

Appendix Nine

Extracts form related international legislation pertaining to cultural landscapes

Country Name.	Title of law under which resources are managed.	Synopsis of content related to cultural environment.	Rights of ownership and administration.	Terms or phrases informing South African Systematics
AFRICAN COUNTRIES				
Algeria	Excavation and Protection of Historic Monuments and Sites. Ordinance no. 67-281 of 20 December 1967	Historical Monuments are defined as both movable and immoveable and include all biophysical sites and monuments, and object found in territorial waters of Algeria.	All cultural property known or concealed, including objects in private possession, belong to the state National Commission of Monuments and Sites, Minister of Cultural Affairs. Cultural property cannot be destroyed or alienated without permission. The state maintains the right to expropriate any object of cultural property for the use of the public. Dealers must hold licences, and must maintain a register of transactions and of objects on inventory.	Historical Monuments are defined as both movable and immoveable and include all biophysical sites and monuments, and object found in territorial waters of Algeria
Angola	Ministerial Decree no 6. of 8 September 1938. Legislative Act no 2050 of 16 June 1948.	Monuments are defined as all edifices, works of art, documents, collections and objects of historical or artistic value existing in Angola.	Change of ownership of classified monuments must be authorized in advance. Department of Museology, Institute of Scientific Research. The export of collections of objects which might serve in the ethnographic study or autochthonous populations of Angola, and any object protected by classification or inventory must be authorised in advance.	Includes ethnographic study or autochthonous populations

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Egypt, Arab Republic of	Law no. 215 on the Protection of Antiquities, revised by law no. 529 of 1953 and no. 24 of 1965.	Antiquities are defined as all moveable and immovable objects produced by the arts, science, literature, religions, customs, etc. from prehistoric times until the end of the reign of Ismail. Also included are any movable or immovable objects found in Egypt produced by a foreign civilization but related to Egypt during one of the periods listed, or any moveable or immovable object or land declared to be an antiquity.	All antiquities, known or concealed ultimately belong to the State and are registered on an official inventory. Departments f Antiquities Egyptian Museum The State maintains the right to expropriate any antiquity, or land containing antiquities	Included are any movable or immovable objects found in Egypt produced by a foreign civilization but related to Egypt
Ethiopia	Proclamation no. 229 of 1966, articles 9-12.	An antiquity is defined as any product of human activity, or any object of interest to the study of palaeontology, prehistory, archaeology, or history.	The government maintains the right to confiscate any antiquity for its collection. Antiquities Administration	Antiquity is defined as any product of human activity
Gabon	Decree of 27 May 1971, no. 00107	Cultural patrimony is defined as ancient art and archaeological objects.	Haut Commissariat a la Culture et aux Arts. Ministere de l'Education nationale et de l'Enseignement technique. All products of field research of interest to national collections may be expropriated by national museum	None
Gambia	The Public Records Act 1967, amended 1969.	Records are defined as all public records, documents and other historical matter of every kind, nature and description which are in the custody of any Government office or which may, after the commencement of this Act be transferred to or acquired by the Public Record Office.	The keeper of record may acquire any original historical material which may be considered a record. Public records Office. Drafting of legislation for the protection of cultural property is under consideration	None

