



A Study on the Planning of Cultural Heritage Conservation in Sweden and China

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Chapter 1: Introduction

1.1 Introduction

There are a number of cultural heritage definitions in every civilized country throughout the world. They form the national, local and individual identities. They are made in history and reflect different values. Cultural heritage can be regarded as one part of the city. To some extent, it is a component of the identity of a city and its image.

In recent years, cultural heritage has been deteriorating as a result of industrialization, rapid urbanization, the increase in atmospheric pollution, various climatic factors, and mass tourism (UNESCO, 1989, p57). In the process of urban development, cultural heritage can be destroyed for short-term benefits. But from sustainable development's perspective, we should recognize the long-term benefits which they can become attractive, vibrant cultural centres, which we have to bequeath upon our children which are just as important as short-term gains (European commission, 2004). Cultural heritage has its own values to city's development. It is necessary to conserve them in the process of urban development. However, how we conserve cultural heritage is a big challenge that we must face.

In China, urban development has accelerated since the end of the "cultural revolution". With the rapid development of cities, more and more people are flooding into the cities and there is a shortage of land resources. With the fast development of the economy, cultural heritage can be demolished in the construction of infrastructure.

There are several problems that appear on the conservation of cultural heritage in China. According to Jixiang Shan (2006), cultural heritage protection has following problems:

- Facing the rapid development of cities, the transformation of old cities is unavoidable. Some of the historical areas are destroyed. As a result, cultural heritage and its environmental situation becomes deteriorated. The weakness of planning and the strength of the market brings a lot of integrated issues.

- The wrong exploitation brings bad results to cultural heritage. Cultural heritage is a pull-factor for attracting tourists and creating employment. But without well-planned and well-managed ideas, a lot of cultural heritage and their environments are destroyed.

1.2 Main questions and objectives

The objective of my thesis is to study the Swedish system on cultural heritage conservation and applying it in a Chinese context. Cultural heritage conservation in Sweden is different from in China. Sweden has a long history on cultural heritage conservation. It has a comparative advanced system on cultural heritage. China began to protect just several decades, particularly since the policy of reform and opening up was launched in 1978. Because preservation started late, a lot of work needs to be improved. So studying the Swedish system and applying the knowledge that I gained from the methods used in Sweden is the goal of my thesis.

There are two main questions for this research:

- How is conservation carried out in Sweden?
- What are the possibilities it can be applied within a Chinese context?

In order to answer these questions, I will describe the situation of cultural heritage conservation in Sweden, and analyze the methods that are used in Sweden. In addition, I will also describe cultural heritage conservation in China. Thus, after the analysis, I can gain knowledge which can be applied to a Chinese context.

In order to answer the first question better, I will further break this question down into three sub questions:

- Who is involved in heritage conservation practices in Sweden?
- What are the goals of these actors?
- What instruments do they use?

1.3 Methodology

As mentioned above, Sweden has a system on cultural heritage protection. It is interesting to see how Sweden protects cultural heritage and whether these

methods are suited to China. For this research, I will undertake a literature review as the main source of information, combined with a case study.

1.3.1 Literature research

In order to answer the main questions which I mentioned above, useful information is necessary. Literature research is a common way to get information. In this way, books, articles and internet sites are the main source of information. By reading these sources, different kinds of information are retrieved to answer these questions.

Moreover, my information is limited to English sources, so maybe I missed some important information. But in fact to be foreign, was an opportunity for me, as I could find some information and examples from my own country.

1.3.2 Case study

A case study was another method I used for this research. It was a way to analyze and test the methods that I found in my literature research. So, I can make use of it to test Swedish methods on a Chinese case.

Chapter 2: Definitions on the concept of cultural heritage

In this chapter, some important concepts will be described. First, I will focus on the concept of cultural heritage. Then I will give reference about its values.

2.1 The Definition of Cultural Heritage

What is heritage? What is cultural heritage? In this section, they will be defined.

2.1.1 The Concept of Heritage

Heritage is our legacy from the past which we will pass on to the future generations (UNESCO 2010¹). It is a very large concept. It refers to something that we inherit from past generations. According to Professor G. J. Ashworth (2005), heritage is defined as “part of the past which we select in the present for a contemporary purpose, whether they are economic or cultural (including political and social factors) and choose to bequeath to a future”.

What property can be heritage? Heritage can be divided into two categories: cultural heritage and natural heritage. Cultural heritage can be monuments, groups of buildings, and historical streets. Natural heritage consists of natural features, geological, and physiographical formations (Guo Jie, 2009).

Some heritage can be world heritage which has its own process and criteria. According to the world heritage criteria, world heritage must be of outstanding universal value.

2.1.2. The Concept of Cultural Heritage

Cultural heritage is defined as the entire corpus of material signs-either artistic or symbolic-handed on by the past to each culture and to the whole of humankind (J.Jokilehto, 2005). Cultural heritage should be considered both in time, and in space. First, it no longer stops. With time gone, it embraces the records left. Second, cultural heritage is not only the increasingly numerous items of cultural property but also the complexes which go far beyond single large monuments or individual buildings. The idea of cultural heritage has been broadened to include both the human and the natural environment, both architectural complexes and archaeological sites, not only the rural heritage but also the urban, technical heritage and street furniture (J.Jokilehto, 2005). In recent decades cultural heritage as a concept has gradually come to include new categories such as the intangible, industrial heritage. In a word, we can divide cultural heritage into two categories, tangible cultural heritage and intangible cultural heritage. Tangible cultural heritage is considered as cultural relic which has historical, artistic and scientific values. It contains ancient architecture, archaeological sites, carved stones and so on. Intangible cultural

heritage refers to the traditional cultural expressions. It exists as non-material form and is closely related to people's life. It contains traditional performing arts, folk rituals and festivals and traditional arts and crafts skills. In this thesis, I will focus more on the tangible cultural heritage.

Cultural heritage in our time accordingly is an open one, reflecting living cultural every bit as much as that of the past. (culture 2010). It is difficult to define this concept entirely, not only is it very broad, but it also changes with time.

