

A PROPOSAL FOR THE ESTABLISHMENT OF A MASTER'S OF HISTORIC  
PRESERVATION PROGRAM IN CHILE

by

MONICA D. HAYDEN

(Under the direction of John C. Waters)

ABSTRACT

An examination of the preservation movement in Chile provides the framework for the proposal of a Historic Preservation graduate program for the School of Architecture of the University of Chile, in response to their stated request for assistance in that undertaking. This thesis looks at the current legislation, private and public involvement, and evolution of the preservation activity, and presents alternatives for implementation of post-graduate studies in the field of historic preservation in that country.

INDEX WORDS: Santiago, Chile, Legislation, National Monuments Council, NMC, Law of National Monuments, LNM, Valparaiso, World heritage, Organizations, Foundations, Cultural heritage, National patrimony

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## DEDICATION

To: Kurt, Arturo and Alicia, with much gratitude.

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## CHAPTER 1

### INTRODUCTION

Chile is appropriately positioned to establish the profession of historic preservation into its national culture within the next five to ten years, based on its legal foundation, the quantity and quality of existing historic sites in Chile, and the demand for a university program in that country. Presently, there is a stated interest on the part of the University of Chile's School of Architecture to engage the assistance of University of Georgia (UGA) in setting up a historic preservation program.

Chile's entrance into the North American Free Trade Agreement (NAFTA) and the European Union has helped to promote cultural and commercial exchanges between the U.S. and Chile. Currently, several U.S. universities such as Harvard, MIT, and the University of California, have set up local offices in Santiago to facilitate such exchanges. Chile has unique cultural ties to the Anglo national and ethnic heritage, whose manifestations are evident principally in the northern and central regions, as well as in the southernmost regions of Patagonia. This came about as a result of several migratory currents of English and North American origin during the first half of the twentieth century, fostered mainly by the unique Mediterranean climate of the country, Chile's seafaring tradition, and the economic opportunities provided by the mining ventures of the north, and the cattle industry of the south. These characteristics make Chile uniquely positioned to seek successful partnerships with Anglo-American institutions.

This study hopes to lay the groundwork for an inter-university collaboration between the University of Georgia and the University of Chile, which consequently could be used as a model for similar collaborations with other institutions of higher learning in Latin America. A partnership between UGA and the University of Chile—the oldest and most respected institution of higher learning in the country, and possibly in South America—would enhance UGA’s standing in the sphere of international education. Furthermore, the knowledge provided by this thesis should be instrumental in the development of a curriculum that will be adequately tailored to the specific needs of that country. The potential to acquire international insights that could be incorporated into UGA’s existing Historic Preservation program is another potential consequence of this study.

### **Methodology**

Critical to the success of this project was the face-to-face contact with the appropriate government and academic officials in Chile, as well as hands-on research conducted in the field. A visit to Santiago, Chile, completed the research and solidified contacts between UGA and the University of Chile.

The working methodology was centered mainly on personal interviews with University of Chile’s School of Architecture faculty with an interest in historic preservation. Several interviews and follow-up visits were programmed with these and other individuals. There were visits to historically significant venues such as the city of Valparaiso. This was an important part of this research, due to the city’s historical character and importance as a recently designated World Heritage City. A meeting with a Chilean representative to the International Council of Monuments and Sites (ICOMOS-

an international non-governmental organization of professionals, dedicated to the conservation of the world's historic monuments and sites), contributed to the research as well. Research was also conducted at the National Library of Chile, Chilean Ministry of Housing and Urban Development, and consulting locally published materials such as books, pamphlets, and periodicals. Numerous websites related to the topic also provided invaluable information.

The most valuable aspect of the site visit was the establishment of lines of communication between the University of Chile and the University of Georgia, and the building of what is hoped will be a lasting relationship between both institutions for the purpose of collaborations in the creation of graduate programs in Chile—namely in the field of Historic Preservation—as well as exchange opportunities for students and faculty. The work conducted during this site visit is an important initial step towards the formation of such a partnership, and will give a practical application to the thesis topic.

CHAPTER 2  
HISTORICAL BACKGROUND AND EVOLUTION OF CHILE'S PRESERVATION  
PHILOSOPHY

**General Information<sup>1</sup>**

Chile's geographical area is 748,800 square kilometers. Its total population at the 2000 census was 14,973,843.

The Political Constitution of 1980 establishes the administrative division of the country into thirteen regions from north to south: Antofagasta, Atacama, Coquimbo, Tarapaca, Valparaiso, Metropolitan Region (Santiago), Libertador Bernardo O'Higgins, Maule, Bio-Bio, Araucanía, Los Lagos, Aisen, and Magallanes including the Chilean Antarctica. Chile is a democratic republic. The executive power is in the hands of a democratically elected President; the legislative power is exercised by Congress, composed of two houses: the Senate and the Chamber of Deputies, and the judicial power is held by the Supreme Court. The Chilean legal system is based on the Roman code.

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<sup>1</sup> Fundacion Historica Tavera, "Informe Experto de la Fundacion Historica Tavera Sobre su Situation (1999-2000)," *Los Archivos de America Latina*, 2000, <http://www.tavera.com/tavera/informe/chile/chintr.htm>. (accessed June 27, 2004).

## Historical Overview<sup>2</sup>

The exploration and conquest of Chile by the Spanish discoverers was connected from the beginning to the process of conquest and settlement of Peru. The territories that currently make up the Republic of Chile depended administratively upon the Peruvian “virreinato,” which formed a General “Capitania.” However, during the sixteenth, seventeenth and eighteenth centuries, Chile secured its judicial and administrative independence from Lima. At the beginning of the seventeenth century, a cultural and social separation from the Peruvian capital began as well, with the development of a solid “Chilean consciousness.”

The French invasion of Spain and the consequent power vacuum in the Spanish government prompted in Chile, as in the rest of the Spanish American territories, the formation of governing “juntas” which led to the seizing of power by the descendents of the Spanish colonists in September 1810. The total independence of Chile would finally take place in 1818, under the government of General Bernardo O’Higgins.

The War of the Pacific of 1879 resulted in Chile’s annexation of northern territories rich in nitrates. Consequently, the production and export of nitrate experienced an enormous growth, becoming the main source of income for the country until the First World War. Thus the boom experienced as a result of this phenomenon bolstered the development of a mining aristocracy in the northern territories, with the consequent development of cities rich in culture and industry.

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<sup>2</sup> Fundacion Historica Tavera, "Informe Experto de la Fundacion Historica Tavera Sobre su Situation (1999-2000)," *Los Archivos de America Latina*, 2000, <http://www.tavera.com/tavera/informe/chile/chintr.htm>. (accessed February 8, 2004).

### Urbanism and its Evolution<sup>3</sup>

During the eighteenth century several villages were founded in Chile. This process was encouraged by the Crown and by several efficient governors. Noted architects contributed to the beautification of cities through remarkable architectural designs.

The testimony of contemporaries, especially foreigners who visited the territory, allows us to document the nature of these changes in the urban life of the Chilean cities of the eighteenth century. According to Amadée Frezier, chronicler who visited Chile between 1712 and 1713, the city of Valparaiso—Chile's principal port today—was composed of a hundred modest houses poorly arranged and at different levels, located along the beach. Thirty years later, the English seafarer John Byron had similar thoughts with regard to the port, although he did recognize a few improvements. Although George Vancouver traveling through Chile in 1795 warned about the dirtiness of the streets, Byron indicated that Santiago was a city situated in a "*most beautiful valley,*" well paved and with an abundance of orange trees, blossoms, and "*all sorts of flowers that perfume the homes and sometimes the entire city.*" He added that "*in the middle of the city there is a great square, called Royal Square, where eight avenues meet. The west side is occupied by the cathedral and the Episcopal palace; on the north side is the presidential palace, the Royal Audience, the Cabildo, and the jail; on the south side there is a row of portals alongside which are shops, and above them a gallery to watch the bull fights; and on the east side there are a few large houses that belong to people of distinction.*"

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<sup>3</sup> Archivos y Museos de Chile Direccion de Bibliotecas, "Vida Urbana en el Siglo XVIII," *Memoria Chilena*, [http://www.memoriachilena.cl/ut\\_pres.asp?id\\_ut=lavidaenlasciudadesdelsigloxxviii/](http://www.memoriachilena.cl/ut_pres.asp?id_ut=lavidaenlasciudadesdelsigloxxviii/) (accessed March 21, 2004).

Towards the end of the eighteenth century, the expansion of commerce, legal and illegal, opened the door to European ideas which were quickly adopted by the population, such as dress, social customs and protocol, leisure activities, home décor and cuisine. During this time, governors with enlightened ideas embarked on a process of improvement of the main cities of the country. The Italian architect Joaquin Toesca made an important contribution to the beautification of Santiago, particularly through the construction of public buildings in Santiago, such as La Moneda, Chile's Presidential Palace.

#### ***Founding and Development of Santiago (1541-1552)<sup>4</sup>***

The founding of Santiago was the first important milestone of the Spanish colonization process in Chile, since the city was the starting point of all expeditions that initiated the exploration and occupation of new territories. On February 12, 1541, Pedro de Valdivia chose to settle in the Mapocho river valley, estimating that the numerous indigenous populations living in the area was evident proof of the agricultural richness of the soil. In order to guarantee the water source and its protection, the village was established between two arms of the river, beneath the protection of a hill called Huelén, from whose summit one could observe any hostile activity within a broad geographical area.

The city plan was drawn on a grid, following the traditional Hispanic urban model in America. It comprised 126 blocks, separated by regularly spaced streets of similar

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<sup>4</sup> Archivos y Museos de Chile Direccion de Bibliotecas, "Fundacion y Desarrollo de Santiago," *Memoria Chilena*, [http://www.memoriachilena.cl/ut\\_pres.asp?id\\_ut=fundacionydesarrollodelaciudaddesantiago:sigloxvi/](http://www.memoriachilena.cl/ut_pres.asp?id_ut=fundacionydesarrollodelaciudaddesantiago:sigloxvi/) (accessed March 21, 2004).

width. A main square was situated at the center of the village, around which were located a chapel, a few warehouses, and the homes of the more prominent citizens. Construction of these homes utilized indigenous materials such as wood, straw, stone and mud.

In addition to the physical location of the village, the first colonists organized themselves politically in a “cabildo,” a Spanish institution of medieval origin in which the community entrusts the administration of the city to the most important residents. Due to the great distance of this new settlement from other centers of power and decision, the Cabildo of Santiago assumed the government of the entire territory. The designation of a governor by the king of Spain relieved the city of its executive and military responsibilities, however. These duties were assumed by the governor, who by virtue of residing in Santiago conferred upon the city the designation of Capital of the Territory.

Ten years after its founding, in spite of Indian attacks that destroyed the budding community several times, the city of Santiago attained stability thanks to the establishment of a port city in the bay of Valparaiso, which allowed the regular importation of reinforcements and provisions from Peru. As a consequence of the strengthening of the Hispanic occupation of the Aconcagua and Cachapoal river basins, confrontations with the Indians shifted south by several kilometers. These conditions gave the inhabitants of Santiago the ability to enjoy more peace and granted them more time and resources to invest in the improvement of the city. Thus on April 5, 1552 the king of Spain granted Santiago the title of City, together with a coat of arms.

Nevertheless, the process of urban consolidation was extremely difficult due to the extraordinary struggles of the long War of Arauco against the Indians, the slow economic development of the kingdom, and the periodic recurrence of natural disasters

which on several occasions forced the reconstruction of the city from the ground up. The overflow of the Mapocho River in 1609 prompted the Cabildo of Santiago to make the first important investments in the creation of an infrastructure for the city, such as the construction of the first retaining walls to contain the river floods, as well as an aqueduct that brought clean water to the city from a nearby gorge. By the end of the seventeenth century, Santiago had become a burgeoning metropolis, exhibiting a few important buildings, and supporting the pursuit of productive activities by its residents.

The whims of nature were never too far from mind, however, wreaking havoc with each earthquake and flood, and generally causing a good deal of damage to the city. This extreme fragility was resolved only after scientific techniques were used in the construction of new buildings. By the end of the eighteenth century, the city of Santiago experienced a process of extensive urban renewal manifested by the construction of significant public works, among which were: the Calicanto Bridge, the retaining walls of the Mapocho river, the road to Valparaiso, the channeling of the Maipo river, a second cathedral, the rehabilitation of the Cabildo and Mayor Square, the erection of public buildings such as the Moneda, the Royal Audience, and the Royal Customs building.<sup>5</sup>

At the same time, the rural society began its transformation during the eighteenth century, at the beginning of the process of town creation undertaken by the governors of the time. This process had its origins in two phenomena: the demographic growth that took place in the central valley, and the new policy of the Spanish Bourbon monarchs, which sought to reorganize the administration of the American territories, promoting the

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<sup>5</sup> Archivos y Museos Direccion de Bibliotecas, "Vida Urbana en el Siglo XVIII," *Memoria Chilena*, [http://www.memoriachilena.cl/ut\\_link\\_dest.asp?id=vidaciudadessantiago/](http://www.memoriachilena.cl/ut_link_dest.asp?id=vidaciudadessantiago/) (accessed March 21, 2004).

establishment of new urban centers. By the end of the seventeenth century, the only important urban centers of the time were La Serena, Valparaiso, Santiago, Chillan, and Concepcion, all situated to the north of the Bio-Bio River, where the Spanish population had settled following the great Indian uprising at the end of the sixteenth century.

The eighteenth century saw a surge in the founding of cities, with more than twenty created between the years 1717 and 1798. The magnitude of this process allows us to affirm that central Chile is the work of the enlightened eighteenth century, given to reform, which promoted changes in the rigid social structures of the Chilean countryside, and gave way to an urban community.<sup>6</sup>

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<sup>6</sup> Archivos y Museos de Chile Direccion de Bibliotecas, "Fundacion de Ciudades Siglo XVIII," *Memoria Chilena*, [http://www.memoriachilena.cl/ut\\_pres.asp?id\\_ut=fundaciondeciudadesenelsigloxviii/](http://www.memoriachilena.cl/ut_pres.asp?id_ut=fundaciondeciudadesenelsigloxviii/) (accessed March 21, 2004).

