

Management Plans of Heritage Conservation Acts Worldwide

Hassan ELShahat Hassan Ahmed ELDib

Assistant Professor, Architecture Engineering Department, Faculty of Engineering, Canadian International College, dr.hassan.aldeeb@hotmail.com

Abstract:

Conservation management plans have a pivotal role in the preservation and sustainable management of natural and historic resources. These plans serve as detailed frameworks for implementing conservation management strategies and objectives. Recognizing the paramount importance of Conservation Management Plans (CMPs) in safeguarding cultural heritage, this study examines heritage conservation management plans set out in heritage conservation legislation in several countries around the world. Using a descriptive analytical approach and dissecting the legal frameworks, operational tactics, and resulting impacts, the researcher examined conservation management plans within heritage conservation laws in South Africa, New Zealand, and Egypt.

Given the abundance of cultural heritage in Egypt and the need to preserve it, this research evaluates the effectiveness and shortcomings of current management plans outlined in relevant legislation. Drawing on global models, the study formulates tailored recommendations aimed at strengthening heritage conservation management plans in Egypt.

These recommendations include legislative reviews, strengthening institutional capacities, enhancing community participation, and enhancing international cooperation. By addressing pivotal challenges and benefiting from exemplary practices observed in diverse legal contexts.

Keywords:

Architectural Heritage, Conservation management plans, Acts and legislation,

Paper received April 08, 2024, Accepted July 02, 2024, Published on line September 1, 2024

1- Introduction:

The preservation and sustainable management of natural and historic resources are vital for maintaining cultural heritage and ensuring its continuity for future generations. Conservation management plans (CMPs) play a crucial role in this endeavour, serving as comprehensive frameworks for implementing effective conservation strategies and achieving management objectives. Recognizing the significant role of CMPs in safeguarding cultural heritage, this study delves into the heritage conservation management plans embedded within the heritage conservation legislation of several countries around the world.

Egypt has made numerous legislative efforts to preserve its heritage, which this research will explore specifically which are related to the Conservation Management Plans. Key legal mechanisms enacted by successive Egyptian governments include the Antiquities Protection Law No. 117 of 1983 and its executive regulations issued by the Ministry of Culture under Ministerial Decree No. 712 of 2010. Additionally, Law No. 144 of 2006, which regulates the demolition of buildings and facilities that are not vulnerable to collapse and aims to preserve architectural heritage, and Law No. 91 of 2018, an amendment to the Antiquities Protection Law, reflect these efforts. These amendments were implemented to meet contemporary requirements and address practical

challenges. The challenges in preserving Egyptian heritage, despite successive legal amendments, reveal several research problems. This study will focus on examining the conservation management plans embedded within the current laws and evaluating their effectiveness.

Using a descriptive analytical approach, this research dissects the Heritage conservation management plans in South Africa, New Zealand, and Egypt. By examining these diverse legal contexts, the study aims to understand the strengths and weaknesses of existing CMPs and their implementation in heritage conservation.

Egypt, with its abundant cultural heritage, faces an urgent need to preserve its historical and cultural assets. This research evaluates the effectiveness and shortcomings of current management plans outlined in Egyptian heritage conservation legislation. By drawing on successful global models, the study formulates tailored recommendations aimed at strengthening the Heritage conservation management plans in Egypt.

Key recommendations include conducting legislative reviews to enhance the effectiveness of heritage conservation management plans in Egypt, ensuring the preservation of its cultural heritage for future generations.

2- Conservation Management Plans under the South Africa Heritage Resources Act (National Heritage Resources Act, South Africa, 1999, pp.72-74).

The South Africa Heritage Resources Act mandates the adoption and implementation of Conservation Management Plans (CMPs) by heritage resources authorities (HRAs), including the South African Heritage Resources Agency (SAHRA) and provincial heritage resources authorities.

