

## CARTA DE ATENAS PARA O RESTAURO DE MONUMENTOS HISTÓRICOS

### I International Congress

#### of Architects and Technicians of Historic Monuments, Atenas 1931

No Congresso de Atenas foram aprovadas sete resoluções principais, denominadas de “Carta do Restauro”:

1. Devem ser criadas organizações internacionais de carácter operativo e consultivo na área do Restauro;
2. Propostas de projectos de Restauro devem ser submetidas a crítica fundamentada, para prevenir erros que causem perda de características e valor histórico nas estruturas;
3. Os problemas de preservação dos sítios históricos devem ser resolvidos legislativamente ao nível nacional em todos os países;
4. Sítios escavados que não sejam submetidos e programas imediatos de restauro devem ser recobertos para protecção;
5. As técnicas e materiais modernos podem ser usadas no trabalho de restauro;
6. Os sítios históricos devem merecer estritas medidas de custódia e protecção;
7. Uma atenção particular deve incidir sobre as zonas de protecção dos sítios históricos.

## Conclusões da Conferência de Atenas, realizada de 21 a 30 de Outubro de 1931

### **A - CONCLUSÕES GERAIS**

#### **I - Doutrinas. Princípios Gerais**

A Conferência ouviu a exposição dos princípios gerais e dos doutrinários respeitantes à conservação dos monumentos.

Qualquer que seja a variedade dos casos específicos, cada um dos quais pode comportar uma solução, verifica-se que nos diferentes Estados representados predomina uma tendência geral para abandonar as reconstituições integrais e lhes evitar os riscos através da instituição de uma manutenção regular e permanente, própria para assegurar a conservação dos edifícios.

Caso se afigure indispensável o restauro, na decorrência de degradação ou destruição, a Conferência recomenda o respeito pela obra histórica ou artística do passado, sem proscrever o estilo de nenhuma época.

A Conferência recomenda que se mantenha a ocupação dos monumentos que assegure a continuidade da sua vida, consagrando-os sempre a afectações que respeitem o seu carácter histórico ou artístico.

#### **II - Administração e Legislação dos Monumentos Históricos**

A Conferência ouviu a exposição das legislações cujo fim é proteger os monumentos de interesse histórico, artístico ou científico, pertencentes às diferentes nações.

Aprovou-lhes a tendência geral que consagra, nesta matéria, um certo direito da colectividade relativamente à propriedade privada.

Constatou que as diferenças entre estas legislações provinham de dificuldades na conciliação do direito público com os direitos dos particulares.

Consequentemente, embora aprovando a tendência geral dessas legislações, entende que elas devem adequar-se às circunstâncias locais e ao estado da opinião pública, de maneira a encontrar a menor oposição possível, tendo em conta os sacrifícios que os proprietários tenham de sofrer no interesse geral.

Emite o voto de que em cada Estado a autoridade pública seja investida nos poderes de tomar, em caso de urgência, medidas conservatórias.

Faz votos por que o International Museums Office (IMO) publique uma recolha e um quadro comparativo e actualizado das legislações em vigor nos diferentes Estados, sobre estas matérias.

### **III - A Valorização dos Monumentos**

A Conferência recomenda que se respeite, na construção dos edifícios, o carácter e a fisionomia das cidades, sobretudo na vizinhança dos monumentos antigos, cujo enquadramento deve ser objecto de cuidados particulares. Devem mesmo ser preservados certos conjuntos e certas perspectivas especialmente pitorescas.

Cabe também estudar as plantas e as ornamentações vegetais que convêm a certos monumentos, para lhes conservar o carácter antigo.

A Conferência recomenda sobretudo a supressão de toda a publicidade, de toda a presença abusiva de postes ou fios telegráficos, de toda a indústria ruidosa ou chaminés elevadas, na vizinhança dos monumentos de Arte ou de História.

### **IV - Os Materiais de Restauo**

Os peritos ouviram diversas comunicações relativas ao emprego dos materiais modernos para a consolidação dos edifícios antigos.

Aprovam o emprego judicioso de todos os recursos da técnica moderna, especialmente o cimento armado.

Especificam que estes meios de reforço devem ser dissimulados, salvo impossibilidade, a fim de não alterarem o aspecto e o carácter do edifício a restaurar.

Recomendam o seu uso, muito especialmente nos casos em que isso permita evitar os riscos de remoção e de reposição dos elementos a conservar.

## **V - As Degradações dos Monumentos**

A Conferência constata que, nas condições da vida moderna, os monumentos do mundo inteiro se acham cada vez mais ameaçados pelos agentes atmosféricos.

Para além das precauções habituais e das soluções positivas obtidas na conservação da estatuária monumental pelos métodos correntes, não se considera possível, em vista da complexidade dos casos, e no estágio actual dos conhecimentos, formular sobre isto regras gerais.

A Conferência recomenda (1.º) a colaboração, em cada país, dos conservadores de monumentos e dos arquitectos com os representantes das ciências físicas, químicas e naturais, para chegar a métodos aplicáveis aos diferentes casos. (2.º) Recomenda ao IMO que se mantenha ao corrente dos trabalhos empreendidos em cada país sobre estas matérias, e lhes dê um lugar nas suas publicações.

A Conferência, no que respeita à conservação da escultura monumental, considera que a deslocação das obras do ambiente para o qual haviam sido criadas é, em princípio, censurável. Recomenda, a título de precaução, a conservação - desde que ainda existam - dos modelos originais e, na sua falta, a execução de moldes.

## **VI - A Técnica de Conservação**

A Conferência regista, com satisfação, que os princípios e as técnicas expostos nas diferentes comunicações de detalhe se inspiram numa tendência comum, a saber:

Quando se trata de ruínas, impõe-se uma conservação escrupulosa, com reposição dos elementos originais encontrados (anastilose), sempre que as circunstâncias o permitirem; os novos materiais necessários para este fim deverão ser sempre reconhecíveis. Quando a conservação das ruínas postas a descoberto no decurso de uma escavação se reconhecer impossível, aconselha-

se sepultá-las de novo, depois de, bem entendido, se terem efectuado as recuperações precisas.

É evidente que a técnica e a conservação de uma escavação impõem a colaboração estreita do arqueólogo e do arquitecto.

Quanto aos outros monumentos, os peritos chegaram a acordo unânime em aconselhar, antes de toda a consolidação ou restauração parcial, a análise escrupulosa das doenças desses monumentos. Reconheceram que cada caso apresenta a sua especificidade própria.

## **VII - A Conservação dos Monumentos e a Colaboração Internacional**

### **a) Cooperação técnica e moral**

A Conferência, convencida de que a conservação do património artístico e arqueológico da Humanidade interessa à comunidade dos Estados, guardiães da Civilização:

Faz votos por que os Estados, agindo no espírito do Pacto da Sociedade das Nações, se prestem reciprocamente uma colaboração cada vez mais alargada e mais concreta, em ordem a favorecer a conservação dos monumentos de Arte e de História;

Julga altamente desejável que as instituições e agrupamentos qualificados possam, sem de maneira nenhuma pôr em causa o direito público internacional, manifestar o seu interesse pela salvaguarda das obras-primas através das quais a Civilização se exprimiu no mais elevado grau, e que pareçam ameaçadas;

Formula o voto de que os pedidos, para este efeito submetidos à Organização de Cooperação Internacional da Sociedade das Nações, possam ser recomendados à atenção benevolente dos Estados.

Caberá à Comissão Internacional de Cooperação Intelectual, após inquérito do IMO, e recolhida que seja toda a informação útil, nomeadamente junto da Comissão Nacional de Cooperação Intelectual interessada, pronunciar-se sobre a oportunidade de medidas a empreender, e sobre o processo a seguir em cada caso particular.

Os membros da Conferência, após terem visitado - no decurso dos seus trabalhos e do cruzeiro de estudo que puderam fazer nessa ocasião - vários de entre os principais campos de pesquisa e os monumentos antigos da Grécia, foram unânimes em prestar a sua homenagem ao Governo helénico que, após longos anos, ao mesmo tempo que assegurava por si consideráveis trabalhos, aceitou a colaboração de arqueólogos e especialistas de todos os países.

Viram nisso um exemplo que só pode contribuir para a realização dos fins de cooperação intelectual cuja necessidade lhes aparecera no decurso dos seus trabalhos.

#### b) O papel da educação no respeito dos monumentos

A Conferência, profundamente convencida de que a melhor garantia de conservação dos monumentos e obras de arte advém do respeito e dedicação das próprias populações;

Considerando que estes sentimentos podem ser altamente favorecidos por uma acção apropriada dos poderes públicos;

Formula o voto de que os educadores habituem a infância e a juventude a que se abstenham de degradar os monumentos, sejam eles quais forem, ensinando-as a interessarem-se melhor, de uma maneira geral, pela protecção dos testemunhos de toda a Civilização.

#### c) Utilidade de uma documentação internacional

A Conferência emite o voto de que:

- 1.º - Cada Estado, ou as instituições criadas ou reconhecidas como competentes para este efeito, publiquem um inventário dos monumentos históricos nacionais, acompanhados de fotografias e de notícias;
- 2.º - Cada Estado constitua arquivos onde se reúnam todos os documentos relativos aos seus monumentos históricos;
- 3.º - Cada Estado deposite as suas publicações no IMO;

- 4.º - O IMO consagre, nas suas publicações, artigos relativos aos processos e aos métodos gerais de conservação dos monumentos históricos;
- 5.º - O IMO estude a melhor utilização das informações assim centralizadas.

## CHARTER OF CRACOW 2000

Recognizing the contribution of individuals and institutions who, in the course of three years, have participated in the preparations of the International Conference on Conservation "Crakow 2000" and its Plenary Session "Cultural Heritage as the Foundation of the Development of Civilisation", We, the participants of the **International Conference on Conservation "Crakow 2000"**, conscious of the profound meanings associated with cultural heritage, submit the following principles to those responsible for heritage as a guideline for the efforts to safeguard such principles.

### PREAMBLE

Acting in the spirit of the Charter of Venice, taking note of the international recommendations and urged on by the process of European unification, at the turn of the new millennium, we are conscious of living within such a framework, in which identities, in an ever more extensive context, are becoming characterized and more distinct.

Europe today is characterized by a cultural diversity and thus by the plurality of fundamental values related to the mobile, immobile and intellectual heritage, the different meanings associated with it and consequently also conflicts of interest. This obliges all those responsible for safeguarding cultural heritage to become increasingly attentive to the problems and choices they need to face in pursuing their objectives.

Each community, by means of its collective memory and consciousness of its past, is responsible for the identification as well as the management of its heritage. This cannot be defined in a fixed way. One can only define the way in which the heritage may be identified. Plurality in society entails a great diversity in heritage concepts as conceived by the entire community.

The monuments, as individual elements of this heritage, are bearers of values, which may change in time. This variability of the individual values of monuments constitutes "each time" the specificity of the heritage. From this process of change, each community develops an awareness and consciousness

of the need to look after the individual built elements as bearers of their own common heritage values.

The tools and methods are developed for appropriate preservation and should be adapted to the evolving situations, which are subjected to the process of continual change. The particular context of selecting these values requires the preparation of a conservation plan and a series of decisions. These should be codified in a restoration project according to the appropriate technical and structural criteria.

Conscious of the profound values of the Charter of Venice and working towards the same aims, we propose the same principles for conservation and restoration of the built heritage in our time.

## **AIMS AND METHODS**

1. The architectural, urban and landscape heritage, as well as artefacts, are the result of an identification with various associated moments in history and social-cultural context. The conservation of this heritage is our aim. Conservation can be realised by different types of interventions such as environmental control, maintenance, repair, restoration, renovation and rehabilitation. Any intervention implies decisions, selections and responsibilities related to the complete heritage, also to those parts that may not have a specific meaning today, but might have one in the future.

2. Maintenance and repairs are a fundamental part of the process of heritage conservation. These actions have to be organised with systematic research, inspection, control, monitoring and testing. Possible decay has to be foreseen and reported on, and appropriate preventive measures have to be taken.

3. The conservation of built heritage is implemented by the project of restoration, including the strategy to conserve in the long run. This restoration project should be based on a range of appropriate technical options and prepared in a cognitive process of gathering knowledge and understanding of the building or site. This process may include traditional and subsequent new materials, structural investigations, graphical and dimensional analysis and the identification of historical, artistic and socio-cultural significance. All pertinent disciplines have to participate in the restoration project and the co-ordination should be carried out by a person qualified and well trained in conservation and restoration.

4. The reconstruction of entire parts "in the style of the building" should be avoided. Reconstruction of very small parts having architectural significance can be acceptable as an exception on condition that it is based on precise and indisputable documentation. If necessary, for a proper use of the building, completion of more extensive spatial and functional parts should reflect contemporary architecture. Reconstruction of an entire building, destroyed by armed conflict or natural disaster, is only acceptable if there are exceptional social or cultural motives that are related to the identity of the entire community.

#### DIFFERENT KINDS OF BUILT HERITAGE

5. Any intervention involving the archaeological heritage, due to its vulnerability, should be strictly related to its surroundings, territory and landscape. The destructive aspects of the excavation should be reduced as far as possible. At each excavation, the archaeological work must be fully documented. As in all other cases, conservation work on archaeological finds must be based on the principle of minimum intervention. This must be done by professionals and methodology and techniques used must be strictly controlled. In the protection and public presentation of archaeological sites, the use of modern technologies, databanks, information system and virtual presentation techniques should be promoted.

6. The purpose of conservation of historic buildings and monuments, whether in the urban or rural context, is to maintain their authenticity and integrity, including internal spaces, furnishings and decoration according to their original appearance. Such conservation requires an appropriate "project of restoration" that defines the methods and aims. In many cases, it also requires an appropriate use, compatible with the existing space and significance. Work on historic buildings must pay full attention to all the periods that are present.

7. Architectural decoration, sculpture and artefacts that are an integrated part of the built heritage should be preserved through a specific project connected to the general project. This presupposes that the restorer has the proper knowledge and training in addition to the cultural, technical and operating capacity to interpret the different analyses of the specific artistic field. The restoration process must guarantee a correct approach to the conservation of

the full setting decoration or sculpture, with respects to traditional building crafts and their necessary integration as a substantial part of the built heritage.

**8.** Historic towns and villages, in their territorial setting, represent an essential part of our universal heritage, and should be seen as a whole with the structures, spaces and human factors, normally in the process of continuous evolution and change. This involves all sectors of the population, and requires an integrated planning process, consisting of a wide range of different activities. Conservation in the urban context deals with ensembles of building and open spaces, which are part of larger urban areas, or of entire small urban or rural settlements, including intangible values. In this context, intervention consists of referring to the city in its morphological, functional and structural whole, as part of its territory, its environment and surrounding landscape. The buildings that form historic areas may not have a special architectural value in themselves, but they should be safeguarded because of their organic unity, distinctive dimensions, and their technological, spatial, decorative and chromatic characteristics as connecting elements, irreplaceable in the organic unity of the town. The restoration project of the historic town or village should anticipate the management of change, in addition to verifying the sustainability of selected options, linking heritage issues with social and economic aspects. Apart from obtaining knowledge of the structure, there is the need for a study of the influences of changes and tools required for the management process. The project of restoration for historic areas regards the buildings of the urban fabric in their twofold function: a) the elements that define the spaces of the city within its urban form, and b) the internal spatial arrangements that are an essential part of the building.

**9.** Landscapes as cultural heritage result from and reflect a prolonged interaction in different societies between man, nature, and the physical environment. They are testimony to the evolving relationship of communities, individuals and their environment. In this context their conservation, preservation and development focus on human and natural features, integrating material and intangible values. It is important to understand and respect the character of landscapes, and apply appropriate laws and norms to harmonize relevant territorial functions with essential values. In many societies, landscapes are historically related to urban territories and influences. The integration of cultural landscape conservation, and the sustainable development of regions and localities with ecological activities, and the natural environment requires awareness and understanding of relationships over time. This involves making

links with the built environment of the metropolis, city and town. Integrated conservation of fossil and archaeological landscapes, and the development of a highly dynamic landscape, involves social, cultural and aesthetic values.

10. Conservation/preservation techniques should be strictly tied to interdisciplinary scientific research on materials and technologies used for the construction, repair and/or restoration of the building heritage. The chosen intervention should respect the original function and ensure compatibility with existing materials, structures and architectural values. Any new materials and technologies should be rigorously tested, compared and understood before application. Although the *in situ* application of new techniques may be relevant to the continued well-being of original fabric, they should be continually monitored in the light of the achieved results, taking into account their behaviour over time and the possibility of eventual reversibility. Particular attention is required to improve our knowledge of traditional materials and techniques, and their appropriate continuation in the context of modern society, being in themselves important components of cultural heritage.