2.2 The Values of Cultural Heritage

Cultural heritage is a unique historical and cultural carrier and witness of human history. It is an important symbol of the state and its historical and cultural achievements. According to Jundong Chen (2007), cultural heritage has following four values:

- Historical Value

Cultural heritage is formed under certain historical conditions. The history and original information of cultural heritage has great historical value. As a product of history, it is branded with the mark of the times, reflecting the ecological conditions and the political, economic, technological, military and cultural conditions of the time.

- Social Value

Cultural heritage has social values. Firstly, People can learn their city's history from cultural heritage. Secondly, cultural heritage can provide a chance for people to participate in social activities. Thirdly, cultural heritage can show cultural diversity.

- Economic Value

The economic value of cultural heritage can be regarded as the externalization of the historical value. Cultural heritage can attract tourists for its historical value. At the same, it can increase tourism income. In addition, the economic value of cultural heritage not only refers to the tangible value, but is also reflected in the intangible value.

- Scientific Research Value

Cultural heritage contains a large amount of historical information. It reflects a

level of productive force, the scientific and technological aspects and people's creative ability during that time. This is its scientific value. Cultural heritage can also provide valuable first-hand scientific information in the form of inheritance. It has a research value.

In short, the value of cultural heritage, not only represents the research, conservation and exploitation of cultural relics, but also reflects the human social activities and its interrelated social relations.

Before researching cultural heritage conservation, it is necessary to know which aspects or categories of cultural heritage exist in the country. In the next chapter, cultural heritage in Sweden and China will be described.

Chapter 3: The conservation of cultural heritage in Sweden and China

3.1 The conservation of cultural heritage in Sweden

In Sweden, there is long-term legislative, regulatory and institutional protection and management at the national and local levels with adequately delineated boundaries (Adlercreutz, 2006). In this section, the planning system will be explained from three levels: national level, regional level, and local level. Firstly, the background of conservation is described. Secondly, the types of Swedish cultural heritage are described. Thirdly, three levels of cultural heritage conservation are discussed: national, regional and local level. Finally, a conclusion is drawn about Swedish cultural heritage conservation.

3.1.1 The Background of Swedish conservation

Sweden has a long tradition of cultural heritage conservation. Today, cultural heritage in Sweden has been under protection for hundreds of years. The most remarkable event is the first official law of cultural heritage conservation throughout the world, was carried out by a Swedish king in 1666 (Schück, 1932:264). This law was aimed at protecting the stones with runic inscriptions,

old architecture, and churches in Sweden. The work to protect heritage was carried out by the Royal Office informally until the year of 1661. Later there was an official department of the Royal Office called the National Heritage board. The major work of this department is monitoring the regulations which are used to protect the historical buildings owned by state. Work on protecting cultural heritage is not just done by the department. Everyone in the country should join this work. At that time, churches played a crucial role. They spread the knowledge of heritage conservation to the public.

The power of rights to archaeological findings was owned by the state in Sweden before the 1850s. Then, the power was divided into two parts. The national government and the regional governments started to share the rights to archaeological findings (Woltil, 2007). Now different types of cultural heritage are protected by different acts in Sweden.

3.1.2 Cultural Heritage in Sweden

Ancient monuments are the main kind of cultural heritage in Sweden. They include several relics: graves; runic stone inscriptions and stone formations; crosses and stone memorials and so on. There are about 560,000 ancient monuments (Woltil, 2007). Historical buildings are another kind of cultural heritage in Sweden. The protection of historical buildings is not restricted to buildings. The sites of cultural or historic significance are also protected, such as parks and gardens. The protection does not just aim at one building. It can also include groups of buildings which form one entity (Woltil, 2007). There are two kinds of historic buildings: individual historic buildings and governmental historic buildings (Wikipedia, 2010). Individual historical buildings are owned by individuals or organizations. There are about 2000 individual historical buildings in Sweden. They are protected by the Cultural Heritage Act. The County Administrative Board of Sweden is responsible for listing these buildings and sites. The number of governmental historical buildings is smaller than the individual historical buildings. There are about 260 governmental historical buildings. They include government and court houses, fortresses, royal palaces and so on. Governmental historical buildings are owned by the state. They are protected by the law of cultural heritage and the ordinance of

government listed buildings. The National Heritage Board is responsible for their maintenance.

The third kind of cultural heritage in Sweden is religious monuments. They are mostly churches. There are more than 3000 religious monuments (Woltil, 2007). In Sweden, the churches which were built before 1940 are automatically protected by the law. Churches which were built after 1940 need an application to become a recognized religious monument (Woltil, 2007).

There are also 25 cultural heritage sites in Sweden. They are protected by the Environmental Code.

3.1.3 National Level

At the national level, the National Heritage Board has a special role in cultural heritage conservation. Several acts make up of the instruments for the protection of cultural heritage. They are the main legal instruments.

3.1.3.1 The National Heritage Board

The National Heritage Board is the central administrative authority in the sector of cultural heritage. It is responsible for heritage and historical environmental issues. The goals of the National Heritage Board are to enhance cultural heritage, preserve and protect the historical environment, foster local identity, and make cultural heritage accessible to all citizen while contributing to an awareness of cultural heritage.

The National Heritage Board plays a vital role in cultural heritage conservation, and relates to the national and regional development. The National Heritage Board takes charge of several works:

- Assignment from government

The National Heritage Board acts in the interest of cultural heritage conservation from the state government. This sector is governed by the Ministry of Culture in Sweden. It supervises all the work throughout the whole country. The National Heritage Board has a wide range of justice and responsibility. In other words, this sector should supervise and check all the applications of legislation, distribution of funds and all the practices of cultural heritage protection. Meanwhile, this sector should encourage the cultural

heritage to be sustainable (Swedish National Heritage Board, 2010).

- Cultural heritage

The National Heritage Board plays an active and unifying role in cultural heritage work (Swedish National Heritage Board², 2010). Conservation of cultural heritage is a significant job of the National Heritage Board. It means that the National Heritage Board is responsible for all the work of protecting the cultural heritage in Sweden. Every cultural heritage should be estimated and supervised by this sector.