- **Adoption of Statements of General Policy:** Within three years of the Act's commencement, HRAs must adopt statements of general policy for the management of all heritage resources under their ownership, control, or vestment. These policies provide overarching guidance for heritage conservation efforts and may be amended as needed to adapt to changing circumstances or increased knowledge.
- **Management Plans for Protected Places:** Each HRA is required to develop and adopt management plans for places protected under the Act and owned, controlled, or vested by them. These plans must adhere to the best environmental, heritage conservation, scientific, and educational principles applicable to the specific location, size, and nature of the place. HRAs have the discretion to review these plans periodically to ensure their effectiveness.
- **Operational Flexibility of Conservation Management Plans:** HRAs have the discretion to operate CMPs solely or in conjunction with environmental or tourism authorities, or under contractual arrangements. This flexibility allows HRAs to optimize resource utilization and expertise in managing heritage places effectively.
- **Public Consultation and Participation:** Regulations require HRAs to notify the public and interested organizations of the availability of draft statements of general policy or CMPs for inspection. Comments from stakeholders are invited and considered before the adoption or amendment of these documents, ensuring transparency and inclusivity in decision-making processes.
- **Compliance and Accessibility:** HRAs are obligated to comply with adopted statements of general policy and CMPs, ensuring consistency in heritage management practices. Additionally, all current statements of general policy and CMPs must be made available for public inspection upon request, promoting accountability and accessibility of heritage management information.

Conclusion: Conservation Management Plans are integral to the effective management and conservation of heritage resources under the South Africa Heritage Resources Act. By providing strategic guidance, operational frameworks, and mechanisms for public participation, CMPs facilitate sustainable stewardship of South Africa's diverse cultural and natural heritage. Continued adherence to CMPs, along with periodic review and stakeholder engagement, is essential to ensure the long-term preservation and enjoyment of these invaluable heritage assets.

3- Conservation Management Plans under the New Zealand Conservation Act: (Heritage New Zealand Pouhere Taonga Act No. 26, 2014.) and (Conservation Act of New Zealand, No. 65, 1987)

Conservation management plans play a pivotal role in the preservation and sustainable management of natural and historic resources in New Zealand. Enshrined within the Conservation Act of New Zealand, these plans serve as detailed frameworks for implementing conservation management strategies and objectives. Those below points aim to provide an overview of the provisions, requirements, and implications of conservation management plans as outlined in the legislation, highlighting their significance in the broader context of heritage conservation and environmental management.

- **Purpose and Scope:** The primary purpose of conservation management plans, as stipulated in the Conservation Act, is to facilitate the integrated management of natural and historic resources within designated areas. These plans are instrumental in guiding conservation efforts, enhancing recreational opportunities, promoting tourism, and supporting other conservation-related activities. The scope of conservation management plans encompasses areas managed under various Acts.
- **Preparation and Approval Process:** The responsibility for preparing conservation management plans lies with the Director-General, who is mandated to do so in alignment with conservation management strategies specified in the legislation. In cases where an area is not covered by an existing conservation management strategy, the Minister may require the preparation of a plan after consultation with affected boards. Conservation management plans must adhere to relevant legislation, policies, and approved strategies. All management plans approved under the Act are subject to periodic review and amendment processes to ensure their ongoing relevance and effectiveness.

- **Considerations and Provisions:** Conservation management plans must consider existing concessions and the other activities management plans. These considerations ensure that the management plans are comprehensive and take into account the diverse interests and stakeholders involved in conservation activities. Importantly, conservation management plans must not derogate from any provisions in the Act or other legislation, policies, or strategies.

3-1 Conservation Management Strategies (Conservation Act. New Zealand, 1987.pp.48-49)

Those strategies aim to establish objectives for the integrated management of natural and historic resources within areas managed by the Department of Conservation under various Acts. These strategies, prepared by the Director-General and approved by the Conservation Authority, must be completed within five years of the Act's commencement. Conservation management plans approved under the National Parks Act 1980 may be considered as conservation management strategies. Strategies must not contravene existing legislation, policies, or agreements, and should identify and describe all protected areas managed by the Department, considering relevant concessions and management plans.

3-2 Preparation and Approval of draft Conservation Management strategies (Conservation Act. New Zealand, 1987.pp.50-51)

This procedure involves several key steps. These include the preparation of drafts by the Director-General in consultation with relevant Conservation Boards and stakeholders, public notification, and submission periods for input on the drafts, obtaining public opinion through various means, making the drafts available for public inspection, and providing opportunities for those who made submissions to be heard. After considering submissions and public opinion, the Director-General revises the draft and sends it to the Conservation Boards, who then forward it to the Conservation Authority for approval. The Conservation Authority considers the draft, may consult additional stakeholders, and makes amendments as necessary before sending it to the Minister for final approval, taking into account any recommendations from the Minister.