## MANAGEMENT

11. The management of dynamic change, transformation and development of historic cities and the cultural heritage in general, consists of appropriate regulation, making choices and monitoring outcomes. As an essential part of this process, it is necessary to identify risks, anticipate appropriate prevention systems, and create emergency plans of action. Cultural tourism, beside its positive aspects on the local community, should be considered as such a risk. Attention should also be paid to the optimisation of running costs. Conservation of cultural heritage should be an integral part of the planning and management processes of a community, as it can contribute to the sustainable, qualitative, economic and social developments of that society.

12. The plurality of heritage values and diversity of interests necessitates a communication structure that allows, in addition to specialists and administrators, an effective participation of inhabitants in the process. It is the responsibilities of the communities to establish appropriate methods and structures to ensure true participation of individuals and institutions in the decision-making process.

## TRAINING AND EDUCATION

13. Training and education in cultural heritage matters requires social involvement and integration into national systems of education at all levels. The complexity of a restoration project, or any other conservation intervention, involving historical, technical, cultural and economic aspects requires the appointment of a competent and well-educated leader. Education of the conservators must be interdisciplinary and involve accurate study of architectural history, theories and techniques of conservation. This should assure the appropriate qualifications necessary to resolve research problems needed to carry out conservation and restoration interventions in a professional and responsible way. The training of professionals and technicians in the conservation disciplines should take full account of evolving methodologies and technical knowledge, and be aware of the on-going debate on conservation theories and policies. The quality of craft and technical work during restoration projects should also be enhanced by improved vocational training.

## LEGAL MEASURES

14. The protection and conservation of the built heritage could be better enabled if greater legal and administrative actions are taken. This should be aimed at ensuring the conservation work is only undertaken by, or under the supervision of, conservation professionals. Legal regulations might also make provisions for a period of practical experience in a structured programme. Consideration should be given to newly-trained conservators obtaining a permit for independent practice. This should be gained under the supervision of conservation professionals.

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## ANNEX DEFINITIONS

The redaction committee of this "Charter of Crakow" used the following terminological concepts:

- a) Heritage is that complex of man's works in which a community recognises its particular and specific values and with which it identifies.

Identification and specification of heritage is therefore a process related to the choice of values.

- b) Monument: A monument is an entity identified as a bearer of worth and forming a support to memory. In it, memory recognises aspects that are pertinent to human deeds and thoughts, associated with the historic time line. This may still be within our reach.
- c) Authenticity means the sum of substantial, historically ascertained characteristics; from the original up to the current state, as an outcome of the various transformations that have occurred over time.
- d) Identity is understood as the common reference of both present values generated in the sphere of a community and past values identified in its authenticity.
- e) Conservation: Conservation is the complex of attitudes of a community that contributes to making the heritage and its monuments endure. Conservation is achieved with reference to the significance of the entity, with its associated values.
- f) Restoration: Restoration is an operation directed on a heritage property, aiming at the conservation of its authenticity and its appropriation by the community.
- g) Project and restoration: The project, resulting from the choice of conservation policies, is the process through which conservation of the built heritage and landscape is carried out.

The ICOMOS-IFLA International Committee for Historic Gardens, meeting in Florence on 21 May 1981, decided to draw up a charter on the preservation of historic gardens which would bear the name of that town. The present

### FLORENCE CHARTER

was drafted by the Committee and registered by ICOMOS on 15 December 1982 as an addendum to the Venice Charter covering the specific field concerned.

#### **Definitions and Objectives**

**Art. 1.** "An historic garden is an architectural and horticultural composition of interest to the public from the historical or artistic point of view". As such, it is to be considered as a monument.

**Art. 2.** "The historic garden is an architectural composition whose constituents are primarily vegetal and therefore living, which means that they are perishable and renewable." Thus its appearance reflects the perpetual balance between the cycle of the seasons, the growth and decay of nature and the desire of the artist and craftsman to keep it permanently unchanged.

**Art. 3.** As a monument, the historic garden must be preserved in accordance with the spirit of the Venice Charter. However, since it is a living monument, its preservation must be governed by specific rules which are the subject of the Present charter.

**Art. 4.** The architectural composition of the historic garden includes:

- Its plan and its topography.
- Its vegetation, including its species, proportions, colour schemes, spacing and respective heights.
- Its structural and decorative features.
- Its water, running or still, reflecting the sky.

**Art. 5.** As the expression of the direct affinity between civilization and nature, and as a place of enjoyment suited to meditation or repose, the garden thus acquires the cosmic significance of an idealized image of the world, a "paradise" in the etymological sense of the term, and yet a testimony to a culture, a style, an age, and often to the originality of a creative artist.

**Art. 6.** The term, "historic garden", is equally applicable to small gardens and to large parks, whether formal or "landscape".

**Art. 7.** Whether or not it is associated with a building in which case it is an inseparable complement, the historic garden cannot be isolated from its own particular environment, whether urban or rural, artificial or natural.

**Art. 8.** An historic site is a specific landscape associated with a memorable act, as, for example, a major historic event; a well-known myth; an epic combat; or the subject of a famous picture.

**Art. 9.** The preservation of historic gardens depends on their identification and listing. They require several kinds of action, namely maintenance, conservation and restoration. In certain cases, reconstruction may be recommended. The authenticity of an historic garden depends as much on the design and scale of its various parts as on its decorative features and on the choice of plant or inorganic materials adopted for each of its parts.

### **Maintenance, Conservation, Restoration, Reconstruction**

**Art. 10.** In any work of maintenance, conservation, restoration or reconstruction of an historic garden, or of any part of it, all its constituent features must be dealt with simultaneously. To isolate the various operations would damage the unity of the whole.

### **Maintenance and Conservation**

**Art. 11.** Continuous maintenance of historic gardens is of paramount importance. Since the principal material is vegetal, the preservation of the garden in an unchanged condition requires both prompt replacements when required and a

long-term programme of periodic renewal (clear felling and replanting with mature specimens).

**Art. 12.** Those species of trees, shrubs, plants and flowers to be replaced periodically must be selected with regard for established and recognized practice in each botanical and horticultural region, and with the aim to determine the species initially grown and to preserve them.

**Art. 13.** The permanent or movable architectural, sculptural or decorative features which form an integral part of the historic garden must be removed or displaced only insofar as this is essential for their conservation or restoration. The replacement or restoration of any such jeopardized features must be effected in accordance with the principles of the Venice Charter, and the date of any complete replacement must be indicated.

**Art. 14.** The historic garden must be preserved in appropriate surroundings. Any alteration to the physical environment which will endanger the ecological equilibrium must be prohibited. These applications are applicable to all aspects of the infrastructure, whether internal or external (drainage works, irrigation systems, roads, car parks, fences, caretaking facilities, visitors' amenities, etc.).

### **Restoration and Reconstruction**

**Art. 15.** No restoration work and, above all, no reconstruction work on an historic garden shall be undertaken without thorough prior research to ensure that such work is scientifically executed and which will involve everything from excavation to the assembling of records relating to the garden in question and to similar gardens. Before any practical work starts, a project must be prepared on the basis of said research and must be submitted to a group of experts for joint examination and approval.

**Art. 16.** Restoration work must respect the successive stages of evolution of the garden concerned. In principle, no one period should be given precedence over any other, except in exceptional cases where the degree of damage or destruction affecting certain parts of a garden may be such that it is decided to reconstruct it on the basis of the traces that survive or of unimpeachable documentary evidence. Such reconstruction work might be undertaken more particularly on the parts of the garden nearest to the building it contains in order to bring out their significance in the design.

**Art. 17.** Where a garden has completely disappeared or there exists no more than conjectural evidence of its successive stages a reconstruction could not be considered an historic garden.

#### **Use**

**Art. 18.** While any historic garden is designed to be seen and walked about in, access to it must be restricted to the extent demanded by its size and vulnerability, so that its physical fabric and cultural message may be preserved.

**Art. 19.** By reason of its nature and purpose, an historic garden is a peaceful place conducive to human contacts, silence and awareness of nature. This conception of its everyday use must contrast with its role on those rare occasions when it accomodates a festivity. Thus, the conditions of such occasional use of an historic garden should be clearly defined, in order that any such festivity may itself serve to enhance the visual effect of the garden instead of perverting or damaging it.

**Art. 20.** While historic gardens may be suitable for quiet games as a daily occurrence, separate areas appropriate for active and lively games and sports should also be laid out adjacent to the historic garden, so that the needs of the public may be satisfied in this respect without prejudice to the conservation of the gardens and landscapes.

**Art. 21.** The work of maintenance and conservation, the timing of which is determined by season and brief operations which serve to restore the garden's authenticity, must always take precedence over the requirements of public use. All arrangements for visits to historic gardens must be subjected to regulations that ensure the spirit of the place is preserved.

**Art. 22.** If a garden is walled, its walls may not be removed without prior examination of all the possible consequences liable to lead to changes in its atmosphere and to affect its preservation.

#### **Legal and Administrative Protection**

**Art. 23.** It is the task of the responsible authorities to adopt, on the advice of qualified experts, the appropriate legal and administrative measures for the identification, listing and protection of historic gardens. The preservation of such gardens must be provided for within the framework of land-use plans and

such provision must be duly mentioned in documents relating to regional and local planning. It is also the task of the responsible authorities to adopt, with the advice of qualified experts, the financial measures which will facilitate the maintenance, conservation and restoration, and, where necessary, the reconstruction of historic gardens.

**Art. 24.** The historic garden is one of the features of the patrimony whose survival, by reason of its nature, requires intensive, continuous care by trained experts. Suitable provision should therefore be made for the training of such persons, whether historians, architects, landscape architects, gardeners or botanists. Care should also be taken to ensure that there is regular propagation of the plant varieties necessary for maintenance or restoration.

**Art. 25.** Interest in historic gardens should be stimulated by every kind of activity capable of emphasizing their true value as Part of the patrimony and making for improved knowledge and appreciation of them: promotion of scientific research; international exchange and circulation of information; publications, including works designed for the general public; the encouragement of public access under suitable control and use of the media to develop awareness of the need for due respect for nature and the historic heritage. The most outstanding of the historic gardens shall be proposed for inclusion in the World Heritage List.

### **Nota Bene**

The above recommendations are applicable to all the historic gardens in the world.

Additional clauses applicable to specific types of gardens may be subsequently appended to the present Charter with brief descriptions of the said types.

CARTA DE VENEZA  
SOBRE A CONSERVAÇÃO E RESTAURO DE MONUMENTOS E SÍTIOS  
(1964)

Preâmbulo

Imbuídos de uma mensagem do passado, os monumentos históricos perduram até aos nossos dias como testemunhos vivos das tradições de várias gerações. Os povos tornam-se cada vez mais conscientes da unidade dos valores humanos e consideram os monumentos antigos como património comum. A responsabilidade colectiva de os proteger para as gerações futuras é reconhecida. É nosso dever mantê-los com a riqueza da sua autenticidade.

É essencial que os princípios básicos da preservação e o restauro de antigos edifícios assentem num acordo de âmbito internacional, a partir do qual cada país se responsabilize pela sua aplicação no quadro das suas próprias cultura e tradições.

Ao definir estes princípios básicos pela primeira vez, a Carta de Atenas de 1931 contribuiu para o desenvolvimento de um amplo movimento internacional, que se materializou em documentos nacionais, no trabalho do ICOM e da UNESCO e, por fim, na criação de um Centro Internacional para o Estudo da Preservação e Restauro dos Bens Culturais. O desenvolvimento da investigação crítica visou enfrentar problemas gradualmente mais complexos e diversificados; chegou agora a altura de actualizar a Carta, de modo a definir melhor os princípios envolvidos e ampliar o seu âmbito num novo documento.

Assim sendo, o II Congresso Internacional de Arquitectos e Técnicos de Monumentos Históricos, reunido em Veneza de 25 a 31 de Maio de 1964, aprovou o seguinte texto:

Definições

**Art. 1.º**

A noção de monumento histórico engloba a criação arquitectónica isolada bem como o sítio rural ou urbano que testemunhe uma civilização particular, uma

evolução significativa ou um acontecimento histórico. Esta noção estende-se não só às grandes criações mas também às obras modestas que adquiriram com o tempo um significado cultural.

#### **Art. 2.º**

A conservação e o restauro dos monumentos constituem uma disciplina que apela à colaboração de todas as ciências e de todas as técnicas que possam contribuir para o estudo e salvaguarda do património monumental.

### **Objectivos**

#### **Art. 3.º**

A conservação e o restauro dos monumentos visam salvaguardar tanto a obra de arte como o testemunho histórico.

### **Conservação**

#### **Art. 4.º**

A conservação dos monumentos impõe, em primeiro lugar, uma manutenção permanente dos mesmos.

#### **Art. 5.º**

A conservação dos monumentos é sempre favorecida pela sua adaptação a uma função útil à sociedade: esta afectação é, pois, desejável, mas não pode nem deve alterar a disposição e a decoração dos edifícios. É, assim, dentro destes limites que se devem conceber e que se podem autorizar as adaptações tornadas necessárias, exigidas pela evolução dos usos e dos costumes.

#### **Art. 6.º**

A conservação de um monumento implica a conservação de um enquadramento à sua escala. Quando ainda exista o enquadramento tradicional, este deverá ser conservado, e qualquer construção nova, qualquer destruição ou qualquer arranjo susceptível de alterar as relações de volume e cor devem ser proscritos.

#### **Art. 7.º**

O monumento é inseparável da História — da qual é testemunho — e também do meio em que está situado. Por conseguinte, a deslocação do todo ou de uma parte de um monumento não pode ser tolerada, a não ser no caso em que a salvaguarda do monumento o exija, ou quando razões de um grande interesse nacional ou internacional o justifiquem.

#### **Art. 8.º**

Os elementos de escultura, pintura ou decoração que fazem parte integrante de um monumento não se podem separar dele senão quando esta seja a única medida susceptível de lhes assegurar a conservação.

### **Restauro**

#### **Art. 9.º**

O restauro é uma operação que deve ter um carácter excepcional. Destina-se a conservar e a revelar os valores estéticos e históricos dos monumentos e baseia-se no respeito pelas substâncias antigas e pelos documentos autênticos (ou seja pela antiguidade e pela autenticidade). O restauro deixa de ter significado quando se levanta a hipótese de reconstituição; numa reconstituição, qualquer trabalho complementar, que se reconheça indispensável por causas estéticas ou técnicas, fica condicionado a uma conciliação ou harmonia arquitectónica (continuidade) e terá que acusar a data da intervenção (modernidade). O restauro será sempre precedido e acompanhado de um estudo arqueológico e histórico do monumento.

#### **Art. 10.º**

Sempre que as técnicas tradicionais se revelem inadequadas, a consolidação de um monumento pode ser assegurada com o apoio de todas as técnicas modernas de conservação e de construção cuja eficácia tenha sido comprovada por dados científicos e garantida pela experiência.

#### **Art. 11.º**

Os contributos válidos das diferentes épocas referentes à edificação de um monumento devem ser respeitados, não sendo a unidade de estilo um objectivo

a alcançar no decurso de um restauro. Quando um edifício contiver vários estilos sobrepostos, a eleição de um desses estilos, em detrimento dos restantes, não se justifica, a não ser excepcionalmente, na condição de que os elementos eliminados tenham pouco interesse, que o conjunto de elementos subjacentes a esse estilo constitua um testemunho de alto valor histórico, arqueológico ou estético, e que o seu estado de conservação seja aceitável. O julgamento sobre as eliminações a efectuar não pode depender unicamente da opinião do autor do projecto.

#### **Art. 12.º**

Os elementos destinados a ocupar as falhas existentes devem integrar-se harmoniosamente no contexto, tendo que se distinguir das partes originais, a fim de que o restauro não falseie o documento de arte e de história.

#### **Art. 13.º**

Os acrescentos não podem ser tolerados a não ser que respeitem todas as partes interessantes do edifício, o seu quadro tradicional, o equilíbrio da sua composição e as suas relações com o meio envolvente.

### **Sítios Monumentais**

#### **Art. 14.º**

Os sítios monumentais devem ser objecto de cuidados especiais a fim de salvaguardar a sua integridade e assegurar a sua sanidade, organização e valorização. Os trabalhos de conservação e de restauro que forem efectuados nos sítios monumentais devem inspirar-se nos princípios enunciados nos artigos precedentes.

### **Escavações**

#### **Art. 15.º**

Os trabalhos de escavação devem executar-se em conformidade com normas científicas e com a "Recomendação Definidora dos Princípios Internacionais a Aplicar em Matéria de Escavações Arqueológicas", adoptada pela UNESCO em 1956. O ordenamento das ruínas e as medidas necessárias à conservação e à

protecção permanente dos elementos arquitectónicos postos a descoberto serão assegurados. Além disso, todas as iniciativas serão tomadas no sentido de facilitar a compreensão do monumento sem nunca desvirtuar o seu significado. Todo o trabalho de reconstrução deverá, no entanto, ser excluído à partida; somente a anástilose (recomposição das partes existentes, mas desmembradas) poderá ser encarada. Os elementos de integração serão sempre reconhecíveis e representarão o mínimo necessário para assegurar a conservação do monumento e restabelecer a continuidade das suas formas.

