



Legal Reflections on Cultural Heritage Management: A Focus on Government Responsibility

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Abstract

This paper delves into cultural heritage management pathways and mechanisms, centering on government responsibility from a legal standpoint. Against globalization and modernization, heritage protection and transmission are global governmental challenges. The paper outlines cultural heritage management basics, then dissects governmental core responsibilities: law - making, law enforcement, financial backing, and public engagement. It stresses governments, as primary heritage protectors, must establish sound mechanisms for effective heritage protection and use. Using case and comparative studies, it offers strategies to enhance heritage management and reinforce governmental responsibility, providing legal insights for heritage preservation.

Keywords

Cultural Heritage Management; Legal Reflections; Government Responsibility; Protection; Heritage Transmission

1. Current Status and Challenges of Cultural Heritage Management

Cultural heritage management involves safeguarding, transmitting, utilizing, and managing heritage with historical, artistic, and scientific value. It covers identification, registration, protection, restoration, display, education, and research, aiming to ensure heritage authenticity, integrity, and sustainability.

1.1. International Efforts

The international community has made strides in cultural heritage preservation. UNESCO has been instrumental in creating legal frameworks like the World Heritage Convention, aiding member states in developing heritage protection laws. Other international organizations also collaborate with UNESCO, offering technical and financial support for heritage preservation and sustainable development.

1.2. Domestic Practices

China has established a cultural heritage legal protection system built on the Law on the Protection of Cultural Relics and the Law on the Protection of Intangible Cultural Heritage. Governments at all levels have set up dedicated heritage protection, management, and utilization institutions. Growing public concern for heritage preservation, bolstered by social progress and heightened cultural awareness, has led to strengthened heritage protection through publicity and education.

1.3. Innovative Application of Protection Technologies

Modern technologies such as virtual reality (VR), augmented reality (AR), big data, and artificial intelligence (AI) are widely used in cultural heritage protection and management. They enhance protection efficiency and quality while enriching display and dissemination methods. Digital technology enables precise recording and permanent preservation of cultural heritage, allowing convenient online public access.

1.4. Challenges in Cultural Heritage Management

1) Incomplete Legislation: China's cultural heritage protection legal system, primarily based on the Law on the Protection of Cultural Relics, remains somewhat fragmented. Some local regulations are lacking, and there are issues of unclear rights and boundaries in legislation for intangible cultural heritage.

2) Inadequate Law Enforcement: The crack down against illegal activities is insufficient in practice, leading to unchecked infringement on cultural heritage rights and discouraging public participation in heritage protection. Collaboration between intellectual property and cultural tourism departments faces challenges such as uncoordinated workflows and unclear responsibility divisions, resulting in delayed case processing and reduced efficiency. There is also a lack of knowledge integration and information sharing among enforcement agencies.

3) Resource Allocation Imbalance: Uneven regional economic development has left cultural heritage preservation in some areas lacking sufficient attention and support, exposing heritage to damage and loss risks. The intangible cultural heritage inheritors team is lagging, with aging inheritors and a lack of enthusiasm among the younger generation. Even those willing to inherit face a lack of systematic professional training.

4) Low Public Participation: Public awareness of cultural heritage protection is relatively low, resulting in insufficient participation and support. In some regions, local governments and the public fail to recognize the value of intangible cultural heritage, treating it as "niche culture" and neglecting its preservation.

2. Government Responsibility from a Legal Perspective

Governments should formulate and improve laws and regulations to provide a solid

legal foundation for cultural heritage management. These laws and regulations should clearly define the scope, classification, protection principles, measures, and legal responsibilities related to cultural heritage, ensuring the standardization and legalization of protection efforts.

Strengthen law enforcement and supervision by establishing and improving enforcement agencies and enhancing the professional competence of enforcement personnel. Governments should also intensify oversight of cultural heritage protection, including establishing enforcement supervision mechanisms, conducting regular assessments, and encouraging public and media supervision to ensure transparent and impartial enforcement.

Increase financial and resource investment by boosting funding for cultural heritage protection and establishing sound fund management systems. Governments should actively seek international support and encourage donations from various sectors of society through tax incentives and other policies.

Improve public participation by enhancing the promotion of cultural heritage protection and raising public awareness and involvement. This can be achieved through lectures, exhibitions, training activities, and incorporating heritage protection into the national education system. Additionally, governments should establish volunteer programs to attract more individuals to participate in cultural heritage preservation.