- Funds

Every year, the State government contributes a large sum of money to protect the cultural heritage in Sweden. The state contribution for cultural heritage conservation was about 27.8 million euro in 2004 (Woltil, 2007). It gets 49% of all the money invested in Swedish cultural heritage. The National Heritage Board acts as the distributor to arrange the money. In the field of cultural heritage conservation, the state fund is the most significant economic support. This money is strictly used on cultural heritage.

- Relationship of cooperation

The National Heritage Board is responsible for cooperating with related domestic organizations, the European Union and other countries throughout the world towards a sustainable and harmonious society. It places the cultural heritage conservation in a broader position, not just within a country (Swedish National Heritage Board, 2010).

3.1.3.2 The State Government

Cultural heritage is organized and administered by the State Government which is the highest and the most powerful administration at the national level. All the affairs about cultural heritage are influenced by the state government. In Sweden, the state government publishes a national direction or state ordinance every year. Every organization and sector in Sweden which is related to cultural heritage should follow this direction and ordinance.

In Sweden, the state governments influence on cultural heritage planning is through the governmental sector. In other words, the Ministry of Culture is the sector which is responsible for the overall national cultural heritages in Swedish government (Government Offices of Sweden, 2010). This ministry

carries out the national direction every year. The national direction includes the budget to different related organizations and the national objective of the cultural heritage development (Regeringskansliet, 2010).

3.1.3.3 Cultural Monuments Act

The Cultural Monuments Act is the main instrument for protection of cultural heritage in Sweden. This Act stipulates that not only authorities, but also individuals in Sweden are responsible for the cultural environment. They should take care of the cultural environment. The Act also stipulates the different roles of authorities and institutions for the protection of cultural heritage: “the county administrative Board controls the protection of cultural heritage in the province. The state government is responsible for the national supervision in the protection of cultural heritage” (Hermansson, 2005: B 802). The Act covers four types of cultural heritage: archaeological monuments and sites, listed historical buildings and sites, ecclesiastical heritage and cultural objects (export/restitution) (Westerlund, 2010). But only part of historical buildings which are seen as elite can be protected under this Act. The buildings which are owned by the state are not suited to this Act.

3.1.3.4 The Environmental Code

The purpose of the Environmental Code is “to promote sustainable development which will assure a healthy and sound environment for present and future generations” (Ministry of the Environment, 2000). One of its aims is to protect the valuable natural and cultural environments. It protects the cultural heritage sites in Sweden.

3.1.3.5 The Cultural Heritage Edict

The Cultural Heritage Edict is issued by the state government. As mentioned in section 3.1.3.3, the buildings which are owned by the State are not protected by the Cultural Monuments Act. The Cultural Heritage Edict is issued to protect such buildings and other structures. The protective order may cover an area adjoining the building to ensure that this area be kept in such a condition that the appearance and the character of the building will not be jeopardized (Westerlund, 2010).

3.1.4 Regional Level

3.1.4.1 The County Administrative Board

The county administrative boards are responsible for cultural heritage together with the regional museums at the regional level. The county administrative boards decide on matters related to the National Heritage Act (Council of Europe, 2010). They are responsible for ensuring that the protection of cultural heritage is taken into account in regional planning and development. The county administrative boards also allocate state funds for the restoration of historic buildings, ancient monuments and historic landscapes (Woltil, 2007).

3.1.4.2 Regional Museum

On the regional level, the Regional Museums play an important role in cultural heritage conservation. They are a significant participant. The work of the regional museums is to protect heritage resources with regional efforts. They collect and disseminate knowledge about the cultural heritage of the country. They are involved in the protection or restoration of buildings, ancient monuments and historical landscapes. The most important roles of the Regional Museums are propagator, organizer and executor. As the role of propagator, the Regional Museums are responsible to do the pedagogic work to make the public recognize the necessity of protecting cultural heritages. As organizers, the Regional Museums organise different and abundant activities to make the cultural heritage accessible to the public (Woltil, 2007). As the role of executor, the Regional Museums are present as the agency of the County Administrative Board and municipalities to carry out some related projects and programs of protecting cultural heritages. The County Administrative Board and municipalities support the Provincial Museums on the aspect of finance (Woltil, 2007).

3.1.5 Local Level

3.1.5.1 Municipal Government

The municipal government is responsible for the protection and development of cultural heritage in spatial planning. This role is exercised with municipal planning and through the application of the Planning and Building Act. Several municipalities run municipal museums and keep municipal antiquarians. Every year, substantial efforts are made to preserve and to disseminate knowledge about cultural heritage sites and properties of cultural interest by local societies, associations, museum associations and individuals (Woltil, 2007).

3.1.5.2 The Planning and Building Act

The Planning and Building Act provides the legal tools for primarily the local governments to protect cultural values (Westerlund, 2010). Sweden is divided into 289 municipalities. Local governments have a wide degree of autonomy in regulating public control of building activities and physical planning at the local level. The Act contains rules as to how cultural heritage should be identified and safeguarded in planning procedures and in the screening of planning applications. Protective orders will specify what measures apply to a listed building with regard to demolition, alteration and upkeep.

The Act protects several modes of cultural heritage. It contains general requirements for buildings and other structures and for sites and public spaces (Westerlund, 2010). It stipulates that buildings which are particularly valuable from a historical, environmental or architectural viewpoint should be maintained. Their characteristics should be preserved.

According to this Act, the local government can refuse applications to demolish buildings which are culturally valuable, whether a demolition prohibition has been decided in advance in a plan or area regulation (Westerlund, 2010).

3.1.6 Conclusion

The most important actors in cultural heritage at national level are the National Heritage Board and the state government. The state government is the most powerful administration in the conservation of cultural heritage. It has an overall strategy to influence cultural heritage policies. Every year the state government publishes a national direction or state ordinance on cultural heritage. It includes the budget of different organizations and the national

objective of cultural heritage development. The National Heritage Board is the central administrative authority on cultural heritage. The National Heritage Board plays a vital role in cultural heritage conservation, and relates to national and regional development. It gets the assignment of cultural heritage conservation from the state government. It plays an active and unifying role in cultural heritage work. It acts as the distributor to arrange the funds for cultural heritage.

