CULTURAL HERITAGE MANAGEMENT IN MEXICO: PUBLIC ARCHAEOLOGY, COMMONS, CULTURAL GOVERNANCE, AND ETHIC ISSUES.

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Archaeology focuses the attention of scholars in many fields onto the problem of cultural heritage management (CHM) because of the diverse views among cultural resource stakeholders as users and owners. Through the analysis of the interactions among archaeologists, economists, environmental preservationists and government policies within institutional frameworks my research will describe and contextualize the history of CHM in Mexico. The Mexican case is an excellent example to illustrate the transition from national-stewardship model towards a cultural governance strategy where local self-government systems try to use development projects related to cultural heritage as a common pool resource. This research aims to measure the consequences of this transition and concomitant innovation in daily process and will gauge public opinion about archaeology as a factor in the decision-making process for local development.

This ongoing research proposes a systematization of social-economic data, from direct or indirect sources, that will contribute to understanding the phenomenon of archaeological heritage management in Mexico which currently displays examples of local and community development around cultural heritage. This project aims to find and observe the limits of the phenomenon and enforcement of an indigenous communal management model in several Mexican locations. This research is based on three research questions:

RQ1: How is it possible to apply Institutional Analysis Framework (IAD) and concepts such as "common-pool resource" for the theoretical development of analysis of Cultural Heritage Management (CHM) in Mexican action arena?

RQ2: How is it possible to select research cases for theorize about cultural heritage as a "common-pool resource" in a Mexican cultural action arena?

RQ3: Based on the great experience gathered by the environmental sector around the world using the "commons" category; is it possible then to frame and use categories such as "Culture ecosystem or Landscapes ecosystem services" in the search for alternatives for the Mexican cultural sector?

In order to answer the questions addressed above, it is necessary to develop an instrument which allow to analyze stakeholders’ approach in the Mexican action arena; including indigenous inhabitants, public or private institutions, NGOs, national and sub-national governments. Some actions had included to participate with stakeholders in daily activities, dynamics of discussion, and participatory analysis. Also, this project created, aside consultants in qualitative and quantitative data, instruments related to observe the management and ownership of cultural heritage by communities in different action arenas; therefore results will be processed to understand and advise about the importance of shaping public policies to the management of cultural resources in these areas.

This study aims to show findings in fieldwork about the use of "common-pool" idea for the enforcement of cultural resource management, impacts in bundle of property rights according to local legal framework, possible changes in benefits and inequalities in function of political alignments or its socioeconomic
context. Also, this project examines the feasibility of understanding cultural heritage as a common pool resource, using the Institutional Analysis Framework (IAD) created by Elinor Ostrom as well as other literature resources currently available. In a preliminary literature review, we can find some other countries around the world where various concepts close to the idea of "common-pool resource" have been chosen for the operation, management, research and dissemination of cultural goods; which also motivates this project. Based on these ideas, this project aims to observe a diversity of trust game models in an action arena which contemplates consuetudinary decision-making process and takes in account some social attributes such as beliefs, reciprocity, communality or prestige.

Mexico has approximately 48,000 archaeological sites in the country, of which only 190 are open or partially open to the public. Limited community’s accessibility creates less opportunity for economic development of cultural resources for local communities that possess land ownership. Generally, the economic cycle of an Mexican archaeological zone begins with investigation of a determined space as an state investment, producing direct and indirect jobs for a determined time. Subsequently, public access to these sites requires several services that contribute to local income. In the Mexican case, the social dilemma lies in the consideration of the archaeological zones by the communities as something alienated by the state. For example, access to an archeological zone is limited by a payment or tariff that is determined in Federal Law of Collection Rights and cannot be avoided by anyone. Also, the payment collected cannot be considered as a benefit for the community no matters the actual land is on communal ownership. However, it is also observable that locally exist informal institutions which gives the right to access for certain members of community.

![Figure 1. Map of distribution (n=48,000)of recorded Archaeological Zones in Mexico (INAH, 2018)](image)

In the case of the Mexican Cultural Heritage Management Network (MCMN), the examples of different financial mechanisms (FMCRM) without state budget in support of heritage activities have been carried out exclusively on museums. However, in the last 30 years there is information in the literature that indicates the formation of some options now focused on archaeological resources management at sub-
national levels, which motivates the present work to try to figure out some other explanatory frames that can be applied to cultural heritage, for example commons concept and Ostrom’s Institutional Framework, Game theory, and Networks visualizations. These last elements had constituted an important tool to find specific research cases for testing in fieldwork.

Part 1 of this paper contextualizes concepts around Mexican archaeology. It reviews concepts as Public, Biodiversity, Public Archaeology and Development in contemporary regions. Part 2 seeks to show an institutional analysis of changes in Mexican Legislation and Institutions of Cultural Heritage sector, by looking the innovations of different finance mechanisms in support of cultural resource management (FMCRM) as an example. Part 3 addresses visualizations and modeling frameworks for current CHM situations in Mexican arena, also as a method to define scenarios where data can be collected in next moments. Part 4 discusses an Oaxaca CHM case under Ostrom’s principles as an instance to show possible scenarios of analysis, following by the reflection and conclusion on Part 5.

**Part 1. Heritage Stewardship in Mexico: Initial concepts.**

Indigenous peoples have historically been excluded and forgotten from the conception and structural design of the State; from the processes of planning, formulation, execution, and evaluation of the laws, norms, and public policies of the Mexican Federal Government. Although the International Treaties, the Political Constitution of the United Mexican States and the Local Constitution of the State of Oaxaca establish respect for the cultures and spiritual values of the indigenous peoples and recognize the rights of ownership and possession over the lands they occupy by tradition and protect their natural resources, these laws remain anecdotes of lawsuits made before the State or derived from an omission of the Government by not attending to them. Unfortunately, the state recognizes these rights, but it does not respect or enforce them, and in the challenging course of its historical processes it has demanded to be recognized, valued and respected. The territories occupied by the indigenous peoples are sources of wealth, they are also the most unprotected sector regarding the procurement and delivery of justice, health, housing, and education.

Public policies built on the basis of the development of indigenous peoples in Mexico, through government actions, programs or projects to provide services, are not based on their needs since their opinions are not included; the tremendous historical claim is that they are not taken into account, since these policies are constructed by people who have not had a presence in the peoples and do not know the communities from their very essence, and therefore, the implementation of the right to be consulted as contemplated in the international legal sphere is angular and leads to prior and informed consent on issues that directly or indirectly affect the peoples in their territories (Stephen, 2005).