### Documentação e Publicação

#### **Art. 16.º**

Os trabalhos de conservação, de restauro e de escavação serão sempre acompanhados pela compilação de uma documentação precisa de desenhos e de fotografias. Todas as fases de trabalho de selecção, de consolidação, de integração, assim como os elementos formais e técnicos identificados no decorrer dos trabalhos serão anotados. Esta documentação será guardada nos arquivos de um organismo público e colocada à disposição das pessoas que a quiserem consultar e a sua publicação é recomendada.

# CARTA EUROPEIA DO PATRIMÓNIO ARQUITECTÓNICO

Amesterdão, 1975

## Introdução

Graças à iniciativa tomada pelo Conselho da Europa ao proclamar 1975 como o Ano Europeu do Património Arquitectónico, grandes esforços estão a ser realizados no conjunto dos países europeus para sensibilizar a opinião aos insubstituíveis valores culturais, sociais e económicos dos monumentos, conjuntos e sítios, no meio urbano e rural, herdados do passado.

Convém coordenar todos estes esforços ao nível europeu, para criar uma visão comum do problema, e, sobretudo, forjar uma linguagem comum no enunciado dos princípios gerais que devem guiar a acção concertada das instâncias responsáveis e dos cidadãos.

É com este objectivo que o Conselho da Europa estabeleceu o texto da Carta que segue.

Certamente que, além da formulação de princípios, se coloca o problema da sua aplicação.

A acção futura do Conselho da Europa tenderá a aprofundar as possibilidades de aplicação destes princípios nas diferentes situações nacionais e a melhorar progressivamente as legislações e as regulamentações em vigor, bem como a formação no domínio considerado.

A Carta Europeia do Património Arquitectónico foi adoptada pelo Comité dos Ministros do Conselho da Europa e solenemente proclamada no Congresso sobre o Património Arquitectónico Europeu que teve lugar em Amesterdão de 21 a 25 de Outubro de 1975.

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O Comité dos Ministros,

Considerando que o objectivo do Conselho da Europa é realizar uma união mais estreita entre os seus membros com o fim de salvaguardar e de promover os ideais e os princípios que são o seu património comum;

Considerando que os Estados membros do Conselho da Europa, participantes da Convenção Cultural Europeia de 19 de Dezembro de 1954, se empenharam, em virtude do artigo primeiro desta Convenção, em tomar as medidas próprias para salvaguardar a sua contribuição para o património cultural comum da Europa e em encorajar o seu desenvolvimento;

Reconhecendo que o património arquitectónico, expressão insubstituível da riqueza e da diversidade de cultura europeia, é herança comum de todos os povos e que a sua conservação implica, por consequência, a solidariedade efectiva dos Estados Europeus;

Considerando que a conservação do património arquitectónico depende largamente da sua integração no quadro de vida dos cidadãos e da sua consideração nos planos de ordenamento do território e de urbanismo;

Atendendo à Recomendação da Conferência dos Ministros Europeus responsáveis pelo património arquitectónico, ocorrida em Bruxelas em 1969, e à Recomendação 589 (1970) da Assembleia Consultiva do Conselho da Europa, relativa a uma Carta do património arquitectónico;

Reafirma o seu propósito de promover uma política europeia comum e uma acção concertada de protecção do património arquitectónico, apoiando-se sobre os princípios da sua conservação integrada;

Recomenda aos governos dos Estados membros que adoptem medidas de ordem legislativa, administrativa, financeira e educativa necessárias à elaboração de uma política de conservação integrada do património arquitectónico e desenvolvam o interesse público para uma tal política tendo em conta os resultados da Campanha do Ano Europeu do Património Arquitectónico, organizada em 1975 sob os auspícios do Conselho da Europa;

Adopta e proclama os princípios da presente Carta, preparada pelo Comité dos Monumentos e Sítios do Conselho da Europa:

*1.º O património arquitectónico europeu é formado não apenas pelos nossos monumentos mais importantes mas também pelos conjuntos que constituem as nossas cidades antigas e as nossas aldeias com tradições no seu ambiente natural ou construído.*

Durante muito tempo só se protegeram e restauraram os monumentos mais importantes sem ter em conta o seu enquadramento. Ora, eles podem perder uma grande parte do seu carácter se esse enquadramento for alterado. Por outro lado, os conjuntos, mesmo na ausência de edifícios excepcionais, podem oferecer uma qualidade de atmosferas que faz deles obras de arte diversificadas e articuladas. São estes conjuntos que importa também conservar como tais. O património arquitectónico testemunha a presença da história e da sua importância na nossa vida.

*2.º A encarnação do passado no património arquitectónico constitui um ambiente indispensável ao equilíbrio e ao desabrochar do homem.*

Os homens do nosso tempo, em presença de uma civilização que muda de face e em que os perigos são tão gritantes quanto os sucessos, sentem instintivamente o valor desse património. Trata-se de uma parte essencial a memória dos homens de hoje, e na falta da sua transmissão às gerações futuras, na sua autêntica riqueza e na sua diversidade, a humanidade seria amputada dum parte da consciência da sua própria duração.

*3.º O património arquitectónico é um capital espiritual, e cultural, económico e social de valor insubstituível.*

Cada geração interpreta o passado de uma maneira diferente e dele retira ideias novas. Qualquer diminuição deste capital constitui um empobrecimento tanto mais quanto a perda dos valores acumulados não pode ser compensada mesmo por criações de grande qualidade. Por outro lado, a necessidade de poupança de recursos impõe-se à nossa sociedade. Longe de ser um luxo para a comunidade, a utilização desse património é uma fonte de economias.

*4.º A estrutura dos conjuntos históricos favorece o equilíbrio harmonioso das sociedades.*

Estes conjuntos constituem, com efeito, meios adequados ao desenvolvimento de um largo leque de actividades. No passado, eles terão evitado a segregação das classes sociais. Eles poderão de novo facilitar uma boa repartição das actividades e uma mais ampla integração das populações.

*5.º O património arquitectónico tem um valor educativo determinante.*

Ele oferece um manancial privilegiado de explicações e de comparações do sentido das formas e uma fonte de exemplos das suas utilizações. Ora, a

imagem e o contacto directo adquirem de novo uma importância decisiva na formação dos homens. Importa por isso conservar vivos os testemunhos de todas as épocas e de todas as experiências. A sobrevivência destes testemunhos não estará assegurada se a necessidade da sua protecção não for compreendida pela grande maioria das pessoas e especialmente pelas gerações mais jovens que terão amanhã responsabilidade sobre eles.

**6.º** *Este património está em perigo.*

Ele está ameaçado pela ignorância, pela vetustez, pela degradação sob todas as suas formas, pelo abandono. Um certo urbanismo torna-se destruidor quando as autoridades são exageradamente sensíveis às pressões económicas e às exigências da circulação. A tecnologia contemporânea, mal aplicada, deteriora as estruturas antigas. Os restaura abusivos são nefastos. Finalmente e sobretudo, a especulação financeira e imobiliária tira partido de tudo e aniquila os melhores planos.

**7.º** *A conservação integrada afasta as ameaças.*

A conservação integrada é o resultado da acção conjugada de técnicas de restauro e da procura das funções apropriadas. A evolução histórica conduziu que os centros degradados das grandes cidades e ao mesmo tempo as aldeias abandonadas se tornassem reservas de alojamento barato. O seu restauro deve ser feito num espírito de justiça social e não deve ser acompanhado do êxodo de todos os habitantes de condição modesta. A conservação integrada deve ser, por conseguinte, um dos pressupostos importantes da planificação urbana e regional. Convém notar que esta conservação integrada não é exclusiva de toda a arquitectura contemporânea em conjuntos antigos, mas esta deverá ter em maior consideração o quadro existente, respeitar as proporções, a forma e a disposição dos volumes, bem como os materiais tradicionais.

**8.º** *A conservação integrada requer o emprego de meios jurídicos, administrativos, financeiros e técnicos.*

Meios jurídicos: a conservação integrada deve utilizar todas as leis e regulamentos existentes que possam contribuir para a salvaguarda e protecção do património, qualquer que seja a sua origem. Quando estas disposições não permitem atingir os fins procurados, é necessário completá-las e criar os instrumentos jurídicos indispensáveis nos níveis apropriados: nacional, regional e local.

Meios administrativos: a aplicação de uma tal política exige a criação de estruturas administrativas adequadas e suficientemente operantes.

Meios financeiros: a manutenção e o restauro dos elementos do património arquitectónico devem beneficiar, caso necessitem, de todos os apoios e incentivos financeiros necessários, incluindo as medidas fiscais. É essencial que os meios financeiros consagrados pelos poderes públicos ao restauro dos bairros antigos sejam pelo menos iguais aos que são reservados à construção nova.

Meios técnicos: os arquitectos, os técnicos de todas as especialidades, as empresas especializadas, os artesãos qualificados susceptíveis de levar a bom termo os restauros, são em número insuficiente. Importa desenvolver a formação e o emprego dos quadros e mão-de-obra, convidar a indústria da construção a adaptar-se a estas necessidades e favorecer o desenvolvimento de um artesanato ameaçado de desaparecer.

*9.º A participação de todos é indispensável ao sucesso da conservação integrada.*

Se bem que o património arquitectónico seja propriedade de todos, cada uma das suas partes está à mercê de cada um. Aliás, cada geração não dispõe do património arquitectónico, senão a título transitório. Ela é responsável pela sua transmissão às gerações futuras. A informação do público deve ser tanto mais desenvolvida quanto os cidadãos têm o direito de participar nas decisões que dizem respeito ao seu quadro de vida.

*10.º O património arquitectónico é um bem comum do nosso continente.*

Todos os problemas de conservação são comuns a toda a Europa e devem ser tratados de uma forma coordenada. Cabe ao Conselho da Europa assegurar a coerência da política dos seus Estados membros e de promover a sua solidariedade.

## CARTA INTERNACIONAL PARA A SALVAGUARDA DAS CIDADES HISTÓRICAS

### Preâmbulo e Definições

Resultantes de um desenvolvimento mais ou menos espontâneo, ou de um projecto deliberado, todas as cidades do mundo são expressões materiais da diversidade das sociedades através da História e, por esse facto, todas elas são históricas.

A presente Carta respeita mais precisamente às cidades, grandes ou pequenas, e aos centros ou bairros históricos, com o seu enquadramento natural ou construído que, para além da sua qualidade de documento histórico, exprimem os valores próprios das civilizações urbanas tradicionais.

Ora estas estão ameaçadas de degradação, de desagregação e mesmo de destruição, sob o efeito de um modo de urbanização nascido na era industrial, e que hoje atinge universalmente todas as sociedades.

Face a esta situação, por vezes dramática, e que provoca perdas irreversíveis de carácter cultural e social, e mesmo económico, o ICOMOS julgou necessário redigir uma Carta Internacional para a Salvaguarda das Cidades Históricas. Completando a Carta Internacional Sobre a Conservação e Restauro dos Monumentos e Sítios (Veneza, 1964), este novo texto define os princípios e os objectivos, os métodos e os instrumentos de acção adequada para salvaguardar a qualidade das cidades históricas, favorecer a harmonia da vida individual e social e perpetuar o conjunto dos bens, mesmo modestos, que constituem a memória da Humanidade.

Como no texto da recomendação da UNESCO respeitante à "salvaguarda dos conjuntos históricos ou tradicionais, e o seu papel na vida contemporâneas" (Varsóvia - Nairobi, 1976), assim como em outros diferentes instrumentos internacionais, entende-se aqui por "Salvaguarda das Cidades Históricas" as medidas necessárias para a sua protecção, a sua conservação e o seu restauro, assim como para o seu desenvolvimento coerente e para a sua adaptação harmoniosa à vida contemporânea.

## Princípios e Objectivos

1. A salvaguarda das cidades e bairros históricos deve, para ser eficaz, fazer parte integrante de uma política coerente de desenvolvimento económico e social, e ser tomada em conta nos planos de ordenamento e de urbanização, a todos os níveis.
2. Os valores a preservar são o carácter histórico da cidade e o conjunto de elementos materiais e espirituais que exprimem a sua imagem, em particular:
  - a) a forma urbana, definida pela trama e suas parcelas;
  - b) as relações entre os diferentes espaços urbanos: espaços construídos, espaços livres, espaços plantados;
  - c) a forma e o aspecto dos edifícios (interior e exterior), tais como eles se definem pela sua estrutura, volume, estilo, escala, materiais, cor e decoração;
  - d) as relações da cidade com o seu enquadramento natural ou criado pelo homem;
  - e) as vocações diversas da cidade, adquiridas no decurso da sua história.
3. A participação e a implicação dos habitantes de toda a cidade são indispensáveis ao sucesso da salvaguarda. Elas devem ser procuradas em todas as circunstâncias, e favorecidas pela necessária tomada de consciência de todas as gerações. Nunca se deve esquecer que a salvaguarda das cidades e bairros históricos respeita, em primeiro lugar, aos seus habitantes.
4. As intervenções num bairro ou numa cidade histórica devem ser conduzidas com prudência, método e rigor, evitando todo o dogmatismo, mas tendo em conta problemas específicos, em cada caso particular.

## Métodos e Instrumentos

5. A planificação da salvaguarda das cidades e bairros históricos deve ser precedida de estudos pluridisciplinares.

- Plano de Salvaguarda deve compreender uma análise dos dados, nomeadamente arqueológicos, históricos, arquitectónicos, sociológicos e económicos, e deve definir as principais orientações e as modalidades das acções a empreender nos planos jurídico, administrativo e financeiro.
- Plano de Salvaguarda deverá esforçar-se por definir uma articulação harmoniosa dos bairros históricos com o conjunto da cidade.
- Plano de Salvaguarda deve determinar os edifícios ou grupos de edifícios a proteger particularmente, a conservar em certas condições e, em circunstâncias excepcionais, a destruir.
- Estado dos locais será rigorosamente documentado antes de qualquer intervenção.
- Plano deverá beneficiar da adesão dos habitantes.

**6.** Na expectativa da adopção de um Plano de Salvaguarda, as acções necessárias à conservação devem ser empreendidas no respeito dos princípios e métodos da presente Carta e da Carta de Veneza.

**7.** A conservação das cidades e dos bairros históricos implica uma manutenção permanente do que está construído.

**8.** As funções novas e as redes de infra-estruturas exigidas pela vida contemporânea devem ser adaptadas às especificidades das cidades históricas.

**9.** O melhoramento do "habitat" deve constituir um dos objectivos fundamentais da salvaguarda.

**10.** No caso de ser necessário efectuar transformações de imóveis, ou de os construir de novo, todo o acrescentamento deverá respeitar a organização espacial existente, nomeadamente os seus aspectos parcelares e a sua escala, como o impõem a qualidade e o valor de conjunto das construções existentes. A introdução de elementos de carácter contemporâneo, sob reserva de não prejudicarem a harmonia do conjunto, pode contribuir para o seu enriquecimento.

**11.** Interessa concorrer para um melhor conhecimento do passado das cidades históricas, favorecendo as pesquisas de arqueologia urbana e a apresentação

apropriada das suas descobertas sem prejudicar a organização geral do tecido urbano.

**12.** A circulação dos veículos deve ser estreitamente regulamentada no interior das cidades e dos bairros históricos; as áreas de estacionamento deverão ser arranjadas de maneira a não degradar o seu aspecto, nem o do seu enquadramento.

**13.** As grandes redes de estradas, previstas no quadro do ordenamento do território, não devem penetrar nas cidades históricas, mas somente facilitar o tráfego que dessas cidades se aproxima, permitindo-lhe um acesso fácil.

**14.** Medidas preventivas contra as catástrofes naturais e contra todos os demais obstáculos (designadamente as poluições e as vibrações) devem ser tomadas a favor das cidades históricas, e isto tanto para assegurar a salvaguarda do seu património, como para a segurança e o bem-estar dos seus habitantes. Os meios postos em acção para prevenir ou reparar os efeitos de todas as calamidades devem ser adaptados ao carácter específico dos bens a salvar.

**15.** Em ordem a assegurar a participação e a implicação dos habitantes, deve desenvolver-se uma informação geral, começando desde a idade escolar. Deve ser favorecida a acção das associações de defesa do património, e devem ser tomadas medidas financeiras de natureza a facilitar a conservação e o restauro do que existe construído.

