

REFLECTIONS ON THE APPLICATION OF THE CONVENTIONS AND CHARTERS CONCERNING HERITAGE IN LATIN AMERICA

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America's natural and cultural heritage has a special significance worldwide. It was the last continent that was populated by Humanity and for thousands of years it was far from the influences of the rest of the world until the European conquest and colonization radically altered its natural and cultural environment that it had held on to for thousands of years.

We are split, traditionally, into two large cultural and economic areas: the United States and Canada on the one hand and Latin America and the Caribbean on the other. As a matter of fact, both before and now, the borders of such a division are hazy and in constant flux; migrations continue as active as ever and the indigenous, colonial and modern fundaments are still present, contradicting unequal development, shaky democracies and an overwhelming desire to build a freer and better world for all.

It is in this context that cultural heritage in Latin America and the Caribbean is undergoing a special process, little studied and analyzed in its context. In fact, the threats of deterioration and destruction are greater as a result of accelerated change and the impact of urban sprawl and concentration, besides the productive transformations in the rural sector. However, there is an awakening, albeit slow but progressive, of the meanings of heritage for a better development and way of life for the population. The situation is different in each country and the factors controlling this process have different values or integration in each case. In some, the discovery of one's own heritage and identity acts as a shield against the negative effects of globalization; in others it leads to a reencounter, a dialogue between cultural diversities and the possibility of building new social reference points.

Heritage begins to be valued as a factor of development, not only in the field of tourism but also in the field of construction, production and the environment. In the first case, new areas of heritage are explored, overcoming the traditional views that only highlight pre-Hispanic, colonial cities and isolated monuments. In the second field, novel housing policies incorporate elements, materials and designs based on heritage in new constructions. In the productive area, we observe how businessmen associate natural and cultural heritage values with their export products and, lastly, we see how heritage is on the agenda of environmental policies as something that must be protected and incorporated into development, avoiding or mitigating the adverse effects of the projects that impact it negatively.

These processes of the acknowledgement and value of heritage have been going on now for decades and the diversity of situations between countries and on the inside of each one of them is huge, including some backward movements due to political conflicts and economic problems. In this context, then: what influence have the Conventions and

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Charters had over heritage in Latin America and the Caribbean? What impact have they had on governmental heritage institutions, on professionals, on universities, on international and non-governmental bodies? What has the region contributed toward the development of new international policies and a review and extension of the traditional concepts of heritage?

Answers to these questions vary according to the experience and the position of whoever tries to do so. Some will criticize the present situation and will stress the mistakes, the lack of consciousness, the accelerated destruction of heritage and traditional ways of life. Others will go in the opposite direction, highlighting the positive trends and a growing demand from as well as the participation of the people in favor of heritage. From my viewpoint, real understanding is only achieved case by case although it is possible to pick out some general tendencies.

One first consideration. Concerning the relationship between natural and cultural heritage, the trend in Latin America and the Caribbean has been to have separate national institutions. The very first national parks and reservations were created mainly during the first two decades of the 20th century –except in the case of Mexico which was earlier– and above all by the forestry services of each country. From a legal and policy management point of view, the *Convention for the Protection of Flora, Fauna and the Scenic Beauties of America* of 1940, better known as the Washington Convention, had a tremendous positive impact on the creation of new protected areas and on the unification of criteria in the decades thereafter; following more or less the North American model and including, in some emblematic cases, relevant archeological sites that happened to be in natural areas.

Regarding the protection of cultural heritage, its beginnings were heavily marked by the French Illustration movement of the 18th century which acquired greater relevance during the emancipation of the Spanish colonies. The fight for political independence carried with it the idea of getting rid of the symbols of colonial power and the formation of national identities was fundamental. So it was that the first national libraries and museums were created as part of this process. However, in many countries, there was an attempt to erase the Spanish legacy, because it represented the past, and to replace it with what was thought of as modern, and so it was that the French and English influences that predominated in the arts and in architecture. This cultural, political and economic context meant the destruction of important urban and rural architectonic properties until, around the end of the 19th and the beginning of the 20th centuries, this colonial architectonic legacy began to achieve relevance once again.

