

## **CULTURAL PROPERTY**

### **Introduction**

1. Cultural property is the history of humanity, its relationship with the universe, its achievements and discoveries. Much of this property is now at risk in developing countries because, among other things, modernization and development and the rate of this loss are increasing over the years. If the archaeological or historical sites and monuments disappear, important legacies that reflect the creativity of a society and knowledge on which the future is shaped will be lost. Fortunately and although damage is irreversible, it is often possible to protect the property that remains. Its preservation is based on both an understanding of the challenges it represents, and an assessment and appropriate measures to eliminate as much as possible degradation or destruction.

### **Importance of cultural property and EA**

2. This section focuses on the importance cultural property heritage represents in the process of environmental and social assessment and suggests ways from which environmental and social impacts assessment can help protect it. Cultural heritage can be defined as the present manifestation of the human past and refers to sites, monuments, archaeological remains, historical, religious, cultural resources or which have an aesthetic interest. Protecting this heritage, we preserve what in the past can help to better understand the history of mankind (see Key concepts to express this idea and in Annex A BOAD operational policy on the issue gives examples of cultural resources.)

3. The preservation of cultural resource cultivates a form of social cohesion by asserting that the artistic, scientific or cultural contribution of the past account. Many sites contribute significantly to confirm that a community lives and continues through cultural continuity and that beyond the simple standpoint of daily commitments a way is made to more distant horizons. This heritage is also a legacy that the past transmit to future generations, it participates in the idea that there is a duty owed from one generation to another and that the present generations must protect the property for the benefit of futures generations.
4. The cultural property with productive functions is an important economic interest. Many historical sites are housing, museums, concert halls, schools, medical centres, leisure centres, offices and were transformed into parks or gardens. The tourism industry, which generates billions, is largely dependent on these assets and related income potential can represent a significant financial means that will maintain the site and the development of other sectors.
5. Poorly designed development projects may damage and devalue the cultural heritage being responsible for unregulated construction, conversion activities and the deterioration of habitats, pollution of the environment or the disruption of traditional ways of life. Because the effects of a project can occur before its start (destruction of sites), during its realization (construction) and after its implementation (physical transformations and changes to settlement and land use patterns), it is important to be cautious during all stages of its preparation and execution of the project. It must also be remembered that there remains unknown and it is therefore all the more essential to take care necessary when it comes to digging activities or other that could damage or destroy.

#### BOX 1: Key Concepts in Cultural Resource

The following concepts that define the main methods of property protection are consistent with the Burra Charter (revised in 1992), the International Council on Monuments and Sites (ICOMOS) and the Charter for the protection of places of historical importance.

**Safeguarding.** This concept encompasses the general idea of protecting a site or remains in order to preserve its cultural meaning. It implies the need to maintain them, and depending on the size of the works and the circumstances relating thereto, include preservation work, restoration, reconstruction and adaptation.

**Preservation.** This concept refers to the maintenance of the structure of a location in its current state in order to delay its deterioration. It applies in cases where it is clear that this structure represents a cultural interest in particular or if there are not enough signs that could justify the need for other methods of conservation. This concept is limited to the protection, maintenance status and, if necessary, stabilizing the existing structure.

**Restoration.** This notion is to bring an existing structure to a previous state determined by ridding accretions or restoring existing elements without introducing new materials. It applies only (a) if there is sufficient evidence of information indicating the prior state of the structure and that (b) it updates the importance of the site without thereby destroying other parts of the structure.

**Reconstruction.** This is to reduce as much as possible, a site to a known

previous state by introducing into the structure new and old materials. It is used if this structure is incomplete due to damage or modification and that it could otherwise take a long time. The reconstruction should only allow completing of a destroyed for and not to rebuild the entire structure.

**Adaptation.** In this case it is about changing a site to give it a compatible use. This change is acceptable only if the adaptation does not radically transform its cultural significance and that it is necessary for the site to remain economically viable.

**Maintenance.** This concept refers to continuing maintenance of the structure, elements it contains and the area in which it is located. There should not be confusion about the notion maintenance with reparation which includes operations involving restoration and reconstruction.

### **Cultural resource and national and international law**

6. Cultural resource is protected by law in most countries. The Convention for the Protection of the World Cultural and Natural Resource, established in 1972, became the instrument from which national laws and other regulations are based as signatories are expected to adopt the general principles and establish legal, scientific and financial means needed to protect and preserve resources cultural and natural property. The World Property List, sponsored by the United Nations Educational, Scientific and Cultural Organization (UNESCO), also supports a policy of protection and to date; over 350 cultural sites of exceptional and universal value have been identified.