## Evolution of the Heritage Conservation Movement in Chile

### *Legislation*

The legal and regulatory norms that regulate the conservation, restoration, dissemination, financing, and commercialization of the country's cultural patrimony—defined as every expression of cultural, artistic, and historical heritage manifestations—are scattered within legal instruments of diverse status and scope, such as Article 19 of the **Political Constitution** of 1980, the **General Law of Urbanism and Construction**, and the **Law of Indigenous Peoples** (1993). The actions and fundamentals that relate to the national patrimony are contained in the **Law of National Monuments** (LNM) which, according to those involved in historic preservation, should be modified in order to have a legislative basis that is more in accord with the times and the present needs of the country. This LNM defines the different categories of national monuments and establishes the powers and duties of the National Monuments Council (NMC). The LNM regulates the designation of historic monuments and the allocation of funds for the administration of the NMC.

For a listing and description of the laws affecting the cultural heritage, please refer to Appendix A.

## *Organizations*

### ***Public Organizations***

Two main public organizations manage the national cultural heritage: the National Monuments Council (NMC) and the National Council of Culture and the Arts (NCCA). Both organizations were created by law decree, and both act independent of each other. The NMC focuses mainly on the administration of the national patrimony, whereas the NCCA has a broader scope. This organization manages all aspects of the national cultural activity, including those actions directed to the protection of the national patrimony. A full description of the roles and responsibilities of these government agencies is presented in Appendix B.

### ***Non-Profit Organizations***

Several private non-profit organizations work towards fostering the protection of the national patrimony. The majority of these organizations were created during the past decade. These organizations work towards the conservation of tangible and intangible elements of the national cultural patrimony, including historic buildings and sites. Among the most important private organizations are: the Corporation of the Cultural Patrimony of Chile, the Corporation for the Conservation of the Architectural and Urban Patrimony, the Foundation of Friends of the Churches of Chiloe, the Valparaiso Foundation, and the Foundation for the Support of Cultural Heritage Research. For a detailed description of these and other non-profit organizations, please refer to Appendix B.

### ***Volunteer Organizations***

A number of volunteer organizations work together with government institutions as well as non-profit groups to support their actions towards the preservation and promotion of the country's national heritage. See Appendix B.

### ***Current Preservation Activity***

There is a growing interest and public awareness of the national cultural heritage—a popular program has been established whereby every last Sunday of the month all monuments are opened to the public free of charge. Cultural heritage issues are continuously being brought forward by the different communications media—newspapers, magazines, and television. Public and private organizations continuously sponsor a variety of cultural awareness programs. Advertisement for these programs is prominently displayed in public spaces such as subway stations, street lamps, and billboards. The message being sent to the public about the importance of their cultural heritage permeates their daily lives, and is loud and clear.

### ***Day of the National Cultural Patrimony***

This annual celebration takes place on the last Sunday in May, culminating a week-long program of activities in each region of the country. These activities include educational programs and field trips for schools, city walking tours, different presentations and exhibits at each historic site as well as in and around the city.

**PROGRAMA**

**SALA MEDINA:** Muestra de "Joyas" bibliográficas y conocimiento de sus colecciones.

**ARCHIVO DEL ESCRITOR:** Muestra de manuscritos, fotografías y documentos originales; además, exposición de materiales del Archivo de Literatura Oral.

**SALA ERCILLA:** Poetas y actores leerán para los niños y la familia: 12 horas.

**SALÓN FUNDADORES:** Exposición en vitrinas de colecciones patrimoniales de las secciones Fondo General, Chilena, Hemeroteca, Mapoteca y Ciegos. Además, muestra de labor realizada en Conservación y Restauración.

**SALA TERRA:** Recorrido por el sitio web "Memoria Chilena".

**SALA DE REFERENCIA:** Muestra de sus colecciones y formas de uso de las mismas.

**PERIÓDICOS:** Exposición de periódicos antiguos, de regiones, electrónicos y muestra de microfilmes.

**BIBLIOTECA NACIONAL DE CHILE**

**UNIVERSIDAD DE VALPARAÍSO**

**MAYO**

**DOMINGO**  
**30 DE MAYO DE 2004**  
**9.30 A 14 HORAS**

**RIL**  
 GENTILEZA DE RIL EDITORES

Figure 1 – National Library Poster

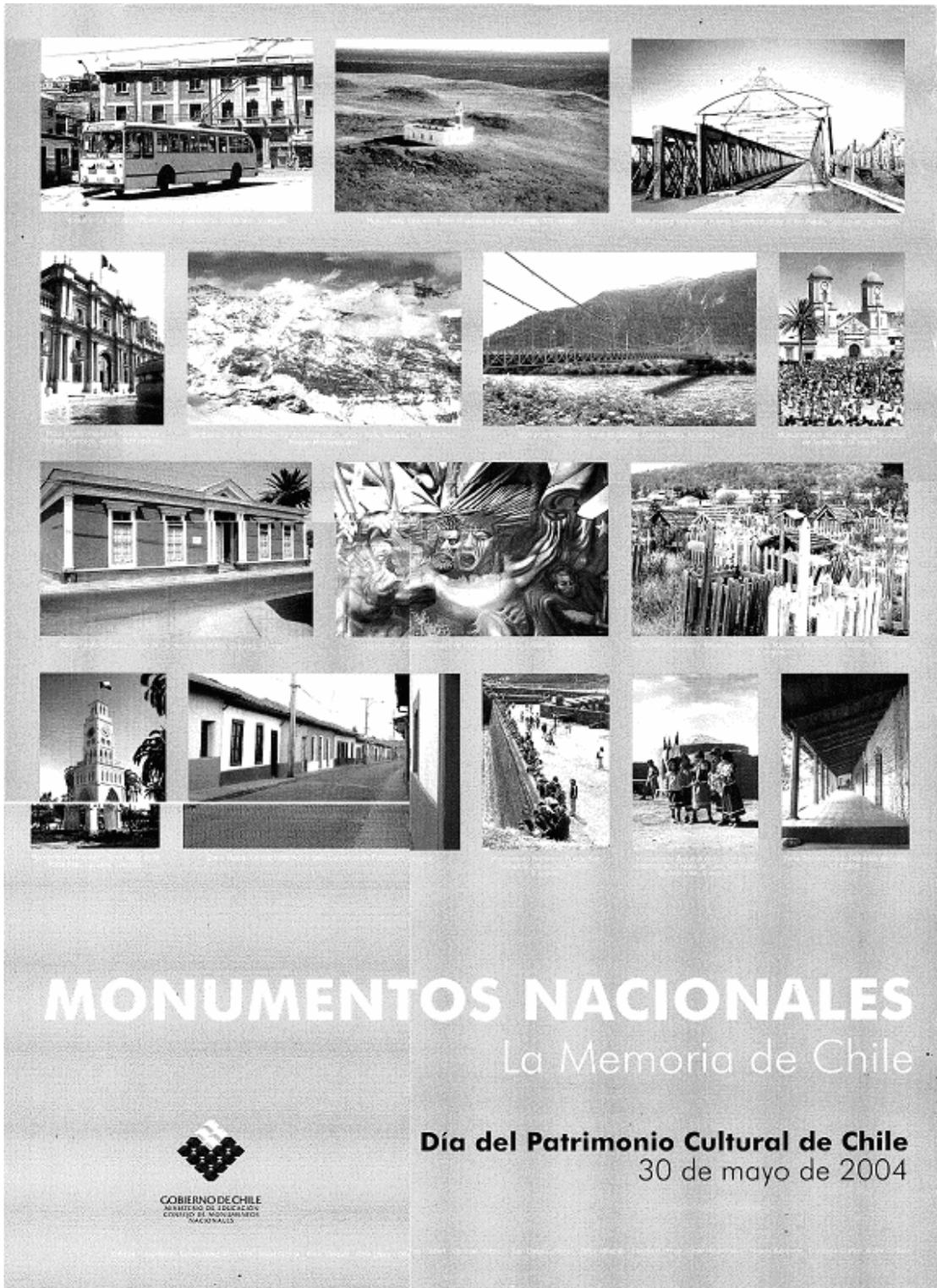


Figure 2 – National Monuments Day celebration poster

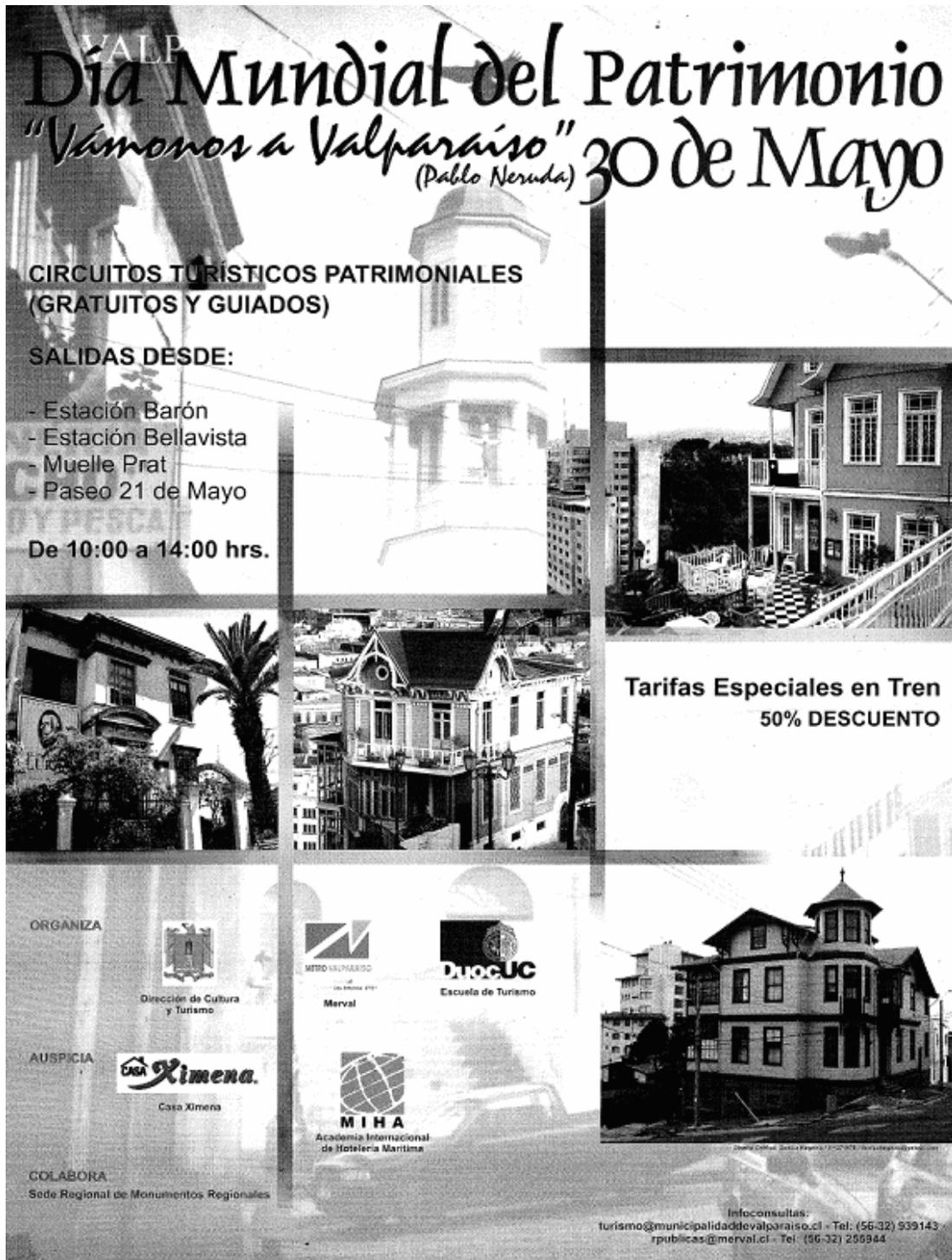


Figure 3 – Valparaíso National Monuments Day poster

During that week, the Ministry of National Lands sponsors a program called “Rutas Patrimoniales: Territorio de Todos” (*Heritage Routes: Everybody’s Territory*), to

inform the public about sites of historic, cultural, and natural value. Its website provides users with virtual itineraries which they can later tour on foot. This is a favorite educational activity during this week-long celebration.

### ***National Monuments Conservation Award***<sup>7</sup>

Since 1997, the NMC awards each year the National Monuments Conservation Award to people, social organizations, corporations, and public and private institutions that have made a significant contribution to the conservation of the national patrimony. Since the year 2000, this honor has been awarded within the framework of the celebration of the Day of the Cultural Patrimony. This year (2004), there were five recipients of this award in the categories of People, Social Organization, Public or Private Institution, Corporation, and Media. Also during this ceremony the Minister of Education announced the designation of two new National Monuments.<sup>8</sup>

One of the award recipients was Minera Collahuasi, for its participation in the rescue of the last remaining vestiges of Chile's nitrate mining industry of the first half of the twentieth century. Minera Collahuasi was instrumental in the rescue of the Humberstone and Santa Laura mining offices in the north, through acquisition and later donation to the Nitrate Corporation Museum. This company (Minera) is very active in other historic preservation endeavors as well. *"Every member of our community is called to preserve our heritage, and to offer individual participation towards a collective goal. [This] requires long-term commitments which are not only individual, but [are]*

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<sup>7</sup> *Consejo de Monumentos Nacionales de Chile*, "Premio Conservación de Monumentos Nacionales 2004," <http://www.monumentos.cl/> (accessed June 22, 2004).

*connections between people and private and public institutions,”* declared the company president.<sup>9</sup>

### *International Involvement*

Since its admission into the UNESCO’s World Heritage Convention in 1980, Chile has obtained designation of three of its cultural treasures onto the World Heritage List: Rapa Nui National Park (Easter Island) in 1995, the Churches of Chiloe, in the Tenth Region in 2000, and the port city of Valparaiso in the Fifth Region in 2003. Applications for two additional sites are being presented to the World Heritage Convention this year: the nitrate mines Humberstone and Santa Laura, and the Sewell mining camp, both in the north.

With a total of 116 votes, Chile was recently elected full member of UNESCO’s Intergovernmental Committee on World Heritage for the period 2004-2007. This nomination was ratified during the Fourteenth General Assembly that took place in Paris in October 2003, in recognition of Chile’s efforts towards the identification, protection, conservation, rehabilitation, and transmission of the national cultural heritage to future generations. The Committee has twenty-one members with the directive of establishing a World Cultural and Natural Heritage list of significant resources of exceptional universal value. Chile’s membership will reinforce the conservation efforts of the current Chilean World Heritage Sites, and facilitate the designation of other important sites such as the

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<sup>8</sup> "Premios de Conservacion Patrimonial," *El Mercurio*, May 29, 2004 2004, sec. A, p. 12.