The concept of Development from the indigenous point of view focuses on the criticism and demand for a more just system of government, more closely linked to the cultural reality, aware of a rural reality, which is not only attentive to the international parameters of evaluation but also to the local scenario, where no transportation, without electricity, and living in scarcity of elemental resources is also another reality; in some of this places where corruption is left behind by honesty and solidarity. This idea, in other words, contrast values between current economist neoclassical perspective which refers just economic benefits mainly not considering another social attribute (Watkins, 2005; Zan et al., 2016).

The Political Constitution of the United Mexican States makes minimal reference to indigenous territories and refers to two provisions: on the one hand, article 27 refers to the protection of lands, referring to
indigenous groups, and article 2 refers to preferential access to the natural resources of the places they inhabit and occupy, referring to indigenous peoples and communities. The ownership of land and water within the limits of the national territory originally belongs to the Nation, which exercises maximum power over it and may assign it to private individuals in order to constitute private property, or, once its ownership has been transferred, if necessary, dispose of it through the channels provided for in the Supreme Law itself. Although the ownership of land and water may be transferred to private individuals, this does not imply that the ownership of the natural resources found in them is always transferred; it is the direct responsibility of the Nation to exercise its sovereignty and authorize the governed, without in these cases the private property (regulated by the Civil Code) being able to be constituted, its exploitation and temporary use through a concession. The nation as the original owner of land and water may transfer them to private individuals, giving rise to private or social property (ejido and communal lands) (Hu-DeHart, 2016).

The indigenous lands are those occupied or owned by members of the native peoples, for example, in the ejido property regime that is concentrated in Chiapas, Veracruz, Yucatan, Oaxaca, Hidalgo, and San Luis Potosi, and throughout the Mexican Republic there is concern that the Mexican state does not provide the correct protection and adherence to its legislation and international treaties. Even so, Indigenous peoples and their lands have a profound relationship and connection.

Biodiversity, another keystone community concept, is woven into the millennial life of indigenous cultures, the balance of the existence of indigenous cultures depends on the biodiversity and the balance of our ecosystem, in the areas where a high proportion of indigenous people live, there is an essential part of the best conserved forests and jungles and the upper part of the water catchment areas of the principal rivers of Mexico, in many indigenous groups is stored a significant amount of traditional knowledge about the management of these resources with considerable potential for sustainable management. This situation is repeated for most of the countries with high biodiversity, including the mega-diverse ones (territories with the most significant biological wealth), due to the fact that indigenous peoples have been offered a minimum level of development, climate change on ecosystems and detrimental disturbances on indigenous communities are aggravated, since they depend mainly on environmental products, so this change could affect the development of their crops and thus their production; in addition to affecting the collection of species of wild edible animals, fungi and vegetables used by indigenous peoples to supplement their diet (Pengue, 2005; Rincón, 2007).

Traditional knowledge is collective, culturally differentiated knowledge of indigenous communities and peoples acquired from ancestors, from experience, and still preserved; They are part of the worldview that gives identity to the community, this knowledge is transmitted from parents to children, the relationship between nature and the daily life of indigenous communities is a means of survival, there is a sacred and reciprocal relationship with nature, because they respect it, they ask for its permission, they try to compensate for what it gives them, the indigenous see nature as their home, the capitalists as a business (Salomão and Faria, 2017; Schlager and Ostrom,1992).

This vernacular knowledge is maintained by teaching and passing it on to children, preserving, disseminating and reproducing it within the community, keeping special secrets and communicating it only to trusted people within the community and leaving it as an inheritance. This knowledge is essential because it generates social peace and community development, enabling the indigenous peoples of Mexico to continue to be an indigenous people with their own identity. In the indigenous peoples of
Mexico, the general assembly of the community, the council of elders, the traditional governors, the supreme councils, the municipal authorities, through the governors of usos y costumbres and the communal councils are the bodies that authorize access to traditional knowledge (traditional medicine, production of handicrafts and collective cultural expressions) (Coombe, 2001).

Heritage Regimes is a concept used for the understanding and management of "cultural heritage" as a category of legal, political and governmental significance. Areas of consensus and new forms of conversation are emerging in both academia and enforcement sides of CHM, as new norms of heritage management and forms of valuation are interpreted and applied (Coombe et al. 2007, Coombe and Aylwin 2011). Using cultural heritage management to engineer social change from below not surprisingly entails the use of more abstract normative criteria and more "objective" evaluation practices, including new measures for ascertaining "impact" and doing "cost-benefit" analyses, all of which have effects on local social and political relations as peoples subject themselves to new forms of governance and embrace new forms of reflexivity with respect to their activities. (Coombe et al. 2007, Coombe and Aylwin 2011).

Heritage regimes are increasingly neoliberal in visible and not so obvious ways (Gestrich, 2011). Indeed we are witnessing a new dominance of market ideologies in heritage management and in its means of "valuation" with an increasing emphasis on investment in cultural resources and human capital so as to yield economic returns, adding value to them so as to encourage tourism, foster foreign direct investment, encourage product differentiation, and promote new commodifications of "cultural resources" (Yudice 2003), often through new uses of intellectual property vehicles (Coombe et al. 2007, Coombe and Aylwin 2011). The result of a new way of managing archaeology, its stakeholders, and products, a series of new tools have been created with the intention of improving the management of the world's archaeological resources (Bendix, 2016; Macdonald, 2014). "We disagree with the reduction of neoliberalism to ideology, and will argue, instead, that if heritage studies were to engage in more sustained conversation with the anthropology of neoliberalism, it could make some unique contributions (Coombe and Weiss, 2015)."

Part 2 Mexican Archaeological Heritage Management under an Institutional Analysis approach (IAD).

The nationalist model of Mexican cultural heritage management begins at the end of the revolutionary armed-era under the administration of Lazaro Cardenas, who created the National Institute of Anthropology and History (1939) and the National Institute of Fine Arts (1939). These institutions depended on the Secretary of Public Education until the creation of the National Council of Culture and the Arts (1994) under the government of Carlos Salinas de Gortari (1988-1994) known by its neoliberalism thought; with this ideology change the above mentioned institutions were decentralized from the federal government and their activities are sectorized in a non-structured way, until 2015, with the return of the PRI to the government, the formalization of the Secretary of Culture was legislated (Bordat, 2011).