The most important cultural heritage actors at the regional level are the County Administrative Boards and the Provincial Museums. The County Administrative Boards decide on matters related to the National Heritage Act. Their work is to ensure the conservation of cultural heritage through regional planning and development. They also allocate state funds to restore cultural heritage.

The main objective of the Provincial Museums is to bring cultural heritage alive and to the attention of the public. The work of the regional museums is to protect heritage resources with regional efforts. The roles of Regional Museums are the propagator, organizer and executor.

The municipal government is the main cultural heritage actor at the local level. The municipal government is responsible for the protection and development of cultural heritage in spatial planning. This role is exercised with municipal planning and through the application of the Planning and Building Act. Figure 3.1 shows the chain of command of cultural heritage in Sweden. It is a single system. Departments in charge of the work concerning the protection of cultural heritage control over the protection of cultural heritage within their own administrative areas. The relevant administrative departments exercise supervision the protection of cultural heritage within the scope of their own functions and duties. This system avoids overlapping and buck-passing. The actors and their tasks are clearly defined.

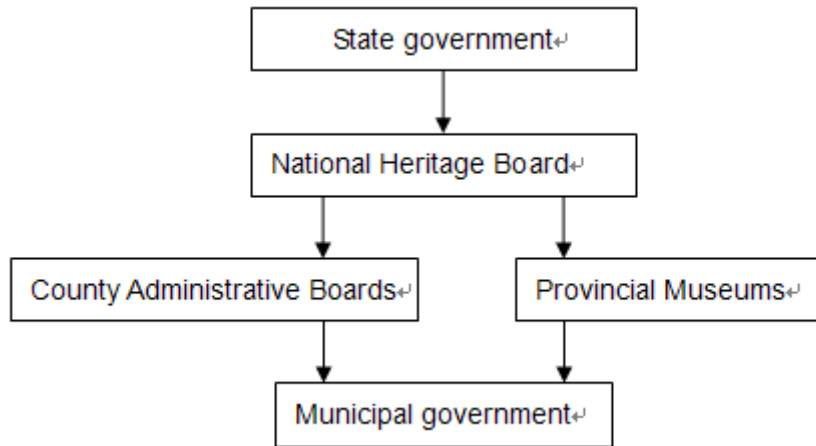


Figure 3.1: The chain of command of cultural heritage in Sweden

Edited by author

National legislation is the core of the Swedish legislative system concerning the protection of cultural heritage. This system gives detailed provisions on the protection measures, organizations, the functions of local governments and financial policies. Local governments at different levels mainly implement and explain these provisions and provide planning guidance and consultation for the public. Local governments at different levels make planning and regulatory documents within their own administrative areas to reinforce and deepen the national legislation on cultural heritage conservation. The most significant feature of this system is bringing the supervision and legislation of the conservation organizations into the legislation and enforcement procedures.

3.2 The conservation of cultural heritage in China

3.2.1 The Background

China is an ancient country that has a long civilized history. Over this long history, Chinese people created a lot of valuable cultural heritage with such a multitude of types, diverse forms and rich content. But the conservation of cultural heritage in China did not begin as early as in Sweden. Since the founding of new China in 1949, especially since the policy of reform and opening up which was launched in 1978, the conservation of cultural heritage in China has embraced a new era of development and has made remarkable achievements. The Law of the People's Republic of China on the Protection of

Cultural Relics was issued in 1982, which was the country's first law in the field of cultural relics. In order to protect cultural heritage better, the Law was revised in October 2002. Within the framework of the Law, the Ministry of Culture and the State Administration of Cultural Heritage has drawn up some relevant documents and administration regulations. Meanwhile, a number of local regulations have been released. Moreover, some provinces and cities have reinforced the building of administration authorities and law enforcement personnel involved with cultural heritage (Ministry of Culture, 2010).

3.2.2 Cultural Heritage in China

In China, cultural heritage refers to cultural relics with historical, artistic and scientific values. It can be divided into two categories: movable and immovable cultural relics.

Immovable cultural heritage includes ancient cultural remains, ancient tombs, ancient architecture, grotto temples, stone carvings, murals and representative buildings in the history of modern China (Ministry of Culture, 2010). There are about 400,000 unmovable cultural heritage objects which have been registered in mainland China. They are protected by different levels of administration. There are about 2,352 sites under the state-level protection, 9,396 sites under the provincial-level protection and 58,300 sites under the country or municipal-level protection (Ministry of Culture, 2010). Moreover, there are 103 cities designated as "Historical and Culturally Famous Cities".

33 cultural and natural heritage sites have been listed as World Heritage. These include four natural heritage sites, four cultural and natural heritage sites, one cultural landscape and 24 cultural heritage sites.

Movable cultural heritages include important artifacts, artworks, documents, manuscripts, and publication materials. There are about 20 million pieces or sets of movable cultural heritages in China. They are collected in museums.

The protection of cultural heritage in China now is not only to single out cultural relics. They have been protected from the scale of: cultural relic, famous district of historical and cultural value, and famous city of historical and cultural value (Lin Wang, 2000).

Cultural relics can be divided into three levels: national level, provincial level

and city or county level.

Famous districts of historical and cultural value are towns, neighborhoods or villages with an unusual wealth of cultural relics of important historical value or revolutionary memorial significance. They should be verified and announced by the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government.

Famous cities of historical and cultural value are cities with an unusual wealth of cultural relics of important historical value or high revolutionary memorial significance. They should be verified and announced by the State Council.

Local people's governments at or above the county level take charge of drawing up special plans for the protection of famous cities or famous districts of historical and cultural value and include such plans in their overall urban plans. Measures for the protection of famous cities, famous districts of historical and cultural value are formulated by the State Council (State administration of cultural heritage, 2009).

3.2.3 Administrative system

The State Council acts as the role of the highest executor, supervisor and governmental organ. The State Council of the People's Republic of China is the Central People's Government. It is the highest executive and administrative unit. In China, every domestic affair is administrated and supervised by the State Council. The conservation of cultural heritage is of course administrated by this department. As the central government, the State Government should have oversight over the whole country. This level of expertise includes a wide range of responsibilities. It carries out the national ordinance every year, and it should have supervision over the applications of cultural heritage legislation and relevant practices throughout the whole country. The State Council is the most important economic support for cultural heritage conservation. It manages the money from the national economic budget for cultural heritage (Xinhuanet, 2010). The budget on cultural heritage conservation from the state government is about 2.5 billion RMB per year (Ningbo culture, 2010).

