process and depending on its nature and context, and if there is reason to believe that there are existing cultural heritage assets in the proposed project area, the EIB may require the promoter to provide additional information on these assets by providing to the EIB the minimum information outlined in Annex 1. On the basis of this information, the EIB may require the promoter to provide a more detailed assessment.

STAKEHOLDER ENGAGEMENT

- 19 The promoter shall carry out meaningful consultation with and provide timely and adequate information to affected communities who use or have used the cultural heritage within living memory for longstanding cultural purposes. Consultation shall be carried out to identify cultural heritage of importance and incorporate the views of the affected communities on such cultural heritage into the project design, while assessing risks and impacts, applying the mitigation hierarchy and identifying opportunities for potential benefit-sharing arrangements with the community. Consultation shall also involve other relevant stakeholders, such as national or local regulatory authorities entrusted with the protection of cultural heritage. The engagement process shall be carried out and documented in line with the requirements of Standard 2.

PROTECTED CULTURAL HERITAGE AREAS

- 20 Legally protected cultural heritage areas are important for the safeguarding and conservation of cultural heritage and therefore, additional measures are needed for any projects that would be permitted in these areas under the applicable national law. In circumstances where a proposed project is located within a legally protected area or a legally defined buffer zone, the promoter shall meet the all of the following additional requirements:
- a. Ensure compliance with defined international, national and/or local cultural heritage regulations or the protected area management plans;
 - b. Consult the protected area sponsors and managers, local communities and other key stakeholders on the proposed project; and
 - c. Implement additional programmes, as appropriate, to promote and enhance the conservation aims of the protected area.

CHANCE FIND PROCEDURES

- 21 The promoter shall ensure that provisions for managing chance finds, defined as cultural heritage encountered unexpectedly during project implementation, are in place and included in contracts, as

appropriate. Such provisions shall include: notification of relevant competent authorities of found objects or sites; delivering training to the project personnel, including contractor and sub-contractor employees, on the procedures to follow if chance finds are discovered; and securing the area of finds to avoid any further disturbance or destruction. The promoter shall not disturb any chance finds until an assessment by a designated and qualified specialist is made and actions consistent with national legislation and this Standard are identified.

PROJECT'S USE OF CULTURAL HERITAGE

- 22 Where a project proposes to use, for commercial purposes, a local community's cultural resources, knowledge, innovations or practices that embody traditional lifestyles, the promoter shall provide this community with timely and adequate information regarding: (i) its rights under national law; (ii) the scope and nature of the proposed commercial development; and (iii) the potential consequences of such development.
- 23 The promoter shall proceed with such commercialisation only when it:
 - a. Enters into a good faith negotiation with the affected local communities;
 - b. Documents their informed participation and the successful outcome of the negotiation; and
 - c. Provides for fair and equitable sharing with the affected local communities of benefits derived from commercialisation of such knowledge, innovations or practices, consistent with their customs and traditions.
- 24 Where a project proposes to use the cultural resources, knowledge, innovations or practices of Indigenous Peoples, the requirements of Standard 7 also apply.

ANNEX 1 – MINIMUM INFORMATION TO BE PROVIDED ON CULTURAL HERITAGE ASSESSMENTS

- 1 A description and map of the project area, including information on overlaps with or close proximity to any site/feature protected at international, national or local level because of its importance in terms of cultural heritage (e.g. UNESCO World Heritage Site).
- 2 Any landscape features contained in the project area such as:
 - a. Burial sites and/or cemeteries;
 - b. Parks or gardens;
 - c. Canals;
 - d. Prominent natural features that could have special value to people (such as waterfalls, rocky outcrops, large specimen trees, caves, etc.);
 - e. Evidence of other human-made alterations to the natural landscape (such as trails, boundary or way-finding markers, mounds, earthworks, cultivation, non-native species, etc.).
- 3 Evidence from documentary sources (e.g. local history, a local recognition programme, research studies, previous heritage impact assessment reports, etc.) or local knowledge that associates the project area with historic events, activities or persons.
- 4 The presence of practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups or individuals from the project area recognise as part of their cultural heritage and which are transmitted from generation to generation.
- 5 Potential impacts resulting from the proposed undertaking/project, including:
 - a. The destruction, removal or relocation of any, or part of any, heritage attribute or feature;
 - b. The alteration of any, or part of any, heritage attribute or feature (which means a change in any manner and includes restoration, renovation, repair or disturbance);
 - c. Shadows created that alter the appearance of a heritage attribute or change the exposure or visibility of a natural feature or plantings, such as a garden;
 - d. The isolation of a heritage attribute from its surrounding environment, context or a significant relationship;
 - e. The direct or indirect obstruction of significant views or vistas from, within or to a built or natural heritage feature.
 - f. A change in land use such as rezoning;
 - g. Soil disturbance such as a change in grade, or an alteration of the drainage pattern, or excavation, etc.
- 6 Information provided on the proposed project to the competent authorities for the protection of cultural heritage sites/features.
- 7 A description of the specific approval/permit process the project had to undergo in relation to cultural heritage sites/features.
- 8 If the project area has been subject to a cultural heritage assessment in the past, provide a copy of the document or reference to the source if applicable.