

Article

## Legislating Heritage: A Comparative Study on Cultural Preservation Across Nations

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### Abstract

Legislation plays a crucial role in the effective management, protection, and preservation of cultural heritage worldwide. Historically, some countries relied on traditional mechanisms such as norms, laws, taboos, and customs, many of which may no longer be effective. This study reviews various laws enacted across different nations to combat the rampant looting, trafficking, destruction, and devaluation of cultural objects and practices. A comparative analysis is conducted on the management of cultural heritage resources in the USA, Thailand, China, Argentina, Russia, South Africa, and Nigeria, selected as case studies. The research examines the types of legislation introduced and their impact on heritage management. Utilizing documentary research, data were collected from secondary sources, including journals, books, magazines, the internet, and newspapers. The findings indicate that while many efforts to preserve cultural heritage have been successful, challenges remain due to inactive stakeholders, weak policies, insufficient funding, and a lack of evaluation. This study aims to illuminate how cultural heritage can be preserved and promoted, benefiting custodians and stakeholders, as well as the broader community.

**Keywords:** Cultural heritage, management, legislations, tourism, government

### Introduction

Preservation of cultural heritage is a principal action to sustain the past behavioural activities of man in the community. To understand the contemporary nature of man or forecast his future in the community, the past must be recognized and chronologically studied to get a clearer sense of the background. There are different ideological measures adopted, both in the past and in the present, to ensure the preservation and sustainability of cultural heritage resources at the local, national, regional, and international levels. Initially, these measures seemed capable of preserving cultural elements for posterity. Contradictorily, the preservation and sustenance of cultural heritage including historical architectures, sites, museums, indigenous knowledge and technology, language, indigenous cuisines, arts and crafts need urgent considerations as most of the policies and laws protecting them are not effectual in many countries due to social, political, religious, economic and environmental dynamism.

In Spain, Brazil, China, and the USA, the revitalisation of cultural heritage, tangible and intangible, has become an indelible catalyst for income generation, employment opportunities, urban regeneration, and global identification as tourists from different locations troupe-in to satisfy their curiosities and demands. These benefits can only be achieved when these heritages are cherished, secured, and promoted by the stakeholders, but in the communities where these are not effectively preserved, they become repulsive and neglected. It is not new that governments at all levels usually

imitate what is obtainable across the globe, the issue of cultural heritage management is not exceptional as preventive measures are taken to preserve cultural heritage as an important factor to consider in sustainable developmental strategy. By this, policies/laws with stringent penalties are made or the previous ones amended across the countries to protect and promote their material and non-material cultures. These laws pronounce the 'dos and don'ts' that guide the public in their association with cultural heritage.

Despite the promulgation of the various legislations, it is observed through the literature that some countries are achieving the aims of heritage management while others are still battling with incessant abandonment and destruction of heritage sites, looting, trafficking, insufficient funding, and ineffectual attitude of the stakeholders among others. For this research, therefore, countries like the USA, South Africa, Thailand, China, Russia, Nigeria, and Argentina were selected using convenience and purposive sampling methods for a comparative evaluation of cultural heritage management. This is to know whether the measures adopted in managing cultural heritage are effective or not, and the factors that contribute to that. This study examined the measures put in place for cultural heritage management in the selected countries across the globe, compared the level of effectiveness and efficiency of the various legislations protecting cultural heritage and examined the rationales behind the successes and failures of cultural heritage management across the globe. This research draws the attention of the countries and stakeholders battling with detrimental issues towards heritage management to the strategies adopted by those benefitting maximally from the sector. This comparative study gives more insights to scholars and stakeholders in the related fields for further research, especially in the aspects of cultural evaluation, sustainable tourism development, economic enhancement, rural-urban regeneration, and environmental sustainability.

## **Conceptual Framework/Literature Review**

According to Graham, Brian, Ashworth and Tunbridge (2000), cultural heritage is the various activities and objects of the past that are still in existence for the present use. They also see them as those selected social, political, economic, and cultural parts of the ancient people, which are treasured in the contemporary period. In 2002, during the United Nations' Year for Cultural Heritage, UNESCO produced a comprehensive list of various cultural heritages, which is acceptable as a way of classifying different practices, places, and objects of cultural significance. This inexhaustible list gives a sense of diversity about what to consider as official cultural heritages. These are enumerated to include heritage sites, historic cities, cultural landscapes, natural sacred sites, underwater cultural heritage, museums and galleries, movable cultural heritage, handicrafts, documentary and digital heritage, cinematographic heritage, oral traditions, languages, festive events, rites and beliefs, music and songs, the performing arts, traditional medicine, literature, culinary traditions, traditional sports and games, among others (UNESCO, 2002; 2017). Cultural heritage is the generality of the people's way of life that is passed down successively from one generation to the other because they are the rich, unique, transferable, and irreplaceable tangible and intangible aspects of life, which have been enshrined in the people's tradition from the time immemorial (Oloidi & Okonkwo, 2020).

The process of achieving the preservation of these cultural values both in the past and in the present is known as cultural heritage (resource) management, which different scholars have tried to define. The term “cultural resource management” is relatively recent, and as a result, it is often used as synonymous with heritage management or public archaeology. According to King (1998), the concept of cultural resource management is habitually used by archaeologists as they rescue and salvage objects of archaeological significance. Architectural historians and historical architects, who refer to it as the methods of preserving and managing momentous places that are of archaeological, architectural, and historical importance in compliance with environmental and historic preservation laws, intermittently adopt this. In the same direction, Wesler (1990) defined it as various practices used for the promotion, preservation, conservation, and enlightenment of heritage resources. According to Oloidi (2014), cultural resource management covers ceremonies, songs, dances, work implements, religious objects, proverbs, riddles, norms, legend, historic sites, local industries, language, kinship systems, architectural patterns, myths, drama, folklore, folktales, mode of greetings, local delicacies, traditional costumes and body ornaments. These also included some culturally oriented natural resources like hills, mountains, rivers/streams, groves, rocks, animals and climatic conditions, in which urgent measures are needed to rescue, manage and promote in the various communities. These primitive cultural heritage resources also included many forms of natural endowments that have had values in the customs of the people because meanings had been culturally conferred on them. That is why Lipe (as cited in Okpoko, 2014) stated that the landscapes of past cultural activities are also qualified as cultural heritage resources since human beings had attached names, myths and values to the features of the territory they inhabited in this respect.