<sup>9</sup> "Distinguen a Uno de los Guardianes del Patrimonio Nacional," *El Mercurio*, May 30, 2004 2004, sec. D, p. 23.

Forts of the city of Valdivia, the Nitrate mines of the north, and the Torres Del Paine peaks near Cape Horn.<sup>10</sup>

Chile is also member of The International Committee for the Conservation of the Industrial Heritage (TICCIH).<sup>11</sup> TICCIH is the world organization for industrial heritage promoting preservation, conservation, investigation, documentation, research, and interpretation of industrial heritage. It is the world organization that represents industrial heritage, and is the special adviser to ICOMOS on the subject. This wide field includes the material remains of industry—industrial sites, buildings and architecture, plants, machinery and equipment—as well as housing, industrial settlements, industrial landscapes, products and processes, and documentation of the industrial society. Members of TICCIH come from all over the world, and include historians, conservators, museum curators, researchers, students, teachers, heritage professionals, and anyone with an interest in the development of industry and the industrial society. Chile has one representative to this organization. He is a noted architect, author, historian, and university professor, as well as a significant contributor to the nomination of Valparaíso as a World Heritage City.<sup>12</sup>

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<sup>10</sup> *Ministerio de Relaciones Exteriores de Chile*, October 15, 2003, "Chile Elegido Miembro del Comité del Patrimonio Mundial de la UNESCO," <http://www.minrel.cl/prensa/Comunicados2003/15-10-03.htm>. (accessed February 15, 2004).

<sup>11</sup> Eusebi Casanelles and Eugene Logunov, "The Moscow Charter for the Industrial Heritage," *The International Committee for the Conservation of the Industrial Heritage (ticcih)*, July, 2003, <http://www.mnactec.com/ticcih/charter.htm>. (accessed June 23, 2004).

<sup>12</sup> Antonio Pirozzi, interview by author, May 27, 2004, Santiago, Chile, transcript.

## **National Monuments Designation Process**

The process of declaration of a national monument is much more complicated today than it was in the past due to the great deal of documentation required, and the participation of the public in the process. Between 1994 and 1999, a total of seventy-eight applications received did not result in declarations for different reasons: there was not enough significance for a declaration, not enough documentation was presented, or there was no agreement from the property owners. Thus there were twenty-seven declarations in 1996, only eleven in 1997, and nineteen in 1998.

Experience has shown that a declaration in itself is no guarantee of effective protection. That is why each declaration demands an increasingly greater amount of work by the Council, since each process is now being approached in a more comprehensive manner. On one hand, there is a period of consultation and information gathering from all involved participants: property owners, municipalities, applicants, communities, etc. On the other hand, in many cases it is necessary to coordinate and organize the work in such a way as to facilitate the sustainable protection of the asset; in other words, to ensure that resources are available to secure its maintenance, assure a viable use for it, and to carry out an information campaign to promote the values of the asset in order to garner the community's commitment for its protection.

Added to this complexity is the tendency of these applications to become "urgent" due to the danger of the asset's impending destruction, requiring that the work of the National Monuments Council be carried out under pressure of time and resources. This has made it difficult for the Council to be proactive in the realization of its normal functions, such as the completion of survey programs or a comprehensive research of the nation's patrimonial treasures. These tasks, particularly in the case of architectural

patrimony have been assumed by other entities that have representation within the Council, such as universities, the Ministry of Housing and Urban Development, the National Forestry Council, and particularly the Architecture Division of the Ministry of Public Works. Some municipalities have also taken the initiative within their districts.

### *Conditions for Designation*

The Law of National Monuments is quite broad with respect to this process, and does not establish specific criteria for designation; rather, each case is treated individually according to the organization's technical criteria. As established in Article 5, No. 1 of the Law of National Monuments, *“functions and duties of the National Monuments Council are to make pronouncements on the convenience of declaring places, ruins, constructions, or objects as national monuments as it deems necessary, and to request from the competent authority the promulgation of the corresponding Supreme Decree.”* On the other hand, the same legal body establishes in Article 10 that: *“any authority or person can declare in writing to the Council the existence of a building or object that may be considered a Historic Monument, providing the background that will support such designation exists.”*

### *Designation Process*

Only three of the five National Monuments categories require express designation via Decree: Historic Monuments, Typical zones or districts, and Nature sanctuaries. The other two categories, Archaeological Monuments and Public Monuments, are considered National Monuments by the sole nature of the law. The law is very open in this regard: any person, entity, private, or public organization, can request the designation of a

resource as a National Monument. All that is needed is a letter, and background information on the resource; for example: location, characteristics, history, plans, photos, etc. However, on many instances, people cannot always gather all the required information, and in this case, the NMC must provide them. Through a Resolution by the Ministry of Education in 1994, a very important piece of information: the opinion of the owner with regard to the designation is now required. This could be positive or negative. Since that date, the Ministry does not process any Designation Decree application without this particular document. However, this requirement is not a matter of law.

Once the application is entered, it is analyzed by the respective commission—generally the Commission of Architecture or Natural Patrimony. After a positive report has been rendered by the Commission, the application goes to a plenary session of the Council who, at their monthly meeting, votes on the matter. Concurrently, additional information will be added to the file as it comes in. Once approval has been granted at the plenary session, the Minister is asked to draft the Decree. It is important to note that in the matter of designations, the Council proposes, but the Minister decides. In 1995, the President of the Republic transferred to the Ministry of Education the power to decide on Historic Landmarks designations.

Even though the procedures for designation have become more complex, this is considered a positive thing. Previously, the process was much more expeditious, with negative consequences being faced today; many times, not only was there no owner's opinion, but he wasn't even informed of the designation. There are many designations today that have no boundary maps; consequently the affected area is, in these cases, that which was recorded at the time of designation, but the process becomes difficult if one

has to define which were the property's boundaries at the time of designation. Presently, it is necessary to obtain a great deal more documentation in order to get a more accurate description of the property, to obtain more comprehensive knowledge of it, and to properly facilitate the process of designation with other institutions. In addition, the research phase places a lot more emphasis on the matter of property management, as well as the coordination with its owners, municipal authorities, and other pertinent advisory entities.

### *Effects of Designation*

A. The National Monuments Council is very conscious of the fact that a designation per se is not an absolute guarantee of effective protection. The desire is—in addition to obtaining a designation—to make possible the sustainable protection of the asset; that is, to ensure the availability of resources for the management of the property, to safeguard its integrity for future generations, and to engage the community in its preservation.

The LNM establishes in its Article 12 that it is the responsibility of the owner of a Historic Monument to care for its conservation and maintenance, with his/her own funds. Thus, the Law does not provide for any incentives, support, or compensation for the owners of national monuments; however, during the past few years there has been a strong push for overcoming this deficiency through benefits such as:

- Reform to the Law of Cultural Donations.
- Urban rehabilitation subsidies in historic districts granted by the Ministry of Housing and Urban Development, and currently operating in Valparaiso. These subsidies are

of approximately US\$7,300, and can be applied to buildings of architectural value located within the city's historic district.

- Historic rehabilitation subsidy, created in 2001 by the Ministry of Housing and Urban Development. This subsidy is granted to the buyers of properties located in buildings that have been rehabilitated for housing, and located within two types of officially protected areas in the country: Historic Conservation Districts, and Typical or Picturesque Districts. This subsidy should stimulate the recovery, adaptive re-use, and/or rehabilitation for housing, of buildings located in designated districts. In order to qualify for this benefit, the homes must comply with all the conditions required for low-income housing, and their buyers must have the minimum amount of required savings. The contribution that the state will grant the buyers of these homes is the equivalent to US\$7,500, making this subsidy the largest of all existing housing subsidies in the country.

B. Any modification to a designated national monument must be authorized by the NMC, which will watch over its integrity and the preservation of the characteristics that contributed to its designation as a national monument. Article 11, par. 1 of the LNM states: *“Historic Monuments remain under the control and protection of the National Monuments Council, and any conservation, repair, or restoration work will be subject to prior authorization.”* In order to obtain the aforementioned authorization, the following documents must be submitted:

- Identification of the building (street, number, city, owner), with attached plans indicating boundaries, and the written declaration of the building as Historic.

- Description of the desired intervention, whether it is a restoration, conservation, or partial reconstruction.
- Original building plans, description of later modifications, and historic photos, if available.
- Cross section of the building, indicating materials, thickness, color, and other relevant details.
- Plan of the grouping, if two or more buildings exist on the lot; signature of owner and responsible architects indicating their role in the intervention.
- Architectural drawings, to 1:100 scale.
- In the case that previous modifications exist, these must be pointed out in all necessary detail to aid in their justification and understanding.
- Details of any modifications to the front façade: modifications to openings, color changes, height modifications, and/or placement of ornamental elements
- In the case of interventions to buildings intended for commercial use, formal characteristics of publicity and signage must be specified.
- When important interventions to the main structure of the building are required, an engineering report must be included. In cases of requests for partial demolition of a building, a detailed and precise technical report must be provided, which will later be reviewed by the Division of Architecture of the Public Works Ministry. This responds to the spirit of the designation as a Historic Monument, which is to ensure the permanent protection of the building.
- Current photographs of the building and its surroundings.

Public and private buildings, as well as those owned by religious institutions, must comply with the same requirements mentioned above. Authorizations made by the Council do not exempt the applicant from the permits that must be obtained in accordance to the General Urban and Constructions Ordinance and Law, or any other provisions of the law.

### *Designated Historic Sites*

Due to the cumbersome process of designation of a historic monument, there are several historically significant resources that are still unprotected, particularly examples of vernacular architecture, which for their lack of association with historic events or people have been left out of the process altogether. Other examples of resources in dire need of protection are the various buildings in urban districts presently being utilized for commercial purposes, exceptional representations of turn-of-the-century architecture that are in severe state of disrepair.

Currently, there are a total of 226 designated historic buildings, public and private, 126 churches and chapels, two cemeteries, and ninety-nine historic districts in the country, in addition to bridges, forts, piers, lighthouses, wineries, graves, locomotives, airplanes, ships, parks, statues, gardens, underwater structures, industrial machinery, structures, documents, and rare books.<sup>13</sup> Following are a few examples:

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<sup>13</sup> *Consejo Nacional de Monumentos de Chile*, "Los Monumentos," <http://www.monumentos.cl/> (accessed June 28, 2004).



Figure 4 - Antofagasta Customs House:

This building is representative of the architectural style of the northern coast, which is largely evident in the city of Iquique. It is a wooden structure with such characteristic elements as a balcony, a double roof terrace, balustrade, and moldings. This style is similar to one that flourished in the United States at the end of the eighteenth century and during the nineteenth century, based on the Georgian style. This style, found in several places in America thanks to migrations, is expressed in various vernacular variations according to local conditions.



Figure 5 – Viña del Mar Street, Historic District in Santiago

This street is inspired in the garden city model, developed in England by Ebenezer Howard at the turn of the twentieth century, particularly in the Hampstead suburb. The street's architecture mimics the typical model of an English dwelling.



Figure 6 - Paris-London Street, Historic District in Santiago



Figure 7 – Valparaiso: World Heritage City



Figure 8 – Santiago: Los Dominicos Church



Figure 9 - Pisagua Jail



Figure 10 - Angulo House, Puerto Varas



Figure 11 - Red House, Santiago

It is possibly the most typical example of a Chilean colonial house in existence today. Currently houses the Museum of Santiago.



Figure 12 - Arrieta House and park, Santiago

The house dates from 1824. It was built following the style of rural houses of the nineteenth century. It has an elongated plan with a portico around the perimeter, and a central hall enclosed by glazed windows. The gardens were executed according to the European tendencies of the times. Today it houses the SEK University campus.

CHAPTER 3  
PRESERVATION OPPORTUNITIES IN CHILE

**Public Awareness**

In spite of the fact that there is an increasing public awareness about the value of national heritage in Chile, conservation and restoration concerns are still mainly in the minds of intellectuals. There is a vital need to create popular conscience about this field, and to foster popular interest in historic preservation. This concern is currently non-existent among the general public in Chile due to other priorities that occupy their attention such as housing, jobs, and the pursuit of more profitable ventures.<sup>14</sup>

Historic preservation is not considered a profitable or practical business. The fact that presently there are little or no incentives for private individuals to hold onto historic properties, compounds this situation even further. In fact, although a property owner must agree to have his property listed in the Registry of Historic Monuments, this is not a matter of law, and the property owner could, in extreme cases, be forced to accept the designation. Furthermore, anybody can nominate a property to the Registry of National Monuments. A designation, far from benefiting the property owner, burdens him with the responsibility of maintaining and protecting the good without compensation. The law states that a property owner is responsible for the cost of maintaining and preserving the

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<sup>14</sup> University of Chile's School of Architecture Director of Graduate Studies, Maria Eugenia Pallares, interview by author, May 25, 2004, Santiago, Chile, transcript.

historic monument, and any request for changes to the good must go through a very difficult authorization process. The penalties for failing to protect, or for making unauthorized changes to a historic building, can be quite severe.

Consequently, in Chile the subject of historic preservation not only is not important in people's minds, but it can be downright unpopular in some instances. Thus, demolition by neglect is quite prevalent. A well known case is the situation of the historic Palacio Pereira, a neo-classical mansion built by the French architect Lucien Ambroise Henault in 1872 for the nitrate tycoon and founder of the celebrated vineyard Santa Carolina, don Luis Pereira Cotapos, whose current owner is actively pursuing this course of action, which would allow him to sell the property to a high-rise developer.

In spite of the existence of a few incentives for historic preservation, however, such as the "Subsidio de Rehabilitacion Patrimonial"—historic rehabilitation subsidy—and the "Subsidio de Renovacion Urbana"—urban renewal subsidy—these incentives are not utilized very often, since the renovation of an old building is still considered less profitable than the alternative, which is to demolish it and build a modern tall building that will result in higher rents for the developer. Besides, in Chile subsidies favor the demand, not the supply; in other words, subsidies are created to help the buyer, not the seller/developer of a property. This is a subject of much concern among preservationists. Until legislation is passed in this country to provide some kind of incentive for preservation, the efforts of building public support for this topic will continue to be severely thwarted. Several examples of incentives for the preservation of historic resources exist successfully in other nations, such as:

- tax abatements
- subsidies for the renovation of historic properties
- methods for the acquisition of endangered historic properties from disinterested property owners, such as revolving funds for the purchase, rehabilitation and resale of a historic property
- funding for rehabilitating a historic home
- assistance for the revitalization and restoration of historic and traditional commercial districts in communities, through a combination of financing, technical assistance, business development, and contracting programs to small businesses to encourage economic growth and job creation.