The administrative department for cultural heritage takes charge of the work

concerning the protection of cultural relics throughout the country.

Local people's governments at various levels take charge of the work concerning the protection of cultural heritage with their own administrative areas. Departments in charge of the work concerning the protection of cultural heritage under the local people's governments at or above the county level exercise supervision and control over the protection of cultural heritage within their own administrative areas.

The relevant administrative departments under the people's governments at or above the county level takes charge of the work concerning the protection of cultural heritage within the scope of their own functions and duties.

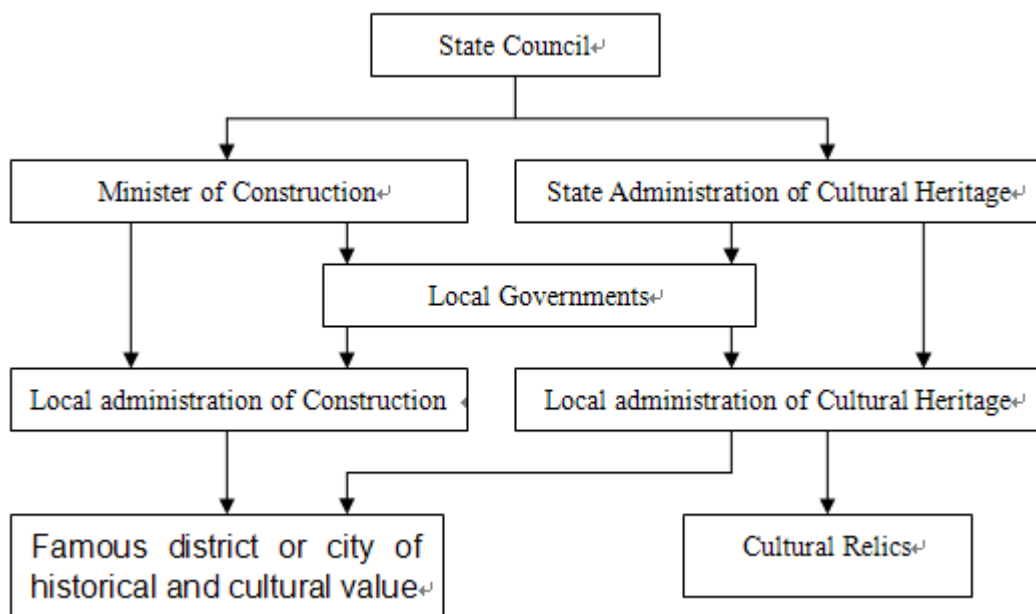


Figure 3.2: The Chinese administration system on cultural heritage conservation

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From figure 3.2, we can see the highest administrative department is the State Council in the Chinese system. It administrates affairs of cultural heritage conservation as a whole. It carries out the national ordinance every year. It also takes charge of supervision of the related subsectors. Meanwhile, it should have supervision over the applications of cultural heritage legislation and relevant practices throughout the whole country.

The State Council sets the Minister of Construction and State Administration of Cultural Heritage as the two agencies to manage cultural heritage conservation. The two governmental sectors cooperate with each other equally.

At the local level, cultural heritage is administrated by the local governments, the Local Administration of Construction and the Local Administration of Cultural Heritage. The Minister of Construction and the State Administration of Cultural Heritage influences the local governments at the same time. The Local Administration of Construction is the agency of the Minister of Construction and local governments, and the Local Administration of Cultural Heritage is the agency of State Administration of Cultural Heritage and local governments.

The Local Administration of Construction takes charge of the famous district and cultural value. The Local Administration of Cultural Heritage is responsible for the famous district and cultural value, and also the cultural relics. We can see these two actors have partly overlapping responsibilities and tasks.

3.2.4 Legislative system

3.2.4.1 The law of People's Republic of China on Protection of Cultural Relics

The law of the People's Republic of China on Protection of Cultural Relics is the first law in the field of cultural relics. It was issued in 1982 and revised in October 2002. The objective of this law is to strengthen the protection of cultural relics, inheriting the splendid historical and cultural legacy of the Chinese nation, promoting scientific research, conducting education in patriotism and in the revolutionary tradition, and building a socialist society with cultural, ideological and material progress (State administration of cultural heritage, 2009). This law stipulates that cultural relics are under its protection within the boundaries of the People's Republic of China. It also prescribes that all government department, public organizations and individuals have the obligation to protect the cultural relics. The law stipulates the work of the governments at different levels and the relevant administrative departments.

This law prescribes a certain area for control of construction can be delineated around a site protected for its historical and cultural value. No construction of a project conducted in such an area can deform the historical features of the site. The design for the project shall be subject to consent by the administrative

department for cultural relics and then submitted to the department for urban and rural construction planning for approval.

This law stipulates the legal liabilities to anyone who is in violation of the provisions of this law.

3.2.4.2 Regulations for the Implementation of the Law of the People's Republic of China on Protection of Cultural Relics

These regulations are formulated in accordance with the Law of the People's Republic of China on the Protection of Cultural Relics. The administrative department in charge of the work concerning the protection of cultural relics under the State council and local people's government shall make planning of cultural heritage conservation and take effective measures to improve the conservation (Baidu¹, 2010).

These regulations can be broken down into nine aspects:

- Cultural relics applying to be taken out of the country shall be granted an exit permit and be marked with an exit label.
- The duration for the exhibition of cultural relics out of the country shall not be longer than one year.
- Citizens, legal persons and other organizations can collect cultural relics in accordance with the law, and the ownership of their cultural relics legally collected is protected by the law.
- A unit undertaking the conservation of a site protected for its historical and cultural value shall obtain both the qualification certificate of an appropriate grade issued by the competent cultural relics administrative department and the competent construction administrative department.
- An institution applying to engage in archaeological excavations shall obtain a qualification certificate.
- Within one year from the date of verification and announcement of a site protected for its historical and cultural value, the people's government that verified and announced the site shall delimit the area of protection, put up a sign or a notice, establish records and files and establish special organs or assign full-time persons to be responsible for the control over the site.
- Where the cultural relics in the collection of a cultural institution are stolen, robbed or missing, the institution for the collection of the said cultural relics

shall report the case to the competent cultural relics administrative department; the competent cultural relics administrative department shall report the relevant situation to the state administration of cultural heritage within 24 hours after the receipt of the report from the institution.