**16.** A salvaguarda exige que se organize uma formação especializada visando todas as profissões nela implicadas.

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Texto aprovado em Toledo, em reunião de 7 a 9 de Setembro de 1986, e ratificado pela Assembleia Geral do ICOMOS em Washington, em Outubro de 1987.

## INTERNATIONAL CULTURAL TOURISM CHARTER

### Managing Tourism at Places of Heritage Significance

8<sup>TH</sup> Draft, for Adoption by ICOMOS at the 12<sup>th</sup> General Assembly, Mexico, October 1999

### **Introduction**

#### **The Charter Ethos**

At the broadest level, the natural and cultural heritage belongs to all people. We each have a right and responsibility to understand, appreciate and conserve its universal values.

Heritage is a broad concept and includes the natural as well as the cultural environment. It encompasses landscapes, historic places, sites and built environments, as well as biodiversity, collections, past and continuing cultural practices, knowledge and living experiences. It records and expresses the long processes of historic development, forming the essence of diverse national, regional, indigenous and local identities and is an integral part of modern life. It is a dynamic reference point and positive instrument for growth and change. The particular heritage and collective memory of each locality or community is irreplaceable and an important foundation for development, both now and into the future.

At a time of increasing globalisation, the protection, conservation, interpretation and presentation of the heritage and cultural diversity of any particular place or region is an important challenge for people everywhere. However, management of that heritage, within a framework of internationally recognised and appropriately applied standards, is usually the responsibility of the particular community or custodian group.

A primary objective for managing heritage is to communicate its significance and need for its conservation to its host community and to visitors.

Reasonable and well managed physical, intellectual and/or emotive access to heritage and cultural development is both a right and a privilege. It brings with it a duty of respect for the heritage values, interests and equity of the present-day host community, indigenous custodians or owners of historic property and for the landscapes and cultures from which that heritage evolved.

### **The Dynamic Interaction between Tourism and Cultural Heritage**

Domestic and international tourism continues to be among the foremost vehicles for cultural exchange, providing a personal experience, not only of that which has survived from the past, but of the contemporary life and society of others. It is increasingly appreciated as a positive force for natural and cultural conservation. Tourism can capture the economic characteristics of the heritage and harness these for conservation by generating funding, educating the community and influencing policy. It is an essential part of many national and regional economies and can be an important factor in development, when managed successfully.

Tourism itself has become an increasingly complex phenomenon, with political, economic, social, cultural, educational, bio-physical, ecological and aesthetic dimensions. The achievement of a beneficial inter-action between the potentially conflicting expectations and aspirations of visitors and host or local communities, presents many challenges and opportunities.

The natural and cultural heritage, diversities and living cultures are major tourism attractions. Excessive or poorly-managed tourism and tourism related development can threaten their physical nature, integrity and significant characteristics. The ecological setting, culture and lifestyles of host communities may also be degraded, along with the visitor's experience of the place.

Tourism should bring benefits to host communities and provide an important means and motivation for them to care for and maintain their heritage and cultural practices. The involvement and co-operation of local and/or indigenous community representatives, conservationists, tourism operators, property owners, policy makers, those preparing national development plans and site managers is necessary to achieve a sustainable tourism industry and enhance the protection of heritage resources for future generations.

ICOMOS, the International Council on Monuments and Sites, as the author of this Charter, other international organisations and the tourism industry, are dedicated to this challenge.

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## Objectives of the Charter

The Objectives of the International Cultural Tourism Charter are:

- To facilitate and encourage those involved with heritage conservation and management to make the significance of that heritage accessible to the host community and visitors.
- To facilitate and encourage the tourism industry to promote and manage tourism in ways that respect and enhance the heritage and living cultures of host communities.
- To facilitate and encourage a dialogue between conservation interests and the tourism industry about the importance and fragile nature of heritage places, collections and living cultures including the need to achieve a sustainable future for them.
- To encourage those formulating plans and policies to develop detailed, measurable goals and strategies relating to the presentation and interpretation of heritage places and cultural activities, in the context of their preservation and conservation.

In addition,

- The Charter supports wider initiatives by ICOMOS, other international bodies and the tourism industry in maintaining the integrity of heritage management and conservation.
- The Charter encourages the involvement of all those with relevant or at times conflicting interests, responsibilities and obligations to join in achieving its objectives.

- The Charter encourages the formulation of detailed guidelines by interested parties, facilitating the implementation of the Principles to their specific circumstances or the requirements of particular organisations and communities.

## Principles of the Cultural Tourism Charter

### Principle 1

Since domestic and international tourism is among the foremost vehicles for cultural exchange, conservation should provide responsible and well managed opportunities for members of the host community and visitors to experience and understand that community's heritage and culture at first hand.

#### 1.1

The natural and cultural heritage is a material and spiritual resource, providing a narrative of historical development. It has an important role in modern life and should be made physically, intellectually and/or emotively accessible to the general public. Programmes for the protection and conservation of the physical attributes, intangible aspects, contemporary cultural expressions and broad context, should facilitate an understanding and appreciation of the heritage significance by the host community and the visitor, in an equitable and affordable manner.

#### 1.2

Individual aspects of natural and cultural heritage have differing levels of significance, some with universal values, others of national, regional or local importance. Interpretation programmes should present that significance in a relevant and accessible manner to the host community and the visitor, with appropriate, stimulating and contemporary forms of education, media, technology and personal explanation of historical, environmental and cultural information.

#### 1.3

Interpretation and presentation programmes should facilitate and encourage the high level of public awareness and support necessary for the long term survival of the natural and cultural heritage.

#### **1.4**

Interpretation programmes should present the significance of heritage places, traditions and cultural practices within the past experience and present diversities of the area and the host community, including that of minority cultural or linguistic groups. The visitor should always be informed of the differing cultural values that may be ascribed to a particular heritage resource.

### **Principle 2**

The relationship between Heritage Places and Tourism is dynamic and may involve conflicting values. It should be managed in a sustainable way for present and future generations.

#### **2.1**

Places of heritage significance have an intrinsic value for all people as an important basis for cultural diversity and social development. The long term protection and conservation of living cultures, heritage places, collections, their physical and ecological integrity and their environmental context, should be an essential component of social, economic, political, legislative, cultural and tourism development policies.

#### **2.2**

The interaction between heritage resources or values and tourism is dynamic and ever changing, generating both opportunities and challenges, as well as potential conflicts. Tourism projects, activities and developments should achieve positive outcomes and minimise adverse impacts on the heritage and lifestyles of the host community, while responding to the needs and aspirations of the visitor.

#### **2.3**

Conservation, interpretation and tourism development programmes should be based on a comprehensive understanding of the specific, but often complex or conflicting aspects of heritage significance of the particular place. Continuing research and consultation are important to furthering the evolving understanding and appreciation of that significance.

#### **2.4**

The retention of the authenticity of heritage places and collections is important. It is an essential element of their cultural significance, as expressed in the physical material, collected memory and intangible traditions that remain from the past. Programmes should present and interpret the authenticity of places

and cultural experiences to enhance the appreciation and understanding of that cultural heritage.

### **2.5**

Tourism development and infrastructure projects should take account of the aesthetic, social and cultural dimensions, natural and cultural landscapes, biodiversity characteristics and the broader visual context of heritage places. Preference should be given to using local materials and take account of local architectural styles or vernacular traditions.

### **2.6**

Before heritage places are promoted or developed for increased tourism, management plans should assess the natural and cultural values of the resource. They should then establish appropriate limits of acceptable change, particularly in relation to the impact of visitor numbers on the physical characteristics, integrity, ecology and biodiversity of the place, local access and transportation systems and the social, economic and cultural well being of the host community. If the likely level of change is unacceptable the development proposal should be modified.

### **2.7**

There should be on-going programmes of evaluation to assess the progressive impacts of tourism activities and development on the particular place or community.

## **Principle 3**

Conservation and Tourism Planning for Heritage Places should ensure that the Visitor Experience will be worthwhile, satisfying and enjoyable.

### **3.1**

Conservation and tourism programmes should present high quality information to optimise the visitor's understanding of the significant heritage characteristics and of the need for their protection, enabling the visitor to enjoy the place in an appropriate manner.

### **3.2**

Visitors should be able to experience the heritage place at their own pace, if they so choose. Specific circulation routes may be necessary to minimise impacts on the integrity and physical fabric of a place, its natural and cultural characteristics.

### **3.3**

Respect for the sanctity of spiritual places, practices and traditions is an important consideration for site managers, visitors, policy makers, planners and tourism operators. Visitors should be encouraged to behave as welcomed guests, respecting the values and lifestyles of the host community, rejecting possible theft or illicit trade in cultural property and conducting themselves in a responsible manner which would generate a renewed welcome, should they return.

### **3.4**

Planning for tourism activities should provide appropriate facilities for the comfort, safety and well being of the visitor, that enhance the enjoyment of the visit but do not adversely impact on the significant features or ecological characteristics.

## **Principle 4**

Host communities and indigenous peoples should be involved in planning for conservation and tourism.

### **4.1**

The rights and interests of the host community, at regional and local levels, property owners and relevant indigenous peoples who may exercise traditional rights or responsibilities over their own land and its significant sites, should be respected. They should be involved in establishing goals, strategies, policies and protocols for the identification, conservation, management, presentation and interpretation of their heritage resources, cultural practices and contemporary cultural expressions, in the tourism context.

### **4.2**

While the heritage of any specific place or region may have a universal dimension, the needs and wishes of some communities or indigenous peoples to restrict or manage physical, spiritual or intellectual access to certain cultural practices, knowledge, beliefs, activities, artefacts or sites should be respected.

## **Principle 5**

Tourism and conservation activities should benefit the host community.

**5.1**

Policy makers should promote measures for the equitable distribution of the benefits of tourism to be shared across countries or regions, improving the levels of socio-economic development and contributing where necessary to poverty alleviation.

**5.2**

Conservation management and tourism activities should provide equitable economic, social and cultural benefits to the men and women of the host or local community, at all levels, through education, training and the creation of full time employment opportunities.

**5.3**

A significant proportion of the revenue specifically derived from tourism programmes to heritage places should be allotted to the protection, conservation and presentation of those places, including their natural and cultural contexts. Where possible, visitors should be advised of this revenue allocation.

**5.4**

Tourism programmes should encourage the training and employment of guides and site interpreters from the host community to enhance the skills of local people in the presentation and interpretation of their cultural values.

**5.5**

Heritage interpretation and education programmes among the people of the host community should encourage the involvement of local site interpreters. The programmes should promote a knowledge and respect for their heritage, encouraging the local people to take a direct interest in its care and conservation.

**5.6**

Conservation management and tourism programmes should include education and training opportunities for policy makers, planners, researchers, designers, architects, interpreters, conservators and tourism operators. Participants should be encouraged to understand and help resolve the at times conflicting issues, opportunities and problems encountered by their colleagues.

## **Principle 6**

Tourism promotion programmes should protect and enhance Natural and Cultural Heritage characteristics.

### **6.1**

Tourism promotion programmes should create realistic expectations and responsibly inform potential visitors of the specific heritage characteristics of a place or host community, thereby encouraging them to behave appropriately.

### **6.2**

Places and collections of heritage significance should be promoted and managed in ways which protect their authenticity and enhance the visitor experience by minimising fluctuations in arrivals and avoiding excessive numbers of visitors at any one time.

### **6.3**

Tourism promotion programmes should provide a wider distribution of benefits and relieve the pressures on more popular places by encouraging visitors to experience the wider cultural and natural heritage characteristics of the region or locality.

### **6.4**

The promotion, distribution and sale of local crafts and other products should provide a reasonable social and economic return to the host community, while ensuring that their cultural integrity is not degraded.

ICOMOS International Scientific Committee on Cultural Tourism.

*Resolutions of the*  
*SYMPOSIUM ON THE INTRODUCTION OF CONTEMPORARY ARCHITECTURE*  
*INTO ANCIENT GROUPS OF BUILDINGS,*  
III ICOMOS General Assembly, Budapest, 1972

The International Symposium on the introduction of contemporary architecture into ancient groups of buildings, meeting in Budapest on 27th and 28th June 1972, at the time of the Third General Assembly of the International Council on Monuments and Sites,

Expresses its heartiest thanks and congratulations to the Hungarian National Committee of ICOMOS and to the Hungarian Government, by whom it has been so warmly and efficiently received, and

After hearing the contents both of the papers presented during its sessions on questions of doctrine and on certain significant achievements, and of the subsequent discussions,

Recognizing that, at the present state of development of civilization, technological and economic questions unduly divert attention from human and social values, that the increasingly rapid growth of towns renders it urgently necessary for systematic provision to be made for the environment of daily life and for the preservation of historic monuments and groups of buildings, and that such preservation, which thus becomes vital, is feasible only if the latter are made to play an active part in contemporary life,

Considering that groups of buildings of historical interest form a fundamental part of the human environment, that architecture is necessarily the expression of its age, that its development is continuous, and that its past, present and future expression must be treated as a whole, the harmony of which must be constantly preserved, and that any historical monument or complex of buildings possesses an intrinsic value independently of its initial role and significance which enables it to adapt itself to a changing cultural, social, economic and political context while fully retaining its structure and character.

Hereby adopts the following conclusions:

1. The introduction of contemporary architecture into ancient groups of buildings is feasible in so far as the town-planning scheme of which it is a part involves acceptance of the existing fabric as the framework for its own future development.
2. Such contemporary architecture, making deliberate use of present-day techniques and materials, will fit itself into an ancient setting without affecting the structural and aesthetic qualities of the latter only in so far as due allowance is made for the appropriate use of mass, scale, rhythm and appearance.
3. The authenticity of historical monuments or groups of buildings must be taken as a basic criterion and there must be avoidance of any imitations which would affect their artistic and historical value.
4. The revitalization of monuments and groups of buildings by the finding of new uses for them is legitimate and recommendable provided such uses affect, whether externally or internally, neither their structure nor their character as complete entities.

And recommends that there be held regular discussion meetings on the harmonious introduction of contemporary architecture into ancient groups of buildings at which codes of procedure and achievements in this field may be examined in the light of the above conclusions.

**Congress of Local and Regional Authorities of Europe**

**SEVENTH SESSION**

**(Strasbourg, 23-25 May 2000)**

**Resolution 98 (2000)**

**on historic towns in Europe**

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1. Debated and approved by the Chamber of Local Authorities on 24 May 2000 and adopted by the Standing Committee of the Congress on 25 May 2000 (see doc. CPL (7) 5, draft resolution presented by Mr C. Chirita, rapporteur).

The Congress, bearing in mind the proposal of the Chamber of Local Authorities,

1. Affirms that historic towns and cities throughout Europe are the context within which much of the world's most significant cultural heritage is experienced and enjoyed; that they tell the story of Europe's social, economic and physical evolution; and are home to some of the finest examples of architectural expression through the ages;

2. Considers that historic towns are invariably at the heart of the cultural life of their region, attracting millions of visitors and making a significant national and European economic contribution;

3. Notes that, whilst historic towns are currently facing unprecedented challenges at the beginning of the third millennium, they have, however, a unique record of adapting to change and offer a model for all towns striving to secure a sustainable future;

4. Adds that, whilst most towns in Europe have managed to retain their historic core, there are others where local authorities do not always have sufficient resources or expertise to safeguard their heritage;

5. Considers that one of the main challenges affecting such communities is the achievement of a balance between historic preservation and economic development;
6. Believes however that the protection of the legacy of the past is an investment for the future and that it should be recognised that conservation policies can promote economic growth, help reduce unemployment and promote social cohesion, through the reflection of community pride and continuity;
7. Considers that it is important that local authorities are able to benefit financially from increased resources brought about by tourism;
8. Recalls the series of European symposia, organised by the earlier Standing Conference which highlighted, at the time, the main questions affecting local authorities in Europe in dealing with their historic heritage (see Appendix 1);
9. Believing that there is a case for reviving such symposia, particularly given the geographical expansion of the Council of Europe and that much of the expertise arising from such symposia would be of value to new member countries;
10. Welcoming the current Council of Europe campaign on "Europe: a common heritage", in which local authorities play a significant role, both as members of the national committees organising the campaign and as a vehicle for some of the pilot projects designated to illustrate the themes of the campaign;
11. Welcomes, in this context, the establishment of a European Association of Historic Towns and Regions by the CLRAE, both as a contribution to the campaign and as a valid mechanism in its own right for furthering the cause of historic towns in Europe;
12. Wishes to recall, in this respect, the aims, principles and objectives of the association, which appear as Appendix 2 to this resolution;
13. Asks local authorities in Europe to adopt a sustainable approach to the future management of historic towns and in particular to:

## Environment and urban planning

14. Integrate conservation policy into all other sectoral policies affecting the urban environment, for example, for infrastructure, transport management, environmental protection, accepting that conservation policies can only be effective if they form part of comprehensive urban management;
15. Recognise the economic, social and cultural importance of their historic heritage and archaeology and, accordingly, allocate sufficient resources to their protection and enhancement;
16. Ensure that legislation on the protection of monuments and sites should apply, without exception, to all public institutions and to major economic and commercial enterprises and interests;
17. Accept the need for an integrated approach to land use and transportation planning, recognising the crucial role of good quality public transport in ensuring both accessibility and improvement to what otherwise would have been a dull or monotonous environment;
18. Accept the survival of the historic heritage depends upon it being given worthwhile contemporary use that can restore and maintain the fabric as well as add vitality to the experience of the historic centre, for example, retailing;
19. Give preference to the re-use of the existing built environment including rehabilitation of "brown field" sites and existing properties rather than the construction of new housing estates, particularly on the outskirts of towns and give priority to the creation of attractive urban environments without leading to intrusion into the countryside;
20. Support the need to promote high quality modern architecture and urban design that reflects the contribution of the twenty-first century to the quality of historic towns.