An interesting case is the city of Valparaiso—Chile’s principal port—and a World Heritage City since 2003. For many years its charm remained unknown to the rest of the world. Its picturesque and valuable architecture was ignored, resulting in the deterioration of many of its colorful vernacular examples. Then, during the latter half of the 1980s, the first boost to the city came in the form of an important civic event when the government relocated its Congress facility here.

Valparaiso’s renaissance has brought political, economic, and social benefits to its inhabitants. With the boost in tourism, there is an inevitable process of gentrification taking place in the once derelict neighborhoods of the surrounding hills. The UNESCO designation has opened the doors for all manner of international investments as well. However, presently there is no master plan that provides for sustainable and smart growth in accordance with its status as World Heritage City. The fear is that due to a lack of understanding of the significance of its history, and the need to preserve its character and

fabric, Valparaiso may soon become a “theme park” with contrived elements that will strip it of its most valuable characteristics and endanger its standing as a World Heritage City.<sup>15</sup>

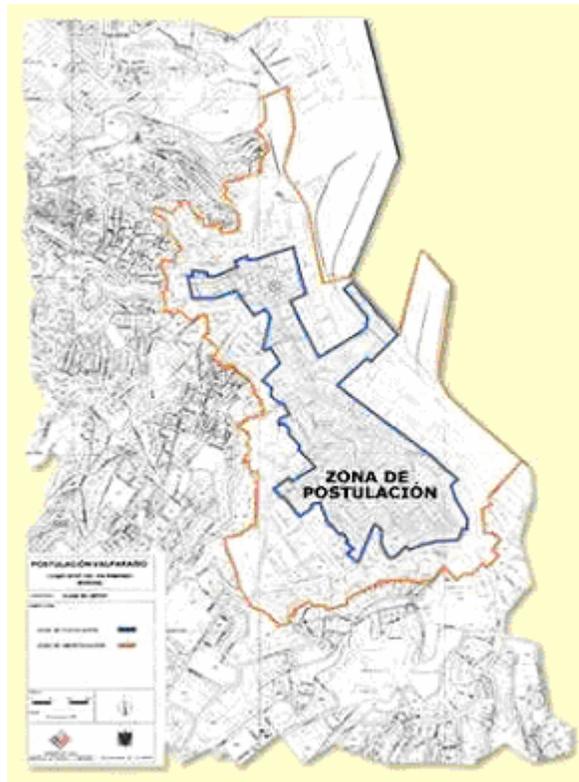


Figure 13 – Valparaiso: area of designation

## Education

In spite of the current attention towards historic preservation in Chile, there are no formally educated professionals in this field. Presently there are no formal graduate programs in Historic Preservation in any of the universities—public or private—in the

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<sup>15</sup> ICOMOS-Chile representative, Jose de Nordenflycht, interview by author, May 29, 2004, Valparaiso, Chile, transcript.

country. Due to the country's particular academic structure, only the colleges of architecture appear to be the most logical places for housing HP programs, at the undergraduate as well as graduate levels.

Currently there are approximately thirty-five architecture schools in the country, churning out an average of 3,000 architects each year. The local economy and the country's needs cannot support such a large number of professionals in a field that is becoming increasingly saturated, and extremely competitive. A logical professional alternative for these graduates exists in fields of specialization. An untapped potential exists in the field of historic preservation. Courses in heritage conservation now exist as part of some Architecture undergraduate programs, but these are elective courses and do not form part of the core curriculum.<sup>16</sup>

### *Heritage Education in Chile*

About seven years ago, an attempt was made by the University of Chile's School of Architecture to establish a graduate program in building restoration. This was a three-semester program that was launched with an initial class of 15. Only three graduated from the program, which was never offered again due to lack of funding, and a lack of interest among students who didn't feel the need to prolong their studies by seeking further specialization.<sup>17</sup> In those days, there were only a handful of Architecture schools whose graduates were still able to fill the existing demand within the profession.

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<sup>16</sup> University of Chile's representative to the National Monuments Council, Juan Benavides, interview by author, May 26, 2004, Santiago, Chile, transcript.

<sup>17</sup> University of Chile's School of Architecture's Director of Restoration Institute, Antonio Sahady, interview by author, May 26, 2004, Santiago, Chile, transcript.

There have been several other attempts to establish conservation studies/-restoration programs in architectural heritage. For instance, Universidad Internacional SEK—a private Spanish university—has created a school of heritage studies, but currently only offers courses in art history. Another effort occurred in Universidad de la Republica—a private institution—which offered a graduate diploma (certificate) last year called Management and Intervention in Architectural Heritage. This year however, the entire faculty that taught in that program left the university, and thus the course went away with them. Currently, Universidad de Valparaiso—a public university—is trying to set up a one-time graduate course in urban conservation, believed to be fostered mainly by the status of Valparaiso as a World Heritage City. This in itself has created public awareness about the necessity of protecting the country’s built heritage, and should awaken the interest among professionals to become experts in all matters related to historic preservation.<sup>18</sup>

That being said, however, there is one aspect of this subject that needs further clarification in the minds of academics and administrators in Chile. It is the fact that a successful historic preservationist must not only be trained in the practical aspect of building restoration and materials conservation, but must also be able to function in the administrative arena, have project management skills, knowledge of the law, and the ability to serve as an advocate for heritage conservation efforts, particularly when these require convincing legislators or the public in general about the merits of preservation. This is something that has been overlooked each time an attempt has been made by institutions of higher learning to create heritage conservation courses or programs. Each

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<sup>18</sup> Antonio Pirozzi, interview by author, May 27, 2004, Santiago, Chile, transcript.

time such an attempt has been made, it has focused only on the restoration side of heritage conservation. A successful graduate program should be comprehensive. It should address every aspect of the field, technical as well as administrative.

### **Legislation**

One of the most important deficiencies of the LNM is the absence of financial incentives that will promote the conservation and restoration of national monuments. Financial incentives are a major component for the building of public acceptance and support. The recent modification of the **Law of Donations for Cultural Purposes**<sup>19</sup>, also known as “Ley Valdes,” represents some advancement in that sense, since it grants tax benefits to those who make donations to the NMC for the execution of projects related to the conservation and restoration of national monuments. Although the law excludes privately owned monuments and only applies to donations of property for public use, it constitutes a clear opportunity to involve the State’s different organizations, as well as private citizens, in the conservation of the country’s cultural patrimony.

Notwithstanding the above, according to a recent modification of this law, the NMC may be the beneficiary of donations solely for *the execution of projects that are directly assigned to the conservation, maintenance, repair, restoration, and reconstruction of historic monuments, archaeological monuments, typical zones, or districts, whether in areas of public use, public property, or sites as defined in the LNM.*

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<sup>19</sup> Ministerio de Educacion - Consejo de Monumentos Nacionales, *Ley No. 17,288 de Monumentos Nacionales y Normas Relacionadas* (Santiago, Chile: Productora Grafica ANDROS Ltda, 2003), 61-67.

In the case of historic monuments, only those belonging to the state are eligible for this benefit. In the case of archaeological monuments, they are all eligible, since they are assumed to belong to the state by mere disposition of the law. Public monuments that are already erected in public lands are also eligible for the benefit. Eventually, some works slated for the conservation of façades of private buildings could also be considered eligible in consideration of the public function that they may fulfill.

## CHAPTER 4

### A COMPARATIVE LOOK AT OTHER PRESERVATION MOVEMENTS IN LATIN AMERICA

#### *Argentina*<sup>20</sup>

The Application Organization of the Department of Specific Areas, known as AHP (Areas of Historic Protection), established by the Urban Planning Code of the General Agency of Urban Planning, and its Associate Council, is conformed by different public entities, professional associations, international organizations such as ICOMOS, and others.

This organization has as its mission, among others, to propose legislation regulating urban areas or buildings to be protected, and to mediate and pass judgment at every presentation of intervention proposals in buildings of historic value, whether registered or not. The power of this opinion has much more force in the first case than in the latter since, if the building is not registered, the property owner must be persuaded of the value of conservation, and the intervention must be negotiated in the best way possible to assure the best protection of the building. Negotiations do not always arrive at solutions acceptable to everyone, however. In general terms, the investor tries to obtain

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<sup>20</sup> <http://www.scaladigital.com/scaladigital3/Patrimonio/Pat-argentino.htm>. (accessed January 25, 2004).

the most benefit, and the existing legal instruments are not always sufficient to adequately protect the historic resource, with deplorable results.

In the case of proposals for legislation, the process is cumbersome and slow. The most unfavorable situation at the government level results when, due to the little interest in the topic of heritage conservation at the higher political levels, reflected in the scarce allocation of funds for urban renovation, and incentives for private owners, one adds the poor selection of representatives for those specific functions, who lack technical expertise and/or experience in cultural and preservation policies. This results in little to no aptitude within the function, which generates frustration, lack of interest, and embarrassment among professionals in the field, as they watch these functionaries entrenching themselves for many years in these positions of much responsibility and representation.

Another unfavorable and frequent condition is that preservation specialists still have no recognition as a profession. This means that the complete understanding of the topic of historic preservation is left to the sensibility or preference of a few professionals more cultured or with better training than others; however, any professional without the right capabilities can take on the task of intervention in a historic building. This situation is further complicated by financial factors, since there are no effective mechanisms of funding for the protection of the built patrimony, which is left to market fluctuations, which generally act against, rather than in favor of, preservation.

## *Legislation*

A description of the several legislative instruments that regulate cultural heritage in Argentina can be found in Appendix C.

## *Organizations*

There are a number of organizations, public and private, that look after the cultural heritage of the nation. One of these, the *Dirección General del Patrimonio* (DGPat), is mainly focused on the identification, protection, and diffusion of the patrimony of the city of Buenos Aires.<sup>21</sup> This information is acquired through continued research, site visits, diagnostic work, conservation projects, restoration programs, and valuation of buildings and cultural resources. The main criteria applied to interventions are: minimal intervention, legibility, reversibility of materials, and compatibility. Several terms are used to identify the different types of intervention, and to classify the levels of intervention, such as authenticity, consolidation, intervention, legibility, maintenance, protection, assessment, recycling, rehabilitation, restoration, and reuse.

Another organization that focuses on the capital city is the Commission for the Preservation of the Historic and Cultural Patrimony of the City of Buenos Aires (CPPHC).<sup>22</sup> The CPPHC is a mixed organization with representatives of the Legislative and Executive powers, who participate on a voluntary basis. The CPPHC was created to coordinate the preservation, promotion, and dissemination of those resources that

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<sup>21</sup> *Dirección General del Patrimonio*, "Gestión Técnica," [http://dgp.at.buenosaires.gov.ar/display.php?page=izq\\_ges/patrim\\_ges.htm](http://dgp.at.buenosaires.gov.ar/display.php?page=izq_ges/patrim_ges.htm). (accessed June 24, 2004).

<sup>22</sup> Leticia Maronese, "Patrimonio Histórico," *Ciudad Autónoma de Buenos Aires*, <http://www.buenosaires.gov.ar/areas/cultura/museos/patrimonio.php/> (accessed June 26, 2004).

constitute the Cultural and Historic Patrimony of the City of Buenos Aires, through rescue, research, documentation, conservation, rehabilitation, and valuation actions. Among its many activities, it sponsors educational programs, research, and training, registration of cultural resources, legislative initiatives, community outreach, and the publication of bulletins.

The National Arts Foundation was created in 1958 with the purpose of establishing a funding system for the support and encouragement of artistic, literary, and cultural activities in the country. It provides loans and subsidies for different cultural activities, according to certain qualifications. It also engages in the survey and registration of cultural, artistic, and historic resources. In line with its heritage conservation endeavors, it also sponsors several organizations and programs, such as the Center for the Documentation of Latin American Arts and Architecture Foundation, and the National Commission of Museums and Historic Monuments.<sup>23</sup>

### *Mexico*

According to its political-administrative structure, the Mexican republic presents, in its legal context, the coexistence of two normative levels: the Federal one, which includes the entire territory, and the State one, applicable within the confines of each of the 31 states that form the Republic.<sup>24</sup>

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<sup>23</sup> *Fonartes*, "Fondo Nacional de las Artes," <http://www.fnartes.gov.ar/> (6/25/04)/ (accessed February 12, 2004).

<sup>24</sup> *Fundacion Historica Tavera*, "Mexico. Proteccion Legal Del Patrimonio," *Los Archivos de America Latina*, <http://www.tavera.com/tavera/informe/M%E9xico/Mexpro.htm>. (accessed February 8, 2004).

**The Federal Law on Artistic and Historic Monuments and Archaeological Zones**<sup>25</sup> establishes that the investigation, protection, conservation, restoration, and recovery of archaeological, artistic, and historic monuments and zones are matters of public utility. It establishes what are archaeological, artistic, and historic monuments and zones, granting the President of the Republic, and in his stead to the Secretary of Public Education, the power to ratify or revoke the corresponding designation of resources such as monuments. This law states that the property owners of sites declared artistic or historic monuments will be responsible for their conservation and restoration if deemed necessary, prior authorization by the corresponding institute (i.e. National Institute of Anthropology and History). Any excavation, demolition, construction, or foundation work which may affect the characteristics of a monument, must be authorized by the corresponding institute once all required conditions are fulfilled. If the property owner fails to perform the conservation and/or restoration work required for the building's preservation, the corresponding institute will perform the work, utilizing funds provided by the Treasury of the country. Property owners who comply with the required conservation of buildings declared national monuments, may apply for the corresponding property tax exemptions. Institutes will encourage state governments to grant similar tax exemptions to those assets declared national monuments, as long as they are not used for profit.