However, the contemporary culturally oriented individuals and groups also formulated different principles and vocations to ensure that people are conversant with their historical backgrounds to solve societal and environmental issues, and to address future challenges through the material and non-material values of the past generations (Oloidi, 2014; Oloidi & Okonkwo, 2020). That is why when cultural heritage resources are being repositioned for sustainable tourism development, policies, and the involvement of the related stakeholders are usually involved and their impacts are indelible in the aspect of management (Oloidi, 2019). Many scholars of the world believe that culture has recently moved to centre stage as a crucial aspect of development even though it had already been considered in policy-making between the 1960s and 1970s, which is the age of decolonization. According to Loulanski (2006), the symbiosis between culture and heritage is yielding positively and has become one of the major global issues to rethink and emphasise in developmental plans. Currently, the discussion about the role of cultural heritage in developmental strategies has been intensified across the globe and reached its peak on the agenda, not only of UNESCO but also across many international institutions in the arena of development. For instance, some of the key titles included *Culture in Sustainable Development* (World Bank/UNESCO, 1998), *Culture and Local Development* (OECD, 2005) etc.

At present, the roles of cultural heritage management cannot be sidelined in community and tourism development in several countries of the world as it has been proven beneficial to the socio-cultural and economic enhancements in their various

domains. It is unfortunate that despite the current rebranding trends in the fields of cultural heritage, tourism, urban development, and management, many of these communities seem to have not standardised up to the global expectations in adjusting to the measures to preserve and promote their cultural heritage, because many stakeholders still attach solely to traditional ways of preserving their cultural values. They believe that the progenitors of cultural heritages also derived traditional methods and processes through which they were managed, preserved, protected, conserved and transmitted in the past especially those finite and non-renewable resources, that if once destroyed, cannot be revived to their original state (Oloidi, 2014). This brings about reluctant behaviours of the custodians in incorporating modern ideologies that meet the current trends into their cultural activities.

Ekechukwu and Oguamanam (2010) assured that the integrative approach of traditional and modern methods cannot be overemphasised in the conservation and protection of cultural heritage resources especially in the aspects of policymaking, boundary demarcation, creation of awareness, promotion etc. Furthermore, Amado et al. (2019) revealed that, presently, the drastic evolution of cities has crisscrossed historical, cultural, economic, social, and technological sectors and this has unavoidably introduced several changes, positive or negative, in every human activity and environment. They further believed that adopting the integration of traditional and modern systems is necessary for any development to thrive in the community, as only ancient measures cannot resolve the issues arising from social and economic development across the globe. The application of this theory will bring new ideas to the people's heritage, and attract visitors to appreciate them. Additionally, the United Nations (2015) emphasised that sustainable development is needed as a strategy to transform the world.

The objects and activities of cultural values were traditionally managed in the past through oral tradition; norms, observation and apprenticeship, and they were inseparable from the general ways of life of the people in the community. But at present, due to a lack of proper awareness, social evolution, religious differences and ideologies, and exclusion of the major stakeholders, some are being destroyed, abandoned or tampered with, which is why they need urgent methods to manage and promote them in the country (Eze-Uzomaka & Oloidi, 2017; Oloidi, 2019). However, some various policies and issues encourage the management of cultural heritage resources, which are now critical determinants in achieving sustainable tourism development across the globe. In some countries, the preservation and exhibition of cultural heritage resources started with the influence of religious beliefs, norms and customs, while in other cases, especially in this contemporary epoch, formal policies are incorporated. According to Eze-Uzomaka (2014), it was ascertained that cultural properties are continually destroyed by contemporary people due to the weakness or ineffectiveness of the legislation protecting them in the community. In this vein, Oloidi (2019) revealed that cultural heritage resources are destroyed daily through human activities because the ancient norms and declarations protecting them are now too weak to be actively functional in the present generation. That is why policies are adopted in many communities to ensure proper preservation and management of these heritages and position them for sustainable tourism development.

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## Research Problems

Policy is a set of actions undertaken by the government at all levels and the incorporation of the private sector to set goals or ideals and define a landmark of what should be done, and how these goals can be accomplished (Phyllis & George, 2010). This definition applies to all sectors, including cultural heritage resources, because each institution has various measures for managing them in their localities. Despite the formulation of laws, legislations, norms, acts, decrees and pronouncements to preserve, promote and manage cultural heritage resources, some countries have achieved their aims and objectives, and they benefit maximally from it. These benefits include income generation, creation of employment opportunities, global recognition, etc., while other countries still fail to achieve their goals and most of their cultural heritage resources are facing massive vandalism, looting, trafficking, and extinction. What could have been the causes? It is necessary to know the rationales behind these issues. This research is centred on answering the following questions. What are the legislations promulgated for cultural heritage management in the selected countries? Are these legislations reflected in the preservation, management, and promotion practices? What are the reasons for the successes or failures of cultural heritage management in the selected countries? These are the main gaps that this comparative study tends to achieve and the outcome would help to unveil how cultural heritage resources could be sustained for heritage tourism in their localities.

## Research Method

The objectives of this research were achieved through the documentary research method in which data were collected through published materials like journals, books, the internet, magazines, newspapers, etc. written by scholars in the field. For this study, a case study approach was adopted in which countries like the USA, Thailand, China, Argentina, Russia, South Africa and Nigeria were conveniently and purposively sampled based on their multitudinous cultural heritage, legislative backgrounds and the efforts of the government and the custodians towards them.