At the 5th Conference of the Pan-American Union, held in Santiago, Chile in 1923, all States were recommended protecting their historic heritage, creating legislation and institutions for that purpose. So, in the years thereafter, a series of laws governing protection were enacted and important pre-Hispanic cities and historic centers, fortifications and colonial churches were declared national monuments. Mexico, as a matter of fact, had begun this process earlier and its revolutionary fervor even led it to expropriate the assets of the Catholic Church in Mexico, which were then devoted to public use, many of them transformed into museums.

Therefore, between the twenties and the forties of the 20th century, Latin American heritage began to be discovered as the basis of each country's historic identity, both as

regards its pre-European as well as its colonial origins. In some cases this acted as the foundations for an ideology of identity that sought to blend the best of the Hispanic with the indigenous past and in others, with the essentially European or indigenous past, exclusively, with the ensuing contradictions that implied in social, political and economic terms.

Having identified a part of the heritage that had to be protected, the question then arose as to how to maintain and restore it. In the case of archeological sites, the main issue revolved around the digs and structural consolidation; in the case of architectonic heritage the main problem was how to restore it. In both cases, the temptation to hypothetically reconstruct was always present, either because of political demands or, in some countries, due to the growing demand from tourism.

Professionals interested in this topic, mainly historians, architects and archeologists, were influenced basically by current European theories, in whose universities some of them had been formed. At the end of the First World War, with the result of millions of deaths and widespread devastation, the League of Nations was created in 1920 with the hopes that peace would be maintained and any future wars forestalled. In a mandate from this body, the Institute for International Intellectual Cooperation was established - the predecessor of the UNESCO- in a spirit aimed at reestablishing communications and a reencounter between intellectuals from all over the world. Prominent among its tenets was the importance of protecting museums, libraries, archives and monuments as a result of the war.

It was in this context then that the *Athens Charter* of 1931 came about and which is one of the first international documents that establishes a series of principles for conserving monuments. This charter was the outcome of the first Congress of Architects and Technicians of Historic Monuments, in which it was declared that the conservation of artistic heritage is of interest to all States and that it must be an area for international cooperation; that monuments must always be maintained so as not to reach a situation that requires them to be rebuilt entirely; that restoration should only be undertaken in absolutely essential cases and that, when undertaken, the past work must be respected without excluding the style of any given period. The charter enshrines the people's right over and above private interests when it comes to protecting monuments and that the State must be endowed with the power to take conservation measures when emergencies arise. It also stresses the importance the use of a monument has –a use that must respect its historic and artistic character– so as to maintain the basic nature of the heritage.

The Athens Charter includes such novelties as respect for ruins, avoiding hypothetical reconstructions but authorizing *anastilosis*, a recommendation relating to the care of the surroundings of monuments and reburying archeological sites after digs. The careful use of new materials when restoring old buildings –even recommending the use of reinforced cement– was also highly encouraged.

This charter had a special impact on several generations and it guided the restoration of many monuments in America. As a matter of fact, one of its problems was the overuse of cement in important archeological and colonial sites to the detriment of original materials such as stone, lime and adobe.

The Second World War was far more destructive in terms of human lives and materials than the First. The loss of valuable heritage was incalculable and reconstruction campaigns of the cities were tackled on a large scale which led to important discussions regarding their restoration. In this field, the birth of the United Nations in 1945 and the UNESCO in 1946 were a big step forward because of the international legal framework plus the ongoing debate on new ideas concerning heritage.

One first landmark for UNESCO was the *Convention for the Protection of Cultural Property in the event of armed conflict*, approved in The Hague in 1954 and which is a clear reaction in the face of the destruction of heritage during the armed conflicts, specially the Second World War. This convention is based on the first international accords that were signed on the subject and which had taken place in the same city of The Hague 1889 and 1907. The document reflects the consolidation of the principle that each nation's heritage is of importance to the whole of humanity. Moreover, this accord assumes that any protection of heritage must be based, out of necessity, on international regulations.

Conceptually, the Convention of The Hague defines cultural property in a traditional manner, assimilating the term to that of "monuments", specially historic and artistic ones. The Convention tries not only to avoid the destruction of cultural property but also misappropriation in the event of war. The accord introduces an "International Register of Cultural Property under Special Protection", and it establishes a series of provisions that regulate how cultural properties should be treated in case of war. A large part of American countries are signature to it.