The law requires that any unauthorized work performed in a property declared a national monument will have to be suspended, demolished, and the asset brought back to

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<sup>25</sup> *Coordinacion Nacional de Monumentos Historicos*, "Ley Federal Sobre Monumentos y Zonas Arqueológicas, Artísticos e Históricos," <http://www.cnca.gob.mx/pa.htm>. (accessed May 1, 2004).

its original state at the expense of the property owner who authorized such work, as well as the builder or developer, as the case may be. Destruction of a national monument by fire, water, or explosion is punishable by imprisonment.

The law establishes that artistic or historic monuments that are private property may be exported or taken out of the country temporarily or permanently, with prior authorization by the respective institutes. Unauthorized transportation of national monuments out of the country is punishable by imprisonment and steep fines. The law regulates the placement or existence of signage, carports, garages, gasoline stations, utilities posts and lines, kiosks, and other constructions, permanent or temporary, within historic zones or districts.

The Mexican Instituto Nacional de Antropología e Historia (known as INAH for its Spanish abbreviation) is the federal government bureau established in 1939 to guarantee the research, preservation, protection, and promotion of the prehistoric, archaeological, anthropological, historical, and paleontological heritage of Mexico. Its creation has been fundamental in the preservation of the Mexican cultural heritage.<sup>26</sup> Currently, the INAH carries out its work through a Technical Agency that supervises the accomplishment of its main duties, and whose tasks are distributed among seven National Coordinating Offices and thirty-one Regional Centers throughout the states of the Mexican Republic. This bureau is responsible for the over 110 thousand historic monuments built between the sixteenth and nineteenth centuries, and for twenty-nine thousand archaeological zones throughout the country, although it is estimated there

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<sup>26</sup> *INAH*, "Instituto Nacional de Antropología e Historia," [http://www.inah.gob.mx/inah\\_ing/pres/htme/prin001.html](http://www.inah.gob.mx/inah_ing/pres/htme/prin001.html). (accessed June 26, 2004).

must be a total of 200 thousand sites with archaeological remains. Of these twenty-nine thousand, 150 are open to the public. In addition, it supervises over 100 museums within the national territory.

A fundamental task of the Institute is the scientific research; over 400 academicians contribute in the areas of history, social anthropology, physical anthropology, archaeology, linguistics, ethno-history, architecture, heritage preservation, preservation, and restoration. Moreover, the academic and research duties are complemented by the formation of professionals in institutes of higher learning dependent on the Institute, such as the National School of Anthropology and History, and the National School of Conservation, Restoration, and Museum Sciences. The promotion activities on national heritage are carried out through a vast program of books and periodical publications, and by the production of audio-visual materials, along with press releases to the mass media. Important activities of the Institute are:

- Excavation of archaeological sites and their subsequent opening to the public
- Rescue and recovery of historic monuments
- Registration of historic monuments and archaeological pieces in the care of individuals
- Educational services at museums
- Organization of cultural tours
- Reproduction of archaeological or historical pieces for the purpose of preventing pillaging.

### *Analysis*

In general, these Latin American movements exhibit many commonalities. All three are regulated by legislation; all these countries have established councils with ample control over the countries' cultural assets. All countries establish a process for designation of national monuments, and a form of registration for the designated resources.

Property rights in Argentina are stronger than in Mexico when it comes to national monuments. Like in Chile, property owners in Argentina cannot be forced to accept a nomination, although in all three countries, property owners are responsible for the conservation and maintenance of the resource. In Argentina, national monuments are free of taxation, whereas in Mexico property owners receive tax incentives for non-profit uses of national monuments. Chile offers no incentives to property owners for preservation.

Argentina prohibits the transport of national monuments out of the country, whereas Mexico allows this under certain circumstances. The harshest penalties for non-compliance are given in Mexico. As in Chile, both Mexico and Argentina have experienced an increased interest in the protection of their national cultural assets and heritage during the past decade. This can be seen in the proliferation of non-profit organizations, educational programs, and projects intended for the conservation of cultural assets. Particularly meaningful is the growth of websites articulating the myriad activities related to conservation activities in each country.

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

#### *Education*

One of the difficulties faced by universities in setting up graduate programs stems from the fact that students are eager to enter the working world after obtaining their undergraduate degrees; they feel they cannot afford to continue to remain unproductive for too long of a period—undergraduate programs in Chile usually are between five and seven years in length, with post-graduate courses lengthening that period for yet another one or two additional years.

Another limitation that currently exists at Universidad de Chile in particular is the fact that by statute, Masters or Doctorate degree programs must be imparted by professors holding doctorate degrees, which is the terminal degree in the career of Architecture. Currently there are very few doctors among the Architecture School faculty. This situation should be resolved soon, however, as there are currently twenty-three professors pursuing doctorate degrees who are expected to graduate in 2005. Until then, graduate courses are being taught by visiting professors from abroad.<sup>27</sup> This contributes to the financial burden that such programs create, which is compounded by

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<sup>27</sup> University of Chile's School of Architecture Director of Architectural Theory and History, Patricio Basaez, interview by author, May 26, 2004, Santiago, Chile, transcript.

the fact that the university must now be self-financed in seventy-three percent of its budget.<sup>28</sup>

Given the increased relevance of the subject of cultural patrimony, there is a demand to create a post-graduate program of studies addressing the built and urban cultural heritage of the country. This program should seek to identify the academic potential that the existing university resources can provide to prospective professionals who seek further specialization within their field of Architecture and/or Urban Studies. The program should encourage the knowledge, conservation, legal mechanisms, and advocacy required to salvage and preserve the existing and future historic resources of the country. This program should, additionally, establish partnerships with other areas of the university, similarly interested in the study and preservation of the cultural patrimony, as well as collaborations with other universities abroad that could provide technical expertise and assistance through faculty and student exchanges, as well as other resources.

The program's goals should include the promotion of the scientific, ethical, and technical study of the cultural environment, reflecting an authentic respect and appreciation of the values which sustain human life and its cultural environment. It should strive to reach the highest academic level for the study, understanding, and management of all the elements that comprise the cultural environment, allowing for the creation and consolidation of a new tradition of sustainable development. It should seek to offer post-graduate preparation in the area of Architectural and Urban Heritage as a

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<sup>28</sup> University of Chile's School of Architecture International Relations Coordinator, Marcela Pizzi, interview by author, May 24, 2004, Santiago, Chile, transcript.

nationally and internationally recognized academic pursuit. It should promote the development of experts in all matters related to the conservation of the cultural patrimony in general, and the architectural patrimony in particular.

This program should enable the university to become an identifiable center of knowledge within the university and nationally, in order to accommodate the appeals and initiatives generated around the topic of heritage conservation. This program should also stimulate conservation and research activity, provide undergraduate students in relevant majors the opportunity for further specialization in their field, develop capable professionals who can carry out all the activities pertaining to the development and safeguarding of cultural resources, establish partnerships with other areas of study within the university related to the study of the cultural patrimony, and establish collaborations with institutions of similar activity within and outside the country.

Given the characteristics of the undergraduate programs in Chile, which usually are six years in length and end with a year of applied studies, students entering this program could begin taking some of the introductory courses during their last year of undergraduate studies. This program could be open to undergraduate architecture majors or graduates from similar careers, as well as professionals in the areas of architecture, urban planning, or landscape architecture, national or foreign, wishing to develop additional competencies in this specialized field.

The consolidation of an effective post-graduate program should allow for different alternatives of specialization, in order to appeal to the broader audience, thus fulfilling the requirements of a diverse clientele. Different levels of specialization should be considered, which could be offered concurrently, or in stages:

Level 1: Certification or Diploma – 1 semester in length, open to undergraduate students in their last year of studies.

Level 2: Master's Degree – 4 semesters in length, open to architecture, urban planning or landscape architecture majors, and professionals in relevant fields.

### ***Proposed Program of Studies and Course Description***

The program should be organized on the basis of four modules, where the completion of the first module would allow participants to obtain a Historic Preservation Certificate. In order to allow students to fulfill their work commitments, classes should be offered in the evenings and/or Saturdays for a minimum of fifteen and a maximum of twenty contact hours per week. Each semester should be developed on the basis of one studio and a set of required courses, plus a selection of electives.

#### First Module: INTRODUCTION AND GENERAL PRINCIPLES

**Introduction to Historic Preservation** – historic preservation theory, its evolution and practice, and its relationship to the concept of environmental quality.

**Historic Resource Documentation Studio** – skills and processes of documenting historic resources at basic, intermediate, and archival levels, utilizing both graphic and photographic techniques.

**Cultural Resource Assessment** – identification, assessment, and documentation of cultural resources at all scales from historic interiors and individual sites, to distinct districts and entire townscapes.

**Theory and History of Restoration** – Restoration origins and development, general principles of cultural resource restoration, modern concepts in restoration, preventive restoration, criticism and creativity, resolutions to different instances of

historic and aesthetic restorations, and different restoration doctrines, from the past to the present.

**Urban Archaeology** – Introduction to the discipline; archaeology as a social science; the research process; projection and excavation; methods and techniques; regional archaeology and Indian history; concepts, approaches, tendencies; the urban question.

Second Module: PRESERVATION MANAGEMENT

**Preservation Law** – analysis of significant preservation laws and ordinances, and the legal functions for these laws; review of the positive and negative effects of the application of various legal measures on the historic environments they protect.

**International Heritage** – issues in heritage conservation from an international perspective, including the evolution of theory and practice, and its application in cities and countries outside of Chile.

**Building Materials Conservation Studio** – restoration and rehabilitation theory and practice. History of building technology and identification and treatment of common conservation problems in historic structures.

**Preservation Economics** - the economic impact of preservation upon communities, its measurement in terms of financial and environmental benefits, and the financial needs and fiscal management of preservation organizations and agencies; development and preparation of funding and/or grant proposals.

**Intervention Theory and Practice** – Basic theories of different intervention practices; different degrees of intervention; definitions and examples of preservation, rehabilitation, restoration, adaptive reuse, and reconstruction. Adaptability of new

construction in historic districts or picturesque zones; intervention project; restoration as an architecture project.

Third Module: PRACTICAL ASPECTS OF PRESERVATION

**Design Guidelines Studio** – theory and practice of compatible change within historic districts; evaluation and documentation of visual character, how to set design goals and produce design guidelines regarding additions to historic buildings, rehabilitation and restoration, new construction; improving the compatibility of non-contributing buildings, signage, urban design and setting, and landscapes.

**Preservation Advocacy** – preservation advocacy strategies and techniques, with emphasis on application to preservation issues and problems, and the improvement of individual communication, behavioral, and management skills, including conflict resolution.

**Historic Preservation Planning** – theory and techniques of preservation planning within the context of urban development. Emphasis on survey of historic resources, and development of community preservation programs.

**Heritage Tourism** – tourism as a cultural resource; incorporation of cultural resources in the regional tourism programs and structures; orientation and promotional programs; tourism management policies.

Fourth Module: APPLIED KNOWLEDGE AND GRADUATE THESIS

**Professional Practice** – Preservation issues, preservation practice, and special preservation topics as related to the concerns of preservation professionals, preservation organizations and agencies, and the protection and interpretation of regional historic resources. Focus on the ethical standards and operational practices expected of

preservation professionals. Investigation of potential professional practice and research directions in the field of historic preservation.

**Graduate Student Seminar** – advanced supervised experience in an applied setting.

**Master's Thesis** – thesis research and writing under the direction of a major professor.

Graduates of this program can practice in the areas of design and management of conservation projects tied to community development programs, and cultural resources institutions. Other areas of involvement may include: teaching and training other professionals in the field at the university level, working with government agencies and non-profit organizations dedicated to the preservation of the cultural patrimony, and private practice.

### ***Proposed Exchange Program***

An important aspect of a successful program is the opportunity for cultural exchanges provided by study abroad programs, and similar exchanges of students and teachers. This should be an important component of a graduate program such as the one proposed above. The study abroad experience provides a unique and unsurpassed opportunity for personal growth, individual revelation and maturity, and for the development of a sense of confidence and personal accomplishment. By studying abroad, students not only witness another culture, but they also experience the culture by living a new way of life. Students gain a cultural understanding and personal independence that can only be achieved by living and studying in another country.

Travel: Students and faculty should be responsible for their own travel expenses; however, participants could avail themselves to the many opportunities for funding available through travel grants, scholarships, etc.

Lodging:<sup>29</sup>

- a) **Students**: The University of Chile provides assistance to foreign exchange students in locating housing, which in many cases is free of charge, or very economical.
- b) **Faculty**: The University of Chile can provide housing for visiting foreign professors in faculty apartments for short-term visits (1-2 weeks).

Meals: Students and faculty would be responsible for their own meals. The School of Architecture cafeteria provides excellent food choices at very reasonable prices for breakfast, lunch and afternoon tea.

Tuition: University of Chile waives the tuition for visiting students, as long as there is mutual reciprocity with the respective foreign university.<sup>30</sup>

Exploratory visits by faculty are a good way to spearhead a new exchange program. Funding for these exploratory trips can be obtained from the National Science Foundation. The following website provides information in this regard: [www.nsf.gov](http://www.nsf.gov). Normally, exchange programs can last between one and two semesters. Sometimes it is necessary for students to spend part of the time learning the language; in such cases, it is

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<sup>29</sup> University of Chile's School of Architecture International Relations Coordinator, Marcela Pizzi, interview by author, May 24, 2004, Santiago, Chile, transcript.

<sup>30</sup> Ibid.

advisable for the students to opt for a longer stay in order to take full advantage of the academic opportunities.<sup>31</sup>

In conclusion, the creation of a profession in the field of historic preservation in Chile presents many challenges. There is a need for legislation reform, for advocacy, for increased international involvement, for citizen involvement, and for an increased level of interest and opportunities for protection of historically significant resources. A successful professional program should address all of these concerns and train professionals that will adequately attend to the needs of the country.

Given the great number of architects that are graduating in Chile today, a successful professional will need additional knowledge, and a different set of skills. Historic preservation would provide the burgeoning architect with the tools that he or she would need to stand out and be successful in this increasingly populated field.