## Cultural Heritage Management in Selected Countries of the World: A Comparative Study

The management of cultural heritage is vital when it comes to retaining their authenticity or positioning them for sustainable tourism development as the managerial approaches adopted vary from one community to the other. If properly planned and implemented, the outcome would be `beneficial, but if not, it would have negative consequences.

### a. The United States of America

Hester (2010) in his article titled *Heritage Resources Management in the United States* revealed that modern heritage resource management commenced in 1906 during the historical preservation movement with the passage of the Antiquities Act. This is to protect sites on federal land with the inclusion of a permit system for further investigation of the land and sanctions for the defaulters (Harmon et al., 2006). This effort led to the establishment of the National Park Service (NPS) in 1916 and 1935. The Historic Sites Act recognised the effort of the NPS as the records of historic

properties of national significance were established and through the unseasonal involvement of the concerned stakeholders, it became the lead government agency for historical preservation until date (Hester, 2010). In addition, the National Historic Preservation Act (NHPA) of 1966 and the National Environmental Policy Act (NEPA) of 1969 established a fundamental approach to historic preservation in the present situation. To ensure effective and efficient planning for cultural resources, the NHPA of 1966 and NEPA of 1969 created the Advisory Council on Historic Preservation and the Council of Environmental Quality, respectively. NHPA also expanded the National Landmark Programme, established by the Act of 1935, to create a National Register of Historic Places and provide that registered sites on both public and private land be given specific consideration in the government's planning (Hester, 2010).

Cultural resource management as a popular concept can now trace its beginnings to the environmental/conservational movement in the 1960s and 1970s in the United States. The concept of "cultural resources" first appeared in the NEPA of 1969, while the term "cultural resource management" was popularly in use after 1969 (Lipe & Lindsay, 1974). According to Kerber (1994), these periods marked the growth in legislation concerning the protection of cultural resources, and this led to the Archaeological and Historic Preservation Act of 1974, commonly known as the Moss-Bennett Act. This Act helped to fuel the creation of cultural resource management while creating growth in archaeological jobs in the federal government, academic sector, and private sector. This Act outsmarts the previous Antiquities Act passed by federation legislation in 1906. Through this Act, in the seventies, the cultural resource was coined by the National Park Services, which came into usage and became more popular after Cultural Resource Management and the Airlie House Conferences in 1974. In the following conferences, according to Kerber (1994, p. 2), the National Park Service (NPS) defined cultural resource management guidelines as being:

Those tangible and intangible aspects of cultural systems, both living and dead, that are valued by or representatives of a given culture or that contain information about a culture... They include, but are not limited to, sites, structures, districts, objects, and historic documents associated with or representative of people, cultures, and human activities and events, either in the present or in the past. This can also include primary written and verbal data for interpretation and understanding of those tangible resources.

In the United States, the above definition paved the way for a better understanding of the composition of cultural resource management. Consequently, more active stakeholders intervened in the documentation, promotion, and funding of every cultural element in the region, and this helped boost public awareness about the efficacy of historical objects, sites, and events and the laws protecting them. In addition, this improves the level of tourism activities and participation in the United States.

#### **b. Thailand**

Lertcharnrit (2010) researched the *Archaeological Resources Management in Thailand* and discovered that an innumerable number of cultural heritage resources that should be positioned for sustainable tourism development have been destroyed due

to looting, government-local resident conflicts, the research and nature of contract work and different perceptions about the significance of cultural resources. Because of these issues, cogent measures for the preservation and protection of valuable cultural heritage resources were taken. Administratively, the management of cultural heritage resources is vested in the Fine Arts Department, while the Office of Archaeology works on the restoration of ancient monuments and sites in addition to the preservation and investigation of archaeological remains for the sake of national history (FAD, 1990). The first attempt to manage cultural heritage in Thailand was noted during the reign of Rama IV from 1851–1868 when the king perceived the movement as a way to earn national harmony and pride (Syamananda, 1993). The Proclamation on Temple Boundary and Temple Looters was issued in 1851 to prevent the looting of cultural heritage resources (Fine Arts Department (FAD), 1968). Lertcharnrit also noted that the development was initiated for the benefit of the king and small elite groups who helped him in the execution of the royal projects. Nevertheless, during this period, several archaeological research projects, including museum exhibitions, were carried out to ensure that cultural resources were dignified as national uniqueness that deserved maximum protection.

A new dimension for the management of cultural heritage resources came under the reign of King Chulalongkorn, King Rama V (1868–1910), who was a renowned scholar and reformer. According to Lertcharnrit (2010), he built a museum hall in his palace, established the Museum Department as a governmental body, and legally solicited the repatriation of stolen objects from the Museum of Ethnology in Berlin. Additionally, he established the Antiquity Club to promote the fields of archaeology, art, and history in the country. Throughout Thailand, these efforts augmented public consciousness of the significance of heritage resources and eventually established the development of cultural resource management. From the king's perception, all things that belong to the past are classified as cultural heritage resources. In 1926, the Bangkok Museum Act was enacted, six years after the reign of King Chulalongkorn. This Act established the first public museum in Thailand and enacted regulations concerning the transportation of ancient and art objects to avoid immense trafficking and smuggling of antiquities (Sangruchi, 1992; Lertcharnrit, 2010). In 1934, the most comprehensive legislation was drafted and later amended in 1943 and 1961; this was called the Ancient Monuments, Ancient Objects, Arts Objects, and National Museum Act of 1961, and this was further amended in 1992 under the reign of King Bhumibol Adulyadej. The Act of 1961 and other additional amendments and regulations have been effective in the management of cultural heritage resources in present-day Thailand.

