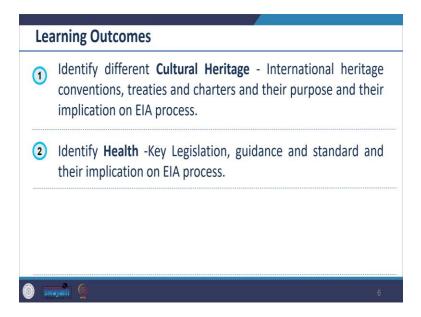
Environmental Impact Assessment Professor Harshit Sosan Lakra Department of Architecture and Planning Indian Institute of Technology, Roorkee Lecture 21 EIA – Law, Policy and Institutional Arrangements for EIA Systems (Part - IX) Cultural Heritage and Healthy

Welcome to the course- Environmental Impact Assessment. Today, we will cover cultural heritage. Like, what are the legal aspects to it and then, we will also look at the health under this, and this will do in the larger ambit of our discussion on law policy and institutional arrangement. So, since we are covering all these legislative parts, we will look at these two today.

(Refer Time Slide: 00:55)



So, our coverage would involve like, we will look into cultural heritage, international heritage, conventions, treaties, and charters in this direction, and then we will also look at health like what is the scenario, and what kind of legislation guidance and standards are available.



So, accordingly, our learning outcomes will target that, you should be able to identify different cultural heritage, international heritage conventions, treaties, and charters, you should be able to name them, list them, identify them, and then learn their purpose and then you should be able to synthesize what implication it would have on EIA process. Then you should be able to identify health-related legislation guidance and standards and then look at their implications on the EIA process, as well as understand and synthesize the current scenario, and how much it has been applied or not applied.

(Refer Time Slide: 01:46)



So, looking at the key legislation or the guidance and standards related to cultural heritage, we see that, cultural heritage is also protected by legislation in nearly all the countries. So most countries have legislation for protecting cultural heritage. And we see those interventions at the international level we see that you have treaties, and mostly like you have been seeing that, most of the common form is the convention.

And through that, we set legislation and policy framework through which we translate into the national government level. So from the convention, then we set up legislation policies at the national level, so that, the global agendas can be translated at the national level. This is usually done when we ratify the convention when there is ratification we take care of that.

So, some elements of tangible cultural heritage can be protected by legislation, but the other elements like the intangible elements, can be protected by statute. And in some countries land use plans, protect cultural heritage assets through land use planning also, so land use planning, the lands are protected for that, particular purpose.

So, we also see that interventions are undertaken for the protection of cultural heritage resources, mostly the physical resources, and they are taken, interventions are taken at the national, regional, or local level. And, for us, it is important to review what country follows. So, where all we are, we have ratified, what kind of convention what kind of rules are there, what kind of resources are there so that, we incorporate those things and consider those things in the EIA process.

(Refer Time Slide: 04:02)



So, looking at the World Bank, document, and reference, we see that, there are four major types of broader type of legislation that are identified and generally we see them at the national level. So these four types include that, you see legislation, which is meant for the protection of different types of places or any unique particular place and sets and then there are procedures for their protection so those kinds of legislation are there.

Then, we also see that there are land management zoning or planning apps that, provide general protection. So you would see like, there might be under land use, there might be like, what kind of zone it is heritage zone, cultural zone, which might be protected under the law. Then you also find acts that, require the recording of data on cultural sites, and listing and all so you also see where like listing is done under UNESCO and all these.

So, there can be Acts that are just listing it, and documenting it, and then you will also find acts that, protect natural areas where cultural features may be located. So, those areas can be protected. So, you see these four types, you see that protection through the process would happen then there could be land management zoning, there can be also listing of the things and then there can be protection, which can be provided to the natural areas.

Now, looking at the key international conventions, we are going to list all the conventions most of them to see what kind of international conventions, treaties, or charters are there, which we can see here.