The decentralization of the cultural sector in Mexico is a slow dynamic driven by an elite sector, whose banner is the government’s inability to manage the vast cultural heritage. Since 1994, the consequences of this process can be seen in the facilities granted to the private sector for the construction of hotels, resorts, museums or sound, and light shows, inside of monument areas; whose operation is on the fringes of an outdated federal law of sites and monuments of 1972, which does not contemplate these scenarios. Since 2015, with the creation of the Law that creates the new Ministry of Culture and its Organic
Regulation, in addition to the General Law of Culture and Cultural Rights, a legal framework is proved for the first time that formally allows the opening to the investments from the private sector (Bordat, 2011).

As shown in Figure 2, the different changes in cultural heritage legislation and institutions under one institutional analysis can be systematized into three periods of change. The first of these has been called Creation of the Idea of Nationalist Culture (CICN), between 1939-1972. In this period is located the creation of the INAH (01) within the national education sector, which provided it with political stability for a long period of time, as it was an important underpinning in the creation of national identity and pride in the country's indigenous roots as state policy.

The next period has been called Creation of New Centres and Institutions (CNCI) between 1972-1988. In 1972, the World Heritage Convention was established at the international level by UNESCO (02), which structurally modifies the definition and recognition of cultural heritage in most of the countries that joined the convention. For Mexico, this represented a profound change in the administration of the heritage; following the international recommendations, the Federal Law of Monuments and Archaeological Zones (03) was created in 1972, which resulted in the creation of a Regional Center (04) as the first decentralization policy to improve the registration and management of cultural goods in Mexico. Thus, in 1974, as a consequence of the new impulse to the archaeological zones, the Patronato de las Unidades Culturales y Turísticas del Estado de Yucatán (YUC) (Patronage of Cultural and Tourist Units of the State of Yucatán) was created; this patronage constitutes the first financial mechanism in Mexico. The following legislative reform is inspired by the international inertia of the 1972 Convention and promotes the recognition of paleontological and underwater heritage (05).
The third period will be called Creation of Subnational Financial Mechanisms for the Management of Cultural Heritage (CSNFMCH) between 1988-2015. With the arrival of Carlos Salinas to the presidency in 1988 a reform of law is registered that creates the National Council for Culture and the Arts (06) that configures the hierarchy of the INAH and INBA in the decisions of the cultural patrimony. As a consequence of these changes, the Megaprojects (MG) were created in Mexico, where 12 archaeological zones would be modified with integral projects financed entirely by the state and whose objective was regional development, perhaps based on the idea of the Work Progress Administration (WPA) of the 1940s in the United States. Without the intention of saying that there are no previous attempts, in 2001 the first public-private organization was founded in the state of Guanajuato, known as the Administration and Investment Trust for the Realization of the Activities of the Archaeological Zones of Guanajuato (GUA), which for the first time contemplates private investment in research and conservation activities in Mexican archaeology. For 2006, the archaeological project of the Tamtok site in the state of Hidalgo is fully funded by the Banamex Cultural Foundation (HGO) and the Teposcolula Project by the Alfredo Harp Helu Oaxaca Foundation (OAX). With the constitutional ratification of the Mexican state of the universality of Cultural rights (07) the possibility was opened of a new change in the national administration of culture, which after several attempts culminated in 2015 with the creation of the Ministry of Culture (08). The implementation of the secondary laws led to an administrative separation of the relation education-culture existing since 1939 (09) with which CONACULTA was only ratified as now Ministry of Culture.

After the 2018 elections in Mexico, and with a new nationalist rhetoric, much expectation has created the possible realization of new Megaprojects in Mexican archaeological sites. However, in the face of a policy of present austerity, the INAH has chosen to create its own financial mechanism in the form of patronage (INAH) in 2019 and presented it on October 25, 2019. This patronage is a public-private mechanism governed by a board of directors, and whose characteristics are to accept private funding for improvements in archaeological sites open to the public as Teotihuacan.


In order to show variations in the Mexican action arena, we will utilize the information available about financial mechanisms used in Mexican CHM between 2006-2012 period. There are several definitions in the literature of financial mechanisms for the development of specific activities and their objectives. For this study we consider concepts which most empathize with the Management of Cultural Resources framework. The first one, raised by the Monterrey Consensus (2002) of UNESCO's Office of Economic and Social Affairs, refers to financial mechanisms as a tool of the national state for the development of substantive activities where private sector participation is recommended in terms of encouraging consistent development, in addition to "good corporated citizens" (Haque and Burdescu, 2003). Within the evolution of the financing mechanisms for specific areas or sectors, the environmental sector stands out enormously, a sector that has developed for many years ahead of the cultural sector and whose results have established guidelines in terms of cooperation with different mechanisms, mainly Public Private Partnerships (PPPs). As an example to take into account in the discussion is the use of financial mechanisms for investment in "Natural Capital", which provides us with a more developed and better defined framework, where we have direct market, indirect market, other markets and non-market mechanisms (Parker et al., 2012). In the case of our study, there is a definition of "proposed institutional arrangement" whose essence is the combination of state, national and sub-national participation, in a cooperative manner, for the purposes stated (Parker et al., 2012).
Second concept will be the mechanism which generates additional development funds by tapping new funding sources (that is, by looking beyond conventional mechanisms such as budget outlays from established donors and bonds from traditional international financial institutions) or by engaging new partners (such as emerging donors and actors in the private sector), it enhances the efficiency of financial flows, by reducing delivery time and/or costs, especially for emergency needs and in crisis situations. Also, it makes financial flows more results-oriented, by explicitly linking funding flows to measurable performance on the ground. (World Bank, 2010).

Among the financial mechanisms implemented in the cultural sector are the Patronages, Trusts and Foundations. Substantial differences are the objectives that each one offers; the board of trustees had a period of growth from the seventies within the cultural sector as a parallel tool to the national administration, and whose example we have in the Yucatan model in Mexico; the trust could be defined as a second step in the transfer of responsibilities where the state is on an equal footing with all those investors for a cultural issue as can be seen in the Guanajuato model; the third case to be defined is the Foundation, the biggest difference being that it is an individual institution motivated by a personal interest and not by a specific public policy, as is the case of the Alfredo Harp Helu Foundation in Oaxaca.