### **c. Argentina**

In Argentina, Endere's research on *The Challenge of Protecting Archaeological Heritage in Argentina* discovered that the earliest measure to manage cultural heritage resources to complement the traditional norms was the promulgation of Law 9080 of 1913, which positioned archaeological and palaeontological resources under federal jurisdiction for maximum management and protection. According to her, when this law was no longer enforced, the Argentinean National Civil Code, Article 2340, Clause 9, established that every archaeological heritage of scientific significance belongs to the public domain of the Nation. This indicates that the legal authority and responsibility for their protection are vested in the national government for proper

monitoring. Consequently, there was a series of skirmishes between the federal and provincial laws concerning ownership and jurisdiction of archaeological resources, and in 1994, these tussles were resolved when the National Constitution was amended (Endere, 2010). This new Constitution acknowledged regional ownership over archaeological heritage, which permitted the government and related stakeholders to participate in the formulation and implementation of policies for protection and proper management (Article 41).

In 1999, for effective supervision of cultural heritage resources in Argentina, Federal Law 25.197 created the Register of the National Cultural Heritage and this was established to carry out an extensive inventory of cultural property, including “the materials recovered through terrestrial and underwater archaeological and palaeontological surveys and excavations” (Article 2). In 2003, a new law concerning the protection of archaeological and palaeontological resources was finally passed (Law 25.743) to replace the antiquated Law 9080 (Endere, 2010). This stipulates that the preservation, protection, and control of archaeological and palaeontological resources are part of national duties over cultural heritage to enable their scientific and cultural exploitation. Law 25.743 created new national authorities to protect these resources in federal lands (that is, the Instituto Nacional de Antropología y Pensamiento Latinoamericano (that is, the National Institute of Anthropology and Latin American Thought) oversees the protection of archaeological resources and the Bernardino Rivadavia National Natural Sciences Museum is responsible for palaeontological remains). It has also distributed responsibilities between the national government and the provinces and created a register of sites and collections as well as one for law offenders (Endere, 2010). At the subnational level, the legal protection of cultural heritage is quite variable.

Throughout the nation, some provinces have updated their cultural heritage legislation in the last few years, while many provinces have already signed agreements with national authorities to update and coordinate their policies and actions according to the new federal law. To complicate the complex Argentinean legal structure for cultural resource protection even more, local (municipal) governments have also enacted their own rules called *Ordenanzas* to preserve archaeological sites located in their territories (Endere 2000). Therefore, the legal framework of archaeological heritage protection in Argentina is the result of a mosaic of local, provincial, and national laws that create separate governing bodies. This makes it necessary to carry out a case-by-case study to determine the legislation applicable at each site. The lack of a clear national heritage management policy to be applied throughout the territory following provincial authorities results in preservation actions without coordination between different governmental levels or continuity through time. Thus, accomplishments depend exclusively on the decisions of the authority in charge (Endere, 2010). Furthermore, natural and cultural heritage are artificially divided into different governing bodies ruled by diverse legislation (Burke & Smith, 2010). As a result, despite the statements of Law 25.743, archaeological resources may be under the jurisdiction of other authorities. For example, if these sites have been declared “national monuments,” the National Monument Commission also governs them, or if sites are in national parks or natural reserves, the National Park Service must protect them. As a result, cultural, environmental, or tourism authorities frequently manage cultural and natural



heritage resources, rarely acting in coordination. This division is often reproduced at provincial and local levels, making it extremely difficult to put into practice comprehensive protection programmes for cultural and natural resources (Endere, 2010; Endere, 2000).

The existence of indigenous peoples has been historically neglected in Argentina, but the return to democracy in 1983, after several decades of dictatorship, marked a turning point in official ideology towards the acknowledgement of indigenous peoples. The idea of being a “multicultural society” was emphasised both in political speeches and in educational curricula (Podgorny, 1999). The new legislation regarding indigenous communities (Law 23.515/85) and, later, the amendments to the National Constitution (Article 75, Clause 17) have resulted in the recognition of a new set of civil rights regarding indigenous communities, thus generating new responsibilities for the nation-state (Carrasco, 2000). Constitutional rights include respect for the indigenous identity and indigenous peoples’ right “to participate in the matters of their interests” (Endere, 2000, p. 56), which may include issues related to their cultural heritage.

Moreover, in 2000, Argentina ratified the 169 International Labour Organisation (ILO) convention concerning indigenous and tribal peoples in independent countries, which states that governments shall consult the people concerned whenever consideration is given to legislative or administrative measures that may affect them directly. It shall also establish means by which these peoples can freely participate at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes that concern them (Article 6, Clauses a and b) (Hualpa, 2003). Finally, the new Federal Law 25.743 concerning archaeological and palaeontological heritage has not made any provision for indigenous peoples’ rights to their cultural heritage, thus generating a deep sense of unease among several indigenous leaders who have claimed that this law contradicts constitutional rules.

#### **d. Republic of China**

In China, there have been intensive surveillances of cultural heritage resources for several centuries to have accurate numbers of heritage sites and national collections, but with principal landmarks in 2006. These surveillances were suggested to foremost document all heritage resources before they could be managed and positioned for tourism activities. Chen and Chen (2010) studied cultural *heritage management in China* and revealed that the foundation of Chinese civilizations and cultural traditions are the representations and interpretations of their rich and diverse cultural heritage. Their findings disclosed that the country is endowed with countless pieces of preserved cultural heritage because of the implementation of managerial measures applied for cultural heritage conservation, which are now manifesting in its economic development. The highest administrative echelon and independent bureau under the umbrella of the Ministry of Culture in China is the State Administration of Cultural Heritage (SACH). The bureau established the Institute of Cultural Relics Research, a cultural heritage information centre, a newspaper, a magazine company, and a colossal publishing house to create awareness and equally document their cultural activities. Shan Jixiang, who is the General Director of the SACH, stated that according to the information registered in the SACH’s database, the nation is blessed with about 400,000 immovable heritage sites and 20 million objects in museums and

research institutes (The State Council of Information Office, 2006). This was emphasised in a press conference at the Ministry of Culture to mark the opening of the first National Cultural Heritage Day in China on May 25, 2006.