### *Public Awareness*

Historic preservation must cease to be a subject of exclusive interest for academics. Presently there are many efforts being made by the public sector to awaken the awareness among the public about the value of the national cultural heritage. The National Monuments Day is one of those efforts. Another endeavor is being carried out by the subway system, which has joined forces with the National Council of the Arts in a joint program to bring culture and the arts to the public through different displays at every subway station, such as posters announcing different cultural events, closed circuit

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<sup>31</sup> University of Chile Director of International Relations Maria Teresa Iriarte, interview by author, May 25, 2004, Santiago, Chile, transcript.

television with announcements and shorts, and by sponsoring literary and art contests. Throughout the city, several announcements prompt the public to “look up and see your city,” through a program sponsored by the Municipality of Santiago, in conjunction with various companies such as Nestle Corporation. The Ministry of Housing and Urban Development is sponsoring a monitoring program called “Monitors of the Patrimony,” which acts as a volunteer organization that looks after historically significant elements of the built environment. Also, the Ministry of Education is launching a new program to educate school teachers in the teaching of cultural heritage subjects at the elementary, middle, and high school levels.

This increasing interest in heritage preservation will demand properly trained professionals at an ever growing rate. The several attempts made by different universities to include heritage conservation courses in their curriculums attest to the fact that the interest in this discipline does exist. The problems that these programs have faced in the past have been mainly lack of proper implementation and follow through.

### *Legislation Reform*

The present lack of incentives for historic preservation projects and for property owners of designated historic buildings is a problem that can only be corrected by a change in legislation. The current legislation dates from 1970, and although several attempts have been made to amend the law, none have succeeded. In fact, one of the few incentives currently in place, the Law of Donations, which grants tax benefits to donors of cultural objects, is currently being challenged by a new legislative instrument that regulates all donations that generate taxable benefits, including cultural donations such as historic buildings. This has severely stalled such donations, which in the past was an

effective method for protecting historic buildings. The appearance of a body of practicing professionals in the field historic preservation may in the future become an important influence that could effect the necessary changes in legislation that would encourage the protection of the historic built environment in this country.

In order for a meaningful national heritage program to succeed, there needs to be a unified, comprehensive national organization that coordinates the numerous laws, agencies, organizations, and programs into one cohesive and all-embracing body that serves as the channeling vehicle for all the preservation activity, public and private. This would help reduce unneeded bureaucracy, be a resource for individuals seeking information and guidance, direct efforts in preservation advocacy towards the right agencies and resources, and proactively seek solutions to conditions that obstruct the successful protection of the national heritage.

#### *Summation*

An important part of an academic program responsible for the training of preservation professionals will be research regarding the nature and impact of current preservation mechanisms, and the changes necessary to engender a more widespread pursuit and application of preservation initiatives. Ultimately, the degree of success of an academic program such as the one this thesis proposes depends on the acceptance of Historic Preservation as a philosophy in Chile; through adequate legislation, through education, through public relations, and through professional certification.

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## APPENDIX A

### LEGISLATION

Law No. 17,288, of Feb. 1970<sup>32</sup>:

1. Defines as historic monuments those places, ruins, constructions, and objects of private or private property which due to their quality and historic or artistic interest or their antiquity are eligible to be designated as such.
2. Allows anyone to request the nomination of a historic monument, providing there are sufficient qualifying characteristics.
3. Establishes that if a national monument is private property, it is the responsibility of the owner to conserve it, maintain it, protect it, and avoid any cause for its destruction, defacement, or modification. If the historic monument is an empty site, it cannot be built upon nor excavated without previous authorization by the NMC.
4. Establishes monetary penalties and other sanctions described in other sections of the law.
5. Defines certain places as having valuable environmental character and provides a mechanism for the protection of such places as being “typical and picturesque.”
6. Provides for the establishment of an annual budget to allow for the administration of the NMC.

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<sup>32</sup> Ministerio de Educacion - Consejo de Monumentos Nacionales, *Ley No. 17,288 de Monumentos Nacionales y Normas Relacionadas* (Santiago, Chile: Productora Grafica ANDROS Ltda, 2003), 5-49.

The Law of Donations for Cultural Purposes establishes tax benefits for natural or legal persons who make donations to universities, libraries, corporations, and foundations whose object is the research, development, or diffusion of culture or the arts, or for the execution of cultural projects. The funds that arise from these donations may be utilized by the beneficiary for:

- The acquisition of material goods to be used permanently for the fulfillment of its activities
- The payment of necessary expenses for the carrying out of activities needed for the fulfillment of the project
- General operations of the beneficiary institution.

Donors may be taxpayers classified as corporations or individuals who declare accountable income. Excluded are state agencies and those where the state, its agencies or corporations, and municipalities, have a participation or interest that exceeds 50% of the donated capital. The tax benefit consists of a credit equivalent to 50% of the donated object, which becomes a tax deduction according to the category of the taxpayer. The portion of the donation that cannot be deducted as credit is considered a necessary expense that produces income subject to income tax. The donation may be in the form of money or goods. If the donor is a private donor, the value of the donated good is equivalent to its appraisal for income tax purposes. If the donor is a corporate taxpayer, the value of the good is determined by the Donations Committee, using as reference an expert's report. The expert's report is paid by the donor and is not considered part of the donation. The credit obtained from the donation may not exceed two percent of the

taxable net income for the year, or two percent of the taxable income for income tax, with a yearly cap. Donations are exempt from inheritance and donations taxation.

**Law 19,891**<sup>33</sup> – This law creates the National Council of the Culture and the Arts as a public service organization, decentralized, and territorially independent, that will interact directly with the President of the Republic. Notwithstanding that relationship, all administrative acts which, according to the law, require the intervention of a Minister will be made through the Minister of Education. The following articles refer to the functions of the Council relevant to the preservation of the national patrimony:

Article 2. To execute and to promote the execution of studies and research about... the cultural patrimony of the nation.

Article 10. To foster cooperation, provide technical assistance, and dialog with corporations, foundations, and other private organizations whose objectives are similar to the Council's functions, and to develop agreements with them for the execution of projects of common interest.

Article 15. To enforce the actions, agreements, and obligations relevant to the Committee of Qualification of Private Donations, as established by Law 18,985.

Article 16. To propose the acquisition by the state, of buildings of historic value through the Ministry of National Lands.

Political Constitution of the Republic of Chile – Ministry of Interior's Supreme Decree No.1, 150 of Oct. 24, 1980

Chapter III: Of the constitutional rights and responsibilities.

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<sup>33</sup> Ministerio de Educacion - Consejo de Monumentos Nacionales, *Ley No. 17,288 de Monumentos Nacionales y Normas Relacionadas* (Santiago, Chile: Productora Grafica ANDROS Ltda, 2003), 71-75.

Article 19: The Constitution assures to all peoples:

No.10: The right to education. Education has as its main purpose the development of persons during the different stages of their lives. Parents have the right and the responsibility of educating their children. The state will grant special protection to the exercise of this right. Elementary education is mandatory, and the state will finance a cost-free system for that purpose, in order to ensure access to it by the entire population. It is the state's responsibility, therefore, to foment the development of education at every level, stimulate scientific and technological research, *and the protection and expansion of the cultural patrimony of the nation*. It is the community's responsibility to contribute to the development and improvement of education.

No.24: The right to property. Only the law can establish the manner of acquisition of property, its use, enjoyment, and disposition, and the limitations and obligations that derive from its social function. This encompasses that which is relevant to the general interests of the Nation, national security, public utility and health, *and the conservation of the environmental patrimony*. Nobody can, in any instance, be deprived of his/her property, or of any of the attributes or essential faculties inherent to its control, *except in cases where the law authorizes its expropriation by eminent domain*. The expropriated party may question the legality of such act before the courts, and will always have the right to indemnification for the harm done to his estate, which will be established in common agreement or by sentence passed by the courts.

Supreme Decree No.291 of the Ministry of the Interior, which establishes the revised text of Law 19,175 about Regional Governance and Administration (published on Mar. 20, 1993)

Title II: Of the Administration of the Region.

Chapter II: Functions and powers of Regional Governments.

Article 19: In matters of social and cultural development, the regional government will:

f) Foster cultural expressions, protect the historic, artistic, and cultural patrimony of the region, *including national monuments*, and watch over the protection and development of native ethnicities.

Law No.19,253 Indigenous (published on Oct. 5, 1993)

Title IV: Of the Indigenous Culture and Education.

Paragraph 1: On recognition, respect, and protection of indigenous cultures.

Article 28: The recognition, respect, and protection of indigenous cultures and languages will consider:

f) The promotion of artistic and cultural expressions, and the protection of the architectural, archaeological, cultural, and historic indigenous patrimony.

Article 29: In order to protect the historic patrimony of indigenous cultures, as well as the cultural patrimony of the country, a report by the National Corporation of Indigenous Development will be required for:

a) The sale, exportation, or any other manner of estrangement of the archaeological, cultural, or historic patrimony of the indigenous people of Chile

b) The export of pieces, documents, or objects of historic value with the purpose of being exhibited abroad

c) The excavation of historic indigenous cemeteries with scientific purposes, which will be regulated by the procedure, established in the LNM and its regulations, with prior approval by the affected community.

Law 19,300 of Environmental Basis (published on Mar. 9, 1994)

Concept of Environment.

Article 2 defines:

II) Environment: Global system composed of natural and artificial elements of physical, chemical, biological, or socio-cultural nature, and their interactions, in constant modification by human and natural intervention, which regulates and conditions the existence and development of human life in its multiple manifestations.

Article 10 specifies the projects or activities susceptible of causing environmental impact in any of its phases, which will need to submit to the system of evaluation of environmental impact (environmental review), which are:

(p) The execution of works, programs, or activities in national parks, national reserves, natural monuments, reserves of undeveloped zones, natural sanctuaries, marine parks, marine reserves, or in any other area under official protection, in cases where the respective law authorizes it.

Article 11 defines the projects or activities mentioned above that will require the elaboration of a Study of Environmental Impact (SEI) if they generate or present at least one of the following effects, characteristics or circumstances:

1. Risk for the health of the population due to the quantity and quality of its effluvia, emissions, or residues.

2. Significant adverse effects over the quantity and quality of renewable natural resources, including the soil, water, and air.
3. Relocation of human communities or significant alteration of systems of living, and customs of human groups.
4. Localization adjacent to populated areas, resources, and protected areas susceptible to being affected, as well as the environmental value of the territory in which the localization is intended.
5. Significant alteration, in terms of magnitude or duration, of the landscape or tourist value of a zone.
6. Alteration of monuments, sites of anthropological, archaeological, historic value, and in general those belonging to the cultural patrimony.

Supreme Decree No.30. Ministry General Secretary of the Presidency. Regulation of the System of Evaluation of Environmental Impact (published on April 3, 1997)

Article 2 defines:

a) Protected area: Any portion of the territory, geographically delimited, and established by an act of public authority, placed under official protection with the purpose of ensuring biological diversity, protecting the preservation of nature, and conserving the environmental patrimony.

e) State Agency with environmental competency: Ministry, public service, agency, or institution created for the fulfillment of a public function that gives environmental authorization to sectors for those activities indicated in this Regulation, or that possesses legal powers associated directly with the protection of nature, the use and

management of any natural resource, and/or the enforcement of the norms and conditions upon which the qualifying resolution of a project or activity is dictated.

Article 11: The pertinent official must present a Study of Environmental Impact (SEI) *if his project or activity generates or alters monuments, sites of anthropological, archaeological, or historic value, and in general those pertaining to the cultural patrimony.*

With the purpose of evaluating if the project or activity, with respect to its area of influence, generates or alters monuments, sites of anthropological, archaeological, or historic value, and in general those pertaining to the cultural patrimony, the following will be considered:

- a) The proximity to a National Monument as defined in the LNM
- b) The magnitude in which a National Monument as defined in the LNM is modified, destroyed, excavated, relocated, or permanently modified
- c) The magnitude in which constructions, sites, or places that by their architectural characteristics, their antiquity, scientific value, historic context, or singularity, belong to the cultural patrimony, are modified, or permanently defaced;
- d) The proximity to places or sites in which cultural or folkloric manifestations particular to a people, community, or human group take place.

Article 12 defines the minimum detailed contents for the elaboration of an SEI, which will consider the following matters:

- f) Baseline, which shall describe the area of influence of the activity or project, in order to later evaluate the project's impact on the environment.

The area of influence of the project or activity is defined or justified for each affected environmental element, considering the potentially relevant environmental impact upon them. The environmental elements present in the area of influence of the project or activity, and which originate the necessity of an SEI, must be described, in consideration of the effects, characteristics, or circumstances referred to in Article 11 of this Law, notwithstanding the above.

The state of the identified environmental elements described in the previous paragraph, must be typified according to the relevant attributes of the area of influence, their current status, and if applicable, their potential evolution, without considering the execution or modification of the project or activity. This description must consider, when necessary, the natural and artificial elements that make-up the historic, archaeological, anthropological, paleontologic, or religious patrimony, and in general those that make-up the cultural patrimony, including those classified as National Monuments.

Article 73 establishes the requirements for the granting of permits, and the technical and formal content necessary for the official approval of their execution, for the realization of conservation work, repair, or restoration of Historic Monuments, removal of objects that form part of, or belong to a Historic Monument; the destruction, transformation, or repair of a Historic Monument, or the erection of constructions in their proximity, or the excavation or building, if the Historic Monument is located on an empty lot, such as a sculpture. In the Study or Declaration of Environmental Impact, whichever may be the case, the appropriate measures for the conservation and/or protection of the affected Historic Monument will be indicated.

General Law of Urbanism and Construction – Supreme Decree No. 458 (published on April 13, 1976)

Clause 2 of Article 60 states that the Municipal Comprehensive Plan will indicate what are historic conservation zones or buildings, in which case existing buildings will not be demolished nor rehabilitated without previous authorization by the corresponding Regional Housing and Urbanism Ministerial Agency.

General Ordinance of Urbanism and Constructions – Decree No. 47 of the Ministry of Housing and Urban Development (published on June 5, 1992)

Article 1.1.2 defines the terms in this Ordinance.

Modification (alteration) is any suppression or addition that affects an element of the structure or the façade of a building, and the restoration, rehabilitation, or remodeling work on buildings.

Extension is the addition to a built area built after the final reception of the completed work.

Neighborhood is a residential, industrial, commercial, or mixed use area that is part of a city generally composed of a group of blocks of similar characteristics.

Historic Conservation Real Estate Property is a building which has not been declared a National Monument, but has been classified as such in a document of Territorial Planning, given its architectural, historic, or cultural characteristics.

National Monument is a building, group of buildings, or area declared as such by the LNM.

Maintenance Works are those works intended for the conservation of the quality of the finishes and fittings of existing buildings, such as the replacement of doors and windows, stucco coverings, repair of pavement, ceilings, coverings, and rain drainage

canals, paint, wallpaper, and the installation of pipes, or the channeling of water, sewage, electricity, or heating.