## Economic

21. Create a mix of functions in historic communities, with the provision particularly of retailing, housing, small-scale commercial uses and street activities, events and festivals in order to maintain and secure the vitality and viability of historic centres;

22. Recognise the importance of developing complementary economic strategies that reflect the importance of the cultural heritage as a positive contribution to both economic well being and quality of life;

23. Promote tourism as an important economic activity which can bring much needed investment but which needs to be managed to ensure that economic benefits are not secured at the cost of environmental deterioration;

24. Explore the importance of the emerging "knowledge" economy as an important provider of sustainable economic activity in areas of high quality of life, such as historic towns.

### **Social**

25. Bear in mind that economic development and policies for the protection of the historic heritage should be accompanied by complementary social measures – planning for living communities including social housing and the development of policies relating to the safety and security of town centres;

26. Ensure the participation of the population in all decisions having a major impact on the cultural and historic heritage, recognising that community involvement in democratic decisions affecting historic towns is a major factor in securing sustainability and social inclusion;

27. Recognise the importance of maintaining and enhancing local identity as a key factor in developing social cohesiveness and civic pride.

### **Finance, resources and partnership**

28. In relation to finance, accept that financial resources are required not just for rehabilitation of the heritage, but also for its maintenance and management; equally, resources are required for the improvement of whole areas around buildings and not just the buildings themselves;

29. Develop enlightened, clear and firm urban planning and management by the local authority to create a favourable context for conservation in order to use to maximum advantage available financial resources and attract additional resources from the private sector;

30. Seek to use the following fiscal and financial mechanisms:

- taxation on owners who wilfully let their historic properties deteriorate;
- architectural assistance bureaux, provided by local authorities for owners and shopkeepers wishing to restore their properties;
- revolving funds, low interest loans, fiscal incentives for owners and tenants to rehabilitate property, partnership schemes between national and municipal administrations and residents;
- possibilities of purchase of historic buildings at low cost, provided they are subsequently improved;
- low VAT ratings and favourable fiscal conditions in relation to succession.

31. Develop mechanisms for co-operation between public and private sectors, through discussions in advance of development and joint ventures aimed at attracting private sector funding;

32. Agree to participate in partnership projects with other historic towns to secure funding and to facilitate skill exchanges to share expertise and good practice.

### **Promotion and publicity**

33. Believe that improved information, publicity and policies for public relations have a fundamental role to play in successful restoration schemes;

34. Accept that information and publicity should be, from the beginning, an integral part of conservation and urban regeneration programmes, with its own budget and a personnel responsible for providing information to and from residents, building contractors, investors, etc., about such programmes;

35. Accept equally that the marketing and promotion of exemplary projects, the improvement of the image of a region or town as a stimulus to investment and the belief in architectural preservation as a selling point should be integral elements in all major improvement programmes;

36. Recognise that mechanisms for improving the flow of information can include the use of exhibitions, audio-visual material and the Internet; small-scale workshops with residents, high profile media events; high quality publications;

emblems and logos; and, particularly, the encouragement of the involvement of children in well-publicised restoration schemes.

37. Encourage the establishment where they do not yet exist of national associations of historic towns in respective countries;

38. Encourage the membership of the European Association of Historic Towns and Regions by national associations of historic towns, where they exist;

39. Ask local authorities to play their full part in the current campaign of the Council of Europe, "Europe: a Common heritage" and in its follow-up;

40. Asks the CLRAE to:-

41. support the work and objectives of the European Association of Historic Towns and, to this end, asks the relevant specialised committee to examine the most appropriate way of so doing;

42. consider the organisation of a future symposium on historic towns on a theme, date and place to be proposed by the relevant specialised CLRAE commission, in consultation with the Bureau of the Association of Historic Towns and Regions;

43. play its full part in any follow-up to the current campaign of the Council of Europe "Europe: a common heritage";

44. encourage the strengthening of existing partnerships between historic towns and the establishment of new partnerships.

45. encourage the exchange of information between historic towns through the establishment of respective web sites.

## Appendix 1

### Series of European symposia on historic towns

1971 - 92

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European Symposium on Towns of Historic Interest, Split (Yugoslavia), 20-23 October 1971

Second European Symposium of Historic Towns, Strasbourg (France), 30 September-2 October 1976

Third European Symposium of Historic Towns, Munich/Landshut, Bavaria (Germany), 29 November-1 December 1976

Fourth European Symposium of Historic Towns, Fribourg (Switzerland), 14-16 October 1981

Fifth European Symposium of Historic Towns, Seville (Spain), 8-10 May 1985

Sixth European Symposium of Historic Towns, Cambridge (United Kingdom), 20-22 September 1989

Seventh European Symposium of Historic Towns, Istanbul (Turkey), 16-18 September 1992\_

## Appendix 2

### Aim, principles and objectives of the European Association of Historic Towns and Regions

#### Aim

To promote the interests of Europe's historic towns and regions.

## Principles

The association will aspire to uphold the key principles of democratic accountability and member solidarity in pursuing its aims and objectives and in carrying out its activities.

## Objectives

Establish international co-operation in the fields of urban conservation and cultural heritage through:

- the creation and development of a European network of historic towns associations;
- assistance with the establishment of national associations of historic towns in countries where they do not yet exist;
- collaboration with other relevant European institutions and organisations to ensure effective co-ordination and involvement;
- regional co-operation between historic towns.

Participate in campaigns relating to Europe's cultural heritage, such as those organised by the Council of Europe and the European Union.

Share experience and good practice on all aspects of urban conservation and management of Europe's cultural heritage.

Promote the vitality and viability and sustainability of historic towns in the belief that conservation of cultural heritage promotes economic and social development.

Seek to ensure that European policy-making bodies recognise and reflect the specific needs and interests of historic towns and their inhabitants.

Promote appropriate national legislation to protect and enhance the historic heritage of European historic cities.

Raise public awareness about the importance and value of Europe's cultural heritage.

Encourage and support European partnerships between historic towns including assistance with bidding for finance and projects.

Promote and facilitate education and training in the fields of urban management and cultural heritage.

CONVENÇÃO PARA A SALVAGUARDA DO PATRIMÓNIO ARQUITECTÓNICO DA  
EUROPA

(Granada, 1985)

Os Estados membros do Conselho da Europa, signatários da presente Convenção:

Considerando que o objectivo do Conselho da Europa é realizar uma união mais estreita entre os seus membros, nomeadamente a fim de salvaguardar e promover os ideais e princípios que constituem o seu património comum;

Reconhecendo que o património arquitectónico constitui uma expressão insubstituível da riqueza e da diversidade do património cultural da Europa, um testemunho inestimável do nosso passado e um bem comum a todos os europeus;

Tendo em conta a Convenção Cultural Europeia, assinada em Paris em 19 de Dezembro de 1954, e nomeadamente o seu artigo 1.º;

Tendo em conta a Carta Europeia do Património Arquitectónico, adoptada pelo Comité de Ministros do Conselho da Europa em 26 de Setembro de 1975, e a Resolução (76) 28, adoptada em 14 de Abril de 1976, relativa à adaptação dos sistemas legislativos e regulamentares nacionais às exigências da conservação integrada do património arquitectónico; Tendo em conta a Recomendação n.º 880 (1979) da Assembleia Parlamentar do Conselho da Europa, relativa à conservação do património arquitectónico;

Tendo em conta a Recomendação n.º R (80) 16 do Comité de Ministros aos Estados membros sobre a formação especializada de arquitectos, urbanistas, engenheiros civis e paisagistas, assim como a Recomendação n.º R (81) 13 do Comité de Ministros, adoptada no dia 1 de Julho de 1981, sobre as acções a empreender em benefício de certas profissões, ameaçadas de desaparecimento, no âmbito da actividade artesanal;

Recordando que é necessário transmitir um sistema de referências culturais às gerações futuras, melhorar a qualidade de vida urbana e rural e incentivar, ao

mesmo tempo, o desenvolvimento económico, social e cultural dos Estados e das regiões;

Afirmando que é necessário concluir acordos sobre as orientações essenciais de uma política comum, que garanta a salvaguarda e o engrandecimento do património arquitectónico;

acordam no seguinte:

## **Definição do Património Arquitectónico**

### **Artigo 1.º**

Para os fins da presente Convenção, a expressão "património arquitectónico" é considerada como integrando os seguintes bens imóveis:

- 1) Os monumentos: todas as construções particularmente notáveis pelo seu interesse histórico, arqueológico, artístico, científico, social ou técnico, incluindo as instalações ou os elementos decorativos que fazem parte integrante de tais construções;
- 2) Os conjuntos arquitectónicos: agrupamentos homogéneos de construções urbanas ou rurais, notáveis pelo seu interesse histórico, arqueológico, artístico, científico, social ou técnico, e suficientemente coerentes para serem objecto de uma delimitação topográfica;
- 3) Os sítios: obras combinadas do homem e da natureza, parcialmente construídas e constituindo espaços suficientemente característicos e homogéneos para serem objecto de uma delimitação topográfica, notáveis pelo seu interesse histórico, arqueológico, artístico, científico, social ou técnico.

## **Identificação dos Bens a Proteger**

### **Artigo 2.º**

A fim de identificar com precisão os monumentos, conjuntos arquitectónicos e sítios susceptíveis de serem protegidos, as Partes comprometem-se a manter o

respectivo inventário e, em caso de ameaça dos referidos bens, a preparar, com a possível brevidade, documentação adequada.

## **Processos Legais de Protecção**

### **Artigo 3.º**

As Partes comprometem-se:

- 1) A implementar um regime legal de protecção do património arquitectónico;
- 2) A assegurar, no âmbito desse regime e de acordo com modalidades próprias de cada Estado ou região, a protecção dos monumentos, conjuntos arquitectónicos e sítios.

### **Artigo 4.º**

As Partes comprometem-se:

- 1) A aplicar, tendo em vista a protecção jurídica dos bens em causa, os processos de controlo e autorização adequados;
- 2) A impedir que bens protegidos sejam desfigurados, degradados ou demolidos. Nesta perspectiva, as Partes comprometem-se, caso não o tenham já feito, a introduzir nas respectivas legislações disposições que prevejam:
  - a) A submissão a uma autoridade competente de projectos de demolição ou de alteração de monumentos já protegidos ou em relação aos quais esteja pendente uma acção de protecção, assim como de qualquer projecto que afecte o respectivo meio ambiente;
  - b) A submissão a uma autoridade competente de projectos que afectem, total ou parcialmente, um conjunto arquitectónico ou um sítio, relativos a obras:

De demolição de edifícios;

De construção de novos edifícios;

De alterações consideráveis que prejudiquem as características do conjunto arquitectónico ou do sítio;

c) A possibilidade de os poderes públicos intimarem o proprietário de um bem protegido a realizar obras ou de se lhe substituírem, caso este as não faça;

d) A possibilidade de expropriar um bem protegido.

### **Artigo 5.º**

As Partes comprometem-se a não permitir a remoção, total ou parcial, de um monumento protegido, salvo na hipótese de a protecção física desse monumento o exigir de forma imperativa. Em tal caso, a autoridade competente toma as precauções necessárias à respectiva desmontagem, transferência e remontagem em local adequado.

## **Medidas Complementares**

### **Artigo 6.º**

As Partes comprometem-se a:

- 1) Prever, em função das competências nacionais, regionais e locais, e dentro dos limites dos orçamentos disponíveis, um apoio financeiro dos poderes públicos às obras de manutenção e restauro do património cultural situado no respectivo território;
- 2) Recorrer, se necessário, a medidas fiscais susceptíveis de facilitar a conservação desse património;
- 3) Apoiar as iniciativas privadas no domínio da manutenção e restauro desse património.

### **Artigo 7.º**

Nas áreas circundantes dos monumentos, no interior dos conjuntos arquitectónicos e dos sítios, as Partes comprometem-se a adoptar medidas que visem melhorar a qualidade do ambiente.

## **Artigo 8.º**

As Partes comprometem-se, a fim de limitar os riscos de degradação física do património arquitectónico:

- 1) A apoiar a investigação científica, com vista a identificar e a analisar os efeitos nocivos da poluição e a definir os meios de deduzir ou eliminar tais efeitos;
- 2) A tomar em consideração os problemas específicos da conservação do património arquitectónico, na formulação de políticas de luta contra a poluição.

## **Sanções**

### **Artigo 9.º**

As Partes comprometem-se, no âmbito dos respectivos poderes, a garantir que as infracções à legislação de protecção do património arquitectónico sejam objecto das medidas adequadas e suficientes por parte da autoridade competente. Tais medidas podem implicar, se necessário, a obrigação de os autores demolirem um edifício novo, construído de modo irregular, ou de reporem o bem protegido no seu estado anterior.

## **Políticas de Conservação**

### **Artigo 10.º**

As Partes comprometem-se a adoptar políticas da conservação integrada que:

- 1) Incluam a protecção do património arquitectónico nos objectivos essenciais do ordenamento do território e do urbanismo, e que garantam que tal imperativo seja tomado em consideração nas diversas fases da elaboração de planos de ordenamento e dos processos de autorização de obras;
- 2) Adoptem programas de restauro e de manutenção do património arquitectónico;

3) Façam da conservação, promoção e realização do património arquitectónico um elemento fundamental das políticas em matéria de cultura, ambiente e ordenamento do território;

4) Promovam, sempre que possível, no âmbito dos processos de ordenamento do território e de urbanismo, a conservação e a utilização de edifícios, cuja importância intrínseca não justifique uma protecção no sentido do artigo 3.º n.º 1, da presente Convenção, mas que revistam interesse do ponto de vista do ambiente urbano ou rural, ou da qualidade de vida;

5) Promovam a aplicação e o desenvolvimento, indispensáveis ao futuro do património, de técnicas e materiais tradicionais.

### **Artigo 11.º**

As Partes comprometem-se a promover, respeitando as características arquitectónica e histórica do património:

a) A utilização de bens protegidos, atendendo às necessidades da vida contemporânea;

b) A adaptação, quando tal se mostre adequado, de edifícios antigos a novas utilizações.

### **Artigo 12.º**

Sem prejuízo de reconhecerem o interesse em permitir a visita, por parte do público, dos bens protegidos, as Partes comprometem-se a garantir que as consequências de tal abertura ao público, nomeadamente as adaptações de estrutura para isso necessárias, não prejudiquem as características arquitectónicas e históricas desses bens e do respectivo meio ambiente.

### **Artigo 13.º**

Com vista a facilitar a execução de tais políticas, as Partes comprometem-se a desenvolver, no contexto próprio da sua organização política e administrativa, a cooperação efectiva, aos diversos níveis, dos serviços responsáveis pela conservação, acção cultural, meio ambiente e ordenamento do território.

## **Participação e Associações**

### **Artigo 14.º**

Em ordem a secundar a acção dos poderes públicos em benefício do conhecimento, protecção, restauro, manutenção, gestão e promoção do património arquitectónico, as Partes comprometem-se:

- 1) A criar, nas diversas fases do processo de decisão, estruturas de informação, consulta e colaboração entre o Estado, as autoridades locais, as instituições e associações culturais e o público;
- 2) A incentivar o desenvolvimento do mecenato e das associações com fins não lucrativos, que actuam nesta área.

## **Informação e Formação**

### **Artigo 15.º**

As Partes comprometem-se:

- 1) A valorizar a conservação do património arquitectónico junto da opinião pública, quer como elemento de identidade cultural, quer como fonte de inspiração e de criatividade das gerações presentes e futuras;
- 2) A promover, nesse sentido, políticas de informação e de sensibilização, nomeadamente com auxílio de técnicas modernas de difusão e de promoção, tendo, especificamente, como objectivo:
  - a) Despertar ou desenvolver a sensibilidade do público, a partir da idade escolar, para a protecção do património, qualidade do ambiente edificado e expressão arquitectónica;
  - b) Realçar a unidade do património cultural e dos laços existentes entre a arquitectura, as artes, as tradições populares e modos de vida, à escala europeia, nacional ou regional.