The commissioning of the Yin Xu Museum for public use in October 2005 had major impacts on economic improvement and cultural promotion. According to Chen and Chen (2010), the speed of establishing this museum and the beauty and quality of the spectacular Shang Gallery at the time set a new and remarkable record in today's world of museum development. They further stated that in just ten days of operation, the attendance of the culturally oriented visitors in the museum reached 2,000 to 3,000 per day in approximation. There was a drastic increase in visitors' attendance immediately after Yin Xu was designated as a World Heritage Site, and it maintained 63,000 visitors at its peak in the first month. According to Chen and Chen (2010, p. 72), these achievements were possible due to the following three factors:

First, direct involvement and support from the local government are effective driving forces for quickly establishing and organising cultural heritage preservation projects. Second, the benefits of championing local cultural heritage for national or international titles are recognised by local authorities who are aware of the potential value of cultural heritage to the local economy through the tourism business. Third, public engagement in cultural appreciation through museum collections and visiting archaeological sites has raised public awareness for the preservation of cultural heritage at large.

The Chinese's principal policy on cultural heritage management is detailed in Article 4 of the Law of the People's Republic of China on Protection of Cultural Relics. This policy pronounces that "in the work concerning cultural relics, the principle of giving priority to the protection of cultural relics is attaching primary importance to their rescue, making rational use of them and tightening control over them" (SACH, 2007, also quoted in Chen & Chen, 2010, p. 74). This single law encompasses and regulates all activities related to conservation, archaeological excavations, foreign collaboration, and travelling exhibitions. The initial version of the law was inaugurated in 1982, with partial revisions in 1991, while the complete revised edition was approved in 2002. This means that it took 20 years for China to commence the implementation of scientific measures and professional management of cultural heritage.

There are two major categories in the management of China's cultural heritage. The first is the immovable cultural relics, which are mostly preserved by local government and sub-categorised into six classes, namely: a) ancient cultural and archaeological sites; b) ancient tombs; c) ancient architectural structures; d) cave temples; e) stone carvings and murals; and f) important modern and contemporary historic sites and memorable buildings. By 2006, 2,351 sites were already listed as National Major Heritage Protection Units (SACH, 2007); 9,300 sites were named Provincial Major Heritage Protection Units; and over 58,000 sites were designated as Municipal/County Major Heritage Preservation Units. The second category is the movable cultural relics, which are divided into four grades namely Grade One, which are the most valuable and rare artefacts in the collections, Grade Two, Grade Three, and Ordinary Grade. It was revealed that the nationwide inventory and evaluation

accounted for about 20 million museum artefacts in the database cataloguing system (Chen & Chen, 2010). This affirmed that people at all levels - local, state, national, and provincial - are no longer ignorant of the significance of cultural heritage as they work together with the appropriate bodies to achieve their collections and preservations.

#### **e. Russia**

In Russia, Petrov (2010), in his article titled *Cultural Heritage Management in Russia*, revealed that the effort to protect cultural heritage in Russia included the reconstruction of 1471 St. George's Cathedral, built in 1234 in the town of Yuriev-Polskoy. The early eighteenth century's systematic research and protection of cultural heritage started through Peter the Great's reforms as an effort to integrate Russia into Europe. According to Petrov, the three major benchmarks for the development of cultural heritage management during this period included: 1) the decree of 1718 that founded Kunstkammer, which is the first Russian Museum. This decree made it compulsory that all old and rare discoveries both on the surface, in the ground, and the water should be brought to the museum. This step made laudable impacts on the history of Russia, especially in adding to the museum collections due to the stringent sanctions attached to the pronouncements and the active participation of the stakeholders. Another contribution to the development of cultural heritage management in the Russian Empire includes the prohibition of 1826 by Czar Nicholas I against the destruction of ancient buildings and the establishment of the Imperial Archaeological Committee in 1859 for dealing with archaeological discoveries and supervision of prominent building construction. After the Second World War, the Regulations on the Protection of the Objects of Culture, on October 14, 1948, included objects of art, archaeological sites, and historical sites in the definition of cultural heritage to preserve (Petrov, 2010). The focal law for cultural heritage management in Soviet Russia was the Law of the USSR on the Protection and Use of the Objects of History and Culture, No. 4692-IX and presently, Russian heritage is regulated by Federal Law 73-F3.

#### **f. South Africa**

In his article titled *Heritage Resource Management in South Africa*, Deacon (2010) revealed that the historical development and management of cultural heritage resources followed the pattern of the former British Colonies. Moreover, members of the public had raised the need for the legislation over the previous decades, which was further fuelled in 1905 after the South African National Society was instituted. He also stated that the earliest legislation protecting cultural endowments was the Bushman-Relics Protection Act of 1911, passed by the government of the Union of South Africa, which was formed in 1910 as a self-governing British colony after the end of the South African War of 1899-1901. This Act prohibited the destruction, removal of unnecessary trespasses, or exportation of rock paintings, rock engraving, and other heritage resources without a proper application for a permit from the Department of the Interior that led to a better understanding and management of cultural heritage at the same time. Also, the higher-profile bureaucracy was established under the Natural and Historical Monuments, Relics, and Antiques Act of 1934 to enable the Historical Monuments Commission (HMC) to appoint staff like a secretary and a clerk and to protect sites declared as historical monuments, as well as the amendment to Act No. 28 of 1969 in the late 1970s and 1980s. Currently, the National Monuments Act was substantially revised and the National Heritage

Resources Act of 1999 came into force on April 1, 2000. This Act established the South Africa Heritage Resources Agency (SAHRA) to replace the NMC. This legislation has moved heritage resource management forward in the areas of promotion, security, documentation, grading, involvement of the major stakeholders, policy, conservation, assessment, decentralisation of responsibilities, and national identification.