The selected cases are the states of Baja California Sur, Guanajuato, Nuevo Leon, Oaxaca and Yucatan. According to figures from the National Institute of Geography and Statistics (INEGI), these states have different types of income; on the one hand, the states of Oaxaca and Yucatan are below the national median income; in contrast, the states of Baja California, Guanajuato, and Nuevo Leon occupy the first places in the regional and national development indexes, with Nuevo Leon being the national leader.

According to the literature, these states are the ones that present the use of financial mechanisms in support of cultural resource management (FMCHMs) focused mainly on the opening, operation and dissemination of museums and archaeological sites, with the period 2006-2012 being a constant period of use for most of the exhibition. It can observe these changes imply the creation of new financial mechanisms transferring decision-making capacity and income collection to the sub-national level and towards opening up of the sector to public-private participation. This will slowly transfer the obligation to manage the vast national cultural heritage.
The cultural sector in Mexico has been left aside in the construction of social development options, perhaps because it has not represented since 20 years more than 3.0% of the country's GDP (INEGI, 2013), however, according to official figures from 2000 the federal government implemented new directions in the sector that are reflected in the public cultural policies that have been changing towards an opening of the sector to the participation of other actors in the period 2006-2012.

The selected cases offer a series of mechanisms that have emerged over the past 30 years, in parallel with the implementation of structural reforms in Mexico. Except for Nuevo Leon, all other states have at least one UNESCO World Heritage site. In 1987, the State of Yucatan created the Patronage of the Cultural and Tourist Services Units of the State of Yucatan, an administrative figure that receives federal and state budgets with the purpose of increasing the quality and efficiency of services and the creation of shows and museums for the benefit of nearly two million tourists per year that the state receives. With the inauguration of the Great Mayan Museum in the city of Merida one of its emblematic moments in 2016, it also has the right to charge parallel to the federal fee for access to the main archaeological sites and the operation of the existing light and sound shows.

The state of Guanajuato is one of the fastest growing states in the country due to the location in the last 15 years of manufacturing factories for cars, appliances and food. Since 2001, it established by legislation the Management and Investment Trust for the realization of the activities of Rescue and Conservation of Archaeological Sites of the State of Guanajuato, with the objective of having as a sub-national level a participation in research, management and dissemination in archaeological zones, since it had only one
open to the public. With the implementation of these changes, plus the characteristic of allowing private investment, the first time in the country, the model is the closest to an opening of archaeology to private participation. In 2018 the Guanajuato system of cultural spaces operates the services of 6 archaeological zones where it obtains an income, where it finances the archaeological explorations and the habilitation of the sites for the public visit, most of them in the period 2006-2012; besides at least 20 cultural spaces or museums with direct operation.

The state of Oaxaca represents the largest indigenous population of Mexico with 32.2% (INEGI, 2016), and the state is represented by 16 ethnic groups and 245 municipalities considered entirely indigenous. The operation of museums and archaeological zones in the state is managed by the federation, however, there are local phenomena such as the Union of Community Museums of Oaxaca that do not fall within the category of management proposed here because they are of an autonomous nature and there is no information available. The state has 12 areas open to the public, a regional museum with a model shared with the Banamex Foundation (Centro Cultural Santo Domingo) founded in 1994. In this sense, the formation of the Alfredo Harp Helu Oaxaca Foundation is a system of cultural spaces and non-profit programs that since 2004 has invested in cultural spaces, being in 2006 with the Teposcolula project, in the Mixtec region, where a foundation financed archaeological works with the authorization of the national level.

I include the states of Nuevo Leon and Baja California Sur as indicators of particular situations for the development of this research. The first Nuevo Leon is one of the states with the highest economic development in the country, more than 2.0% (INEGI, 2016), however, it is until 2012 that it opens its first archaeological site as part of a National Culture Program. In this state, its activities are focused on the secondary and tertiary sectors and it lacks an indigenous population. Baja California Sur is one of the states with the lowest population density in the country (1.9 inh/km2), in addition to being one of the last states to acquire this category (INEGI, 2016).

In order to observe the differences in operation and outcomes of the FMCHMs through the different cases presented, I consider that to know the efficiency of each financial model studied it is necessary to compare the results obtained based on the type of financing received, the products generated at the beginning of the 2012-2016 administration in each state and the satisfaction of each state with the model. In order to obtain these results, I will base on the data from the Cultural Consumption Surveys in Mexico 2005, 2008 and 2012, in addition to the 2005, 2010 and 2015 economic censuses. These documents include national and sub-national tourist numbers as well as government investment in various related categories. Also, the electoral results before and after the 2006 and 2012 period to measure the acceptance of these changes and their continuity. We can summarize these dimensions in the following categories:

1. Political: Political parties (National and Sub-national levels. 2006-2012), National Policies of the Cultural Sector (Programs, Policy of opening archaeological zones), Comparison of state plans of government, modifications to state laws or creation of mechanisms (PPS- Yucatan Patronage, Guanajuato Trust) Citizen Initiatives (Alfredo Harp Helu Foundation-Oaxaca).

2. Individuals: Governor’s profiles, profiles of Secretary of Culture, Tourism.
3. Contextual: Number of archaeological sites by population number, Number of tourist sites by population number. Number of museums among population numbers. Motivation of the private sector to invest in culture. Influence of the tourism sector.

To compare the socio-political conditions of the creation of financial mechanisms for the development of cultural resource management activities in the states, the socio-economic censuses produced by the National Institute of Geography and Statistics for 2005, 2010 and 2015 will be used. To define the influence of stakeholder or decision-maker profiles the cultural government plans at the national and sub-national levels for the period 2006-2012 will be used, as well as their available income and outflow reports.

To contrast the motivations for investment in the cultural sector, specifically in the operation, opening and management of cultural resources, use the available data from key documents of the existing financial mechanisms and compare them with the results obtained and the social and political context. Define the influence of the tourism sector in the creation of financial mechanisms for the development of cultural activities, I will use the available information of the sector in the period of time indicated, comparing it with the results obtained in the sites with/without some subnational financial mechanism.