(Refer Time Slide: 05:53)



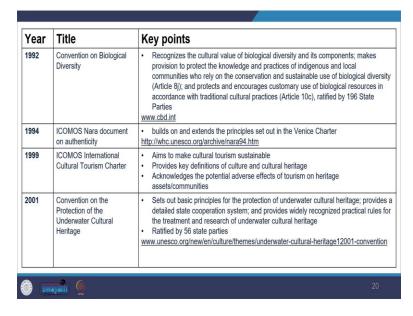
So, we see that, in chronological order, we find the Convention for the Protection of Cultural Property in the event of armed conflict, the Hague Convention. So, here, we see, that the key purpose of this is to provide a system where cultural property can be protected, and especially in this situation of international and domestic conflict, if it happens, and there has been ratified by many parties here. So, we see that India has ratified most of the Heritage part India has most of Heritage conventions India has ratified too.

Then, you also find the 1964 International Charter for the Conservation and Restoration of Monuments and Sites, which is also known as the Venice Charter. So, through this charter, there is a set of principles meant for the conservation and restoration of the Monuments and Sites. And this is mainly you can see the ICOMOS was where this charter has been provided and we are also signatories to that.

In 1970, you will also find a convention on means of prohibiting the Illicit Import Export, and transfer of ownership of cultural property. So, the key purpose of this is to prevent the trade in illegally obtained cultural objectives and it has been also ratified, then you also see the 1972 convention concerning the protection of the World Cultural and Natural Heritage or World Heritage Convention. So, here the key purpose was to establish a

system of how to collectively protect the natural and cultural heritage, which have the significance, universal significance. So, we see, India is also a signatory to that.

(Refer Time Slide: 08:08)



Then, in 1992, we saw the Convention on Biological Diversity. So, the purpose of this, this you have already seen so, many times, so, convention on biological diversity CBD So, the convention recognizes the cultural value of biological diversity and its components. It also makes provisions to protect the knowledge and practices of the indigenous and local communities especially, these people who rely on the conservation and sustainable use of these biological diversity.

It also intends to protect and encourage customer use of biological resources by traditional cultural practices. So, it protects that, So, it has been ratified by 196 state parties and then India, India is also a signatory to this. So, in 1994, we see the ICOMOS Nara document on authenticity. So, which is the key purpose is to build on and extend the principles set out in the Venice Charter. So, we see that we are again a signatory of that.

Then you also find the ICOMOS international cultural tourism charter. The key purpose of this is to engage in cultural tourism for sustainable development. And then it provides a key definition of culture and cultural heritage. It also acknowledges the potential impact of tourism on heritage assets and communities.

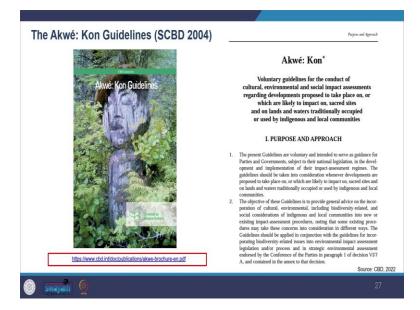
The other refined convention on the protection of underwater cultural heritage. So, this sets the basic principle of how to protect underwater cultural heritage. It provides detailed states, a cooperation system, and widely recognized practice rules for the treatment and research of underwater cultural heritage. So, you see this is also there and we are also signatories to that.

(Refer Time Slide: 10:18)

Year	Title	Key points
2003	Convention for the Safeguarding of the Intangible Cultural Heritage	 Aims at safeguarding the uses, representations, expressions, knowledge and techniques that communities, groups and, in some cases, individuals, recognize as an integral part of their cultural heritage. This intangible heritage is found in forms such as oral traditions, perturbing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe, and traditional craftsmanship knowledge and techniques, ratified by 174 state parties www.unesco.orgtoew/en/santiago.culture, intangible-heritage/con vent ion- intangible-cultural-heritage
2008	The Quebec Declaration on the Preservation of the Spirit of Place	 Aims to preserve the spirit of place through the safeguarding of tangible and intangible heritage (the spirit of places is defined as their living, socia and spiritual nature) Declares that intangible cultural heritage gives a richer and more complete meaning to heritage as a whole and that it must be taken into account in legislation, conservation and restoration www.icomos.org/guebec2008