3-3 Procedure for Preparation and Approval of Conservation Management Plans (Conservation Act. New Zealand, 1987. pp.52-53)

The preparation and approval of conservation management plans are essential processes outlined within the legislative framework of the Conservation Act of New Zealand. These plans serve as detailed blueprints for the management of

natural and historic resources, guiding conservation efforts and ensuring the sustainable use of these valuable assets. This report provides an overview of the procedures involved in the preparation and approval of conservation management plans as stipulated in Section 17G of the Conservation Act.

Preparation of Draft Plans:

Conservation management plans are initially drafted by the Director-General in accordance with the provisions specified in Section 17F of the Conservation Act. The Director-General must prepare the draft plans with due consideration to conservation management strategies and objectives outlined in the legislation.

Consideration by Conservation Boards:

Upon receipt of the draft plans and accompanying summaries, the Conservation Boards affected by the proposed plans are tasked with reviewing the documents.

The Conservation Boards have the authority to either approve the draft plan, request revisions from the Director-General, or send the plan to the Conservation Authority for further consideration.

Involvement of Conservation Authority and Minister:

The Conservation Authority or the Minister may intervene at various stages of the process.

If the draft plan is sent to the Conservation Authority, the Director-General is entitled to make submissions on the plan.

The Conservation Authority may consult relevant stakeholders and organizations before making amendments to the draft plan.

Approval Process:

The Conservation Authority is responsible for making final amendments to the draft plan and sending it, along with relevant information, to the Minister for consideration.

The Minister reviews the draft plan and may provide written recommendations to the Conservation Authority.

Based on the Minister's recommendations and any additional considerations, the Conservation Authority either approves the draft plan or sends it back to the Minister for further review.

3-4 Reviewing conservation management strategies and plans (Conservation Act. New Zealand, 1987.pp.53-54)

This review allows the Director-General, after consulting with affected Conservation Boards, to initiate reviews at any time. The Act specifies that reviews may encompass the entire strategy or plan or focus on specific parts, and mandates that conservation management strategies be reviewed within 10 years of their approval, with the option for the Minister to extend this period after consultation. Similarly, conservation management

plans are subject to review within 10 years of approval, with the Minister able to extend this period in consultation with affected Conservation Boards. Additionally, when reviewing parts of a conservation management strategy, the Director-General must consider relevant planning documents lodged under the Marine and Coastal Area (Takutai Moana) Act 2011.

Conclusion:

The procedure for the preparation and approval of conservation management plans outlined in the Conservation Act reflects a structured and transparent process aimed at ensuring the effective management of natural and historic resources in New Zealand. By involving relevant stakeholders, including Conservation Boards, the Conservation Authority, and the Minister, the legislation promotes collaboration and accountability in conservation planning. These procedures are vital for maintaining the integrity of conservation management plans and safeguarding New Zealand's rich biodiversity and cultural heritage.

Conservation management plans outlined in the Conservation Act of New Zealand represent a critical tool for the integrated management of natural and historic resources. By providing a structured framework for conservation efforts, these plans contribute to the preservation of New Zealand's unique biodiversity and cultural heritage. The provisions outlined in the legislation ensure transparency, accountability, and sustainability in conservation management practices, underscoring the country's commitment to environmental stewardship and heritage conservation.

4- Conservation Management Plans : Antiquities Protection Law, 117.Egypt (1983), Executive regulations issued in 2010 and amendments no. 91, 2018

Egyptian laws will be analysed to clarify what conservation management plans are indicated.

4.1. Law No. 117 of 1983:

The law consists of four sections as follows:

- Chapter One: General provisions, and no reference is made to conservation management plans.
- Chapter Two: Recording, preserving and revealing antiquities.
- Chapter Three: Penalties
- Chapter Four: Final Provisions

By reviewing the previous sections of the text of the law, we find that it does not mention conservation management plans as they are referred to in the laws of other countries.