Based on analysis and literature review, I can assure that during the period 2006-2012 there was a close partisan relationship in the development of cultural policies, as exemplified by the opening of archaeological zones. As can be seen in Figure 2, most of work deliveries are related to the next electoral period (2012-2018), as well as an increase in the presence of the national government in the sub-national states. It is possible to observe that the national government decentralizes to the sub-national state levels processes of operation and services in cultural spaces, which creates formal institutions such as patronages or trusts, since the law does not allow a full transfer of powers in cultural matters.

This result shows an enormous connection between the national and sub-national plans as a necessary variable for the efficiency of the FMCRM, in this case the Guanajuato State Trust Fund was able to meet its goals by aligning itself with the National Culture Plan 2006-2012, of common partisan ideology (PAN); Another important fact is that the State Development Plan 2006-2012 of the State of Guanajuato has Tourism as its central axis. Both the Governor and the Secretary of State made it a priority to diversify tourism in the state beyond the Cervantino Festival and tourism in the capital city (World Heritage Site).
The essential indicator for the discussion of this study is undoubtedly the growth rate of cultural spaces, museums, and archaeological sites, per inhabitant in the entire sample which yields expected results, but at the same time surprising numbers. For example, as can be seen in Figure 3, although the subnational state of Nuevo Leon is the one of most developed in the country, there is a notable lack of partnership mechanisms with the government for the opening and operation of cultural spaces, this can be associated with the creation of other private mechanisms such as small foundations or civil associations, so the increase follows a national growth rate but is not satisfactory in terms of a substantial increase according to the sample average.

As can also be seen in Figure 5, it can be affirmed that the increases in archaeological sites in the states of Guanajuato and Oaxaca, in addition to the political link, demonstrate in the case of Oaxaca that the national model is still capable of competing in the generation of cultural spaces, and in the case of the state of Guanajuato that in the period 2006-2012 is the most successful model in the fulfillment of its goals and became the state with the largest number of spaces open to the public in the country, with an increase of over one hundred percent.

It can be observed also in Figure 5 that the number of spaces managed by a mechanism other than the government, in partnership or by a financial mechanism is still small in relation to the total number of spaces with formal management in the different states. By example, it is not observed that the involvement of a Foundation has triggered any unusual behavior. In the case of the Alfredo Harp Helu Foundation, more than 2.4 million pesos were invested in the Pueblo Viejo de Teposcolula project during the period 2006-2010 in four seasons. However, the site was not open to the public since there was no institutional interest from the INAH, so the site was covered again, and the materials transported to a warehouse in the Teposcolula town.
In Figure 6, it is very interesting to see the exponential growth of the number of visitors from the state of Yucatan, this can be associated with the high investment in promotion and services quality from his Patronage. One of the consequences of this exponential growth in tourism was the creation in later years of the Yucatan Institute of History and Museums that under the model of Public-Private Partnerships (PPPs) has created the Great Museum of the Mayan World with an annual influx of 600,000 tourists a year.

A strange tourism behavior in Mayan destinations, it can be observed in Figure 6, since 2007 has some explanations. First for the international recognition of Chichen Itza as a Wonder of the Ancient World (the most important archaeological site in the state) and second with the promotion of the End of the World (2012). Based on the behavior of this indicator, I consider that there is a strong relationship between the tourism factor and the motivation to create financial mechanisms to improve the services offered to visitors in cultural centers.

An unexpected result is the proportion of visitors in relation to the states with the largest indigenous populations, both Oaxaca (32.2%) and Yucatan (28.9%) set trends in the number of cultural spaces per inhabitant, in addition to concentrating important tourism centers with almost 500,000 visitors between the two states in 2017. Another interesting data is the increase of more than 63.5% in the number of visitors between 2006 and 2012, in relative terms is one of the highest percentages of this period not only for the sample but for the whole country.
Part 3 Games, modeling and research possibilities for current CHM situations in Mexican context

I have decided to utilize two methodological tools are useful when looking for a research design such as seeking for possible Mexican current samples linked Institutional Analysis and Development (IAD), the theory of common-pool resources (CPRs) and Cultural Heritage. Game experiment is based on the diverse bibliography produced by Elinor Ostrom, one of the explanatory models for institutional diversity has been the Game Theory (Ostrom, 2005; Ahn et al., 2001; Ostrom & Walker, 2003; Ostrom et al., 1994). As is also known, there is an anthropological academic counterpart that does not trust in the predictability of situations of human interaction, and derived from conversations with members of the anthropological community I have integrated another example based on the methodology of social network analysis for research decision making. One of the most notable examples is Laumann and Pappi’s book “Networks of Collective Action: A Perspective on Community Influence Systems (1976) where the authors analyze the structure and functioning of a decision-making system in a community context. Followed by different authors who have represented in network models decision making for various purposes (Foster and Seidman, 1992; Cott, 1997; Mizruchi & Potts, 1999; Edling & Sandell, 2001; Bernard, 2016; Bernard, 2018).

Game theory and Mexican CHM scenario

There are different situations within cultural heritage management that you may consider within different games. Following Ostrom (2005) the identification of a scenario where different rules, norms and institutions interact applies not only to natural resources but also to man-made resources that create decision-making situations (Ostrom 2005; Ostrom, 1990). This enables the application of game modeling in the sense of observing its functioning and determining the probability of approaching the functional scheme of the commons.
In the Mexican case, the social dilemma lies in the consideration of the archaeological zones by the communities as something alienated by the state. For example, access to a certain zone is limited by a payment or tariff that is determined in a federal way and cannot be postponed. However, it is also observable that there are informal institutions in each site that make access possible for certain members of a certain related community. It is for this reason that this model of play based on trust in its next designs contemplates decisions based on attributes or beliefs, reciprocity, communality or prestige.

One of the working hypotheses of this model is that although archeological zones had not been considered as a common resource in the strict definition of the theory and principles of Ostrom (2005), but their maximizations of payments would be greater if their administration were as a CPR. In order to do this, it is necessary to observe the public and collective character of heritage in the Mexican context and, in many of the cases collected, land tenure ownership.

The following model contemplates the observations made in the field during the last years in different archaeological sites in Mexico (n=193) and compared with the available literature. Each of the examples mentioned previously in this document has an explanation in a set of this model for which we will mention it briefly: 1) Yaxchilan-Bonampak: Community, Cooperatives, INAH (free access) would correspond to a C1 game; 2) Tamtok or Teposcolula (Alfredo Harp/Banamex Foundation) would be represented by the P2 game; 3) Guanajuato Model (public-private) would be represented by P1; 4) INAH Patronage would be closer to a G2-P1 game, since its decisions still depend on the public sector; and 5) Copalita (+1) (FONATUR) as unique polycentric example.