Then we find the 2003 Convention for Safeguarding of Intangible Cultural Heritage. So, this particular convention focuses on safeguarding, how these heritages are used and then how the representations are done, how the expressions are done, and knowledge and technology that, the community or individuals may have, so, how they can become a part of the cultural heritage. So, the intangible cultural heritage forms the basic component of this convention and you see that India is also a signatory to that.

Then you also find in 2008, the Quebec declaration on the preservation of spirits of place. So, this particular declaration looks at how the essence or spirit of a place can be protected and how it can be protected through tangible and intangible cultural heritage management. So, we see that India is also a signatory to this.



(Refer Time Slide: 11:37)

Then we also find Kon guidelines and Akwe Kon guidelines. So, these particular guidelines deal with how the cultural environmental, and social impact assessment has to be undertaken for any kind of development work

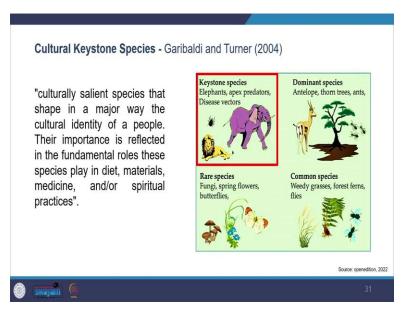
and what kind of impact it may have. So, this one looks at the interaction between cultural heritage society, and biodiversity how they interact, and how that, integrated approach can be taken.

(Refer Time Slide: 12:11)



We also find the UNESCO-CBD joint program on biological and cultural diversity. So, that has a declaration where they look at the linkages between culture and biological diversity and try to find out what kind of services, and cultural services are provided by these ecosystems.

(Refer Time Slide: 12:36)



We also find as a concept on cultural keystone species, which are defined as the culturally salient species that, are shaped in a major way, the cultural identity of the people and their importance is reflected in the fundamental roles these species play in the diet materials, medicines or spiritual practices. So, those are also identified.

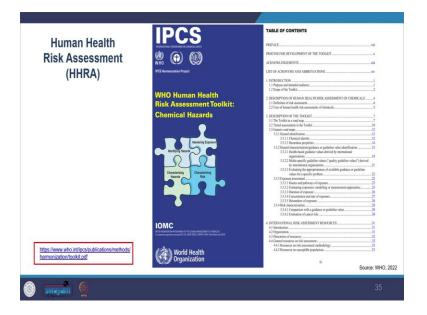
So, you can look at some of the examples here in the picture of keystone species, which are key to the ecosystem and the culture and the lifestyle of the people, we also see that there are certain sets of indicators used for identifying the cultural influence of these species. So, we look at the intensity type and multiplicity of the use, how much it is used in different domains and what kind of naming terminology is there in the language, and then how it has been translated into narrative, ceremony, symbolism.

And then we also look at the memory with which people connect and to what extent their role can be replaced or substituted. So, based on those the species are identified, that, was about the culture and then you will see that, in the EIA process, it is not distinctively said but whenever, through those four kinds, which you studied, if it falls under that, you have to take care of that, land use or in the list. So, all those have to be incorporated here. So, now, moving on to the second part of our talk here.



(Refer Time Slide: 14:23)

So, we are going to look at the legal aspects of Health Impact Assessments. So, in many countries, Health Impact Assessment is not part of the legislation at a national or regional level. So, it is not yet part of the process, the legal framework, but we see there are exceptions.



So, with human health risk assessment, HHRA, which is related to regulatory guidance, has to be followed because of the potential exposure of humans to chemical contaminations. So, though health is not taken care of in this particular human health risk assessment because of the exposure to chemical contaminants, it is usually done and strictly followed in many of the legislation, and for health when we just talk about health, there are some countries which have been implementing it, but they are the implementation and that, varies a lot. As you can see Mongolia has adopted the legislation to include health as part of the EIA process.