Promote international cooperation and exchange by actively participating in international cultural heritage protection initiatives and collaborating with international organizations. Governments should learn from international experiences and technologies to enhance domestic heritage protection levels and share China's successful practices with the world.

3. Case Analysis and Comparative Studies

3.1. Domestic Case Analysis

The Palace Museum and Dunhuang Mogao Caves have achieved remarkable success in cultural heritage management and protection. The government has provided legal guarantees, financial support, regulatory oversight, technical guidance, and support for international exchange and cooperation.

3.2. International Case Analysis

The Italian and French governments have effectively protected their cultural heritage through comprehensive legal frameworks, strict law enforcement, financial support, and active promotion of public participation and cultural tourism industries. They also emphasize the protection of intangible cultural heritage and have established government incentive mechanisms.

3.3. Comparative Studies

China can enhance the connection between international conventions and domestic laws, refine local regulations, and learn from international integrated management systems and community involvement practices to improve the systematic and scientific nature of its protection efforts. China can also strengthen international cooperation and establish exchange platforms to enhance its influence and voice in global heritage protection.

4. Recommendations for Strengthening Government Responsibility

4.1. Core Position of Government Responsibility

The government plays a central role in cultural heritage management, with responsibilities spanning law - making, enforcement, fund provision, cultural transmission, and international exchange. Its actions and decisions directly impact the effectiveness and sustainability of heritage protection. Governments should establish independent and specialized cultural heritage management departments and implement graded management based on heritage value and significance.

4.2. Enhancing Standardization

1)Strengthening Legal and Regulatory Development: The government should continue to improve the legal framework for cultural heritage protection, ensuring laws and regulations are targeted and operational. It should also enhance legal education and publicity to raise public awareness.

2)Enhancing Law Enforcement and Supervision: The government should strengthen law enforcement and oversight in cultural heritage protection by establishing dedicated agencies and teams, enhancing the professional competence of enforcement personnel, and intensifying supervision and assessment. Strict legal sanctions should be imposed on illegal activities, and a certification system for enforcement personnel should be established. Additionally, the government should optimize the structure of cultural heritage management teams and enhance their efficiency and quality through reforms.

3)Clarifying Enforcement Goals and Standards: Define the objectives of cultural heritage enforcement, such as protecting the integrity, authenticity, and sustainability of heritage. Establish specific enforcement standards, such as the intensity of combating illegal activities like unauthorized excavation and cultural heritage objects theft, and the extent of monitoring of heritage protection zones.

4)Assessing Enforcement Subject Allocation and Capacity: Evaluate the distribution of enforcement entities across regions to ensure balanced resource allocation for effective cultural heritage protection. Assess the professional qualifications of enforcement personnel and check whether enforcement agencies have sufficient resources to ensure smooth enforcement operations and improved efficiency.

4.3. Enhancing Government Responsibility and Commitment

Governments should boost financial and resource investment in cultural heritage protection, establish robust fund management and supervision systems, and actively seek international funding and technical support. They should also encourage donations from individuals, enterprises, and social organizations through tax incentives and other policies. Governments need to enhance the development and management of cultural heritage protection institutions by strengthening personnel training and recruiting professionals. They should conduct statistics on enforcement indicators, monitor the recurrence rate of violations, assess the preservation status of cultural heritage, and conduct public satisfaction surveys to improve enforcement outcomes.

4.4. Promoting Public Participation and Cultural Education

Governments should intensify the promotion of cultural heritage protection to raise public awareness. They can disseminate knowledge through various activities and media, cultivate a sense of responsibility in young people through school education and community activities, encourage public involvement in heritage protection by establishing volunteer programs and organizing public welfare activities, and enhance public participation and satisfaction by establishing feedback mechanisms.

4.5. Enhancing International Cooperation and Exchange

Governments should actively engage in international cultural heritage protection cooperation to learn from advanced international experiences and technologies, thereby improving domestic protection standards. They should join international heritage protection organizations and participate in international heritage protection projects. Governments should also promote the development of international cooperation mechanisms in cultural heritage protection and ensure the organic integration of cultural heritage protection with cultural industry development to promote creative transformation and innovative advancement of cultural heritage.

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