The second Congress of Architects and Technicians of Historic Monuments, held in 1964, prepared the *Venice Charter* which reaffirmed all of the principles established in the Athens Charter as well as incorporating other new ones, pointing out the need to preserve not only the monument itself, but also the surroundings in which it is ensconced. The charter establishes the paramount need not to transfer monuments, unless there are reasons of force majeure; it recommends that the elements that are inside a monument and which are a part of it, such as sculptures and paintings, may only be taken away from it when it is a condition for preserving it; it is mentioned that restoration works may only proceed after an exhaustive study has been made of the archeological and historic type and that the restoration must stop when guesswork begins to take over; as well as the fact that the authentic materials must be adhered to and any additional works must be recognizable as being contemporaneous.

Unlike the Athens Charter, it was mentioned that modern technologies must not be tried out when undertaking restorations, but use what had been previously proven to be efficient and ideal. On the other hand, unity of style is not the aim of restoration, so contributions from all periods and currents of style must be respected.

In the case of archeological monuments, the Venice Charter establishes the need for digs to be governed by the corresponding Recommendation formulated by the UNESCO in 1956. In reconstructions works on ruins, only dismembered parts may be reassembled, recommending that no new ones be introduced and any materials used must clearly be recognizable as contemporaneous.

The Venice Charter had a profound impact on the professionals of the time, specially architects, and it led to the creation in 1965 of the International Council for Monuments and Sites (ICOMOS), a non-governmental organization of an international character. This body became an advisor of the UNESCO in addition to ICCROM, that had been created by the UNESCO itself in 1958. The setting up of national ICOMOS committees in many countries in America enabled the spirit of the Venice Charter to be spread and its principles to be applied in the restoration of monuments up to this day.

The next document of international importance fostered by the UNESCO was the *Convention on the means of prohibiting and preventing the illicit import, export and transfer of cultural property*. This Convention was passed in 1970 and it inaugurated a decade that gave life to many initiatives in this area which were the product of a long process of enlightenment. The Convention protects all cultural elements expressly defined as such by States as being of importance for archeology, prehistory, history, literature, the arts and science. It obliges Member States to establish services in charge of cultural heritage, to keep an inventory of the most important assets, to create institutions that conserve them, to regulate their treatment and to educate with a view to adding to their value. It is established that all exports of cultural assets will require a certificate issued by each State. This Convention has been signed by all of the states in Latin America and to it have been added treaties or bilateral agreements, but countries such as Chile and Guyana have still not ratified it, although this will be done shortly.

The Convention concerning the Protection of the World Cultural and Natural Heritage of the UNESCO of 1972 is, undoubtedly, the one that has had the biggest success worldwide as well as in Latin America. This Convention was the gateway to a qualitative change of great importance in how heritage should be approached because it places an overall focus on natural and cultural heritage. Faced with the fact that not all countries have the proper institutions and sufficient resources with which to protect their natural and cultural heritage, and that accomplishing such an ideal will require a lot of time and effort, the Convention establishes an international protection system that instead of replacing the State's action it adds to it.

With regard to the organization of a system of international assistance for the protection of cultural and natural heritage, an Inter-Governmental Committee for the protection of heritage was created with representatives from the Member States chosen by all of them. The Member States must bring before this Committee an inventory of the natural and cultural heritage in their territory on the basis of which a "World Heritage List" is prepared with the assets that are considered to be of universal value in accordance with certain criteria.

Another mechanism established by the Convention is that of the Endangered Heritage List that includes heritage that needs large works of conservation for which help has been requested. The Committee decides when the assistance will be available. The resources for that come from a Fund made up of resources coming from compulsory and voluntary donations from the Member States, legacies or contributions, from the interest the Fund itself generates and as a result of collections.

This Convention has been signed by almost all countries in America and it has had a big and positive impact on the conservation of natural and cultural heritage. To date, 138 world heritage sites have declared as such on our continent, of which 109 are in Latin

America and the Caribbean. Regardless of this figure though, the region is under-represented worldwide, because the majority of sites are concentrated in Europe and there are important legal vacuums such as modern heritage, industrial heritage and natural heritage. On our continent, for example, Mexico has listed 23 sites, followed by the United States with 18, Brazil 16, Canada 11, Peru 10, Cuba 7 and Argentina 7. As cultural heritage there are 37 sites which are historic cities, basically colonial ones and 22 are archeological sites.

