SAFEGUARD ON CULTURAL HERITAGE

2023

Scope of application

This safeguard applies to WWF’s place-based activities (hereafter ‘activities’) that may:

1. Lead to a risk of harm to cultural heritage
2. Involve the utilisation of cultural heritage of Indigenous Peoples and/or local communities (e.g. commercial, research or other purposes)
3. Involve restricting access to cultural heritage by peoples and communities with legitimate rights to access or who use the cultural heritage for their livelihoods and/or cultural and spiritual reasons.

For purposes of this safeguard, cultural heritage is defined as follows:

- **Tangible cultural heritage**: physical moveable or immovable objects, monuments, property (e.g. buildings, artefacts), sites (e.g. burial sites, sacred sites, marine heritage sites), structures, or groups of structures, having archaeological (prehistoric), palaeontological, historical, architectural, artistic (e.g. works of art), and religious values.

- **Natural cultural heritage**: unique natural features or physical objects that embody spiritual values, such as sacred groves, rocks, lakes, and waterfalls, including those in marine, shoreline and near-shore settings, and/or that are otherwise important for the wellbeing and cultural resilience of local populations. The difference between tangible and natural cultural heritage is that the former have been shaped and created by human activities.

- **Intangible cultural heritage**: the non-physical intellectual wealth of a community, which includes the practices, languages, representations, expressions, knowledge and skills, and spaces (e.g. ceremonial routes) associated therewith - that those communities and groups recognise as part of their heritage, as transmitted from generation to generation and constantly recreated by them in response to their environment, their interaction with nature, and their history.
This safeguard applies to cultural heritage that is recognised as such by the potentially affected peoples and communities, relevant expert organisations, or mandated government agencies, regardless of its legal and protection status.

**Objectives**

The objective of this safeguard is to:

- Identify and avoid negative impacts on cultural heritage and/or restrictions of people's ability to legitimately use and/or access cultural heritage. Where avoidance is not achieved, minimise adverse impacts and respond to residual impacts through the identification and design of appropriate and proportionate mitigation measures;
- Respect in relation to their cultural heritage the rights of potentially affected peoples and communities to information and participation;
- Where possible, maximise opportunities for the protection of cultural heritage.

**Requirements**

When the Safeguards Screening determines that this safeguard applies, the following is required. Efforts to fulfil these requirements must be proportionate to the potential adverse impacts and WWF’s role with respect to the impacts.

1. Prior to the implementation of activities, an assessment of potential adverse impacts on cultural heritage has been carried out. The assessment should include an analysis of:
   a. Tangible, natural and/or intangible cultural heritage that may be affected by WWF’s place-based activities. This includes assessing the characteristics (including physical location and extent), current status and values attached to said cultural heritage;
   b. All potential impacts on this cultural heritage and access to it;
c. All feasible project alternatives and measures to avoid adverse impacts on, or the restriction of access to the cultural heritage.

2. Affected peoples and communities must be consulted in a culturally appropriate way during the safeguards process and be enabled to participate actively and effectively in decision-making processes relevant to them in the context of the activities. This process must also be supported by meaningful stakeholder consultations with qualified and experienced cultural heritage experts and organisations, as well as relevant regulatory authorities entrusted with the protection of cultural heritage, when appropriate. When the affected communities include Indigenous Peoples\(^1\), WWF must respect their right to Free, Prior and Informed Consent (FPIC) where applicable.

3. Where all feasible project alternatives have been exhausted and adverse impacts cannot be avoided, measures to minimise and respond to these impacts must be identified. Mitigation measures must be fair and meaningful to affected peoples and communities, responding to the potential impacts.

4. Determine, where appropriate, through consultation with affected peoples and communities, or engaging outside experts whether disclosure of information regarding cultural heritage (e.g. specific location, traditional use) could compromise or jeopardise its safety or integrity (e.g. physical looting, uncontrolled visitation, disrespect of cultural norms) or would endanger local informants (e.g. reprisal against the community, groups or individuals that shared the information). It may also be the wish of said people or experts’ advice that information about the cultural heritage in question (e.g. sacred sites, sacred knowledge) remains undisclosed to other parties or the public. In such cases, WWF must discuss and agree upon measures to maintain confidentiality in order to protect the cultural heritage that is of value to the community.

\(^1\) See also the Safeguard on Indigenous Peoples to identify to whom this may apply.
5. Where activities are likely to encounter previously undiscovered cultural heritage, WWF must develop ‘chance find’ procedures. Chance find procedures lay out the management and conservation approach, including any safeguards requirements, that must be applied in the event that cultural heritage is subsequently discovered during implementation.

6. Where activities involve access to and/or (especially commercial) use of traditional ecological knowledge, other forms of cultural knowledge, practices, and innovations of Indigenous Peoples and local communities, WWF must engage in meaningful consultations with the potentially affected people and communities and mutually agree on the fair and equitable sharing of benefits, respecting the right to FPIC, as applicable.

7. For cultural heritage that is legally protected, WWF must ensure compliance with applicable law on the protection of cultural heritage and, where relevant, consult with the legally appointed custodian in order to meet the requirements of this safeguard.

8. Where WWF funds or supports a government agency or other third party to carry out activities to which this safeguard applies, WWF expects this party to fully observe safeguards requirements in such activities, including with respect to rights of the affected people and communities. WWF reserves the right to withdraw support if its safeguards requirements are not met.

**Relationship to other safeguards**

Where the activities may involve restricting access to or use of cultural heritage, WWF will apply this safeguard alongside the WWF Safeguard on Restriction of Access.

Where the activities may affect the cultural heritage of Indigenous Peoples, WWF will apply this safeguard alongside the WWF Safeguard on Indigenous Peoples.