## **Artigo 16.º**

As Partes comprometem-se a promover a formação das diversas profissões e ofícios com intervenção na conservação do património arquitectónico.

## **Coordenação Europeia das Políticas de Conservação**

### **Artigo 17.º**

As Partes comprometem-se a trocar informações sobre as respectivas políticas de conservação no que respeita:

- 1) Aos métodos a adoptar em matéria de inventário, protecção e conservação de bens, atendendo à evolução histórica e ao aumento progressivo do património arquitectónico;
- 2) Aos meios de conciliar da melhor forma o imperativo de protecção do património arquitectónico e as necessidades actuais da vida económica, social e cultural;
- 3) Às possibilidades oferecidas pelas novas tecnologias, no domínio da identificação e registo, da luta contra a degradação de materiais, da investigação científica, das obras de restauro e das formas de gestão e promoção do património arquitectónica;
- 4) Aos meios de promover a criação arquitectónica, como forma de assegurar a contribuição da nossa época para o património da Europa.

### **Artigo 18.º**

As Partes comprometem-se a conceder-se, sempre que necessário, uma assistência técnica recíproca, sob a forma de troca de experiências e de peritos, no domínio da conservação do património arquitectónico.

### **Artigo 19.º**

As Partes comprometem-se a promover, no âmbito das legislações nacionais pertinentes ou dos acordos internacionais pelos quais se encontrem vinculadas,

as trocas europeias de especialistas em matéria de conservação do património arquitectónico, incluindo na área da formação contínua.

#### **Artigo 20.º**

Para os fins da presente Convenção, um Comité de peritos, criado pelo Comité de Ministros do Conselho da Europa, ao abrigo do artigo 17.º do Estatuto do Conselho da Europa, é encarregado de acompanhar a aplicação da Convenção e especificamente:

- 1) De submeter periodicamente ao Comité de Ministros do Conselho da Europa um relatório sobre a situação das políticas de conservação do património arquitectónico nos Estados partes na Convenção, sobre a aplicação dos princípios nela enunciados e sobre as suas próprias actividades;
- 2) De propor ao Comité de Ministros do Conselho da Europa qualquer medida conducente à implementação das disposições da Convenção, inclusive no âmbito das actividades multilaterais e no domínio da revisão ou modificação da Convenção, bem como de informação do público sobre os objectivos da Convenção;
- 3) De formular recomendações ao Comité de Ministros do Conselho da Europa, relativamente ao convite a Estados não membros do Conselho da Europa para aderirem à Convenção.

#### **Artigo 21.º**

As disposições da presente Convenção não prejudicam a aplicação de disposições específicas mais favoráveis à protecção dos bens previstos no artigo 1.º, constantes de:

Convenção relativa à Protecção do Património Mundial, Cultural e Natural, de 16 de Novembro de 1972;

Convenção Europeia para a Protecção do Património Arqueológico, de 6 de Maio de 1969.

## Cláusulas Finais

### Artigo 22.º

1 – A presente Convenção está aberta à assinatura dos Estados membros do Conselho da Europa. É submetida a ratificação, aceitação ou aprovação. Os instrumentos de ratificação, aceitação ou aprovação, são depositados junto do Secretário-Geral do Conselho da Europa.

2 – A presente Convenção entra em vigor no primeiro dia de mês seguinte ao decurso de um período de três meses após a data em que três Estados membros do Conselho da Europa tenham manifestado o seu consentimento a vincular-se pela Convenção, nos termos do disposto no número anterior.

3 – Para os Estados membros que venham ulteriormente a manifestar o seu consentimento a vincular-se pela Convenção, a Convenção entra em vigor no primeiro dia do mês seguinte ao decurso de um período de três meses após a data do depósito do instrumento de ratificação, aceitação ou aprovação.

### Artigo 23.º

1 – Após a entrada em vigor da presente Convenção, o Comité de Ministros do Conselho da Europa pode convidar qualquer Estado não membro do Conselho, assim como a Comunidade Económica Europeia, a aderir à presente Convenção, por decisão tomada pela maioria prevista no artigo 20.º, alínea d) do Estatuto do Conselho da Europa e por unanimidade dos representantes dos Estados contratantes com direito de assento no Comité.

2 – Para os Estados aderentes ou para a Comunidade Económica Europeia, em caso de adesão, a Convenção entra em vigor no primeiro dia do mês seguinte ao decurso de um período de três meses após a data do depósito do instrumento de adesão junto do Secretário-Geral do Conselho da Europa.

### Artigo 24.º

1 – Qualquer Estado pode, no momento da assinatura ou do depósito do respectivo instrumento de ratificação, aceitação, aprovação ou adesão, designar o território ou territórios a que se aplica a presente Convenção.

**2** – Qualquer Estado pode, em qualquer momento ulterior, mediante declaração dirigida ao Secretário-Geral do Conselho da Europa, tomar extensiva a aplicação da presente Convenção a qualquer outro território designado na declaração. A Convenção entra em vigor, para esse território, no primeiro dia do mês seguinte ao decurso de um período de três meses após a data da recepção da declaração pelo Secretário-Geral.

**3** – Qualquer declaração formulada nos termos dos dois números anteriores pode ser retirada, no que respeita a qualquer território designado naquela declaração, mediante notificação dirigida ao Secretário-Geral. Tal retirada produz efeito no primeiro dia do mês seguinte do decurso de um período de seis meses após a data da recepção da notificação pelo Secretário-Geral.

#### **Artigo 25.º**

**1** – Qualquer Estado pode, no momento da assinatura ou do depósito do respectivo instrumento de ratificação, aceitação, aprovação ou adesão, declarar que se reserva o direito de não se conformar, total ou parcialmente, com as disposições do artigo 4.º, alíneas c) e d). Não é admitida qualquer outra reserva.

**2** – Qualquer Estado contratante que tenha formulado uma reserva nos termos do número anterior pode retirá-la, total ou parcialmente, mediante notificação dirigida ao Secretário-Geral do Conselho da Europa. A retirada produz efeito na data da recepção da notificação pelo Secretário-Geral.

**3** – A Parte que tenha formulado a reserva ao abrigo do disposto no n.º 1 supracitado não pode exigir a aplicação de tal disposição por uma outra Parte; pode, todavia, se a reserva for parcial ou condicional, exigir a aplicação de tal disposição na medida em que a tenha aceite.

#### **Artigo 26.º**

**1** – Qualquer Parte pode, em qualquer momento, denunciar a presente Convenção, mediante notificação dirigida ao Secretário-Geral do Conselho da Europa.

**2** – A denúncia produz efeito no primeiro dia do mês seguinte ao decurso de um período de seis meses após a data da recepção da notificação pelo Secretário-Geral.

## Artigo 27.º

O Secretário-Geral do Conselho da Europa notifica os Estados membros do Conselho da Europa e qualquer Estado que tenha aderido à presente Convenção e a Comunidade Europeia, em caso de adesão, de:

- a) Qualquer assinatura;
- b) Depósito de qualquer instrumento de ratificação, aceitação, aprovação ou adesão;
- c) Qualquer data de entrada em vigor da presente Convenção, nos termos do disposto nos artigos 22.º, 23.º e 24.º;
- d) Qualquer outro acto, notificação ou comunicação, relativos à presente Convenção.

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Granada, 3 de Outubro de 1985

Convenção para a Protecção do Património Mundial, Cultural e Natural,  
UNESCO, 1972 (\*)

A Conferência Geral da Organização das Nações Unidas para a Educação, Ciência e Cultura, reunida em Paris de 17 de Outubro a 21 de Novembro de 1972, na sua décima sétima sessão:

Constatando que o património cultural e o património natural estão cada vez mais ameaçados de destruição, não apenas pelas causas tradicionais de degradação, mas também pela evolução da vida social e económica que as agrava através de fenómenos de alteração ou de destruição ainda mais importantes;

Considerando que a degradação ou o desaparecimento de um bem do património cultural e natural constitui um empobrecimento efectivo do património de todos os povos do mundo;

Considerando que a protecção de tal património à escala nacional é a maior parte das vezes insuficiente devido à vastidão dos meios que são necessários para o efeito e da insuficiência de recursos económicos, científicos e técnicos do país no território do qual se encontra o bem a salvaguardar;

Relembrando que o Acto Constitutivo da Organização prevê a ajuda à conservação, progresso e difusão do saber, promovendo a conservação e protecção do património universal e recomendando aos povos interessados convenções internacionais concluídas para tal efeito;

Considerando que as convenções, recomendações e resoluções internacionais existentes no interesse dos bens culturais e naturais demonstram a importância que constitui, para todos os povos do mundo, a salvaguarda de tais bens, únicos e insubstituíveis, qualquer que seja o povo a que pertençam;

Considerando que determinados bens do património cultural e natural se revestem de excepcional interesse que necessita a sua preservação como elemento do património mundial da humanidade no seu todo;

Considerando que, perante a extensão e a gravidade dos novos perigos que os ameaçam, incumbe à colectividade internacional, no seu todo, participar na protecção do património cultural e natural, de valor universal excepcional, mediante a concessão de uma assistência colectiva que sem se substituir à acção do Estado interessado a complete de forma eficaz;

Considerando que se torna indispensável a adopção, para tal efeito, de novas disposições convencionais que estabeleçam um sistema eficaz de protecção colectiva do património cultural e natural de valor universal excepcional, organizado de modo permanente e segundo métodos científicos e modernos;

Após ter decidido aquando da sua décima sexta sessão que tal questão seria objecto de uma convenção internacional;  
adopta no presente dia 16 de Novembro de 1972 a presente Convenção.

## I - Definições do património cultural e natural

### ARTIGO 1.º

Para fins da presente Convenção serão considerados como património cultural:

Os monumentos - Obras arquitectónicas, de escultura ou de pintura monumentais, elementos ou estruturas de carácter arqueológico, inscrições, grutas e grupos de elementos com valor universal excepcional do ponto de vista da história, da arte ou da ciência;

Os conjuntos - Grupos de construções isolados ou reunidos que, em virtude da sua arquitectura, unidade ou integração na paisagem, têm valor universal excepcional do ponto de vista da história, da arte ou da ciência;

Os locais de interesse - Obras do homem, ou obras conjugadas do homem e da natureza, e as zonas, incluindo os locais de interesse arqueológico, com um valor universal excepcional do ponto de vista histórico, estético, etnológico ou antropológico.

## ARTIGO 2.º

Para fins da presente Convenção serão considerados como património natural:

Os monumentos naturais constituídos por formações físicas e biológicas ou por grupos de tais formações com valor universal excepcional do ponto de vista estético ou científico;

As formações geológicas e fisiográficas e as zonas estritamente delimitadas que constituem habitat de espécies animais e vegetais ameaçadas, com valor universal excepcional do ponto de vista da ciência ou da conservação;

Os locais de interesse naturais ou zonas naturais estritamente delimitadas, com valor universal excepcional do ponto de vista da ciência, conservação ou beleza natural.

## ARTIGO 3.º

Competirá a cada Estado parte na presente Convenção identificar e delimitar os diferentes bens situados no seu território e referidos nos artigos 1.º e 2.º acima.

## II - Protecção nacional e protecção internacional do património cultural e natural

## ARTIGO 4.º

Cada um dos Estados parte na presente Convenção deverá reconhecer que a obrigação de assegurar a identificação, protecção, conservação, valorização e transmissão às gerações futuras do património cultural e natural referido nos artigos 1.º e 2.º e situado no seu território constitui obrigação primordial. Para tal, deverá esforçar-se, quer por esforço próprio, utilizando no máximo os seus recursos disponíveis, quer, se necessário, mediante a assistência e a cooperação internacionais de que possa beneficiar, nomeadamente no plano financeiro, artístico, científico e técnico.

## ARTIGO 5.º

Com o fim de assegurar uma protecção e conservação tão eficazes e uma valorização tão activa quanto possível do património cultural e natural situado no seu território e nas condições apropriadas a cada país, os Estados parte na presente Convenção esforçar-se-ão na medida do possível por:

- a) Adoptar uma política geral que vise determinar uma função ao património cultural e natural na vida colectiva e integrar a protecção do referido património nos programas de planificação geral;
- b) Instituir no seu território, caso não existam, um ou mais serviços de protecção, conservação e valorização do património cultural e natural, com pessoal apropriado, e dispendo dos meios que lhe permitam cumprir as tarefas que lhe sejam atribuídas;
- c) Desenvolver os estudos e as pesquisas científicas e técnicas e aperfeiçoar os métodos de intervenção que permitem a um Estado enfrentar os perigos que ameaçam o seu património cultural ou natural;
- d) Tomar as medidas jurídicas, científicas, técnicas, administrativas e financeiras adequadas para a identificação, protecção, conservação, valorização e restauro do referido património; e
- e) Favorecer a criação ou o desenvolvimento de centros nacionais ou regionais de formação nos domínios da protecção, conservação e valorização do património cultural e natural e encorajar a pesquisa científica neste domínio.

#### ARTIGO 6.º

1 - Com pleno respeito pela soberania dos Estados no território dos quais está situado o património cultural e natural referido nos artigos 1.º e 2.º, e sem prejuízo dos direitos reais previstos na legislação nacional sobre o referido património, os Estados parte na presente Convenção reconhecem que o referido património constitui um património universal para a protecção do qual a comunidade internacional no seu todo tem o dever de cooperar.

2 - Em consequência, os Estados parte comprometem-se, em conformidade com as disposições da presente Convenção, a contribuir para a identificação, protecção, conservação e valorização do património cultural e natural referido nos parágrafos 2 e 4 do artigo 11.º se o Estado no território do qual tal património se encontra o solicitar.

3 - Cada um dos Estados parte na presente Convenção compromete-se a não tomar deliberadamente qualquer medida susceptível de danificar directa ou indirectamente o património cultural e natural referido nos artigos 1.º e 2.º situado no território de outros Estados parte na presente Convenção.

#### ARTIGO 7.º

Para fins da presente Convenção, deverá entender-se por protecção internacional do património mundial cultural e natural a criação de um sistema de cooperação e de assistência internacionais que vise auxiliar os Estados parte na Convenção nos esforços que despendem para preservar e identificar o referido património.

#### III - Comité intergovernamental para a protecção do património mundial, cultural e natural

#### ARTIGO 8.º

1 - É criado junto da Organização das Nações Unidas para a Educação, Ciência e Cultura um comité intergovernamental para a protecção do património cultural e natural de valor universal excepcional denominado Comité do Património Mundial. Será composto por quinze Estados parte na Convenção, eleitos pelos Estados parte na Convenção reunidos em assembleia geral no decurso de sessões ordinárias da Conferência Geral da Organização das Nações Unidas para a Educação, Ciência e Cultura. O número dos Estados membros do Comité será elevado até vinte e um, a contar da sessão ordinária da conferência geral que se siga à entrada em vigor da presente Convenção para, pelo menos, quarenta Estados.

2 - A eleição dos membros do Comité deverá assegurar uma representação equitativa das diferentes regiões e culturas do Mundo.

3 - Assistirão às sessões do Comité com voto consultivo um representante do Centro Internacional de Estudos para a Conservação e Restauro dos Bens Culturais (Centro de Roma), um representante do Conselho Internacional dos Monumentos e Locais de Interesse (ICOMOS) e um representante da União Internacional para a Conservação da Natureza e Seus Recursos (UICN), aos quais poderão ser acrescentados, a pedido dos Estados parte reunidos em

assembleia geral no decurso das sessões ordinárias da Conferência Geral da Organização das Nações Unidas para a Educação, Ciência e Cultura, representantes de outras organizações intergovernamentais ou não governamentais com objectivos idênticos.

#### ARTIGO 9.º

1 - Os Estados membros do Comité do Património Mundial exercerão o seu mandato desde o termo da sessão ordinária da Conferência Geral no decurso da qual tiverem sido eleitos e até ao final da terceira sessão ordinária subsequente.

2 - No entanto, o mandato de um terço dos membros designados na primeira eleição terminará no final da primeira sessão ordinária da Conferência Geral que se siga à sessão no decurso da qual tenham sido eleitos, e o mandato de um segundo terço dos membros designados simultaneamente terminará no final da segunda sessão ordinária da Conferência Geral que se siga à sessão no decurso da qual tenham sido eleitos. Os nomes de tais membros serão sorteados pelo presidente da Conferência Geral após a primeira eleição.

3 - Os Estados membros do Comité deverão escolher para os representar pessoas qualificadas no domínio do património cultural ou do património natural.

#### ARTIGO 10.º

1 - O Comité do Património Mundial adoptará o seu regulamento interno.

2 - O Comité poderá a qualquer momento convidar para as suas reuniões organismos públicos ou privados, assim como pessoas privadas, para proceder a consultas sobre questões específicas.