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Ghana	National Museum Decree, 1969 National Museums Regulations, 1969.	An antiquity is defined as an object of archaeological interest or land in which such object is believed to exist, including land adjacent to it, any work of art or craftwork, if such art or craftwork is of indigenous origin, was made before 1900, is of historical, artistic or scientific interest and has been used for the purpose of any traditional ceremony.	All antiquities, known or concealed, are protected by the state from alienation. The state may declare certain antiquities to be national monuments and list them on an inventory. Ghana Museums and Monuments Board.	Antiquity is defined as an object of archaeological interest or land in which such object is believed to exist, including land adjacent to it
Lesotho	Historical Monuments, Relics, fauna and Flora Act, no 41. of 1967	A monument is defined as any area of land having a distinctive or beautiful scenery or geological formation, containing a rare or distinctive or beautiful flora or fauna, objects of archaeological, historical or scientific interest, any waterfall, cave, grotto, avenue of trees, old tree or old building and any other object whether man-made or biophysical of aesthetic, historical archaeological or scientific interest. A relic is defined as any fossil, any drawing or painting on stone or petroglyph known to have been executed by the Bushmen or other aborigines, any implement known to have been used by them, and any contents of anthropological or archaeological contents An antique is defined as any moveable object of aesthetic, historical, archaeological or scientific interest that is more than 100 years old.	Protected cultural property is listed on an official inventory. The commission may assume guardianship of any monument. Commission for the Preservation of Biophysical and Historical Monuments, Relics, and Antiquities, and the Protection of Flora and Fauna. Ministry of Education.	A monument is defined as any area of land having a distinctive or beautiful scenery or geological formation, containing a rare or distinctive or beautiful flora or fauna, objects of archaeological, historical or scientific interest, any waterfall, cave, grotto, avenue of trees, old tree or old building and any other object whether man-made or biophysical of aesthetic, historical archaeological or scientific interest

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Liberia	An Act to create a Bureau for the preservation, conservation, preparation and cooperation of folkways, mores, and customary laws of the various ethnic and linguistic groups within the tribal areas of the country.	The legislation gives the Bureau for the protection... of folkways the power to make regulations regarding the preservation of cultural property.	Department of Information and Cultural Affairs.	The preservation, conservation, preparation and cooperation of folkways, mores, and customary laws of the various ethnic and linguistic groups within the tribal areas of the country.
Libya	The Antiquities, Archaeological Sites, and Monuments Law no. 11 of 1953.	An ancient monument is defined as any construction of any immovable nature that is more than 100 years old. An antiquity is defined as any ancient monument, any other product of human activity whether manual or intellectual more than 100 years old relating to Libyan history or civilization, and any anthropological, animal or botanical remains of a date earlier than 600 A.D. An archaeological site is defined as any site so specified.	Ancient monuments belong ultimately to the state, and are registered on an inventory. The state maintains the right to expropriate any monument or antiquity for the purposes of care or collection. Federal Director of Antiquities.	Any anthropological, animal or botanical remains
Nigeria	The Antiquities Ordinance, no. 17 of 1953 and Antiquities Regulations, 1957	An antiquity is defined as any object of archaeological interest or land on which such object is believed to exist, any relic of early European settlement or colonization, any work of art or craftwork, including any statute etc. that was made before the year 1918, is of historical artistic or scientific interest that is that has been used at any time in the performance, and for the purposes of, any traditional African ceremony. An object of archaeological	Antiquities and archaeological objects, known or concealed, belong ultimately to the state, and are registered on and inventory. Antiquities Commission. The government may appoint itself guardian of an object, and designate measures for its conservation. Destruction, removal and alteration of monuments are forbidden without permission.	Early European settlement or colonization that has been used at any time in the performance, and for the purposes of, any traditional African ceremony.

		interest is defined as any fossil remains of man or animal, any site, trace or ruin of an ancient and habitation, any cave and other biophysical shelter and associated engraving and inscription, any stone object or implement believed to have been used by a man, any ancient structure, any antique tool and object which is of archaeological interest.		
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Zimbabwe	Monuments and Relics Act, 1936	An ancient monument is defined as any building, and, remaining portion of the building, a ruin, a thing of a similar kind which is known to have been erected, constructed a used by bushmen or other aboriginal inhabitants of southern Africa for the first day of 1890. Monuments include ancient monument, biophysical sites, and formations, and other objects biophysical or constructed of aesthetic, archeological, or scientific valuable interest. Relics are described as any fossil, drawing or painting on stone or petroglyph, dating before 1890 and contents of any monument.	National monuments are protected by the state, and may be registered on an official inventory. The state maintains the right of pre-emption of found objects. Discovery of any monument must be reported immediately to the historic monuments commission. Commission for the Preservation of Biophysical and Historical Monuments and Relics.	A thing of a similar kind which is known to have been erected, constructed a used by bushmen or other aboriginal inhabitants of southern Africa ancient monument, biophysical sites, and formations, and other objects biophysical or constructed of aesthetic, archeological, or scientific valuable interest
Ruanda	Ordinance 22/112 of 1956	Cultural property is defined as classified monuments, movable and immovable, and their sites, and indigenous objects.	Cultural property is protected by the state, and is registered on an official inventory. Unauthorized alteration of cultural property is prohibited. The Government of Ruana Urundi, administered through the Monuments Comm.	Cultural property is defined as classified monuments, movable and immovable, and their sites, and indigenous objects