7. Cultural resource can be protected by four types of laws: (a) the laws on protection of historic sites that focus exclusively on saving specific sites (or site included in a certain category) and define the modalities for protection, (b) management, distribution or land management laws that ensure the preservation of sites, (c) acts of notification or registration that can record important information about cultural sites and finally, (d) conservation of natural areas laws that include cultural features. In many countries, religious laws also take into account the issue of resource and in some cases even assign a right to possession or control responsibilities to various religious authorities.

### **Cultural property and BOAD operations**

8. BOAD believes that the preservation of cultural resource is included in the process of sustainable development. It participates in the efforts that countries are making to preserve and if possible, encourages companies to develop and restore their cultural properties. Policy BOAD on physical cultural property outlines on codes of good practice that BOAD recommends. The environmental and social assessment is one of the main instruments to which it is used to ensure that development projects do not result in unacceptable damage to cultural property. Table 1 shows how it is possible to address these issues throughout the project cycle and shows the correspondence with the progress of the evaluation of environmental impacts under BOAD general policy on environmental and social assessments. Some aspects of particular importance are highlighted below.

### **Environmental classification of project**

9. Many development projects are likely to have a direct impact on cultural property. The project manager, in collaboration with national or local authorities responsible for the protection of cultural resource, will examine the direct and indirect impacts that may affect these values, it is an integral part of the preliminary sorting of a project. If there is reason to believe that the project will have an impact on the cultural resource and the environment, it should be classified in category A<sup>1</sup> and undertake an assessment of impacts on the complete environment.
10. If significant risks to the environment do not occur, an exhaustive assessment of impacts on the environment is not necessarily the best approach. It would be more useful and profitable to classify it in category B and carry out a thorough analysis of the problems and the effects it poses to cultural resource<sup>2</sup>. Projects whose risks have limited impacts should also belong to this category, unless its effects on the environment warrant the preparation of a complete evaluation. The analysis generally required for projects that fall under the category B<sup>3</sup> contains a comprehensive inventory of cultural properties, a review of alternative locations and planning to reduce or minimize the negative impacts as well as mitigation and management plan for damage to property. Projects with no impact on cultural values or on environment should fall into the category C<sup>4</sup>. Education and institutional capacity building projects are often in this category, meaning it will be interested to changes in the use of historic properties and ensure that these changes are made appropriately and do not damage their aesthetic or historical value.

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<sup>1</sup> See BOAD Manual classification

<sup>2</sup> In accordance with the guidelines established by BOAD procedure on Cultural Property

<sup>3</sup> See BOAD Manual classification

<sup>4</sup> See BOAD Manual classification

11. The experiments have shown that some sectors in particular are prone to affect cultural resource: energy (gas pipelines, transmission lines), communications (installation of fiber optic cables), transport (construction or extension of roads, bridges replacement, digging canals), water projects (dams, irrigation schemes and drainage); sanitation, urban development (infrastructure provision), industry and mining; agriculture (intensification and extension) and forestry projects. Projects of emergency reconstruction after an earthquake, flood or other disaster of the same order can have serious impacts on cultural resource.
  
12. For these projects, it is recommended to consult national and international experts during the launch in order to have a general view of the problems that may arise vis-à-vis cultural resource. Documentation analysis may also reveal valuable information. The legal status of sites affected must be specified to the extent that certain categories of cultural property may be subject to restrictions.
  
13. It is not uncommon to see that the necessary information is not available for a given country. In cases little research has been undertaken, a project that foresees excavation operations in an area likely to have been inhabited in the past, it is strongly recommended to perform field data collection in order to prevent the destruction of cultural sites. Rapid surveys are an essential tool for diagnosis to determine the sensitivity of a given area.

***Planning of reference framework for environmental and social impacts assessment***

14. If it is probable to find significant cultural values on the site, experts should be designated to be part of the team responsible for planning the framework reference. The framework reference must be established according to the nature of the issues that may arise in the field of cultural resource and it must specify the content of the environmental impacts assessment in this regard. It may be necessary to use an archaeologist with experience in carrying out field surveys, an architect of historical monuments, a landscape architect or a planner with experience in the management of archaeological and historic sites, a director of cultural resources or a structural engineer.
15. The reference framework may require various types of work: documentary research, field surveys, sampling and archaeological excavations to determine the location of the sites in their entirety and their meanings; monitoring of archaeological work, data collection and finally the protection of sites (or objects) excavated. The technical requirements will depend on the nature of the field, the type of probable discovery and the evaluation of their importance and their status. An assessment of the significance of these findings and an economic analysis may be required. Models of reference framework are conserved by the Department of the Environment. The duration of works on cultural resource will be included in the framework. Although it is difficult to generalize, especially if it is a project whose boundaries are clearly defined by the layout of a road or pipeline, for example, field surveys are generally carried out over a period of two to six months. This duration depends on field conditions and logistical means available. Three elements are essential to this evaluation:
16. review of historical data combined with the preparation and development of a research strategy; field or excavations surveys that include inventory