The Convention has been fundamental in encouraging the work of national heritage institutions as well as the people's awareness of the need for conservation. However, the lack of human and financial resources has been a barrier to progressing more coherently and rapidly in order to avoid deterioration or to better control the pressure brought to bear by tourism that the development of such sites means. Although tourism has meant important resources, only a small part is devoted to conservation and the proper management of such places.

Applying the Venice Charter to the Latin American case led ICOMOS to sponsor a meeting in Quito, Ecuador in 1974, whose results were the drafting of a document known as the *Norms of Quito*. This document insists on the need to assume emergency measures in relation to cultural heritage, calling attention to how it is deteriorating. However, the document expresses some optimism and points out that countries are acknowledging and assuming that heritage represents an economic value that is fundamental for development. The Norms of Quito highlight the principle that protection for monuments must include the urban area in which it is found, the natural areas that surround it and the cultural assets it contains. Moreover, it establishes the principle that an area or a site can be of a monumental nature albeit the elements that comprise it, taken independently, do not deserve such a designation.

The Norms of Quito affirm the importance of the declaration and official records of the cultural assets for them to become national monuments so that the State can make its social aims prevail and determine what measures, depending on the case, such social aims are compatible with private interests. In this document, it is mentioned that, in the case of the numerous American monuments that are threatened with destruction, what is needed are not protection measures, which are in place already, but an official policy that injects efficiency into these measures which foster the maintenance of the places in question. On the other hand, the need is acknowledged of including heritage in urban planning regulations. The Norms of Quito have been a guideline specially for architects and professionals connected to ICOMOS, but it has not been sufficiently made known in spite of its importance.

The Organization of American States has also been a part of this process of creating greater international consciousness for heritage. An important contribution of that body is the so-called "*San Salvador Convention*" of 1976 that refers to the defense of archeological, historic and artistic heritage in American nations. Its objective is to identify, record, protect and keep watch over heritage, preventing the illicit import or export thereof and fostering cooperation between American states aimed at getting to know and appreciate it. To forestall the illicit trade in cultural assets, the San Salvador Convention establishes that each country will implement measures such as recording collections and the transfer of heritage as well as the prohibition to import cultural assets without a certificate and the corresponding authorization.

The *Charter for the Conservation of Places of Cultural Significance* was adopted by the Australian Committee of the ICOMOS in 1981. This document, also called the “*Burra Charter*” has arrived a little late for professionals in Latin America but it is becoming better known and appreciated. It provides a series of definitions that clarify the concepts associated with cultural heritage and how it should be treated. Here, it defines such notions as cultural value, historic fabric, conservation, preservation, restoration, compatible use, among others. This document has been improved upon, on several occasions, and it includes three guides drafted to help it being applied. One of its main advantages has been that of placing the concept of cultural significance and its variability as the fulcrum of conservation policies.

Another of ICOMOS’ valuable efforts was the drafting of the *International Charter for the Conservation of Historic Towns and Urban Areas*, also called the “*Washington Charter*” that was adopted by the General Assembly of ICOMOS in 1987. This document specifies what elements are those that should be looked into when dealing with protecting or conserving an urban area; the relationship between space and buildings; the relationship between the city and its surroundings and the functions the urban area has acquired in the course of its history. The charter establishes the need to draw up conservation plans for towns and historic quarters, plans that must be preceded by multidisciplinary studies and which must define what action is to be taken in legal, administrative and financial fields. The Washington Charter acknowledges that the introduction of contemporaneous elements that do not disturb the harmony of the whole, can enrich it. What is considered as absolutely essential, however, is that no roads carrying heavy traffic should be allowed inside historic cities or quarters and that special security measures be adopted in them to ward off natural catastrophes, contamination and other risk factors.

The *Nara Document on Authenticity* was adopted at the Conference organized by ICOMOS that was held in Nara, Japan in 1994. Its main reference point is the World Heritage Convention (UNESCO, 1972) and the Venice Charter (1964). It set off with a series of reflections that highlight cultural diversity as a value in itself, that has to be encouraged, above all within the context of the standardization and globalization we face. Because different cultural values could conflict with each other, the need was established to acknowledge that cultural values everywhere are legitimate.