- Where a cultural relics store purchases or sells a cultural relic, or an auction enterprise engaged in the auction of cultural relics sells a cultural relic by auction, it shall record the information of the cultural relic and report all of them to the competent cultural relics administrative department that has approved the sale or auction. The administrative department shall keep the record for 75 years.
- Repairs, duplication or making rubbings of cultural relics shall be reported for approval to the relevant cultural relics administrative department. Anyone who engages in repairs, duplication, or rubbings of cultural relics in violation of the provisions of these regulations, the competent cultural relics administrative department shall order to cease its illegal activities; if serious consequences are caused, a fine shall be imposed; if a crime is constituted, criminal liability shall be investigated in accordance with law.

3.2.4.4 Conclusion

The Chinese legislative system on the protection of cultural heritage is different from the Swedish system. In China, national legislation and local legislation are combined with each other. The State Government constitutes laws and regulations concerning the protection of cultural heritage at the national level; local governments constitute codes and regulations at the local level. Compared with the Swedish system, the Chinese legislation system on cultural heritage still needs to be improved.

Firstly, the laws and regulations on cultural heritage protection at the national level is not enough. As mentioned in section 3.2.2, the protection of cultural heritage in China includes three aspects from scale: cultural relic, famous district of historical and cultural value, famous city of historical and cultural value. But most of the laws and regulations are referred to cultural relics. There are just a few codes on the protection of famous cities of historical and cultural value, lacking of the relevant laws and regulations. There is almost no legislation on the protection of famous districts of historical and cultural value.

Secondly, the rules of law relating to the conservation of cultural heritage are mostly presented as “instruction”, “method” or “notification” that is promulgated by the state government or local governments (Lin Wang, 2000). Most of these rules are constituted without formal legislative procedures. They can not be regarded as the national or local administrative regulations in the strict sense. Thirdly, the contents of rules of law related to lack of breadth and depth. They are not good enough to implement. Chinese existing rules of law focus on objects, contents, and methods of the protection. There are no specific contents about the management and planning, such as the way for determining the scope of protection, how to set up the institutions concerning the protection of cultural heritage and how the institutions run the programs, how to set up the feedback institutions, the sources and scale of the funds for cultural heritage conservation (Lin Wang, 2000). These shortages expand the scope and scale of man-made measures in the process of implementing the rules of law. So there is considerable lee-way in the process of implementing the rules of law combined with the complexity of cultural heritage conservation itself.

3.3 The knowledge---From Sweden to China

As mentioned in the foregoing section, the conservation of cultural heritage in Sweden and China has been described. Compared between Sweden and China, there are a lot of differences. Although the situation of these two countries are different, some knowledge is still gleaned from Swedish heritage planning to Chinese heritage planning.

- Take cultural heritage conservation into the city’s planning and distinguish the responsibilities of different administrations

In Sweden, the conservation of cultural heritage is taken into the regional or city’s planning. At the regional level, the county administrative boards are responsible for ensuring that the conservation of cultural heritage is taken into account in regional planning and development. At the local level, the municipal governments are responsible for the protection and development of cultural heritage in spatial planning. In China, local people’s governments at or above the county level take charge of drawing up special plans for the conservation of

famous cities or famous districts of historical and cultural value and include such plans in their overall urban plans. The difference is that there are two administrations under the local government taking charge of work concerning the conservation of famous cities or districts of historical and cultural value. The overlapping responsibilities and tasks between these two departments makes it more difficult to draw up the plans. It is necessary to learn from Sweden to make clear the responsibilities and tasks of each administration.

- Constitute comprehensive and formal laws and regulations to protect cultural heritage better

In Sweden, the laws on conservation of cultural heritage are ample. They refer to different levels and protect different things. The Cultural Monuments Act is promulgated on the national level. It covers four types of cultural heritage. It also stipulates the different roles of authorities and institutions for conservation of cultural heritage. The Environmental Code protects the valuable natural and cultural environments. It protects the cultural heritage sites in Sweden. The Cultural Heritage Edict is issued to protect the buildings which are owned by the State. The Planning and Building Act provides legal tools for primarily the local governments to protect cultural values. It contains rules as to how cultural heritage should be identified and safeguarded in planning procedures and in the screening of planning applications.

In China, the laws on conservation of cultural heritage are not comprehensive. Most of the laws and regulations are referred to as cultural relics. There are just a few codes on the protection of famous cities of historical and cultural value, lacking of the relevant laws and regulations. There is almost no legislation on the protection of famous districts of historical and cultural value. The rules of law relating to the conservation of cultural heritage mostly present as “instruction”, “method” or “notification” that are promulgated by the state government or local governments (Lin Wang, 2000). Most of these rules are constituted without formal legislative procedures. They can not be regarded as national or local administrative regulations in the strict sense.

In order to protect cultural heritage better, it is important to constitute more laws on the conservation of cultural heritage. The objects of the laws shall be unambiguous. The legislative procedures shall be formal.

- Increase the budget for cultural heritage conservation as to enhance

financial support

In Sweden, the state's contribution in cultural heritage conservation is about 27.8 million euro (278 million RMB) in 2004 (Woltil, 2007). It is 49% of all the government's budget towards Swedish cultural heritage. In China the budget on cultural heritage conservation from the state government is just about 2.5 billion RMB per year. It is not enough to protect all the cultural heritage in China. In most cities of China, the budget on cultural heritage conservation is less than 100 million RMB, and some of them just get about 10- 20 million RMB (Ningbo culture, 2010). More financial support is needed to finance cultural heritage conservation.