and backup discoveries and finally, an analysis of field data and a report writing. Safeguarding works which, again, will depend on the extent of materials, can take between two to six months. The allocation of financial resources necessary for the evaluation of cultural goods determined in a timely manner is critical.

**BOX 2: Urban Cultural resource**

If the presence of cranes or car is a sign of a growing economy, the rapid development of urban centres in many developing countries is a serious threat to the property due to uncontrolled construction and demolition as well as to road traffic. Industrial pollution and excessive concentration of populations are also factors that are risk for cultural resource.

There is tendency to preserve individual buildings rather than building complexes or neighbourhoods.

The establishment of buffer zones and a regulation of urban development are essential if we want to stop illegal constructions that destroy the architectural style. The experiments indicate how important it is to protect neighborhoods in order to preserve the property's historical structure of the city.

Urban development may run against to the efforts of resource preservation in the sense that the opportunity costs are too high to give it up.

Therefore, the historic centers of cities are often characterized by intense economic activities and serve both local and regional markets. Old cities, may, if they are well protected, become shopping tourist, cultural centers, and provide an interesting social life.

17.If multiple development activities are likely to affect the cultural property of an entire country (an urbanized area or in the process of urbanization, a

coastal area or river basin, for example) BOAD should recommend the use of a national integrated regional approach to impact assessment and property management.

### **Project Assessment**

18. Relevant experts should be part of the team responsible for evaluating the case of projects involving serious problems for the cultural property.
19. This phase of the project will permit discussions with the borrowing country about measures that should be taken to establish or strengthen the means and procedures for the management and protection of known cultural sites and to deal with remains still buried through processes of incidental findings<sup>5</sup> or a monitoring mission (required, in case buried sites are found by chance to control the excavation and construction).
20. The review of the implementation project plan (prepared by the borrower) must be carefully considered and ensuring that measures to protect cultural property is taken into account in the light of the assessment of environmental impacts.

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<sup>5</sup>The term "incidental findings" means in the context of the implementation of this policy, discovered physical cultural property against all odds during the project implementation.



## OPERATIONAL GUIDLINES OF BOAD

**Table1: Cultural property and environmental assessment**

The path of an environmental assessment					
Environmental Ranking	Scanning Bank and borrower agree on the terms of reference for the EIA and its schedule	Draft of EIA subject to review before approval, results discussed with the borrower and included in the project documents	Remaining issues addressed by the evaluation team and the borrower	Supervision of the environment from loan agreements and EIA	Evaluated environmental aspects in achievement and evaluation report
Stages of the Project					
Identification	Planning	Evaluation	Negotiations/Approval	Implementation	Retrospective Evaluation
Consideration of cultural property					
Identification of property issues, if	In depth study in the field Detailed assessment	Review property issues by the evaluation team	Approval for property protection measures, including	historical sites monitoring and use of procedures to make	Evaluation of the effectiveness of



## OPERATIONAL GUIDLINES OF BOAD

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necessary, using the information available for review on the ground or rapid surveys of the site	of heritage Development of measures to reduce, minimize or mitigate the impacts, operations excavations or safeguarding included	and incorporation in the design and implementation of the plan	incidental findings Measures translated into legal agreements and obligations / contracts	incidental findings Training programs in management and protection of heritage, as necessary	measures of property protection
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### ***Supervision***

Development projects are an opportunity to protect cultural property while enhancing it. BOAD Staff or any entity it will assign during the implementation, should assure monitoring the impacts of the project on the historic values that the assessment of environmental impacts will identify. Must be included in construction contracts the procedures to follow in case of incidental findings (see Annex B Operational Policy on Physical Cultural resource),

Supervision missions should establish a timetable for its services, allowing it to observe these issues and change, if necessary, mitigation measures of project for the protection of important cultural values.