![Figure 7. Mexican CHM Decisions Game Model (n=193; G2=179+1, C1=4, P1=6, P2=3)](image-url)
Game description

In this section we model the interaction between a government, a local community, and a private agent in terms of an extensive game. The game aims to model the government’s choice regarding the opening of a new archeological site.

Formally, the government interacts with a local community and a private agent through the following three-stage game:

First stage: The government must decide whether to open the site or not. In the event of choosing not to open the site, the government receives a payoff of zero. On the other hand, if the government chooses to open the site, the game enters the second stage.

Second stage: The government must decide how to open the site. It has four possible alternatives:

1. Public Project: In this case, the government opens and runs the site itself. This case can be seen as the traditional provision of public goods by a government.
2. Community project: The government opens the site but gives the rights to the local community. In this scheme, the local community runs the site.
3. Public-Private Partnership: In this alternative, the government partners up with the private agent to run the site.
4. Private project: In this alternative, the government gives the rights to the private agent.

Third stage: Given the choice made by the government, either the local community and the private agent must decide whether to accept or reject the proposal made by the government. The offer to the local community consists in managing the archeological site by themselves. For the case of the private agent, the government can choose between two different proposals. The first one consists of private-public partnership, in which the government and the private agent jointly run the site. The second proposal consists in awarding the site to the private agent.

Payoffs/Benefits: Given the choices made in this game, the government, the local community, and the private agent derive associated benefits to different combinations of choices.

Despite its simplicity, the game just described is rich enough to predict the outcome of the strategic interaction of these three actors. To see this, next picture describes a particular configuration of the game.

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1 Note that in the event that the government chooses public project, then neither the local community nor the private agent need to choose.
The tree in Figure 8 shows a particular case of the extensive form game described above. In this figure, the payoffs are shown at the bottom of each branch. The first component of the vector corresponds to government’s payoffs. The second component describes the local community’s payoffs. Finally, the last component describes private agent’s payoffs. For example, if at the first stage the government decides don’t open the game ends up and the three players receive a payoff of 0.

Now given the game in Figure 8, it is easy to see that the ‘equilibrium’ of it will describe a situation in which the government opens the site and gives the rights to the local community who accepts the proposal. The payoffs associated to these actions are 2 for the government, 4 for the local community, and 0 for the private agent. It is worth noticing that in this case, the government can propose a private-public agreement and the private agent will accept. Similarly, the private agent will accept the proposal of running the site as a private project. However, in its interaction with the private agent, the government will receive a lower payoff compared with the one received from its interaction with the local community. Similarly, the government obtains a higher payoff operating the site through the local community compared to the public project option.

Thus, the figure describes a situation where there is a unique equilibrium in which the government decides to open a new site offering it to the local community who accepts it.

Now let’s analyze a different situation. In particular, let’s focus in the game shown in Figure 9.
Figure 9: A game where the site is operated by a private-public partnership

Looking at the payoffs of this new game we can mention the following. First, in the last stage of the game both the local community and the private agent accept the government’s proposal. Knowing this, the government problem consists of comparing the benefits of the public project, local community project, private-public partnership, and private project. Based on the payoffs described in the figure, it is easy to conclude that the government will decide for the private-public partnership alternative. Thus, the solution in this case implies that the government opens the site in collaboration with the private agent who agrees to it.² In a similar way describes a game in which the government opens the site using a private project. Figure 10 below shows a game consistent with this outcome. The analysis of this game follows the same logic as the one analyzed in Figure 9. Because of this, we omit the details.

Figure 10: A game where the site is operated by the private agent

² It is worth noticing that the private agent prefers the option of private project. However, given the payoffs in the Figure, the government offers the private–public project.
Finally, we can use our game to describe a situation in which the site will be run as a public project. Figure 11 below describes a game generating this outcome.

![Game Diagram]

**Figure 11: A game where the site is operated as a public project**

In this game, it is easy to see that when deciding how to assign the project, the government will choose the public project option. This alternative yields a benefit of 4, which is highest payoff that the government can obtain.

Summarizing, using a simple game theoretic model allows one to rationalize different schemes of how to open and run archeological sites. A natural question is: how to use this model in practice? The answer will depend in our ability to obtain good estimates of the benefits associated to different combination of actions. However, we may expect that relevant information to construct these estimates may be available using **C1 examples** for research fieldwork in Summer 2020.

**C1 examples as a best field research case type (for Summer 2020)**

**San Pablo Villa de Mitla action arena**

This case study will be into the municipality of San Pablo Villa de Mitla, Oaxaca. In 2018, the comuneros, or peasant landlords ruled by a consuetudinary law, inaugurated a communal-ruled project called Prehistoric Caves of Mitla. In 2007, the community began to work on the conservation of their lands with the National Commission of Natural Protected Areas, an effort which stopped the quarry extraction and began a low impact use. In 2010, the site was included in the UNESCO denomination as World Heritage by having within their nuclear zone the Cave of Guila Naquitz, where archaeologists found remains of
maize primigenial in the years 60’s and ultimately confirmed by new researches. This event made a revaluation of space, at the same time grew speculation. In 2012, Mitla’ community decided to join the Volunteer Areas program. One of the fundamental advances is the registration of existing flora and fauna, in addition to which the comuneros certified 4,200 square kilometers as a Volunteer Natural Area. Under the theme of the old maize, communal fairs helped to disseminate, through lectures and exchange of seeds with producers of the State of Oaxaca, a conservation program of the native corn; besides having the first public plan of low impact visiting for contexts as dry caves. One of its most significant achievements is the opening of the trail as a communal-rulled CHM project since 2018. Additionally, by promoting the involvement of this Zapotec indigenous community directly in protecting their heritage by joining stakeholders in a communitarian museum project. This scheme constitutes a totally new perspective in Mexican Cultural Heritage arena.