In relation to the issue of authenticity as such of cultural heritage, the Nara Document establishes that any conservation action has a reason to be by virtue of the values its heritage is ascribed with. This ascribing of values depends, to a large extent, on the quality of the sources of information available on them and the capability of understanding such sources. The concept of authenticity is associated with a comprehension of such values and it conditions all conservation action. The Nara Document acknowledges that the values that are ascribed to cultural heritage can vary from one culture to another and within one same culture over time. This means that fixed criteria cannot be established on which to base our judgment of values of authenticity.

Over the last few months, international meetings were held in Mexico, Argentina and Peru precisely to debate these topics. The first, held in Querétaro in December of 2003, gathered together professionals from cultural institutions and ICOMOS in America and Spain and it homed in on an analyses of the World Heritage List of the UNESCO and an

application of the 1972 Convention. In it were discussed representativeness and authenticity, the need to design strategies aimed at preventing the World Heritage List from losing credibility and the imbalances that currently exist between Europe, the rest of the world and specially Latin America. There, the need was urged on supporting countries which have assets of universal value but which do not have the institutional structures or resources for preparing files on each site, as well as fostering nominations that involve two or more countries like, for example, the nomination of the Inca Road that is being submitted by six Andean countries.

The second meeting was held in March 2004 in La Plata, Argentina, and it dealt with the issue of the absence of any modern heritage among the world heritage sites and specially the difficulty Latin America has in listing such sites. This was undertaken bearing in mind what Valparaíso, Chile had to undergo and what is currently happening with the city of La Plata in Argentina, because heritage is generally thought of and very marked by traditional European concepts that do not acknowledge the history and dynamics of heritages on our continent given the rapid expansion and change in our cities.

The third meeting was held in May 2004 in Lima, Peru, under the auspices of the UNESCO and it was aimed at spreading the results of previous meetings when the application of the Venice Charter, the Burra Charter, the Nara Document and the World Heritage Convention were analyzed. The core theme was the concept of authenticity and its application. Although progress is acknowledged on the theory and the practice of applying these documents, institutional and financial problems concerning the conservation of heritage featured prominently. We can stress two trends regarding how to confront authenticity. On the one hand there are those who value and defend how the Nara Document has progressed in understanding that the significance of heritage must fall into line with the diversity of the values of each culture and, on the other hand, there are those who try to maintain the foundations of the Venice Charter which is more restrictive in that field.

To sum up, I must state the tremendous progress that has been made in the discussions reached over the last decade in Latin America. As a matter of fact, economic problems are always a limiting factor with conservation, but we can fairly state that valuing heritage is now recognized by society and there is a growing concern by governments, albeit the conflicts that exist between conserving heritage and development are more frequent than ever. The UNESCO has been key in generating this environment, specially from a legal and international point of view, but the role of different bodies such as ICOMOS and ICCROM have been very important, specially in diffusion and professional training as well as encouraging new recommendations and conventions such as the recent Convention on the Protection of the Underwater Heritage. Private Institutions such as the Getty Conservation Institute have also been vital in training professionals, in generating projects and in strengthening heritage institutions in Latin America and it is hoped their help will continue.

The work of all of these institutions and professionals have enabled the definitions of cultural heritage to be widened and to include aspects insufficiently dealt with such as intangible, popular, indigenous, modern and underwater heritage, just to name but a few. The conventions, charters, recommendations over the last few decades have been valuable and useful. Nevertheless, they still need to be made known further afield,

specially in universities, among teachers, students and young professionals. It is also necessary to foster the work done by the UNESCO so that it can continue to be an international forum for heritage and a source of new ideas and projects. Likewise, ICOMOS has to enlarge its number of participants and open itself up to greater cooperation with heritage institutions and governments in Latin America, particularly with young professionals like some national committees are already doing.

Finally, I hold a positive view of the challenges Latin America is facing as regards its heritage. Its wealth and diversity will be more and better valued. As a matter of fact, we should not ignore the problems, both in education as well as in the lack of resources and an increasing deterioration and destruction in certain cases, but change is taking place. In fact, each country has its own problems and heritage conservation strategies must be diverse. Also, the elitism of some groups of professionals in heritage matters must be overcome and communities and other groups of professionals must be made to take part in its administration. To understand heritage in all of its dimensions and diversity will be an ongoing task, but conservation will only be possible if we are capable of being creative in connecting it to the people, their lifestyle and the harmonious development of all.