Issues affecting cultural resource are treated by checking compliance with the legislation (in particular in the context of land use and distribution areas), examining mitigation and monitoring the adequacy of technical solutions, adequate proposition of staff, cost-effectiveness and institutional and administrative capacity. It should be ensured that management plans and monitoring of resource are satisfactory. A training program on issues of management and preservation of cultural values should also be part of projects that pose serious problems for the resource.

### **5. Cultural resource and an assessment of environmental and social impacts report**

The report of the evaluation of environmental and social impacts should take into account aspects of the cultural property in order to meet the requirements of a specific project. If the protection of historic properties is an important reason for concern, the assessment of environmental impacts will comply and seek to identify measures to prevent or mitigate any damage brought to these values and that improve their protection. The issue of cultural

property will, in most cases, be one of the environmental issues among others that arise. The following analysis shows how the major sections of a report assessing the full environmental impacts can answer this question; it is the only or one of the many environmental problems that the project represents.

### **Political, legal and institutional framework**

The review of the institutional framework for the protection and management of cultural property should be done early in the implementation of the assessment of impacts on the environment. The environmental analysis will identify gaps and weaknesses of laws, procedures (including those relating to accidental discoveries) and institutional capacity and provide specific and targeted ways for the project to allow itself to protect historical value at risk (by changing, for example, design, introducing a property preservation or adopting procedures and modalities of special construction component) as well as measures to strengthen institutional capacities in a sustainable manner.

Procedures relating to incidental findings are usually the domain of national legislation. They determine the responsibilities and powers of the bodies responsible for the protection of cultural property, the project sponsor and contractor construction. They determine the responsibilities and powers of the bodies responsible for the protection of cultural heritage, project sponsor and construction contractor.

They should, moreover, clarify notification procedures for the authorities in charge, specify the period of time required after a discovery and prior to starting work and finally define the safeguards of objects found. In cases of absence of such procedures, BOAD should prescribe that the borrower put in place specific projects where there are risks of encountering buried sites

modalities. They will be part of the regulatory provisions applicable to construction contracts, if applicable.

### **Basic Data**

Unless the country or the area covered by the project has already been adequately studied before the development of the assessment of impacts on the environment, it should be undertaken field surveys and whenever possible when carrying out the assessment of environmental and social impacts in order to establish the basic conditions. Field surveys can contribute significantly to the development of knowledge and are essential to the evaluation of the importance of cultural resource and the potential impact of a project

### **Cultural Resource Impact Assessment**

Once the importance of these cultural values in the region project area are estimated , it should then assess the risk of impact of the project taking into account the extent of damage and their economic cost. The assessment of environmental and social impacts should classify these impacts regarding (a) the importance of the heritage (b) the degree of irreversibility and (c) the extent of degradation that may be caused. An evaluation of direct effects which affect the destruction or physical disturbance of the site as well as indirect effects caused by changes in topography, the level of groundwater, the land occupations practices and induced development will be part of the EE. It will report historical values of large and smaller importance which may be affected in different ways by the same project.

The severity of the impacts will vary depending on the project type, climatic conditions, modes of social life and the government's ability to enforce the law on protection of cultural resource. If the cultural resource contributes or can contribute to the development of the local or national economy, it is recommended that an analysis estimates the economic costs of impacts caused by the project. Cultural sites that are the source of tourism development as well as neighborhoods and historic monuments that promote increased property values are examples.

### **Consideration of replacement alternatives**

The only real way to protect historic property is to avoid places where they are by redirecting activities so as not to damage them. This is especially true in the case of dam projects, large irrigation or drainage projects, road projects, urban infrastructure or construction. If it is impossible to avoid them, the assessment of environmental and social impacts should consider other designs or other ways to implement the project as well as other methods and protective and mitigation measures. Replacement alternatives will be ranked in order of effectiveness, cost, difficulty of execution, depending on the time required and monitoring needs. The decisions will be made in weighing the options ordered with the historical and economic value of the site.

### **Planning of Environmental Management**

**Mitigation Measures:** Useful methods of protection of cultural heritage can range from full site protection to a total transformation of a project to save a selection of parts and inventory to recover the data if some or the whole site is destroyed. Standard mitigation measures include excavations, safeguard,

measures against erosion, restoration of structures, traffic modification and mapping of the location. Protection techniques such as the site burial, building structures, consolidation of soils and rocks, level control groundwater, stabilizing vegetation, site monitoring and control of the fauna and flora should be considered.

If a project is likely to affect a site or set of sites of importance, a management plan of archaeological and historical sites specifying the types of conservation measures to be adopted for each should be prepared. This plan should ensure that the project includes safeguards, review or carry out detailed site templates where are represented various historical periods' studies. It will also establish a system for monitoring and evaluation and include a schedule that is synchronized with the overall program of implementation of the project and a detailed budget. Consideration should be given the opportunity to maintain intact a choice of sites that will be discussed later.