Reconstruction of a building is a total or partial reconstruction of a building, or the reproduction of a pre-existing structure or part of it, that formally acquires the characteristics of the original version.

Rehabilitation of a building is the recovery or adaptive reuse of a building through works and modifications that, without taking away the merits of its original characteristics, improves its functional, aesthetic, structural, habitable, or comfort qualities

Repair is the renovation of any part of a structure that involves a significant effort for the purpose of turning it back to an equal or better condition from the original, and the substitution of foundations, load-bearing walls, columns, or the replacement of roofs.

Restoration of a building is work intended to restore or return a building, generally of cultural patrimonial character, to its original state, or to a determined period in the past.

Historic Conservation Zone is a specific area or zone in a document of Territorial Planning, comprised of one or more groups of buildings of urban or cultural value, whose association generates conditions worthy of preservation, but which does not have the designation of national monument.

Article 1.4.4.: The Direction of Municipal Works, at the request of the interested party, will issue, within a maximum period of 7 days, a Certificate of Previous Information, which will identify the zone or sub-zone where the estate is located, and the regulations that affect it, according to the information contained in the respective

Document of Territorial Planning, and will issue among others, the complementary records indicated below:

[5] Applicable Urban Standards for the estate, such as:

(1) Construction or Historic Conservation Zones, or Typical and National Monument Zones, with their respective special urban regulations.

Supreme Decree No. 40 of 2004. Title III: Subsidy for Patrimonial Rehabilitation.

Article 29 of this decree states the conditions under which this housing subsidy can be applied. It states that it may only be granted towards the funding of a low-cost residence originated from the rehabilitation of a structure located in a Historic Building or Historic Conservation Zone as defined in the respective Planning Document. In addition to the above, the following conditions must apply:

1. The building being rehabilitated is a used construction built prior to July 31 1959.
2. The rehabilitation will generate two or more low-cost dwellings authorized by the Regional office of the Ministry of Housing and Urban Development.

Article 30 establishes the amounts of subsidy and minimum savings required for the application, which are calculated according to the cost of the home.

Subsidy of Urban Renovation<sup>34</sup>

In order to repopulate the urban areas of the city of Santiago, suffering from the suburban flight of the 1970s and 80s, a Subsidy of Urban Renovation was created thirteen years ago. Utilized heavily in almost every real estate project in metro Santiago, it has

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<sup>34</sup> "Subsidio de Renovacion Urbana: Un Incentivo para Invertir," *Urbe*, April 30, 2004, 10.

become one of the most attractive reasons for choosing a residential dwelling in this area.

This government subsidy does not have to be repaid by the beneficiary. It is used to partially finance the purchase of a low-cost home of less than 140 built square meters.

This dwelling can be new or repaired as long as it qualifies as an Urban Renovation project.

## APPENDIX B

### ORGANIZATIONS

#### *Public Organizations*

##### National Monuments Council (NMC)<sup>35</sup>

The NMC is a technical governmental organization regulated by the Ministry of Education. It was created in 1925 by Law No. 651 as an organization similar in structure as today's, but with fewer members, and a narrower range of powers. Its predecessor was an organization called "Commission in Charge of the Vigilance and Conservation of National Historic Monuments," created on June 19, 1925 by Decree No. 3,500. A few months later, this commission became the NMC with the passage of Law No. 651 on October 17, 1925. This law was in existence until 1970, when the new LNM gave birth to the organization that operates today.

The old Law No. 651 defined what was considered a national monument, established the attributions and duties of the Council, designated its thirteen members, established the resources it needed for its operation, and set the penalties for infractions. It also defined the Council's areas of competence, which were: historic monuments, public monuments, archaeological excavations, and the registry of museums. During its

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<sup>35</sup> *Consejo Nacional de Monumentos*, "El Consejo," <http://www.monumentos.cl/> (accessed February 9, 2004).

first decade in existence, the Council declared seven sites as historic monuments, six of which were Spanish forts located in the Eighth and Tenth regions, and one private building, which was the home where the former president Manuel Montt was born. Although there is little written documentation available from these early years of operation, there is record of the declaration of Easter Island and Fuerte Esmeralda in Valparaiso as national monuments in 1935 and 1938, respectively. There is little evidence of activity between 1938 and 1949, when the only action appears to be the declaration of a museum in the southern city of Talca in 1945. Between the years 1949-1954, there were a total of twenty-four monuments declared, sixteen of which were religious buildings, five of them forts, and two of them standard buildings. There is little activity between 1955 and 1964, with only five monuments declared between the years 1960 and 1964. Between 1971 and 1974, after the passage of the new LNM, there is a marked increase in activity. A total of sixty-four monuments of different categories were declared during this period: artifacts, typical zones (districts), and archaeological sites. A great deal of activity took place between 1975 and 1984, with the declaration of a total of 218 monuments, among them nature sanctuaries, Indian sites, locomotives, and private and public buildings.

Activity increased steadily during the past decade, with a sharp boost beginning in 1994. During this period, there were 224 national monuments declared, a great number of these outside of the Metropolitan Region. Prior to 1996, the Council had no operating

budget, functioning only with the support of the Bureau of Libraries, Museums and Archives, which contributed a staff member and space for the monthly meetings.<sup>36</sup>

The NMC establishes the designation of national, historic, archaeological, and natural monuments, all of which must have historic or artistic value, or offer special possibilities for geologic, paleontological, zoological, botanic or ecologic studies and research. The NMC is made up of nineteen members. It is presided over by the Minister of Education, with an executive secretary in charge of processing the resolutions and organizing the pertinent commissions relevant to the mission of the organization. The functions and powers of the NMC are:

1. To make pronouncements regarding the benefits of designating certain properties as National Monuments, and to request of the Minister of Education the passing of the corresponding Decree. Any person or entity may request the designation of a resource as a National Monument.
2. To protect archaeological and paleontological monuments.
3. To authorize work in national monuments, and to grant permission to excavate and research archaeological sites.
4. To authorize the installation and transportation of public monuments.
5. To negotiate and manage the acquisition by the state of historic monuments that belong to private citizens which would be beneficial for the state to own.

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<sup>36</sup> Cabeza, Angel and Susana Simonetti, "La urgencia de cautelar el pasado (The urgency to protect the past)," *Cultura*, December, 1999.

6. To prepare projects or rules of intervention for national monuments, to propose to the government the regulations of the LNM, as well as the administrative measures needed for the effective conservation of national monuments.
7. To execute, on its own or through some other organization, restoration, repair, or conservation work, and to provide markers for national monuments.
8. To create the register of National Monuments and Museums of Chile.
9. To develop publications and exhibits that promote the country's national heritage.
10. To authorize the loan of cultural objects and museum collections considered National Monuments, as well as their exit abroad; to authorize the exit abroad of state museum collections.
11. To battle against the illegal traffic of cultural artifacts.
12. To participate in the System of Environmental Impact Evaluation in the protection of the cultural monument patrimony.

Since 1994, the Council has acquired the important role of participating in the System of Environmental Review, which was formally put into practice with the promulgation of the respective regulation in March 1997. This system adds a higher degree of regulation to the existing legislation. The system has been instrumental in the protection of archaeological and historic resources. An example is the case of the Santiago Metro project for the expansion of its Line Five, which necessitated the implementation of protective measures for archaeological and historic resources in the area. It is the Council's responsibility to evaluate the impact on the national patrimony presented by the projects that must be incorporated into the system, and to define the mitigation measures, and/or corresponding compensation required.

### National Council of Culture and the Arts<sup>37</sup>

Created in 2003, the Council's mission is to support the development of the arts and the dissemination of culture, to contribute to the conservation and expansion of the nation's cultural patrimony, and to promote it and make it available to the public by making it an integral part of the cultural life of the country. Its headquarters are located in the city of Valparaiso. Its chairman has the status of Minister of the Republic, making the organization equivalent to a Ministry with all the powers and attributions of such.

The Council is governed by a board of directors, whose members are designated by their own right, and by nomination. Members by their own right are:

1. Chairman, with the rank of Minister of State, who will act as the supreme chief of the organization. The chairman is appointed by the President of the Republic, and reports directly to him.
2. Minister of Education.
3. Minister of Foreign Affairs.

Designated members are:

4. Five cultural figures of established reputation in the artistic field that are well recognized for their accomplishments.
5. Two academics in the area of artistic creativity, cultural heritage, or cultural activity; one named by the Council of Deans of Chilean Universities, and another by the group of Deans of private autonomous universities.
6. A National Prize winner.

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<sup>37</sup> *Consejo de la Cultura*, "Consejo Nacional de la Cultura y de las Artes: Objetivos," <http://www.consejodelacultura.cl/contenido/articulo.php?id=304&t=s/> (accessed February 9, 2004).

The ministers referred to in points two and three above may delegate their participation to permanent representatives, but may re-assume their duties whenever they deem it necessary. The terms of members referred to in points four through six will be four years with the possibility of a one-time reappointment for another period of equal duration.

The following are some of the functions of the Board of Directors:

- To propose to the President of the Republic the legislation and administrative acts that it deems necessary for the application of cultural policies, and for the development of culture, the creation of artistic diffusion, and the preservation of the national heritage
- To resolve the distribution of resources from the National Budget for the Development of Culture. The council's total proposed budget for 2004 is 25 million dollars.

The Council is organized into a National Advisory Committee and Regional Advisory Committees. The function of the National Advisory Committee is to advise the board on matters relative to cultural policies, plans of action, and the preparation of projects of law and administrative actions regarding cultural matters. The Committee is formed by fifteen members of recognized track record and experience in the areas of artistic creativity, cultural heritage, academic involvement, and cultural participation.

The Council's functions are:

1. To study, adopt, execute, evaluate, and renew cultural policies, as well as plans and programs, in order to fulfill its objective of supporting the development of culture and

- the arts, and to preserve, increase, and disseminate the nation's cultural patrimony, as well as to promote the participation of the public in the country's cultural life.
2. To execute and to promote the execution of studies and research regarding the cultural and artistic activity in the country, as well as its cultural heritage.
  3. To support cultural participation and artistic creativity and diffusion, at a personal and organizational level, and to find spaces of expression in the neighborhood, the county, the city, the region, and the country, according to the preferences of those who inhabit those spaces.
  4. To facilitate access to cultural manifestations and artistic expressions, to the nation's cultural patrimony, and to the use of technology in the production, reproduction, and diffusion of cultural objects.
  5. To establish a permanent connection with the formal educational system at every level, coordinating its activity with the Ministry of Education, in order to allow for sufficient avenues of expression within the different programs of study of the nation's school systems.
  6. To stimulate the development of cultural activity and expression at the local, regional, national, and international levels.
  7. To encourage the construction, expansion, and readiness of infrastructure and equipment necessary for the development of cultural, artistic, and heritage activities.
  8. To propose measures for the development of a cultural industry, and the placement of its products in national and international markets.
  9. To establish links of coordination and collaboration with all public agencies that, without being part of the Council, may also be involved in cultural activities.

10. To develop cooperation, technical advisory, and interaction with corporations, foundations, and other private organizations whose objectives are similar to those of the Council's, and to establish agreements for the execution of projects of common interest.
11. To design cultural policies that can be applied within the international realm, and to explore, establish, and develop international connections and agreements in cultural matters, coordinating these actions with the Ministry of Foreign Affairs.
12. To develop and operate a national and regional cultural public information system.

National Foundation of Cultural and Artistic Development (FONDART)<sup>38</sup>

The objective of this organization is to finance, either totally or partially, projects, programs, activities, and promotional, execution, and conservation measures for the arts and cultural heritage in its many manifestations. The foundation is concerned with the following areas: promotion of the arts, regional cultural development, conservation and diffusion of the national heritage, development of indigenous cultures, development of cultural infrastructures, and scholarships and internships. In the area relative to the conservation and promotion of the national heritage, the foundation finances projects of conservation, recovery, and diffusion of intangible and tangible cultural heritage property, impermanent as well as permanent.

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<sup>38</sup> Inter Media S.A, "Fondos del Consejo Nacional de la Cultura y las Artes," *Fondos de Cultura*, [http://www2.fondosdecultura.cl/appQueSon.php/?/](http://www2.fondosdecultura.cl/appQueSon.php?/) (accessed June 27, 2004).

## *Non-Profit Organizations*

### Corporation of the Cultural Patrimony of Chile<sup>39</sup>

This is a private, autonomous, philanthropic, and non-profit organization founded in 1995. Among its functions is the building of bridges between the public sphere, guardian of the nation's heritage treasures, and the private sector, through large scale projects. It administers resources and projects geared towards the conservation and diffusion of the country's cultural patrimony, defined as those tangible and intangible assets that make up the national identity. Its actions comprise various topics, from the rescue and diffusion of monumental works, such as the digitization, automation, and conservation of printed materials, to the promotion of national festivities and traditions. Among its recent activities is the survey of the cultural patrimony in the province of Iquique.

### Corporation for the Conservation of the Architectural and Urban Patrimony<sup>40</sup>

This organization generates resources and suggests actions geared towards the preservation of the cultural patrimony, publicizes the activities and actions of private and public corporations with regard to the architectural patrimony, and suggests and carries out studies around this topic through agreements with corporations, municipalities, universities, and state agencies.

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<sup>39</sup> *Nuestro.cl*, "Corporacion del Patrimonio: Que Es?," <http://www.nuestro.cl/corporacion/index.htm>. (accessed June 23, 2004).

<sup>40</sup> *Consejo Nacional de la Cultura y de las Artes*, "Corporación para la Conservación del Patrimonio Arquitectónico y Urbanístico," <http://www.consejodelacultura.cl/ficha/ficha.php?id=166/> (accessed June 23, 2004).