3 - O Comité poderá criar os órgãos consultivos que julgue necessários à execução das suas funções.

#### ARTIGO 11.º

1 - Cada um dos Estados parte na presente Convenção deverá submeter, em toda a medida do possível, ao Comité do Património Mundial um inventário dos bens do património cultural e natural situados no seu território e susceptíveis de serem inscritos na lista prevista no parágrafo 2 do presente artigo. Tal inventário, que não será considerado exaustivo, deverá comportar uma

documentação sobre o local dos bens em questão e sobre o interesse que apresentam.

2 - Com base nos inventários submetidos pelos Estados em aplicação do parágrafo 1 acima, o Comité deverá estabelecer, actualizar e difundir, sob o nome de «lista do património mundial», uma lista dos bens do património cultural e do património natural tal como definidos nos artigos 1º e 2º da presente Convenção, que considere como tendo um valor universal excepcional em aplicação dos critérios que tiver estabelecido. De dois em dois anos deverá ser difundida uma actualização da lista.

3 - A inscrição de um bem na lista do património mundial apenas poderá ser feita com o consentimento do Estado interessado. A inscrição de um bem situado num território que seja objecto de reivindicação de soberania ou de jurisdição por vários Estados não prejudicará em nada os direitos das partes no diferendo.

4 - O Comité deverá estabelecer, actualizar e difundir, sempre que as circunstâncias o exigam, sob o nome de «lista do património mundial em perigo», uma lista dos bens que figurem na lista do património mundial para a salvaguarda dos quais sejam necessários grandes trabalhos e para os quais tenha sido pedida assistência, nos termos da presente Convenção. Tal lista deverá conter uma estimativa do custo das operações. Apenas poderão figurar nesta lista os bens do património cultural e natural ameaçados de perigos graves e precisos, tais como ameaça de desaparecimento devido a uma degradação acelerada, projectos de grandes trabalhos públicos ou privados, rápido desenvolvimento urbano e turístico, destruição devida a mudanças de utilização ou de propriedade da terra, alterações profundas devidas a uma causa desconhecida, abandono por um qualquer motivo, conflito armado surgido ou ameaçando surgir, calamidades e cataclismos, grandes incêndios, sismos, deslocações de terras, erupções vulcânicas, modificações do nível das águas, inundações e maremotos. O Comité poderá, em qualquer momento e em caso de urgência, proceder a nova inscrição na lista do património mundial em perigo e dar a tal inscrição difusão imediata.

5 - O Comité definirá os critérios com base nos quais um bem do património cultural e natural poderá ser inscrito em qualquer das listas referidas nos parágrafos 2 e 4 do presente artigo.

6 - Antes de recusar um pedido de inscrição numa das duas listas referidas nos parágrafos 2 e 4 do presente artigo, o Comité deverá consultar o Estado parte

no território do qual esteja situado o bem do património cultural ou natural em causa.

7 - O Comité, com o consentimento dos Estados interessados, coordenará e encorajará os estudos e as pesquisas necessárias à constituição das listas referidas nos parágrafos 2 e 4 do presente artigo.

#### ARTIGO 12.º

O facto de um bem do património cultural e natural não ter sido inscrito em qualquer das duas listas referidas nos parágrafos 2 e 4 do artigo 11º não poderá de qualquer modo significar que tal bem não tenha um valor universal excepcional para fins diferentes dos resultantes da inscrição nas referidas listas.

#### ARTIGO 13.º

1 - O Comité do Património Mundial deverá aceitar e estudar os pedidos de assistência internacional formulados pelos Estados parte na presente Convenção no que respeita aos bens do património cultural e natural situados nos seus territórios, que figurem ou sejam susceptíveis de figurar nas listas referidas nos parágrafos 2 e 4 do artigo 11º. Tais pedidos poderão ter por objecto a protecção, conservação, valorização ou restauro de tais bens.

2 - Os pedidos de assistência internacional em aplicação do parágrafo 1 do presente artigo poderão igualmente ter por objecto a identificação de bens do património cultural e natural definido nos artigos 1º e 2º, sempre que pesquisas preliminares tenham permitido estabelecer que as mesmas merecem ser prosseguidas.

3 - O Comité deverá decidir do andamento a dar a tais pedidos, determinar, se necessário, a natureza e importância da sua ajuda e autorizar a conclusão, em seu nome, de acordos necessários com o governo interessado.

4 - O Comité deverá determinar uma ordem de prioridade para as suas intervenções. Fê-lo-á tendo em conta a importância respectiva dos bens a salvaguardar para o património mundial, cultural e natural, a necessidade em assegurar assistência internacional aos bens mais representativos da natureza ou do génio e da história dos povos do mundo e da urgência dos trabalhos a empreender, a importância dos recursos dos Estados no território dos quais se encontrem os bens ameaçados e principalmente a medida em que tais Estados poderiam assegurar a salvaguarda de tais bens pelos seus próprios meios.

5 - O Comité deverá estabelecer, actualizar e difundir uma lista dos bens para os quais tenha sido dada assistência internacional.

6 - O Comité deverá decidir da utilização dos recursos do fundo criado nos termos do artigo 15.º da presente Convenção. Procurará os meios de aumentar tais recursos e tomará todas as medidas úteis para o efeito.

7 - O Comité deverá cooperar com as organizações internacionais e nacionais, governamentais e não governamentais, com objectivos idênticos aos da presente Convenção. Para a aplicação dos seus programas e execução dos seus projectos, o Comité poderá recorrer a tais organizações, especialmente do Centro Internacional de Estudos para a Conservação e Restauro dos Bens Culturais (Centro de Roma), ao Conselho Internacional dos Monumentos e Locais de Interesse (ICOMOS) e à União Internacional para a Conservação da Natureza e Seus Recursos (UICN), assim como a outros organismos públicos ou privados e a pessoas privadas.

8 - As decisões do Comité serão tomadas por maioria de dois terços dos membros presentes e votantes. O quórum será constituído pela maioria dos membros do Comité.

#### ARTIGO 14.º

1 - O Comité do Património Mundial será assistido por um secretariado nomeado pelo director-geral da Organização das Nações Unidas para a Educação, Ciência e Cultura.

2 - O director-geral da Organização das Nações Unidas para a Educação, Ciência e Cultura, utilizando o mais possível os serviços do Centro Internacional de Estudos para a Conservação e Restauro dos Bens Culturais (Centro de Roma), do Conselho Internacional dos Monumentos e Locais de Interesse (ICOMOS) e da União Internacional para a Conservação da Natureza e Seus Recursos (UICN), nos domínios das suas competências e das suas respectivas possibilidades, deverá preparar a documentação do Comité, a ordem do dia das suas reuniões e deverá assegurar a execução das suas decisões.

#### IV - Fundo para a protecção do património mundial, cultural e natural

##### ARTIGO 15.º

1 - É constituído um fundo para a protecção do património mundial, cultural e natural de valor universal excepcional, denominado Fundo do Património Mundial.

2 - O Fundo será constituído com fundos de depósito, em conformidade com as disposições do regulamento financeiro da Organização das Nações Unidas para a Educação, Ciência e Cultura.

3 - Os recursos do Fundo serão constituídos por:

- a) Contribuições obrigatórias e contribuições voluntárias dos Estados parte na presente Convenção;
- b) Pagamentos, doações ou legados que poderão fazer:
  - i) Outros Estados;
  - ii) A Organização das Nações Unidas para a Educação, Ciência e Cultura, as demais organizações do sistema das Nações Unidas, nomeadamente o Programa de Desenvolvimento das Nações Unidas e outras organizações intergovernamentais;
  - iii) Organismos públicos ou privados, ou as pessoas privadas;
- c) Qualquer juro devido pelos recursos do Fundo;
- d) Produto das colectas e receitas das manifestações organizadas em proveito do Fundo; e
- e) Quaisquer outros recursos autorizados pelo regulamento que o Comité do Património Mundial elaborará.

4 - O destino das contribuições feitas ao Fundo e das demais formas de assistência prestadas ao Comité será estabelecido por este. O Comité poderá aceitar contribuições destinadas apenas a um certo programa ou a um determinado projecto desde que a aplicação de tal programa ou a execução de tal projecto tenha sido decidida pelo Comité. As contribuições ao Fundo não poderão estar sujeitas a qualquer condição política.

## ARTIGO 16.º

1 - Sem prejuízo de qualquer contribuição voluntária complementar, os Estados parte na presente Convenção comprometem-se a pagar regularmente, de dois em dois anos, ao Fundo do Património Mundial, contribuições, cujo montante, calculado segundo uma percentagem uniforme aplicável a todos os Estados, será decidido pela assembleia geral dos Estados parte na Convenção, reunidos no decurso de sessões da Conferência Geral da Organização das Nações Unidas para a Educação, Ciência e Cultura. Tal decisão da assembleia geral requer a maioria dos Estados parte, presentes e votantes, que não tenham formulado a declaração referida no parágrafo 2 do presente artigo. A contribuição obrigatória dos Estados parte na Convenção não poderá, em caso algum, ultrapassar 1% da sua contribuição para o orçamento ordinário da Organização das Nações Unidas para a Educação, Ciência e Cultura.

2 - Qualquer Estado referido no artigo 31º ou no artigo 32º da presente Convenção poderá, no entanto, no momento do depósito do seu instrumento de ratificação, aceitação ou adesão, declarar que não ficará vinculado pelas disposições do parágrafo 1 do presente artigo.

3 - Qualquer Estado parte na Convenção que tenha formulado a declaração referida no parágrafo 2 do presente artigo poderá, em qualquer momento, retirar a referida declaração mediante notificação do director-geral da Organização das Nações Unidas para a Educação, Ciência e Cultura. No entanto, a retirada da declaração apenas terá efeito, no que se refere à contribuição obrigatória devida por tal Estado, a partir da data da assembleia geral seguinte dos Estados parte.

4 - A fim de que o Comité possa prever as suas operações de forma eficaz, as contribuições dos Estados parte na presente Convenção que tenham formulado a declaração referida no parágrafo 2 do presente artigo deverão ser pagas de forma regular, pelo menos de dois em dois anos, e não deverão ser inferiores às contribuições que tais Estados deveriam pagar caso se encontrassem vinculados pelas disposições do parágrafo 1 do presente artigo.

5 - Qualquer Estado parte na Convenção que se encontre atrasado no pagamento da sua contribuição obrigatória ou voluntária, relativamente ao ano em curso e ao ano civil imediatamente anterior, não poderá ser eleito para o Comité do Património Mundial; tal disposição não se aplica aquando da primeira eleição. O mandato de um tal Estado, já membro do Comité, terminará

no momento de qualquer eleição referida no parágrafo 1 do artigo 8º da presente Convenção.

#### ARTIGO 17.º

Os Estados parte na presente Convenção deverão estabelecer ou promover a criação de fundações ou de associações nacionais, públicas e privadas, cujo objectivo seja o encorajamento da protecção do património cultural e natural, conforme definido pelos artigos 1º e 2º da presente Convenção.

#### ARTIGO 18.º

Os Estados parte na presente Convenção deverão contribuir nas campanhas internacionais de colecta, organizadas em favor do Fundo do Património Mundial, sob os auspícios da Organização das Nações Unidas para a Educação, Ciência e Cultura. Deverão facilitar as colectas feitas com tais objectivos pelos organismos mencionados no parágrafo 3 do artigo 15º.

### V - Condições e modalidades de assistência internacional

#### ARTIGO 19.º

Qualquer Estado parte na presente Convenção poderá solicitar assistência internacional em favor dos bens do património cultural ou natural de valor universal excepcional situados no seu território. Deverá anexar ao pedido de assistência os elementos informativos e os documentos mencionados no artigo 21º, de que dispõe, e de que o Comité necessitar para tomar a sua decisão.

#### ARTIGO 20.º

Sob reserva das disposições do parágrafo 2 do artigo 13º, da alínea c) do artigo 22º e do artigo 23º, a assistência internacional prevista pela presente Convenção apenas poderá ser concedida a bens do património cultural e natural que o Comité do Património Mundial tenha decidido ou decida fazer figurar numa das listas referidas nos parágrafos 2 e 4 do artigo 11º.

#### ARTIGO 21.º

1 - O Comité do Património Mundial deverá estabelecer as normas para o exame dos pedidos de assistência internacional que lhe sejam dirigidos e deverá precisar, nomeadamente, os elementos a figurar no pedido, o qual deverá descrever a operação a executar, os trabalhos necessários, uma estimativa do custo dos mesmos, urgência e os motivos pelos quais os recursos do Estado que tenha formulado o pedido não lhe permitem fazer face à totalidade das despesas. Os pedidos deverão, sempre que possível, basear-se na opinião de peritos.

2 - Em virtude dos trabalhos que poderão eventualmente vir a ser necessários sem demora, os pedidos fundados em calamidades naturais ou em catástrofes deverão ser urgente e prioritariamente examinados pelo Comité, o qual deverá dispor de um fundo de reserva destinado a tais eventualidades.

3 - Antes de tomar qualquer decisão, o Comité deverá proceder aos estudos e consultas que julgue necessários.

#### ARTIGO 22.º

A assistência concedida pelo Comité do Património Mundial poderá assumir as seguintes formas:

- a) Estudos sobre os problemas artísticos, científicos e técnicos resultantes da protecção, conservação, valorização e restauro do património cultural e natural, conforme definido pelos parágrafos 2 e 4 do artigo 11º da presente Convenção;
- b) Fornecimento de peritos, técnicos e de mão-de-obra qualificada para supervisionar a boa execução do projecto aprovado;
- c) Formação de especialistas, a todos os níveis, nos domínios da identificação, protecção, conservação, valorização e restauro do património cultural e natural;
- d) Fornecimento de equipamento de que o Estado interessado não disponha ou não esteja em condições de adquirir;
- e) Empréstimos a juro reduzido, isentos de juros ou que possam ser reembolsados a longo prazo;

f) Concessão, em casos excepcionais e especialmente motivados, de subvenções não reembolsáveis.

#### ARTIGO 23.º

O Comité do Património Mundial poderá igualmente fornecer assistência internacional a centros nacionais ou regionais de formação de especialistas, a todos os níveis, nos domínios da identificação, protecção, conservação, valorização e restauro do património cultural e natural.

#### ARTIGO 24.º

Uma assistência internacional de elevada importância apenas poderá ser concedida após estudo científico, económico e técnico detalhado. Tal estudo deverá recorrer às mais avançadas técnicas de protecção, conservação, valorização e restauro do património cultural e natural e corresponder aos objectivos da presente Convenção. Deverá ainda pesquisar os meios para a utilização racional dos recursos disponíveis no Estado interessado.

#### ARTIGO 25.º

O financiamento dos trabalhos necessários apenas deverá, em princípio, incumbir parcialmente à comunidade internacional. A participação do Estado que beneficie da assistência internacional deverá constituir parte substancial dos recursos atribuídos a cada programa ou projecto, excepto se os seus recursos não lho permitam.

#### ARTIGO 26.º

O Comité do Património Mundial e o Estado beneficiário deverão definir, em acordo a concluir, as condições para a execução do programa ou projecto ao qual é concedida assistência internacional, nos termos da presente Convenção. Competirá ao Estado que receba tal assistência internacional continuar a proteger, conservar e valorizar os bens assim salvaguardados, em conformidade com as condições definidas no acordo.

## VI - Programas educativos

### ARTIGO 27.º

1 - Os Estados parte na presente Convenção esforçar-se-ão, por todos os meios apropriados, nomeadamente mediante programas de educação e de informação, por reforçar o respeito e o apego dos seus povos ao património cultural e natural definido nos artigos 1º e 2º da Convenção.

2 - Comprometem-se a informar largamente o público das ameaças a que está sujeito tal património e das actividades levadas a cabo em aplicação da presente Convenção.

### ARTIGO 28.º

Os Estados parte na presente Convenção que recebam assistência internacional, em aplicação da Convenção, deverão tomar as medidas necessárias no sentido de dar a conhecer a importância dos bens que constituem o objecto de tal assistência e o papel desempenhado por esta.

## VII – Relatórios

### ARTIGO 29.º

1 - Os Estados parte na presente Convenção deverão indicar nos relatórios a apresentar à Conferência Geral da Organização das Nações Unidas para a Educação, Ciência e Cultura, às datas e sob as formas que entender, as disposições legais e regulamentares e as demais medidas que tenham sido adoptadas para aplicação da Convenção, bem como a experiência que tenham adquirido na matéria.

2 - Tais relatórios deverão ser levados ao conhecimento do Comité do Património Mundial.

3 - O Comité deverá apresentar um relatório sobre as suas actividades a cada uma das sessões ordinárias da Conferência Geral da Organização das Nações Unidas para a Educação, Ciência e Cultura.