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Sierra Leone	Ordinance for the Protection of Monuments and Relics 1946.	An ancient monument is defined as any building or thing of archaeological, ethnographical or historical interest. An ethnographical article is defined as any remains of the European settlement or colonization, any work of art or craftwork, any document, if such work is of art or craftwork origin or is of indigenous origin and was made before the year 1937, is of historical artistic or scientific interest, at anytime used for a traditional African ceremony.	Cultural properties protected by the state, and immovable cultural property is registered on an official inventory. The state may acquire any such object for national collections. Monuments and Relics Commission	European settlement or colonization Traditional African ceremony
Sudan	The Antiquities Ordinance no. 2 1952	An antiquity is defined as any object whether movable, immovable a part of the soil which has been constructed, produced or modified by human agency earlier than the year 1821 A.D.. It includes any part of any such object which at any later date has been added, and also historical monuments, any human or animal remains of a date earlier than 1340 A.D.. A monument is defined as any building constructed, excavation, cemetery, immovable object produced or modified by human agency.	All antiquities, known were concealed, including those in private possession is ultimately the property of the state.	Constructed, produced or modified by human agency
Tanzania	Antiquities Act, no 10 1964	A relic is defined as any movable object made or otherwise produced or modified by human agency before the year 1863, any human or other vertebrate faunal or botanical fossil remains or impressions. A monument is defined as any structure erected, formed or built	All cultural property, known or conceal, including objects in private possession, belongs ultimately to the state. Any object of cultural property may be declared a monument and registered on an official inventory. Anything completed, painted, a constructed by human agency	Produced or modified by human agency

		by human agency before the year 1863, any rock painting or carving erected by human agency before the year 1863, any earthwork excavated or engineered by human agency before the year 1863 and any place declared to be a monument	before the year 1863 is considered a monument Commissioner of national Culture	
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Uganda	Objects of Archaeological Interest Ordinance 233, revised 1951.	An object of archaeological or palaeontological interest is defined as any structure, erection, and remains of man or animal or plant or any object which is of historical interest or any remains thereof.	Discovery of cultural property should be reported immediately to the district commissioner. Chief Secretary Government of Uganda.	Of historical interest or any remains thereof
Zaire	Ordinance -law 71-016 of 1971 regarding the Protection of Cultural Property.	Protected cultural property includes immovable objects of archaeological, historic or artistic interests, and movable objects of historic, artistic or scientific interest.	All protected cultural property is registered on an official inventory. Any modification or changing hands of cultural property must be authorized by the Minister of Culture. The state maintains the right of expropriation of immovable cultural property, and a pre-emption of any found object. It is prohibited to collect Congolese objects for the purpose of resale. Institute of National Monuments.	None
Zambia	Biophysical and Historic Monuments and Relics Act. 1948 revised 1957.	Protected cultural property includes ancient monument, ancient workings and relics. An ancient monument is defined as any building or other site or thing of a similar kind or any remains and which is known to have been erected prior to the 1st day of January 1890. An ancient working is any shaft that was made for mining purposes and is known to have been in existence prior to the first day of January 1890. A relic is defined as any fossil,	Ancient monument and biophysical sites are protected by the state and is registered on an official inventory. The government has the right to acquire discovered cultural property. Commission for the Preservation of Biophysical and Historic Monuments	An ancient working is any shaft that was made for mining purposes.