Chapter 4: case study — Nanjing Mendong famous district with historical and culture value

4.1 The background of Nanjing Mendong famous district of historical and culture value

Mendong famous district of historical and culture value is located in the south of Nanjing. It is in the east of the Ming Dynasty City Wall gate-named Zhonghuamen. This area is surrounded by Zhonghua Road, Changle Road, Bianying and Jiangning Road.



Figure 4.1: the scope of Mendong famous district

Edited by author

It is a historical space of Ming and Qing Dynasty architecture. There are a lot of famous historical sites, such as the former residence of Shen Wansan, the former residence of Jiang Baiwan and Liang Guangzha Temple. There are also a lot of historical streets, such as old lanes and old architecture with blue brick and black tile. The name of the lanes have been used since the Ming Dynasty and most of the houses were built in Qing Dynasty.

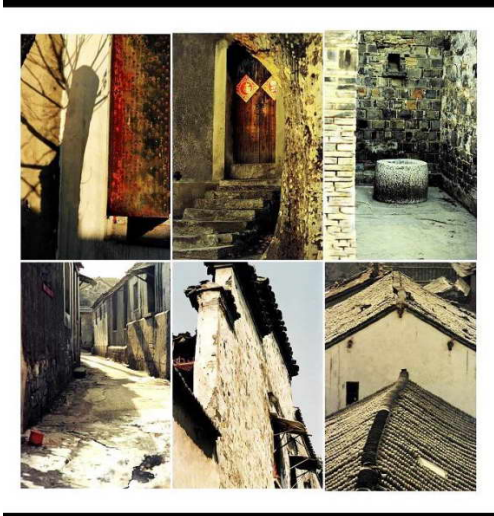


Figure 4.2: a view of lane and old

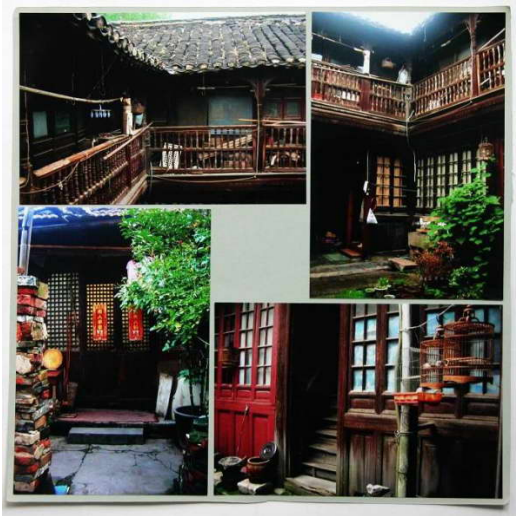


Figure 4.3: the structure of old house

building

Source: <http://www.xici.net/b705555/d46620573.htm>

In 2002, the Nanjing municipal government issued the rule of Nanjing historical and cultural city protection plan. This rule prescribed Mendong area as one of the famous districts of historical and cultural value. It is also a district of Chengnan traditional housing style which prescribed by Nanjing government. However, since 2006, the government picked up the rebuilding of this district. They wanted to build a commercial street in this district, named Nanmen Old Street. The government propagandized that this was a way to make this district a symbol of Nanjing. But in fact, they just built some buildings like the old architectures. And didn't protect the historical buildings in this area. Contrarily, this project destroyed the environment of the famous district.



Figure 4.4: the new high-rise building and the destroyed old building

Source: <http://www.xici.net/b705555/d46620573.htm>

The government had sold a part of Mendong famous district to a real estate exploitation company. The sold area will be used to build a top grade uptown. It is very funny to build an uptown in the famous district. But in front of the economic benefits, the government made the wrong decision, even disobeyed

the regulation which was issued before.

4.2 Problems reflected from Mendong famous district with historical and culture value

As described in the foregoing section, the case of Mendong famous district with historical and cultural value reflects several problems that Chinese cultural heritage conservation is facing.

4.2.1 A lack of an overall vision

As mentioned in section 4.1, Mendong area had been protected as a famous district of historical and cultural value in 2002. But the government wanted to rebuild this area since 2006. The government didn't make an overall and long-term plan for this district. Actually, the local government should draw up special plans for the protection of this famous district and include such plans in the overall urban plans. The problem is that the municipal administration of construction and the municipal administration of cultural heritage take charge of the conservation together. The responsibilities and tasks of these two administrations are not clear. Because of this, there is no overall planning for this district. The overlapping responsibilities and tasks between different departments make it more difficult. As mentioned in chapter 3, the Swedish county administrative boards are responsible for ensuring that the protection of the cultural heritage is taken into account in regional planning and development. The Swedish municipal government is responsible for the protection and development of the cultural heritage in spatial planning. So distinguishing the responsibilities of different administrations and making an overall vision is very important to this district.

4.2.2 A lack of legal protection

There is almost no legislation on the protection of famous districts of historical and cultural value. Most of the laws and regulations are referred to cultural relics. Mendong district is promulgated as a famous district of historical and

cultural value by the rule of Nanjing historical and cultural city protection plan. But in China most of the rules are constituted without formal legislative procedures. The rules of law relating to the protection of cultural heritage is mostly presented as “instruction”, “method” or “notification” that is promulgated by the state government or local governments (Lin Wang, 2000). It is necessary and urgent to constitute more formal rules of law to protect famous districts of historical and cultural value.

4.2.3 A lack of money

Financial support plays a vital role in cultural heritage conservation. As far as it goes, a lack of money in cultural heritage conservation is a big problem that the government is facing.

Compared with Sweden, the budget for cultural heritage conservation from governments in China is much less. In Sweden, the state contribution on cultural heritage conservation was about 27.8 million euro in 2004 (Woltil, 2007). It is 49% of all the budgetary money in Sweden going towards Swedish cultural heritage. The other 51% comes from co-financiers. In China the budget on cultural heritage conservation from the state government is about 2.5 billion RMB per year. It seems like a lot of money. But compared with European countries, China is much bigger. There are a lot of cities. In most cities of China, the budget on cultural heritage conservation is less than 100 million RMB, and some of them only get about 10- 20 million RMB (Ningbo culture, 2010).