#### **g. Republic of Nigeria**

In Nigeria, the formal pronouncement, which could be classified as a legal document, that centred on the conservation of cultural and related resources is traceable to the era of colonialism, when Sir Bernard Boundillon, who was the Governor-General from 1935 to 1943, established the Native Authority Ordinance No. 17 of 1943 to protect all cultural property. This ordinance aimed to disallow the sale, destruction, and exportation of artworks and antiquities of African history. A decade after this, Sir John Macpherson, who was the Governor-General between 1948 and 1954, enacted Antiquities Ordinance No. 17 of 1953, through which the Antiquities Commission was established in 1953. The then-Federal Department of Antiquities was established with museums in Esie, Jos, Lagos, Owo, and Ife, followed by the institutionalisation of archaeology in the universities at Ibadan, Nsukka, and later Zaria (Okpoko, 2014; Oloidi, 2014). In 1957, the Antiquities (Export Permits) Regulations were promulgated, and most of the laws promulgated at this time had a colonial background. Apart from establishing museums, these laws were largely ineffective and subject to abuse. Consequently, General Yakubu Gowon, the former Nigerian Military Head of State, promulgated Decree No. 9 of 1974. This decree was to curb the incessant illegal trafficking of antiquities in the country, with stringent penalties for defaulters (Eze-Uzomaka, 2014). She added that this decree was concerned with the location and movement of antiquities and prohibited transactions of antiquities without legal accreditation, and the police were authorised to search and seize any ancient object found in their possession without a warrant.

The 1977 Festival of Arts and Culture gave Nigeria the insight that the protection of cultural heritage resources was highly significant. Consequently, Decree No. 77 of 1979 established the National Commission for Museums and Monuments and for the effectiveness of the commission, on August 29, 1988, the Federal Government led by General Ibrahim Babangida launched the National Cultural Policy. This made provision for the preservation, promotion, and exhibition of cultural heritage, funding of related activities, the building of administrative structures, and curbing the loss of information concerning archaeological sites, monuments, objects, architecture, landscapes, and many other heritage-related resources in the various communities. In addition to the preservation of sites and monuments, there was also a provision for the establishment of game reserves and natural history museums. Okpoko (2014) added that, apart from preserving monuments and sites, provision was also made to establish game reserves and natural history museums. Currently, eight cultural institutions manage both tangible and intangible cultural heritage resources in Nigeria and these are cursorily explained by Oloidi (2014).

In 1979, the National Commission for Museums and Monuments (NCMM) was established with Decree 77 of 1979 as an umbrella and apex authority that oversees museums and monuments in the country. This commission was entrusted with responsibilities to govern all national museums, antiquities, and monuments;

manage and control national museums and related sectors; provide adequate recommendations to the state government and concerned authorities about the establishment and management of museums; and conserve antiquities, monuments, and sites. The National Council for Arts and Culture (NCAC) was established by Decree No. 3 of 1975 and amended by Decree No. 5 of 1987 (now Cap. 248 of the Federal Constitution of 1990). It is a federal government organ charged with the responsibility to coordinate, develop, and promote the living arts and culture of Nigeria on a national and international front. Decree No. 86 of 1993 established the National Gallery of Art (NGA) to become a world-class gallery of a global tourist destination. It was established to acquire and collect Nigerian works of art, organise temporary and permanent exhibitions, and organise competitions and talent hunts in fine and applied arts. Decree 69 of 1979 established the Centre for Black and African Arts and Civilization (CBAAC), following the successful and epoch-making hosting of the Second World Black and African Festival of Arts and Culture (FECTAC, 77). This is to locate, identify, and assemble, for better preservation, all recorded matter, published materials, and museum artefacts relating to the 1977 festival. In addition, to prepare an inventory of these works and to promote understanding and appreciation of black and African arts and cultures by involving the public in its activities through lectures, discussions, symposia, exhibitions, performances, and demonstrations of arts and crafts,

Moreover, Act 93 of 1993 established the National Institute for Cultural Orientation (NICO), a parastatal of the Federal Ministry of Tourism, Culture, and National Orientation. This is to harness cultural resources to meet the challenges of social integration, peace, unity, and national development, serve as a vital force for promoting Nigeria's programme of cultural diplomacy and energising the various cultural establishments, contribute to world progress and civilization through research and documentation, and create cultural assets and services, both tangible and intangible resources. Decree No. 47 of 1991 established the National Troupe and National Theatre of Nigeria (NT/NTN), this parastatal in 1991. The essence of the establishment is to encourage the discovery and development of talents in the performing arts. The Nigerian Tourism Development Corporation (NTDC) was established with the promulgation of Decree 81 of 1992. It is charged primarily with the overall responsibility to promote, publicise, and coordinate tourism activities in Nigeria. The National Institute for Hospitality and Tourism (NIHOTOUR) was established to improve quality service delivery in the hospitality and tourism industries by introducing professional, technical, and special training as well as post-graduate courses in the travel, tourism, and hospitality fields. These efforts showed some strong indications that governments have made several processes and procedures for the management, preservation, protection, and conservation of cultural resources in compliance with regulations. However, the aims of establishing these institutions have not been met across the country based on the passivity of stakeholders, insufficient funding of the institutions, political instability, insecurity, weak policies, poor implementation, and a lack of evaluation (Oloidi, 2019).

## **Discussion**

Comparatively, the above literature has discovered that the USA, South Africa, Thailand, China, Russia, Argentina, and Nigeria are endowed with immeasurable,

unique, and irreplaceable cultural and historical resources that were solely managed and conserved through various indigenous ideologies before the adoption of modern preservative and promotional measures. Cultural heritage resources in these countries are invaluable tourism attractions that can bring several social, ecological, and economic developments to their communities. Historically, most of the selected countries were noticed to have earlier incorporated indigenous knowledge, and the preservative and managerial philosophies of cultural elements were traditionally influenced by religious beliefs, norms, and political systems before modern legislation was promulgated. In the present dispensation, cultural heritage management is positioned as a catalyst for socio-economic development in which new policies, laws, acts, or decrees are needed to complement the indigenous promulgations and meet global standards.