Then you can also see Thailand, Korea, Ghana, and even some of the Australian cities have also incorporated health in their legislative framework. So by legal, there is a legal requirement to include health impact assessment in the EIA process. So, in these cases, Health Impact Assessment is usually a tool, mainly wherever these have been implied.

They are implied only for the large development projects, that, are anticipated to result in extensive changes to the biophysical and social environment, and they have a potential impact and there are likely changes to health because of the kind of activities which will be taken under the, under through this development project.

So we see that, in most of these scenarios, the cases in which you saw HIA was, Held Impact Assessment was added, like into the existing environmental impact assessment legislation. So no, or there was no separate legislation which came but then it was included in that. You see that, in the United States. The Nepa legislation also states that a Health Impact Assessment is required.

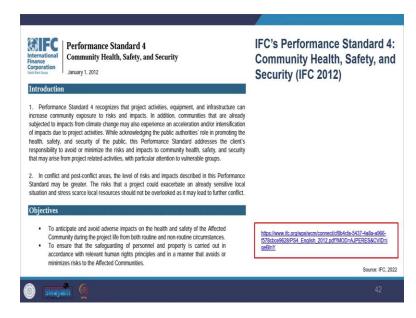
So we see that, the changes are happening, there is more emphasis being given on the Health Impact Assessments, but it is still not very strong in terms of legislative provisions, that are given for Health Impact Assessment in the EIA process. So, further, we see that there like still, since it is not required by the legislation, but it is much required by the lending institutions which give money for the development project.

(Refer Time Slide: 17:47)



So for example, as you have been seeing the International Finance Corporation IFC also requires that health impact assessment be undertaken African Development Bank also require. ADB also requires the Asian Development Bank, Asia Development Bank require. Inter-American Development Bank also requires that projects which received their funding have to undertake EIA.

(Refer Time Slide: 18:10)



So, in their particular IFC performance standard 4. You see that community health safety and security are given importance and then it is given the guidelines are given that, it is required that, the anticipated or projected

negative impact on health has to be reduced. Also, there is a need to safeguard the health of the people. So, you find all those provisions in this IFC performance standard.

Then there are certain guidelines and guidance that have been issued. So you see International Finance Corporation also produced a document for Impact Assessment Introduction to Health Impact Assessment. So, you can refer to this document also it gives you certain complete framework, on how to undertake it.

So the document is intended for the governmental agencies' project proponents. So, the government can also refer to this and the people who are preparing the EIA or the proponents of the project can also refer to this to prepare the Health Impact Assessment and align with the EIA.

So, this particular guidance gives technical guidance for both the process and the content of the Health Impact Assessment. And we see that specific emphasis is given to what types of issues have to be taken care of in these areas. Further, we see that there is also an emphasis on why it is important to undertake Health Impact Assessment there are other drivers like people because of which the proponents of the project also take Health Impact Assessment.

(Refer Time Slide: 20:07)

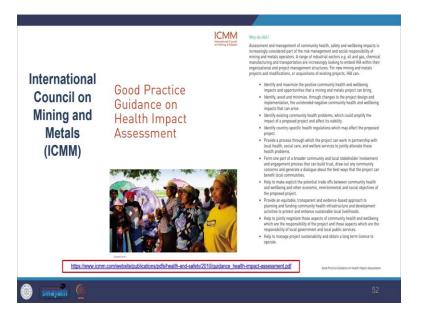


Is like, there are a lot of multinational Industry Corporations that have internal requirements for their project safety and costs, they have internal requirements to conduct Health Impact Assessments. So, for that, they take care of it. For example, you can see several incorporate environmental, social, and health impact assessments in the planning and implementation of their capital project.

So, it does it to identify assess, and manage all kinds of significant impacts of the project on health. So, that is taken care of, and then you also find other companies, industries, and agencies, which take care of it like Shell, Exxon, Mobil, Beric and Rio, Tinto, and all these have their internal requirement to undertake EAI.