		petroglyph, drawing or painting on stone known to have been executed before the first day of January 1890, any object of archaeological historical scientific valuable interest, in the anthropological archaeological contents of any monument or ancient working.		
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NON-AFRICAN COUNTRIES				
Canada	Historic Sites and Monuments Act, R.S.C. 1970, c. H.-6. Section 91 of the Indian Act, R.S.C. 1970, c. I-6 amended 1970. Provincial legislation also protects historical and archaeological sites and objects.	An historic place is defined as any site, building or other place of national interest and significance, including buildings or structures of national interest by reason of age or architectural design.	No person without written consent may acquire title to property under protection of the Acts. The Minister marks or otherwise commemorates historic places, or lands for historic museums, provides for the preservation and maintenance of the historic places and historic museums	
Great Britain	Ancient Monuments Consolidation and Amendment Act, 1913. Ancient Monuments Act, 1931 Historic Buildings and Ancient Monuments Act, 1953, Export of Goods Control Order 1972.	There is no general legislation protecting all types of cultural property. Under the ancient monument laws, ancient monuments are defined as buildings, structures or other works whether above or below the surface of the land. A list is published of ancient monuments protected under this law.	A list is published of ancient monuments protected under this law. The State may appoint itself guardian of a monument which is liable to fall into decay, paying the owner appropriate compensation. The Directorate of Ancient Monuments and Special Services. Department of trade and Industry.	None

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United States of America Preservation Assistance Division, National Park Service, Department of the Interior	American Antiquities Act 16 USC-431-433 1906. Historic Sites Act 16 USC-461 1935. National Historic Preservation Act of 1966 Law on importation of pre-Columbian Sculpture and Murals 19 USC 2090-2095 1972. Archaeological Resources Protection Act of 1979 The American Indian Religious Freedom Act of 1978, The Native American Graves Protection and Repatriation Act of 1990.	National monuments are defined as historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest, and all pre-Columbian artefacts located on lands owned or controlled by the government. Protection of Indian lands, artefacts, resources.	National monuments protected by the government are listed on the national Register. The government may acquire by gift or purchase any historic or prehistoric site, building, object and property of national historic or archaeological significance, and may expropriate any land containing a monument. Antiquities and works of our more than 100 years a may be imported and exported freely.	Aboriginal moveable and immovable heritage.
Australia ¹	Environment Protection and Biodiversity Conservation Act 1999; Australian Heritage Commission Act 1975; Environmental Planning and Assessment Act 1979; Heritage Act 1977; Historic Shipwrecks Act 1976; Historic Houses Act 1980; Land Acquisition Act 1991; National Trust of Australia Act 1990; Protection of Moveable Cultural Heritage Act 1986 The <i>Australian Heritage Commission Act 1975</i> established the Australian Heritage Commission (the 'Heritage Commission') to help promote appreciation, identification and care of the National Estate.	The National Estate is a register that identifies places (including buildings) which have aesthetic, historic, scientific, or social significance or other special value for future generations as well as for the present community. The future of the Australian Heritage Commission and the National Estate lies with the further Commonwealth reforms	Heritage is protected by State and Federal heritage laws, as well as in various indirect ways. Indirect heritage protection occurs when heritage features are located within areas already reserved (e.g. National Parks). Heritage features can also be identified in local environmental plans, which restrict demolition or development. The National Trust of Australia, a non-government organisation, keeps a public register of heritage features, including international properties.	Any part of the biophysical or cultural environment is eligible for listing. Some of the reasons a place or building will be considered to have 'special value' include its importance to Australia's biophysical or cultural history, rare and endangered species that might live there, or a strong association with a particular community for social, cultural or spiritual reasons

¹ Environmental Defender's Office Ltd. Publication Date: July 2000 <http://www.edo.org.au/edonsw/publications/factsheet/factsheet28.htm>. 5/19/01 2:26:31 PM