The literature showed that the laws protecting cultural heritage in the selected countries are not rigid but flexible, thereby giving avenues for frequent amendments to meet current trends. In addition, most of the institutions or agencies assigned responsibilities to protect and manage these resources passed through upgrading or replacement according to the directives of the apex governmental body. The review revealed that traditional laws, norms, pronouncements, taboos, and customs were the main strategies for managing cultural heritage resources in the past. They are still effective in China, but in Nigeria, Argentina, South Africa, and Thailand, they are less effective and efficient in the contemporary period due to socio-physical evolution, insecurity, and the custodian-determinant approach that restricted other stakeholders' accessibility and authority over the resources. With this, the power over cultural heritage was not centralised by the government because the owners determined what happened to them. Consequently, because the owners and custodians had full control over the cultural heritage without the intervention of the government, professionals, and related stakeholders, there was no wider public awareness, social amenities, infrastructural services, effective security, adequate preservation, or promotion that met international standards. These heritage resources were not known beyond their immediate environment, and the local measures did not combat the issues of looting, destruction, trafficking, and commercialization of cultural endowments in some countries like Nigeria and Argentina.

The impacts of stakeholders in these countries differ. In China, the USA, and Russia, local communities, arms of government, security agencies, environmental conservationists, non-governmental organisations (NGOs), museum administrators, archaeologists, and artisans are actively involved in the management and promotion of both tangible and intangible aspects of cultural heritage. Nevertheless, in Nigeria, South Africa, Thailand, and Argentina, the roles of stakeholders were previously neglected and unconsidered. This occurred due to different perceptions in the management of cultural heritage resources, the unstable interest and attitude of the political leaders (political instability) and a lack of public awareness of the benefits that can be accrued from cultural heritage, both within and outside their domains, in the present dispensations. Presently, most of them are now encouraged towards cultural heritage management as they are gradually positioning themselves for sustainable tourism development.

In China, the USA, and Russia, cultural heritage resources are extensively budgeted and funded by stakeholders for continuous research, documentation, publications, exhibitions, preservation, and promotion. In Nigeria, governments at all levels are not usually budgeting for archaeological surveys, heritage discoveries, documentation, and publicity, even though many institutions manage cultural heritage in the country. The amount released through the tourism sector is either not enough or mismanaged because of a lack of monitoring and accountability. Argentina has a similar issue with Nigeria, but another issue that affects them presently is that the stakeholders, especially the indigenous people, are always at loggerheads with the central government and the laws as they tussle for the ownership of the heritage. Consequently, there are limited donations towards the management of cultural heritage. Likewise, South Africa previously had issues with funding cultural heritage until 1999, when the National Heritage Resources Act was enacted, and this set a new pace for the drastic rejuvenation of cultural promotion and preservation of heritage objects, sites, and monuments across the country.

Countries like China, the USA, South Africa, Russia, and Thailand benefit maximally from the management and promotion of cultural heritage resources through tourism development. However, Nigeria and Argentina benefit little, as they have not been fully convinced about the importance of heritage management as the sector still struggles with political instability, insecurity, poor policy implementation, the passivity of the stakeholders, corruption, and poverty. These benefits include the institutionalisation of cultural centres, the building of museums, the revitalization of historical sites, the provision of social amenities and infrastructure, job creation, and income generation. Generally, the issues of improper monitoring and evaluation mostly affected Nigeria and Argentina, as many cultural projects and programmes established by cultural and tourism institutions were not adequately and frequently monitored and evaluated after commissioning, thereby eluding the stakeholders from proper assessment and development. Due to the activeness of the stakeholders in China, the USA, Thailand, Russia, and Argentina, any activity or project related to cultural heritage, like surveillance, excavation, construction, or research, is properly investigated according to the legislation guiding them.

This comparative study unveiled that there is a clarion call to evaluate all cultural heritage resources and the roles of stakeholders for sustainable tourism development across the various communities to manage cultural heritage resources in the various communities and make them relevant in the contemporary period across the globe. There is a need to assess the indigenous measures for preserving cultural heritage resources and formulate how modern legislation can complement them. It is unnecessary to discard the ancient pronouncements in totality because some are still relevant in the present; likewise, they are parts of the cultural heritage resources that need urgent formal preservation in archives as a memoir for successive generations.

The value of active legislation with stringent sanctions cannot be underrated in the quest for effective and efficient heritage management, but when the indigenous norms or modern legislation are weak like that of Nigeria, their aims would not be achieved. Nevertheless, to ensure adequate restoration, preservation, and promotion of every cultural element, appraisal and reappraisal of all preventive and conservative measures by appropriate stakeholders are necessary. Lastly, the roles of stakeholders in cultural resource management cannot be sidelined, as they must be

actively involved in planning, policymaking, budgeting, implementation, and evaluation. However, when their roles are neglected, even if a series of policies are promulgated, the cultural heritage resources will be on the verge of abandonment and destruction.

## Conclusion

Cultural heritage resources are best conserved and promoted when they are valued by their custodians, supported by adequate funding, effectively publicized, and protected by responsive legislation that meets contemporary needs while ensuring sustainability for the future. It is clear that both the government and the custodians of cultural heritage play pivotal roles in determining the fate of these resources. Therefore, fostering mutual understanding and cooperation between these parties is essential to establishing a consensus on how to manage cultural heritage in line with global standards.

To combat the ongoing threats of looting, trafficking, destruction, pollution, abandonment, and devaluation, it is imperative to amend weak laws and implement stringent sanctions against offenders. Cultural heritage management is not merely beneficial but necessary, providing social, economic, religious, political, environmental, and cultural advantages. Furthermore, it serves as an effective strategy for preserving cultural heritage resources for future generations.

This approach aligns with the developmental objectives outlined in the 2030 Agenda for Sustainable Development. Achieving sustainable heritage management requires active participation from all stakeholders in planning, policy-making, funding, implementation, promotion, and evaluation of cultural values. To address global challenges and enhance the sustainability of cultural heritage resources, there is an urgent need for regular evaluation of tourism potentials and the roles that stakeholders play in this sector.