_Yaxchilan-Bonampak action arena_

This research will focus on the Mexican state of Chiapas, which has been at a socio-political crossroads since 1994. Since the appearance of the Zapatista Army of National Liberation (EZLN), cities such as San Cristobal de las Casas and Frontera have been heavily influenced by military incursions which has had a direct impact on the cultural heritage of the region. Initially, tourists abandoned the area and archaeological projects decreased. As reported by Magar and Orea (2005), Hole (2008) Vargas (2015), and Sanchez (2016), the dynamics of managing archaeological sites changed utterly and the Lacandon Maya, the local indigenous community, took over the control and administration of these spaces as government control because infeasible. This case constitutes an institutional challenge to Mexican CHM policy because under the current Federal Law of Archaeological Zones and Monuments (1972), the administration of heritage, including protection, dissemination, maintenance, income management, and research in Mexico is a monopoly of the State. In this situation the Lacandones have become a new type of heritage agent who have created an unprecedented approach to the management of Mexican cultural resources (Sánchez 2016).

The region’s archaeological heritage has been managed by the Lacandones since 2008, including the Yaxchilan and Bonampak sites in Frontera municipality. In Zapatista-controlled areas, all tourist transport facilities, which were managed by private companies, are now run by community cooperatives. Nevertheless, the National Institute of Anthropology and History still plays a role with many local Maya natives involved. Federal ticketing and money collection are currently prohibited at these sites, but federal archaeological and monument restoration projects are still running. In the natural resources sector the situation has been very different, as evidenced by the burning of National Commission of Protected Natural Areas (CONANP) camps near the Bonampak entrance.

Chiapas’ complex history makes it an excellent case study to investigate the coexistence of law enforcement, cultural heritage, ethics, social movements in the exercise of CHM in Mexico, and this research, support from the Tinker Foundation, will make it possible for me to collect and contrast samples of CHM in Mexico where the decision-making process has a collective action arena; where the bundle of rights and especially the possession of the land corresponds to communities in the different modalities that Mexican law recognizes, and whose results can be measured and compared with all the archaeological sites open to the public in the country (n=193).
**Cultural Heritage Management (CHM) Network Modeling**

**Network description (Oaxaca CHM action arena)**

**Nodes:** The nodes of this model have been ranked in size or hierarchy importance:

1. Square: Populations in Oaxaca size ranked by number of inhabitants which number 1 corresponds to Oaxaca city. 21 Tlacolula, 17 Teotitlan de Flores Magon, 13 Huatulco, 10 Ixtlan, 8 Huajuapan del Leon.
2. Triangle: Archaeological or Cultural Heritage project which is running entirely by state budget.
3. Diamond: Archaeological or Cultural Heritage project which is running entirely by another type of financial mechanism. 7 Nexicho, 19 Copalita and 32 Teposcolula.

**Bridge descriptions:** The bridge length values correspond to actual distance from central node, number 1 in this case which represents Oaxaca City; as can be noted a central system has been represented because is how decision-making process is taking place nowadays in MCHMN. The numbers aside bridges aim to show the political-node correspondence, in other words, to whom authorities talk first in case they have an CHM issue about these ongoing projects and sites. This hierarchical classification also corresponds to the actual political districts (30 total) in which Oaxaca state is divided.

![Figure 12. Oaxacan CHM Network Model exercise](image-url)
Figure 13. State of Oaxacan with political district division (n=30). (CC,2018)

**Part 4 Research Designs with the idea as heritage as a CPR in Mexico’s Heritage**

Is it possible to find a case study close to the idea of a cultural resource of common use (CCPR)? This discussion is an exercise of comparison between an example of CHM in Oaxaca and the principles of commons developed by Elinor Ostrom for analysis as CPRs. These methodological exercises have been developed in recent years by academics concerned about intertwining the two dimensions of cultural heritage: global and local. Thus, from a theoretical perspective and global dimension of cultural heritage Yan Zhang (2012) proposes us to dimension the strategies of managing world heritage (WH) as a CPR from the ordinances of UNESCO and the World Heritage Convention (WHC), his proposal discusses the concept of value of heritage sites. It also makes an institutional analysis of the process of *patrimonialization* and nomination of sites towards the WH denomination; and how tourism determines almost all variables with respect to the operation and management of a given site. However, the great value of Zhang’s work is to be able to approach the development of cultural goods under a form of self-government, according to the Ostrom principles (Zhang, 2012; Alonso, 2014; Gould, 2014).

Zhang (2012) and authors such as Barbash-Riley (2015) discuss an essential issue in the conceptualization of cultural goods and CPRs: The concept of ownership in cultural heritage. This discussion can be framed within what Hess (2008) proposes about the nature of cultural heritage and that recently Chris Bilton &
Gonzalo Soltero (2019) talk about the influence of nationalist meta-narratives in the definition of cultural policies in Mexico and Great Britain. For many years this discussion has been open between different fields of economics and anthropology, where the discussion is whether cultural goods are elements capable of having an economic value in current terms. For example, and following the idea of the foundational ideology of legal frameworks, in the Mexican case the influence of the French tradition (Bilton & Sotero, 2019) places cultural heritage value as incalculable, since its existence is parallel to that of the state and is therefore a public idea of heritage. Incluso el desarrollo de políticas publicas dentro del estudio de los procesos legislativos alrededor del patrimonio cultural (Kaitavuori, 2019).

From an economic perspective the discussion focuses on the nature of the goods: public goods, common goods, private goods and club goods; the classification is proposed through the levels of excludability and rivalry in consumption (Ostrom, 2005). In these parameters, their cultural value and non-use make cultural heritage usually classified as a public good (Serageldin 1999). The discussion with the authors again focuses on the two dimensions of cultural heritage: Global-Local. In the practical case of the underwater heritage Barbash-Riley (2015) details the international and local legal scaffolding that has followed the submerged heritage of the Dominican Republic and how international legislation has encountered different formal and informal institutions in the Caribbean country. Barbash-Riley (2015) takes us to the same by different processes and legal arguments of other cases in Florida (US) and that has unchained international controversies between different countries by the property of the discovered goods. The discussion in this article reinforces the hypothesis that there is a difference in the application of institutions that resides in the foundational ideological spirit of each law or convention; in this case between what inspires world heritage ordinances and the idea of ownership for laws such as the United States or Great Britain and other laws of other countries inspired by another legal conceptual framework.