4.2. Executive regulations of the Antiquities Protection Law No. 117 of 1983, issued in 2010:

- Definitions: (p. 4)

- Part One: (p. 5) Supreme Council of Antiquities / General competencies. (Prime Minister's Decision No. 2462, 2022)
- Chapter One: (p. 5) The scope of jurisdiction, determining the effect, and provisions for possession.
- Chapter Two: (p. 17) Reconciling situations, expropriation, and compensation.
- Chapter Three: (p. 20) (Formation of permanent committees and their powers) where the Secretary-General forms, under his chairmanship, two committees, each of which specializes in an archaeological nature, and he may include specialists with experience in them (Article 67 - p. 19). The two committees meet once a month and issue Decisions made by absolute majority (Article 71 - p. 23)
- Article 70: (p. 20)
- Topic No. (1): Establishing public policy to ensure the preservation, maintenance, restoration and guarding of antiquities.
- Topic No. (5): Considering and approving programs for the maintenance and restoration of antiquities.
- Chapter Two: (p. 22) Protection, preservation and restoration
- Chapter One: (p. 22) Removing infringements
- Chapter Two: (p. 25) Controls for practicing activities in archaeological areas
- Chapter Three: (p. 28) Restoration and maintenance
- Chapter Three: (p. 29) Rules for organizing the work of missions and requirements for licenses for archaeological excavation
- Chapter Four: (p. 38) Intellectual property rights, trademarks, and production units of a special nature
- Chapter Five: (p. 42) Final provisions
- Chapter One: (p. 42) Displaying Egyptian antiquities abroad and exchanging them.
- Chapter Two: (p. 43) The role of the Supreme Council for Planning and Urban Development.
- Chapter Three: (p. 45) Fees
- Chapter Four: (p. 47) Controls governing the inventory of antiquities in the Council's stores and museums.

By reviewing the previous sections of the text of the law, we find that it does not mention conservation management plans as they are referred to in the laws of other countries.

4.3. Antiquities Protection Law No. 91 of 2018 AD:

This law is concerned with amending some provisions of the Antiquities Protection Law promulgated by Law No. 117 of 1983:

This law increased the penalties for archaeological crimes in a way that was not witnessed in previous laws, criminalized acts that were not criminal, expanded the concept of antiquities, and stipulated preventive administrative measures to protect antiquities to achieve the goal of preserving cultural heritage.

Conclusion: By reviewing the previous sections and chapters of the Antiquities Protection Law No. 117 of 1983, its executive regulations issued in 2010 and its amendment No. 91 issued on 2018, we find that there are no similar conservation management strategies and plans which are included in other countries laws for heritage preservation.

5- Summary and Conclusions:

The New Zealand Conservation Act 1987 provides a comprehensive framework for conservation management strategies and plans, aiming to ensure the integrated management of natural and historic resources within areas overseen by the Department of Conservation. Conservation management strategies, prepared by the Director-General and approved by the Conservation Authority, establish objectives for management, with a requirement for completion within five years. Conservation management plans, guided by these strategies, detail objectives for specific areas, prepared by the Director-General or upon Ministerial request. Both strategies and plans must align with existing legislation, policies, and agreements, identifying and describing protected areas managed by the Department. The Act outlines detailed procedures for the preparation, approval, and review of these strategies and plans, involving consultation with Conservation Boards and stakeholders, public notification and input periods, and consideration of submissions and public opinion. Additionally, the Act mandates periodic reviews of strategies and plans, ensuring their ongoing relevance and effectiveness.

The Conservation Management Plan framework outlined in the South African Heritage Conservation Act of 1999 underscores the commitment to proactive and transparent management of heritage resources, ensuring their preservation for future generations. The Act mandates the South African Heritage Resources Agency (SAHRA) and provincial heritage resources authorities to adopt statements of general policy and conservation management plans within specified timeframes. These statements guide the management of all heritage resources under their ownership or control and can be amended periodically to accommodate changing circumstances. Conservation management plans are required for protected places, aligning with

environmental, heritage conservation, scientific, and educational principles. Flexibility is provided for collaboration with other authorities or contractual arrangements for up to 10 years. Public consultation is integral, ensuring transparency and accountability in the adoption or amendment of policies and plans. Prohibitions against actions inconsistent with adopted policies or plans and accessibility of current documents to the public further enhance transparency. Through these measures, the Act aims to safeguard heritage resources and promote their sustainable management, reflecting a commitment to preserving cultural and natural heritage for future generations.

6- Recommendations:

Based on the exemplary frameworks provided by the New Zealand Conservation Act 1987 and the South African Heritage Conservation Act of 1999, here are recommendations to enhance the Conservation Management plans in the Protection of Antiques Act in Egypt:

Establish Comprehensive Conservation Management Strategies and Plans:

Develop a comprehensive framework for conservation management strategies and plans tailored to the protection of antiquities in Egypt. These plans should encompass objectives for the preservation, restoration, and sustainable use of cultural heritage sites.