## References

- Amado, M. P., Ramalhete, I., Amado, A. R., & Freitas, J. C. (2016). Regeneration of informal areas: An integrated approach. *Cities* 58, 59–69.
- Chen, Shen & Hong Chen (2010). *Cultural heritage management in China: Current practices and problems*. In Messenger & George (Eds.), *Cultural heritage management: A global perspective*, Gainesville: University Press of Florida, 70-81
- Deacon, Janette (2010). *Heritage resource management in South Africa*. Messenger and George (Eds.), *Cultural Heritage Management: A Global Perspective*, University Press of Florida, 162-175.
- Ekechukwu, L. C. & Oguamanam, C. (2010). Sacred groves and nature conservation in Nsukka culture area. In Okpoko, P. U. (Ed), *Case Studies in Heritage Management*, 61-62.
- Endere, María (2000). Archaeology and law in Argentina: How to preserve the archaeological heritage. *INCUAPA Vol. 1*. Departamento de Publicaciones de la UNCPBA, Tandil.



- 
- Endere, Maria (2010). The challenge of protecting archaeological heritage in Argentina. In Phyllis & George (Eds.) *Cultural heritage management: A global perspective*. University Press of Florida.
- Eze-Uzomaka, P. I. (2014). Archaeology and heritage legislation: A comparative study. *Research on Humanities and Social Sciences*, 4(8), 135-147. Retrieved from <https://iiste.org/Journals/index.php/RHSS/article/view/12493>
- Eze-Uzomaka, P. I. & Oloidi, A. J. (2017). Modernization and its effects on cultural heritage in southwestern Nigeria. *International Journal of Arts and Humanities*, 6(2), 81-93. <https://dx.doi.org/10.4314/ijah.v6i2.7>
- Feng, D., Chiou, S. & Wang, F. (2021). On the sustainability of local cultural heritage based on the landscape narrative: A case study of historic site of Qing Yan Yuan, China. *Sustainability*, 13, 2831, <https://doi.org/10.3390/su13052831>.
- Graham, Brian, Gregory Ashworth & John Tunbridge (2000). A geography of heritage: Power, culture and economy. Arnold.
- Harmon, David, McManamon & Pitcaithley (2006). *The Antiquities Act: A century of America archaeology, historical preservation and nature conservation*. University of Arizona Press, Tucson.
- Hester, A. D. (2010). Heritage resources management in the United State. In Messenger and George (Eds.), *Cultural heritage management: A global perspective*. University Press of Florida, pp. 188-189
- Hualpa, Eduardo (2003). Without remains: Mapuche-tehuelche indigenous peoples' right to participation. Cuadernos de ENDEPA, Trelew.
- Jones, S. (2017). Wrestling with the social value of heritage: Problems, dilemmas and opportunities. *J. Community Archaeology Heritage*, 4, 21-37.
- Kerber, E. J. (1994). *Cultural resource management: Archaeological research, preservation, planning and public education in the North Eastern United States*. Bergin and Garvey Publishers, ISBN 0-89789-369-7. p. 2.
- Kerber, E. J. (1994). *Cultural resource management: Archaeological research, preservation, planning and public education in the North Eastern United States*. Bergin and Garvey Publishers, ISBN 0-89789-369-7. 2.
- Lipe, W. A. & Lindsay, Alexander (1974). Proceeding of the cultural resources management conference, Federal Centre, Denver, Colo. Museum of Northern Arizona, *Technical Series* 14, Flagstaff.
- Lipe, W. A. (1984). Value and meaning in cultural resources: Approaches to archaeological heritage. In Henry Cleer (Ed.), *A comparative study of world cultural management system*. New York, Sidney: Cambridge University Press, 3.
- Okpoko, A. I. (2014). *Cultural resource management: An African perspective*. Postgraduate Lesson Note, Department of Archaeology and Tourism, University of Nigeria, Nsukka, Enugu State.

- 
- Oloidi, A. J. & Okonkwo, E. (2020). Revitalization of cultural authenticity for tourism and community development in selected sites. *Journal of Tourism and Heritage Studies*, 9(2), 59-84, DOI: <https://dx.doi.org/10.33281/JTHS20129.2020.2.5>.
- Oloidi, A. J. (2014). *Impacts of modernization on cultural heritage management and tourism development in Ado and Igede Ekiti, Ekiti State*. An unpublished M.A. Project, Department of Archaeology and Tourism, University of Nigeria, Nsukka.
- Oloidi, A. J. (2019). National tourism policy in Nigeria: Issues and the way forward. Okpoko and Okonkwo (Eds.) *Beyond rhetoric and idealism: Propelling a pragmatic and sustainable tourism industry in Nigeria*. 4<sup>th</sup> Biennial Multidisciplinary Conference Proceedings of the Association for Tourism Development in Nigeria (ATDiN), ISBN: 978-978-57170-5-1, 23-33.
- Onyejegbu, M. N. (2014). Cultural heritage and tourism development in Nigeria: Towards maximizing museum potentials. *Journal of Tourism and Heritage Studies*, 3(2), 46-59, DOI: <https://doi.org/10.33281/JTHS20129.2014.3.2.4>.
- Petrov, Nick (2010). *Cultural heritage management in Russia*. Messenger and George (Eds.), *Cultural Heritage Management: A Global Perspective*, 153-161
- Phyllis & George (Ed.) (2000). *Cultural heritage management: A global perspective*. University Press of Florida, p. 4.
- United Nations (2015). Transforming our world: The 2030 agenda for sustainable development -A/RES/70/01; United Nations: New York, NY, USA.
- UNWTO (2017). *UNWTO World Tourism Barometer*. Available at: [www.slovenia.info/uploads/dokumenti/raziskave/unwto\\_barom17\\_01\\_january.pdf](http://www.slovenia.info/uploads/dokumenti/raziskave/unwto_barom17_01_january.pdf) (accessed 1 April 2017).
- Wesler, W. Kit (1990). The current state of cultural resource management in the United States. *West African Journal of Archaeology (WAJA)*, Vol. 20, 81.
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