Within the Ostrom IAD model (2005) one of the potential components that can help to discuss these conceptual differences are those of community attributes such as reciprocity, communality or prestige. From the experimental economy Ostrom and Walker (2003) they raise the possibility that for diverse scenarios these community attributes can take part in the collective decision making in common goods, and I consider that this idea is fundamental for the working hypothesis of this project in next years. Perhaps another pendant exercise is to compare a communitarian museum and phases in CIAD Cole y McGinnis (2019) scope.

**Mexican CHM case under Ostrom’s principles: Community Museums in Oaxaca (1983- today). An exercise.**

In 1983 in Mexico, under questioning by the UNESCO on the role of traditional museums and innovation proposals from some specialists from ICOM, within the National Institute of Anthropology and History (INAH) new museological projects were planned, among which is the National Program for Community Museums. INAH worked for nine years in seven states of the Mexican Republic to systematize the methodology of this new type of museum, and during this time 55 indigenous community museums were created. The objectives of Community Museums Program set out to achieve were:

- Recognize the central role of communities in the preservation and enrichment of their historical, cultural and natural heritage.
- To contribute to the knowledge of local and regional histories among different sectors of the population.
- Extend educational services to sectors of the most disadvantaged populations.
• Build dynamic cultural spaces in which communities were recognized in their past and their present.

Thus, the Community Museum aims to be, from its planning, a museum other than traditional: a space of the will from people to assert ownership of their heritage against the threat of losing it. The methodology used "responds to the needs and interests of the community it serves, fulfills the functions of the museum within a framework of participation and decisions, inversely to traditional methodologies, are taken by the community and not by specialists "(Rico Mansard: 12).

A community museum is a space for communication and education through which the community expresses and learn their cultural heritage and reflect on their identity; it is also a space narrative story in which the relationship between past and present bind.

A Community Museum has organized and active community involvement; its themes and activities are linked to the interests and needs of the population. This type of museum aims to be dynamic, enthusiastic and democratic, for this reason, the community as a whole must come to feel ownership of it. Through participation, creation, and development of the museum, community responsibility and possession of the museum, reflecting the outcome of their efforts. Finally, a community museum should be an instrument to strengthen the organizational structure of the community and become a starting point for other community projects and cultural initiatives. Tourism just can be a secondary purpose of the museum.

Principle 1: Clearly Defined Boundaries

“individuals or households who have rights to withdraw resource units must be clearly defined, as must the boundaries of the resource itself” (Ostrom, 1990)

In the case of a community museum, the limits of space, time, frontier and belonging are perfectly delimited. The members, indigenous or mestizo, have an established organization. The resource itself is delimited and defined by the owners of the cultural property; the space is defined by the community members themselves in open and collective mechanisms.

Principle 2: Congruence between Appropriation and Provision Rules and Local Conditions

A community museum reinforces the history of the community because it is built from the participation of all individuals who are part of it. As much as the museum location and its contents are defined by means of participative exercises and the mechanisms of resolution of conflicts adopt the uses and established customs.

Principle 6: Conflict-resolution Mechanisms

A conflict is resolved at low cost because the rules are clear. If there is a conflict, it will first be exposed within the museum council and if its solution is complex, the case will be brought before the assembly of the population. In the case of community museums, the participation of NGOs in decision-making is limited.

Principle 7: Minimal Recognition of Rights to Organize

“The rights of appropriators to devise their own institutions are not challenged by external governmental authorities” (Ostrom, 1990).
However, in other sectors such as the environment, many of these groups have been influenced by NGOs or other sectoral programs that take the freedom to make decisions. In the case of the community, in essence of the project, the decisions have a communal or collective character that does not necessarily follow the inertia of the government or other institutions. It is often a source of conflict with the state.

Principle 8: Nested Enterprises

“appropriation, provision, monitoring, enforcement, conflict resolution, and governance activities are organized in multiple layers of nested enterprises” (Ostrom, 1990).

As can be seen in the creation of "committees" within a collective organization such as a community, the different tasks are assigned to members who are perfectly recognizable and who must report to a body designated for that purpose as well as to the general assembly. In addition, in recent years networks have been developed among museums as the National Network of Community Museums. A group is assigned to assist and represent your museum within that dynamic.

**Part 5 Final conclusions**

*Same people, different resources, different outcomes*

The case of Mexico is not unique, as we can observe the development of public policies in nature and cultural heritage conservation in the global arena. For instance, everyday CHM tasks are carried out by NGO’s in public-private partnerships with the Mexican government. By instance, these institutions are promoters of the purchase of large tracts of land to receive payment and tax deductibility by delivered services. In these situations, the ethics of the professional is essential, the various positions are intertwined in interests and social groups and respecting cultural rights. In the Mexican scenario is present unfortunately a loss of trust in government institutions and the more significant presence of illegal activities that have the consequence that in some parts of the country whole conservation efforts are simulated or null.

The MCHMN cases show us several possible scenarios, some of those presented here show us the possibilities of building a general and ethical participatory framework where the joint work of the governmental and social authorities, together with Intersectoral and cross-cutting policies including federal, state and local competencies, can be built. This exercise could possible with an essential dialogue between academia, public authorities and local agents, in addition to the fact that the Public Policy Lines oblige to revise and update the legal norms according to the reality of Mexican cultural rights. Some ideas can be proposed in conjunction with the actual circumstances of Mexico CHM:

I. - Use governance bodies (national and international). Maintain existing and implemented programs such as PET (Temporal Employee Program), in support of primary tasks or develop others, involve CONANP units, advisory councils.

II. - To generate new instruments before the new Law of Culture and inclusion in the legislation of the right to culture. Strengthening of Public-Private Associations in the face of the new legislation.

III. - To propose the binomial patrimony-development a Sustainable cultural-heritage tourism paradigm without generating false expectations, such as dynamization of the territory (identity and roots).
IV.- Establish an alliance between the academic community, society and local agents as a potential basis for the natural and cultural ethics recognition of the inhabitants of the area.

V.- Involve in the preservation and enjoyment of the archaeological heritage groups and managers of public and private institutions (Guanajuato State model). Approach to cooperation mechanisms.

VI.- Contribution of patrimonial services. Design of bonuses or payments for the service of community members to the archaeological site, so that they may achieve the appropriation of the heritage and the increase of the levels of well-being of the surrounding populations (like current environmental policies and payment for environmental services -forest bonuses-, water-certificates of water saving-, carbon ecological degree). Not for free. (No Debt Bonds).
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