Meanwhile, there is another shortcoming which causes serious financial problems on cultural heritage conservation in China. In some other developed countries, the funds on cultural heritage conservation are collected by public and private investors. In China, the financial support only comes from the public. A lack of money is a significant factor which limits the development of cultural heritage conservation in China. As a result of it, solving the financial problem is urgent.

4.2.4 The threat of a commercialization and modernization process

After the policy of reform and opening up was launched in 1978, the development of the Chinese economy and culture was very fast. Though China is still a developing country, the development of the cities is even faster than Western countries. More and more people move into cities. Most of the cities lack the space to satisfy its commercialization and modernization. A lot of city districts are redeveloped. The pressure on lands and the economic benefits make the local government consider rebuilding some famous districts of historical and cultural value.

4.3 The ways to solve these problems

The problems mentioned in the foregoing section is a reflection of the situation of some Chinese cultural heritage. As described in section 3.3, the knowledge attained from Swedish heritage planning can be applied to the conservation of Chinese cultural heritage.

Firstly, it is worth mentioning that cultural heritage conservation should be brought into a city's planning and development structure in China. It is good to face the threat of commercialization and modernization process. For example, if Mendong famous district is taken into Nanjing city's planning and development and combined well with each other, the rebuilding of this district and setting up a commercial street within this district would never happen.

Secondly, the responsibilities of these two administrations should be distinguished clearly. For example, the local administration of construction can take charge of making special planning for cultural heritage and taking them into the city's planning and development, and the local administration of cultural heritage can take charge of disseminating knowledge about cultural heritage and making cultural heritage accessible to the public while restoring cultural heritage.

Thirdly, constituting comprehensive and formal laws and regulations for cultural heritage conservation can reduce the demolition of cultural heritage

and protect them better from a legal aspect. For example, Nanjing's municipal government issued the rule of Nanjing historical and cultural city protection plan in 2002. This rule prescribed Mendong area as one of the famous districts of historical and cultural value in Nanjing. But this rule doesn't have restrictions to the relevant departments in practice. This results in the later demolition of Mendong famous district. So learning from Sweden, it is necessary to constitute comprehensive and formal laws and regulations for cultural heritage conservation. Meanwhile, every law or regulation shall have its own objects so that they can make up of an integrated legal system. For example, famous districts of historical and cultural value shall have their own laws and regulations; famous cities of historical and cultural value shall also have its own laws and regulations. The state government can promulgate laws and regulations at the national level and the local governments can promulgate laws and regulations at the local level in accordance with the national laws and regulations.

Fourthly, financial support plays a vital role in cultural heritage conservation. As mentioned in section 4.2.3, the budget on cultural heritage conservation from the Chinese state government is just about 2.5 billion RMB per year. But it is not enough to protect all cultural heritage in China. Meanwhile, In China, the financial support only comes from the governments.

How can we increase the financial support? Firstly, the funds from the state government are the main part. The state government shall recognize the value of cultural heritage and increase the budget for cultural heritage accordingly. Secondly, disseminating knowledge about cultural heritage and making cultural heritage accessible to the public, then learning from European countries, by collecting money from organizations, enterprises and individuals. Public-private partnership will become necessary in the field of cultural heritage conservation (Woltil, 2007).

Chapter 5: conclusion

Chapter 2 provided a theoretical background for this research by defining terms of cultural heritage and introducing the values of cultural heritage.

Chapter 3 gave a context to the conservation of cultural heritage in Sweden and China. This chapter was divided into two parts: firstly, the conservation of Swedish cultural heritage was given; secondly, the conservation of Chinese cultural heritage was given. In the end of chapter 3, the knowledge attained from Swedish heritage planning to Chinese heritage planning was given. Chapter 4 was a case study to analyze the possibilities that the knowledge can be applied to a Chinese context.

This chapter aimed to draw conclusions from the foregoing chapters. Firstly, in this chapter the three governmental levels of Swedish heritage planning combined to answer the first main question of this research “how is conservation carried out in Sweden?” and the three sub-questions. A conclusion was drawn on the different Swedish actors involved, their roles, their goals and their instruments. Secondly, this chapter also gave a conclusion on the knowledge attained from Swedish heritage planning to Chinese heritage planning and combined with chapter 4 to answer the second main question “what are the possibilities it can be applied to a Chinese context?” Table 5.1 gives a short summary of the Swedish heritage planning from three governmental levels.

	Who’s involved?	What goals?	What instruments?
National level	National Heritage Board and state government	Accessibility and sustainability of cultural heritage	The Cultural Monuments Act The Environmental Code The Cultural Heritage Edict
Regional level	County Administrative Boards and regional museums	Bringing cultural heritage alive and into regional development	
Local level	Municipal governments	Protect and develop cultural heritage in spatial planning	The Planning and Building Act

Table 5.1: Summary of who, what and what per governmental level

In this thesis, Swedish heritage planning can be distinguished from three arenas: a national, a regional and a local level.

- The national arena is the main arena for heritage planning in Sweden. The

state government and the National Heritage Board work together and facilitate Swedish heritage planning.

- The regional arena is the most managed arena. The practices of heritage planning are executed by the counties. The counties are the main decision makers of Swedish heritage planning.
- The local arena is a confluent arena of different actors. Heritage planning is part of spatial planning at local level. The local political agenda influences heritage planning strongly.

The Chinese system is different from the Swedish system. It just can be distinguished through two arenas: a national and a local. Compared with Swedish heritage planning, the national arena in China looks like the combination of the national and regional arenas in Sweden. The knowledge attained from Swedish heritage planning to Chinese heritage planning can be concluded in three aspects:

- Take cultural heritage conservation into the city's planning and distinguish the responsibilities of different administrations
- Constitute comprehensive and formal laws and regulations to protect cultural heritage better
- Increase the budget for cultural heritage conservation to enhance financial support

The case study was an important methodology for this thesis. The problems of Chinese heritage planning are abstracted through analyzing the case. In order to solve these problems, the knowledge of Swedish heritage planning is applied to the Chinese context. Though the situation of cultural heritage in China and Sweden are different, the common grounds of cultural heritage conservation still can be found.

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