Empower designated authorities, such as the Ministry of Antiquities, to prepare conservation management strategies for Egypt's antiquities.

Require these strategies to be approved by relevant governmental bodies or authorities, ensuring alignment with national conservation objectives and policies.

Define Clear Objectives and Timeframes:

Set clear objectives for conservation management, with specific timeframes for completion. This ensures accountability and progress tracking in the preservation efforts.

Ensure Alignment with Existing Legislation and Policies:

Require conservation management plans to align with existing legislation, policies, and international agreements related to heritage conservation. This ensures consistency and legal compliance in conservation efforts.

Institute Transparent Procedures for Preparation and Approval:

Establish transparent procedures for the preparation, approval, and review of conservation management plans, incorporating elements of public consultation and stakeholder engagement. This promotes inclusivity and accountability in the decision-making process.

Mandate Periodic Reviews and Updates:

Mandate periodic reviews of conservation management plans, ensuring their ongoing relevance and effectiveness in safeguarding antiquities. This practice enables adjustments to be made in response to changing circumstances or increased knowledge.

Facilitate Collaboration and Flexibility:

Provide flexibility in the operation of conservation management plans, allowing for collaboration with relevant authorities or contractual arrangements. This facilitates efficient resource allocation and expertise sharing in conservation efforts.

Enhance Accessibility and Transparency:

Ensure that all conservation management plans and related documents are readily accessible to the public upon request, promoting transparency and accountability.

Stakeholder Consultation and Public Involvement:

Implement a robust public consultation process for drafting CMPs. Engage relevant stakeholders, including local communities, conservation experts, and governmental and non-governmental organizations, to ensure diverse perspectives are considered.

Ensure public notification of draft plans and provide opportunities for public submissions and hearings to incorporate feedback into the final plans.

Comprehensive Documentation and Reporting:

Require CMPs to identify and describe all protected areas and heritage sites managed under the act. Include detailed documentation of the conservation status, historical significance, and management objectives for each site.

Develop standardized reporting procedures to monitor the implementation and effectiveness of CMPs, with annual reports submitted to the overseeing authority.

Capacity Building and Training:

Invest in training and capacity building for staff involved in the preparation and implementation of CMPs. Ensure that conservation managers are equipped with the latest knowledge and skills in heritage preservation and management.

Funding and Resource Allocation:

Secure dedicated funding for the preparation, implementation, and review of CMPs. Ensure that

financial and human resources are adequately allocated to support effective conservation efforts.

Monitoring and Evaluation:

Establish a rigorous monitoring and evaluation framework to assess the performance of CMPs. Use key performance indicators (KPIs) to measure the success of conservation efforts and make data-driven adjustments as needed.

References:

- 1- Antiquities Protection Law Amended, No. 91. Egypt. (2018).
- 2- Antiquities Protection Law, No.117.Egypt. (1983).
- 3- Building Law, No.119.Egypt. (2008).
- 4- Organizing the Demolition of Buildings and Facilities that are not susceptible to collapse and Preserving the Architectural Heritage Law, No. 144. Egypt. (2006).
- 5- Ministry of Culture. Egypt. (2010). Ministerial Decree No. 712 of 2010. Executive regulations of the Antiquities Protection Law promulgated by Law No. 117 of 1983 and its Amendments.
- 6- Ministry of Housing, Utilities and Urban Development. Egypt. (2009). Ministerial Decree No. 144 of 2009. Executive regulations of the Building Law issued by Law No. 119 of 2008.
- 7- Ministry of Housing, Utilities and Urban Development. Egypt. (2009). Ministerial Decree No. 266 of 2006. Executive regulations of Organizing the Demolition of Buildings and Facilities that are not susceptible to collapse and preserving the Architectural Heritage issued by Law No. 144 of 2006.
- 8- Heritage New Zealand Pouhere Taonga Act, No. 26. New Zealand. (2014).
- 9- Conservation Act of New Zealand, No. 65. New Zealand. (1987).
- 10- National Heritage Resources Act, No. 25. South Africa. (1999).
- 11- Ministry of Tourism and Antiquities. (n.d.). نبذة الأثار والمتاحف/المجلس-عن المجلس الأعلى-للاثار/نبذة-عن-المجلس-2
- 12- Prime Minister's Decision No. 2462 of 2022 regarding the reorganization of the Supreme Council of Antiquities. Egypt. (2022).