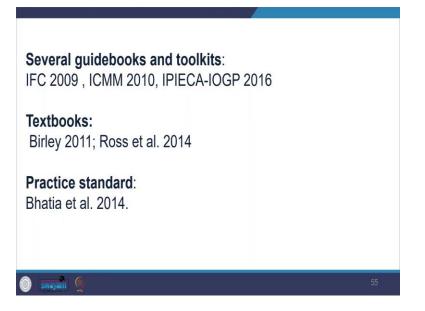
So, as a professional, you would like to learn about it, so that, you know how to undertake it and be familiar with all the legal processes, which are there are the guidelines which are available for the purpose. Further, we see that there is a lot of business value, which is seen by many of the companies, so they have been encouraging this.

(Refer Time Slide: 21:21)



So, we find International Council on Mining and Metals also provides guidance. Then we also see the International Petroleum Industry Environmental Conservation Association provides guidance documents for how to undertake a Health Impact Assessment. So, the International Council on Mining and Metal frames the business case for Health Impact Assessment, like it says that, if you identify or maximize the positive community health and well-being then it has a very positive impact, the project has a positive impact and it also avoids the later costs and delays in the project.

So, we also see that there are other concerns also why people learn and take up the health impact assessment is that, the project proponents want to be preplanned and they want to know what kind of problems may arise. So, they are well prepared for the situation and that might reduce the later cost. So, we see that there are other guidebooks also which are available for like how to undertake a Health Impact Assessment.

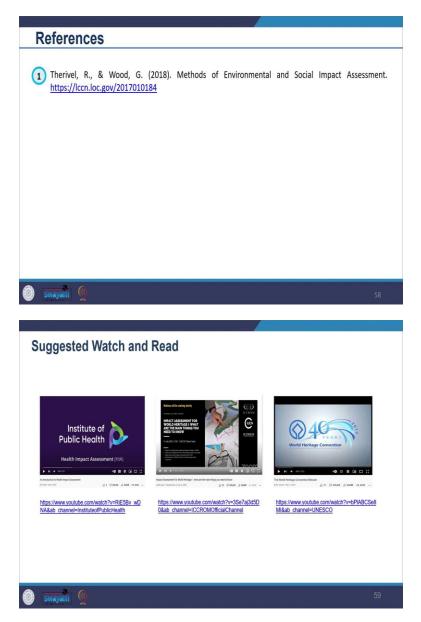


So, one is IFC, which you have seen then there are also industry organizations such as ICMM, then you also see IPIECA, which also provides. You also have several available books, you also have practice standards and all these documents provide how to undertake Health Impact Assessment. So, that was about the culture and health we saw today.

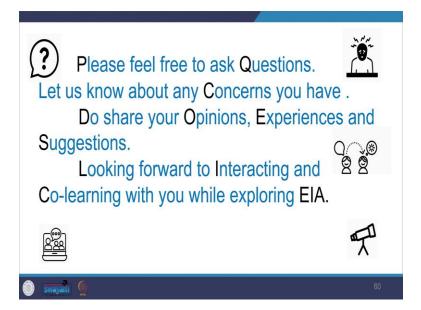
(Refer Time Slide: 23:07)



So, summarizing, we looked at different international heritage conventions, treaties, and charters, which are many of which India is signatory, so which would be applied. And you also saw the range of legislations which are there, which are applied to this. Then we looked at the Health Impact Assessments and what are the key legislation guidance and standards which are available for your reference. So this was part of the legislation part, we will be covering more and looking at the process when we do the methods part.



So, this was a key reference we have specifically for reading purposes, you can read two chapters from this particular book. For guidance here, there are coverage was limited so you can look at further readings and videos you can watch for a better understanding.



So, please feel free to ask questions. Let us know about any concerns you have, and do share your opinions, experiences, and suggestions, looking forward to interacting and co-learning with you while exploring EIA. Thank you.