**Management and monitoring:** Evaluation of environmental and social impacts will recommend detailed measures to strengthen skills in monitoring and management of cultural property that occur preferably in the form of plans with a cost estimate, funding and action means. BOAD will in conjunction with local authorities introduce improved processes for managing cultural resource.

### **BOX 3: Evaluation of the importance of cultural property**

The concept of cultural significance refers to the scientific aesthetic, historic, (from the perspective of the research), social, economic value of a site as well as its attractiveness. There is reason to expect that the sites of value are

those that allow us to understand the past to enrich the present and that are valuable to future generations.

The evaluation of a resource is the base from which all necessary measures to protect cultural sites are determined and it is part of a management plan for the site. It requires a thorough knowledge of the history of art, architecture, corporate and material cultures. While many methods generally are used to manage a site, the perception of its importance will be the determinant as to the measures to be taken element. It is also important to have accurate information when it comes to choosing the most appropriate method to the extent that the elements involved require corresponding management plans.

The value of cultural heritage can be assessed in various ways and more or less extensive. The process can be quick and informal or otherwise take the form of an official action that requires, in addition, the use of expert services (archaeologists, specialists in law, anthropologists and botanists, for example). It concerns a particular site or is included in an overall regional or local level. The importance of information will depend on the circumstances.

**Aesthetic value.** Aesthetic judgment is perhaps the most subjective criterion for determining the cultural significance of a site. Although it is based on cultural backgrounds and standards of taste, the organization, the level of expertise and the choice of materials used are also determinants and may explain why the public is more attracted by certain site and not others.

**Historical value.** A site can be a model of culture, society, period or type of typical or preserved human activity or even relate to a particular character. The place embodies often more a long historical sequence rather than a particular aspect or a limited time in history.

**Scientific value.** Its importance depends on the value, rarity, quality or uniqueness of elements. In addition to the information provided about the evolution of technology, sites may also indicate changes in climate, environment and populations of fauna. The evaluation of the importance of these sites for scientific research is difficult to determine in the sense that it focuses more on the cognitive potential it represents than what they are at present.

**Social value.** This notion includes all the features from which a site develops itself in spiritual, political, national or cultural centre for an entire community or minority groups. Local, regional population or the entire nation can be glad about such a property, considered as a source of education, a reason of celebration or a symbol of the continuity of traditions. These attributes are key elements for communities and, in many cases, determine the conservation of the site. For instance a site can be easily accessible and very popular without being particularly well preserved or have a great scientific interest.

**Economic value.** This evaluation may include values that represent its existence, exploitation or in contrary its non exploitation. The estimate of the economic value of cultural resource can be done by various methods. Studies on the development of guidelines in this area are in preparation.

Experiments have shown that the preparation of a management plan for the cultural resource is one of the best ways to ensure that historic properties are

taken into account in development projects. It is necessary, first, to implement an organizational structure composed of the following elements:

- (a) draft of a charter of responsibilities and functions;
- (b) establishment of an institutional structure with a description of the units, posts and general procedures for implementation;
- (c) preparation of policies, legislation and key guidelines;
- (d) Developing of a review process and approval of plans and projects related to the planning and assessment of impacts on the environment;
- (f) preparation of an inventory of cultural sites focusing on areas likely to be affected by development projects on the course and medium term;
- (g) establishment of coordination mechanisms for planning services, local authorities and any agency concerned with cultural resource values, and finally,
- (h) development of a work plan that applies to a preliminary program of cultural resource management.

The public and private sectors of most countries of West Africa do not have enough qualified staff to manage cultural resource.

For this reason, it is essential to develop training programs that cover issues such as: policy development, legislation and regulation of cultural resources using economic and fiscal measures in their management; property protection in the land through mechanisms of license distribution and the process of evaluation of environmental impacts planning, design and



## **OPERATIONAL GUIDELINES OF BOAD**

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implementation of management plans for sites, survey projects, recording and inventories, public awareness programs.

Accurate information on the form, materials, history, function and condition of cultural property are essential to its preservation. Inventories are the foundation from which will be managed cultural resources and which should provide guidance to planners and administrators who work at local and national level. The absence of this information is perhaps the greatest obstacle to effective protection of property. The conditions required for the realization of an assessment of environmental impacts will confirm the importance of maintaining comprehensive and easy to use inventory.