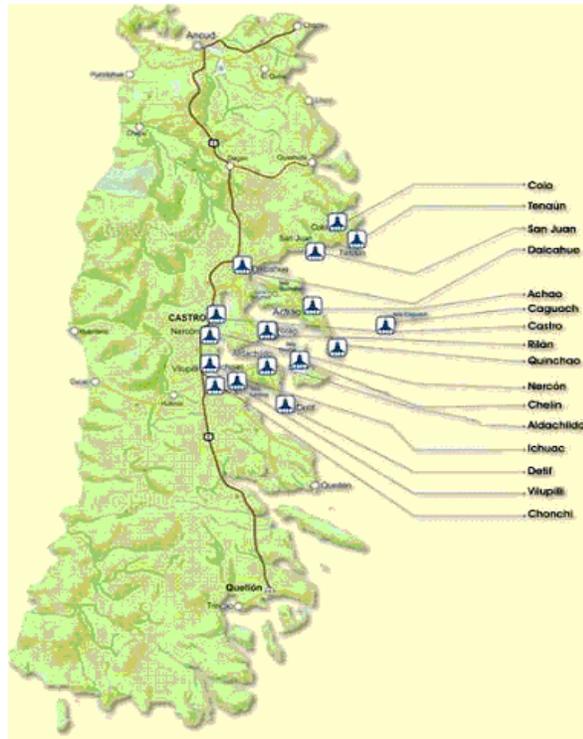


Figure 14 – Colonial churches in Chiloé Island

#### Foundation of Friends of the Churches of Chiloé<sup>41</sup>

This foundation preserves the architectural patrimony made up of the colonial churches in the Chiloé archipelago in the 10<sup>th</sup> Region. Together with the inhabitants of Chiloé, it has sought to preserve these colonial churches with the support of the NMC. One of its greatest accomplishments has been the designation of these churches a World Heritage Site by UNESCO. The foundation has also endeavored to continue the tradition of religious sculpture in wood, developed by local artisans.

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<sup>41</sup> *Consejo Nacional de la Cultura y de las Artes*, "Fundación Amigos de las Iglesias de Chiloé," <http://www.consejodelacultura.cl/ficha/ficha.php?id=170/> (accessed February 9, 2004).

## Valparaiso Foundation<sup>42</sup>

This organization seeks to preserve the architectural and cultural patrimony of the hills of Valparaiso, with the support of Chilean and U.S. funds. It emerged in Valparaiso with the purpose of supporting the rescue of the architectural and cultural heritage of this port city, particularly that which surrounds its historic elevators. Perched on a cliff hanging over Valparaiso's Victory Square, the Valparaiso Foundation's institutional campus represents one of the most significant restoration projects ever undertaken in Valparaiso. The home was built in 1898, with an addition built in 1914. After a century, and seven different owners, the house was taken over as the neighborhood sporting club, until excessive deterioration led to its condemnation in 1996. The total restoration cost 220 million pesos (US\$350,000) and took twenty months to complete. This was the most expensive project undertaken under the auspices of the Chilean Cultural Donations Law, during the period 1998-1999.

This foundation is currently working on urban restoration projects, tourist infrastructure, and education. With the support of the U.S. World Monuments Fund, it started the project called "An Elevator is a Neighborhood," which consists of the restoration of building façades around the city's elevators, in addition to the construction of the foundation's headquarters in Cerro Alegre (one of the most picturesque hills in the city). Other projects include several educational programs for elementary and secondary schools.

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<sup>42</sup> *Fundacion Valparaiso*, "Fundacion Valparaiso: Mision," <http://www.fundacionvalparaiso.org/> (accessed June 22, 2004).



Figure 15 – Valparaiso elevator

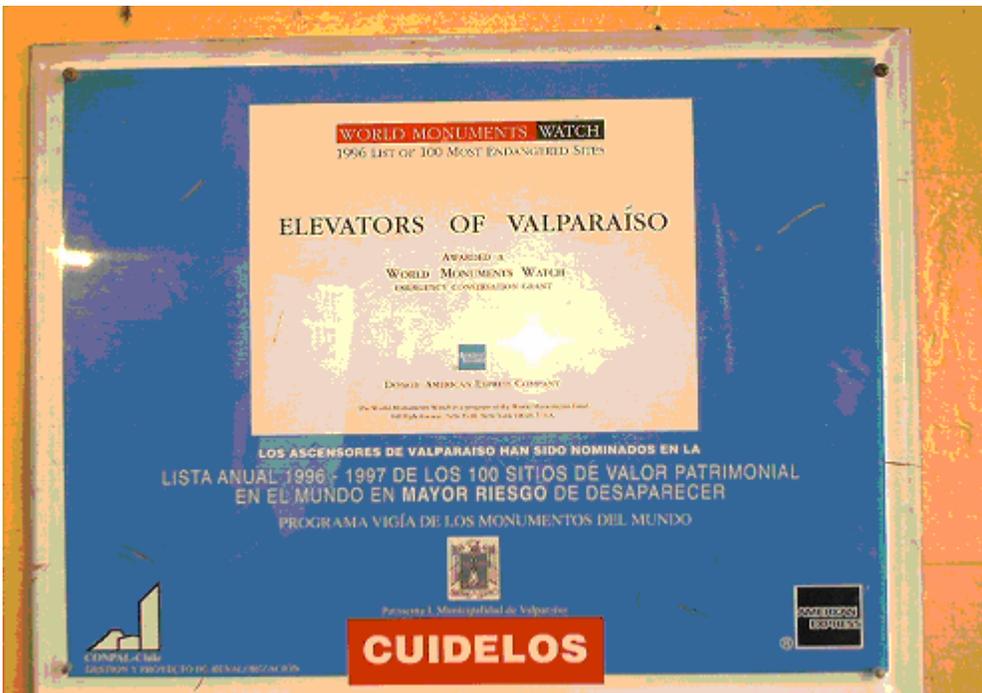


Figure 16 – Sign at an elevator entrance in Valparaiso

#### Foundation for the Support of Cultural Heritage Research<sup>43</sup>

This foundation, which supports the research activities of the Bureau of Libraries, Museums and Archives, was created with the purpose of promoting the generation of new information, beginning with the evaluation of the historic collections housed by the institution, as well as external on-site studies to increase and appreciate the natural and cultural heritage of the nation, and to promote the rescue and preservation of the national cultural heritage. Between the years 1992 and 1995, a total of forty-five research projects were funded by this organization for a total of approximately US\$40,000.

#### National Conservation and Restoration Center (NCRC)<sup>44</sup>

The NCRC began its activities in October 1982, with the mission of fostering professional work towards the conservation and restoration of the country's national heritage. Its purpose is to research, standardize, promote, and execute appropriate methods and systems for the preservation of patrimonial collections. It is a specialized service directed to state and private institutions charged with the safeguarding of cultural assets of public use. The tasks of the NCRC are the conservation and restoration of the country's cultural assets, collections, monuments, and sites; the training of professionals and technicians by supporting higher education, providing training in preventive conservation, and organizing specialization courses with the cooperation of international institutions; to provide assistance to different entities involved in the preservation of

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<sup>43</sup> Direccion de Bibliotecas, Archivos y Museos, *Fondo de Apoyo a la Investigacion. 1995 Informes* (Santiago, Chile: Centro de Investigacion Barros Arana, 2001), 3.

<sup>44</sup> *Direccion de Bibliotecas, Archivos y Museos De Chile*, <http://www.dibam.cl/> (accessed February 15, 2004).

patrimony in terms of diagnosis, methodology, and intervention techniques, and in the formulation of preventive conservation projects for collections; to research techniques and materials, and possible causes of deterioration, and to explore intervention procedures for those resources. Its “monuments laboratory” centers its activities on the study of building materials and their pathologies, with special emphasis in stone and adobe. This laboratory also concerns itself with preventive conservation, providing assistance to the institutions that protect the patrimony in matters related to climate, and in general, to the environmental variables that have a direct impact on the conservation state of those objects. Also, it develops studies concerning the situations that promote deterioration, in order to propose and implement adequate solutions.

#### Fundacion Futuro<sup>45</sup>

The mission of this organization is to bring art and culture to the public, encouraging people to discover and see their city, and to look into the future. It strives to open new horizons for students and teachers, to encourage citizens to write their own experiences, and to build bridges among peoples. One of its programs, “Ojo con la Ciudad” (*Keeping an Eye on the City*), started in 2001, is directed to high school juniors and sophomores. It utilizes the city as an educational space by offering daily walking tours, with the purpose of strengthening the knowledge of the country’s history, culture, and idiosyncrasy through observation.

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<sup>45</sup> *Fundacion Futuro*, <http://www.fundacionfuturo.cl/quienes.htm>. (accessed June 25, 2004).

Cultural Heritage Corporation (*nuestro.cl*)<sup>46</sup>

*Nuestro.cl* is a virtual community based on the valuation of the country's cultural heritage, and the collective construction of the national identity. It encourages cultural diversity, promotes understanding of the patrimony and its issues, the development of initiatives, and the free exchange of ideas. This website provides a platform for the collaboration of institutions, media, and people involved in heritage conservation.

*Nuestro.cl* is the first website dedicated to Chile's cultural heritage.

***Volunteer Organizations***

Citizens for Valparaiso Movement<sup>47</sup>

This movement was established with the purpose of ensuring the preservation of the city's character and authenticity, recognized internationally by UNESCO through its designation as World Heritage City. The group's main concern is the adequate management of the city's development, with proper regulation of tourism, and new construction development. The group fears that if these activities are not properly managed or are allowed to grow indiscriminately, the result may be the loss of the local identity. This mismanaged growth could generate a model that promotes the dramatization of historic styles, with the resulting effect of a proliferation of staged scenes devoid of real life, weakening the authenticity and originality of the place. The

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<sup>46</sup> *Corporacion Cultural del Patrimonio*, <http://www.nuestro.cl/eng/who/index.htm>. (accessed June 22, 2004).

<sup>47</sup> *Ciudadanos por Valparaiso*, <http://www.granvalparaiso.cl/aldealocal/valparaiso/ciudad/1.htm>. (accessed June 22, 2004).

movement seeks to promote an urgent revision and modification of the existing zoning regulations, so that they are redefined to appropriately control, among other things, the maximum height of new construction in the city. With this goal in mind, they have engaged in an aggressive campaign of signature collection among the citizens, with a total of 5,000 signatures collected in 2003.

#### Volunteers for the National Heritage<sup>48</sup>

This volunteer movement that started in 2000 is sponsored by the NMC. It was formed in response to a call for action by UNESCO to involve citizens as a vital element in the preservation of the national patrimony. Among its main purposes is the support of all actions for the rescue, documentation, protection, and diffusion of the national cultural heritage as a critical component of the national identity. The group sponsors workshops and seminars for all their members, since they feel training is necessary for the success of the movement. Membership is open to anyone interested in helping and supporting the preservation of the country's cultural heritage.

#### “Defendamos la Ciudad” (Let's Defend the City)

The chairman of this group has acquired notoriety through his many editorials and letters to the editor to different media around the country. He is not an architect, nor an urban planner, nor a lawyer; however, he conducts himself as if he practiced all those professions. He has dedicated all his efforts to the protection of the city, in the manner of a public defender that makes visible the “urban rights” of its inhabitants. He is usually

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<sup>48</sup> *Consejo Nacional de Monumentos de Chile*, [www.monuments.cl/](http://www.monuments.cl/) (accessed June 26, 2004).

seen addressing the authorities, meeting with neighbors, and periodically visiting the Treasury Department to learn about the latest policies and actions that may affect his cause. He takes risks and assumes responsibility for everything that his organization engages in. His mission is accomplished with the collaboration of thirty other members of his group, among which there are architects, lawyers, physicians, sociologists, corporate leaders, and housewives of different ideologies, but with the same sensibility towards urban matters. Since 1996, prior to formalizing his “mission” by the foundation of this advocacy group, Herman had published a total of 180 columns in the government newspaper *La Nacion*, fifty in the periodical *El Mostrador*, and more than 100 letters in the newspaper *El Mercurio*, the largest circulation newspaper in the country, asserting his views about urban policies and denouncing violations to zoning ordinances.<sup>49</sup>

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<sup>49</sup> Lisette Avila, "Obsesionado con la Ciudad," *Revista del Domingo - Diario El Mercurio*, May 22, 2004, 2004, 26.

## APPENDIX C

### LEGISLATION IN ARGENTINA<sup>50</sup>

**Law 12,665** of October 15, 1940, later modified in 1993, creates the National Commission of Museums, Monuments and Historic Places, which depends on the Secretary of Culture of the Presidency. The Commission is composed of one chairman and ten representatives, which function on an honorary basis. They are designated for periods of six years, and can be reelected. The Commission has direct responsibility over museums, monuments, and historic places. It is responsible for the compilation of a list of historic monuments, approved by the Nation's Executive Power (Presidency). The law establishes that the resources declared as such may not be modified, transferred, or disposed of without the Commission's approval, and must remain under the custody and conservation of the federal government with the concurrence of the respective authorities. The registered resources are free of any taxation. The law establishes the Commission's duties, which are:

- To propose the declaration of "public utility" of registered resources, subject to eminent domain
- To celebrate protection agreements with property owners
- To classify and maintain a Registry of the nation's cultural resources
- To publish an annual list of registered resources.

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<sup>50</sup> *Ciudad Autonoma de Buenos Aires*, "Legislacion: Monumentos Historicos Nacionales," [http://dgp.at.buenosaires.gov.ar/buscar.php?tabla=legal&categoria=legal&f\\_legalbien=2/](http://dgp.at.buenosaires.gov.ar/buscar.php?tabla=legal&categoria=legal&f_legalbien=2/) (accessed June 24, 2004).

The law also specifies that registered assets that are private property cannot leave the country, nor be taxed or disposed of without the Commission's approval, remaining under the custody and conservation of the federal government. The law grants the Commission the power to acquire those assets which it considers of public interest, with the previous authorization of the Executive Power.

**Regulatory Decree 84,005** of February 1941 and its modifications, regulates the constitution, attributions, and functions of the Commission, classifies the nation's cultural resources, and establishes penalties for non-conformance.

**Commission Disposition No. 18/85** advises the Executive Power on the non-approval of the placement of commemorative plaques onto public buildings, monuments, and historic places.

**Commission Disposition No. 5/91** adopts the definitions for Historic, Cultural and Natural Patrimony, National Historic Monument, and National Historic Site.

**Commission Disposition No. 6/91** structures the National Register of Historic and Artistic Assets, and defines the categories of Historic National Monument, National Historic Site, Asset of Historic Interest, and Asset of Artistic Interest.

**Commission Disposition No. 3/93** registers under a special classification those assets declared by competent official organizations of each provincial or municipal jurisdiction, in the Register of Historic-Artistic Resources.

**Law 17,321** of 1967 establishes a schedule of fees for national museums intended for the acquisition of patrimonial assets, and their maintenance.