## VIII - Cláusulas finais

### ARTIGO 30.º

A presente Convenção foi redigida em inglês, árabe, espanhol, francês e russo, fazendo os cinco textos igualmente fé.

### ARTIGO 31.º

1 - A presente Convenção será submetida à ratificação ou aceitação dos Estados membros da Organização das Nações Unidas para a Educação, Ciência e Cultura, em conformidade com as suas respectivas normas constitucionais.

2 - Os instrumentos de ratificação ou aceitação serão depositados junto do director-geral da Organização das Nações Unidas para a Educação, Ciência e Cultura.

### ARTIGO 32.º

1 - A presente Convenção fica aberta à adesão de qualquer Estado não membro da Organização das Nações Unidas para a Educação, Ciência e Cultura convidado a ela aderir pela Conferência Geral da Organização.

2 - A adesão terá lugar mediante o depósito de um instrumento de adesão junto do director-geral da Organização das Nações Unidas para a Educação, Ciência e Cultura.

### ARTIGO 33.º

A presente Convenção entrará em vigor três meses após a data do depósito do vigésimo instrumento de ratificação, aceitação ou adesão, mas unicamente para os Estados que tenham depositado os seus respectivos instrumentos de ratificação, aceitação ou adesão em tal data, ou anteriormente. Para qualquer outro Estado, entrará em vigor três meses após o depósito do respectivo instrumento de ratificação, aceitação ou adesão.

#### ARTIGO 34.º

As disposições abaixo aplicar-se-ão aos Estados parte na presente Convenção com sistema constitucional federativo ou não unitário:

a) No que se refere às disposições da presente Convenção cuja aplicação seja da competência da acção legislativa do poder legislativo federal ou central, as obrigações do Governo federal ou central serão idênticas às dos Estados parte não federativos;

b) No que se refere às disposições da presente Convenção cuja aplicação seja da competência da acção legislativa de cada um dos Estados, regiões, províncias ou cantões que constituem o Estado federal, que não sejam obrigados, em virtude do sistema constitucional da Federação, a tomar medidas legislativas, o Governo federal levará as referidas disposições, acompanhadas do seu parecer favorável, ao conhecimento das autoridades competentes dos referidos Estados, regiões, províncias ou cantões.

#### ARTIGO 35.º

1 - Cada um dos Estados parte na presente Convenção terá a faculdade de denunciar a Convenção.

2 - A denúncia deverá ser notificada mediante instrumento escrito depositado junto do director-geral da Organização das Nações Unidas para a Educação, Ciência e Cultura.

3 - A denúncia tomará efeito doze meses após a data da recepção do instrumento da denúncia. Em nada alterará as obrigações financeiras a assumir pelo Estado que a tenha efectuado, até à data em que a retirada tome efeito.

#### ARTIGO 36.º

O director-geral da Organização das Nações Unidas para a Educação, Ciência e Cultura informará os Estados membros da Organização e os Estados não membros referidos no artigo 32.º, bem como a Organização das Nações Unidas, do depósito de todos os instrumentos de ratificação, aceitação ou adesão mencionados nos artigos 31.º e 32.º, e das denúncias previstas pelo artigo 35.º.

## ARTIGO 37.º

1 - A presente Convenção poderá ser revista pela Conferência Geral da Organização das Nações Unidas para a Educação, Ciência e Cultura. A revisão apenas vinculará, no entanto, os Estados que se tornem parte na Convenção revista.

2 - Caso a Conferência Geral adopte uma nova convenção que constitua revisão total ou parcial da presente Convenção, e salvo disposições em contrário da nova convenção, a presente Convenção deixará de estar aberta a ratificação, aceitação ou adesão a partir da data da entrada em vigor da nova convenção.

## ARTIGO 38.º

Em conformidade com o artigo 102.º da Carta das Nações Unidas, a presente Convenção será registada no Secretariado das Nações Unidas, a pedido do director-geral da Organização das Nações Unidas para a Educação, Ciência e Cultura.

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(\*) Transposta para o ordenamento jurídico português pelo Decreto n.º 49/79, de 6 de Junho

## Congress on the European Architectural Heritage

21 - 25 October 1975

### THE DECLARATION OF AMSTERDAM

The Congress of Amsterdam, the crowning event of European architectural heritage Year 1975, and composed of delegates from all parts of Europe, wholeheartedly welcomes the Charter promulgated by the Committee of Ministers of the Council of Europe, which recognizes that Europe's unique architecture is the common heritage of all her peoples and which declared the intention of the Member States to work with one another and with other European governments for its protection.

The Congress likewise affirms that Europe's architectural heritage is an integral part of the cultural heritage of the whole world and has noted with great satisfaction the mutual undertaking to promote co-operation and exchanges in the field of culture contained in the Final Act of the Congress on Security and Co-operation in Europe adopted at Helsinki in July of this year.

In so doing, the Congress emphasized the following basic considerations:

- a. Apart from its priceless cultural value, Europe's architectural heritage gives to her peoples the consciousness of their common history and common future. Its preservation is, therefore, a matter of vital importance.
- b. The architectural heritage includes not only individual buildings of exceptional quality and their surroundings, but also all areas of towns or villages of historic or cultural interest.
- c. Since these treasures are the joint possession of all the peoples of Europe, they have a joint responsibility to protect them against the growing dangers with which they are threatened - neglect and decay, deliberate demolition, incongruous new construction and excessive traffic.

- d. Architectural conservation must be considered, not as a marginal issue, but as a major objective of town and country planning.
- e. Local authorities, which whom most of the important planning decisions rest, have a special responsibility for the protection of the architectural heritage and should assist one another by the exchange of ideas and information.
- f. The rehabilitation of old areas should be conceived and carried out in such a way as to ensure that, where possible, this does not necessitate a major change in the social composition of the residents, all sections of society should share in the benefits of restoration financed by public funds.
- g. The legislative and administrative measures required should be strengthened and made more effective in all countries,
- h. To help meet the cost oœ restoration, adaptation and maintenance of buildings and areas of architectural or historic interest, adequate financial assistance should be made available to local authorities and financial support and fiscal relief should likewise be made available to private owners.
- i. The architectural heritage will survive only if it is appreciated by the public and in particular by the younger generation. Educational programmes for all ages should, therefore, give increased attention to this subject.
- j. Encouragement should be given to independent organizations - international, national and local - which help to awake public interest.
- k. Since the new buildings of today will be the heritage of tomorrow, every effort must be made to ensure that contemporary architecture is of a high quality.

In view of the recognition by the Committee of Ministers in the European Charter of the architectural heritage that it is the duty of the Council of Europe to ensure that the Member States pursue coherent policies in a spirit of solidarity, it is essential that periodic reports should be made on the progress of architectural conservation in all European countries in a way which will promote an exchange of experience.

The Congress calls upon governments, parliaments, spiritual and cultural institutions, professional institutes, commerce, industry, independent associations and all individual citizens to give their full support to the objectives of this Declaration and to do all in their power to secure their implementation.

Only in this way can Europe's irreplaceable architectural heritage be preserved, for the enrichment of the lives of all her peoples now and in the future.

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Arising from its deliberations, the Congress submits its conclusions and recommendations, as set out below.

Unless a new policy of protection and integrated conservation is urgently implemented, our society will shortly find itself obliged to give up the heritage of buildings and sites which form its traditional environment. Protection is needed today for historic towns, the old quarters of cities, and towns and villages with a traditional character as well as historic parks and gardens. The conservation of these architectural complexes can only be conceived in a wide perspective, embracing all buildings of cultural value, from the greatest to the humblest - not forgetting those of our own day together with their surroundings. This overall protection will complement the piecemeal protection of individual and isolated monuments and sites.

The significance of the architectural heritage and justification for conserving it are now more clearly perceived. It is known that historical continuity must be preserved in the environment if we are to maintain or create surroundings which enable individuals to find their identity and feel secure despite abrupt social changes. A new type of town-planning is seeking to recover the enclosed spaces, the human dimensions, the inter-penetration of functions and the social and cultural diversity that characterized the urban fabric of old towns. But it is also being realized that the conservation of ancient buildings helps to economise resources and combat waste, one of the major preoccupations of present-day society. It has been proved that historic buildings can be given new functions which correspond to the needs of contemporary life. Furthermore, conservation calls for artists and highly-qualified craftsmen whose talents and know-how have to be kept alive and passed on. Lastly, the rehabilitation of existing housing helps to check encroachments on agricultural land and to

obviate, or appreciably diminish, movements of population - a very important advantage of conservation policy.

Although, for all these reasons, there seems a stronger justification than ever today for the conservation of the architectural heritage, it must be placed on firm and lasting foundations. It must accordingly be made the subject of basis research and a feature of all educational courses and cultural development programmes.

### **The conservation of the architectural heritage:**

one of the major objectives of urban and regional planning

The conservation of the architectural heritage should become an integral part of urban and regional planning, instead of being treated as a secondary consideration or one requiring action here and there as has so often been the case in the recent past. A permanent dialogue between conservationists and those responsible for planning is thus indispensable.

Planners should recognize that not all areas are the same and that they should therefore be dealt with according to their individual characteristics. The recognition of the claims of the aesthetic and cultural values of the architectural heritage should lead to the adoption of specific aims and planning rules for old architectural complexes.

It is not enough to simply superimpose, although co-ordinating them, ordinary planning regulations and specific rules for protecting historic buildings.

To make the necessary integration possible, an inventory of buildings, architectural complexes and sites demarcating protected zones around them is required. It should be widely circulated, particularly among regional and local authorities and officials in charge of town and country planning, in order to draw their attention to the buildings and areas worthy of protection. Such an inventory will furnish a realistic basis for conservation as a fundamental qualitative factor in the management of space.

Regional planning policy must take account of the conservation of the architectural heritage and contribute to it. In particular it can induce new activities to establish themselves in economically declining areas in order to check depopulation and thereby prevent the deterioration of old buildings. In

addition, decisions on the development of peripheral urban areas can be orientated in such a way as to reduce pressure on the older neighbourhoods; here transport and employment policies and a better distribution of the focal points of urban activity may have an important impact on the conservation of the architectural heritage.

The full development of a continuous policy of conservation requires a large measure of decentralization as well as a regard for local cultures. This means that there must be people responsible for conservation at all levels (central, regional and local) at which planning decisions are taken. The conservation of the architectural heritage, however, should not merely be a matter for experts. The support of public opinion is essential. The population, on the basis of full and objective information, should take a real part in every stage of the work, from the drawing up of inventories to the preparation of decisions,

Lastly, the conservation of the architectural heritage should become a feature of a new long-term approach which pays due attention to criteria of quality and just proportions and which should make it possible henceforth to reject options and aims which are too often governed by short-term considerations, narrow view of technology and, in short, an obsolete outlook.

Integrated conservation involves the responsibility of local authorities and calls for citizens' participation.

Local authorities should have specific and extensive responsibilities in the protection of the architectural heritage. In applying the principles of integrated conservation, they should take account of the continuity of existing social and physical realities in urban and rural communities. The future cannot and should not be built at the expense of the past.

To implement such a policy, which respects the man-made environment intelligently, sensitively and with economy, local authorities should :

- use as a basis the study of the texture of urban and rural areas, notably their structure, their complex functions, and the architectural and volumetric characteristics of their built-up and open spaces;
- afford functions to buildings which, whilst corresponding to the needs of contemporary life, respect their character and ensure their survival;

- be aware that long-term studies on the development of public services (educational, administrative, medical) indicate that excessive size impairs their quality and effectiveness;
- devote an appropriate part of their budget to such a policy. In this context, they should seek from governments the creation of funds specifically earmarked for such purposes. Local authority grants and loans made to private individuals and various associations should be aimed at stimulating their involvement and financial commitment:
- appoint representatives to deal with all matters concerning the architectural heritage and sites;
- set up special agencies to provide direct links between potential users of buildings and their owners;
- facilitate the formation and efficient functioning of voluntary associations for restoration and rehabilitation.

Local authorities should improve their techniques of consultation for ascertaining the opinions of interested parties on conservation plans and should take these opinions into account from the earliest stages of planning. As part of their efforts to inform the public the decisions of local authorities should be taken in the public eye, using a clear and universally understood language, so that the local inhabitants may learn, discuss and assess the grounds for them. Meeting places should be provided, in order to enable members of the public to consult together.

In this respect, methods such as public meetings, exhibitions, opinion polls, the use of the mass media and all other appropriate methods should become common practice.

The education of young people in environmental issues and their involvement with conservation tasks is one of the most important communal requirements.

Proposals or alternatives put forward by groups or individuals should be considered as an important contribution to planning.

Local authorities can benefit greatly from each other's experience. They should therefore establish a continuing exchange of information and ideas through all available channels.

The success of any policy of integrated conservation depends on taking social factors into consideration.

A policy of conservation also means the integration of the architectural heritage into social life.

The conservation effort to be made must be measured not only against the cultural value of the buildings but also against their use-value. The social problems of integrated conservation can be properly posed only by simultaneous reference to both those scales of values.

The rehabilitation of an architectural complex forming part of the heritage is not necessarily more costly than new building on an existing infrastructure or even than building a new complex on a previously undeveloped site. When therefore comparing the cost of these three solutions, whose social consequences are quite different, it is important not to overlook the social costs. These concern not only owners and tenants but also the craftsmen, tradespeople and building contractors on the spot who keep the district alive.

To avoid the laws of the market having free play in restored and rehabilitated districts, resulting in inhabitants who are unable to pay the increased rents being forced out, public authorities should intervene to reduce the effect of economic factors as they always do when it is a case of low-cost housing. Financial interventions should aim to strike a balance between restoration grants to owners, combined with the fixing of maximum rent, and housing allowances to tenants to cover, in part or in whole, the difference between the old and new rents.

In order to enable the population to participate in the drawing up of programmes they must be given the facts necessary to understand the situation, on the one hand through explaining the historic and architectural value of the buildings to be conserved and on the other hand by being given full details about permanent and temporary rehousing.

This participation is all the more important because it is a matter not only of restoring a few privileged buildings but of rehabilitating whole areas.

This practical way of interesting people in culture would be of considerable social benefit.

Integrated conservation necessitates the adaptation of legislative and administrative measures.

Because the concept of the architectural heritage has been gradually extended from the individual historic building to urban and rural architectural complexes, and to the built testimonies of recent periods, far-reaching legislative reform, in conjunction with an increase in administrative resources, is a pre-requisite to effective action.

This reform must be guided by the need to co-ordinate regional planning legislation with legislation on the protection of the architectural heritage.

This latter must give a new definition of the architectural heritage and the aims of integrated conservation.

In addition it must make special provision for special procedures with regard to :

- the designation and delineation of architectural complexes;
- the mapping out of protective peripheral zones and the limitations on use to be imposed therein in the public interest;
- the preparation of integrated conservation schemes and the inclusion of their provisions in regional planning policies;
- the approval of projects and authorization to carry out work.

In addition the necessary legislation should be enacted in order to :

- ensure a balanced allocation of budgetary resources between rehabilitation and redevelopment respectively;
- grant citizens who decide to rehabilitate an old building at least the same financial advantages as those which they enjoy for new construction;

- revise the system of state financial aid in the light of the new policy of integrated conservation.

As far as possible, the application of building codes, regulations and requirements should be relaxed to meet the needs of integrated conservation.

In order to increase the operational capacity of the authorities, it is necessary to review the structure of the administration to ensure that the departments responsible for the cultural heritage are organized at the appropriate levels and that sufficient qualified personnel and essential scientific, technical and financial resources are put at their disposal.

These departments should assist local authorities, co-operate with regional planning offices and keep in constant touch with public and private bodies.

Integrated conservation necessitates appropriate financial means.

It is difficult to define a financial policy applicable to all countries or to evaluate the consequences of the different measures involved in the planning process, because of their mutual repercussions.

Moreover, this process is itself governed by external factors resulting from the present structure of society.

It is accordingly for every state to devise its own financing methods and instruments.

It can be established with certainty however, that there is scarcely any country in Europe where the financial means allocated to conservation are sufficient.

It is further apparent that no European country has yet devised the ideal administrative machinery to meet the economic requirements of an integrated conservation policy. In order to solve the economic problems of integrated conservation, it is important - and this is a decisive factor - to draw up legislation subjecting new building to certain restrictions with regard to their volume and dimensions (height, coefficient of utilization etc.) that will make for harmony with its surroundings.

Planning regulations should discourage increased density and promote rehabilitation rather than redevelopment.

Methods must be devised to assess the extra cost occasioned by the constraints of conservation programmes. Where possible, sufficient funds should be available to help owners who are obliged to carry out this restoration work to meet the extra cost - no more and no less.

If the criteria of extra cost were accepted, care would need to be taken of course, to see that the benefit was not diminished by taxation.

The same principle should be applied to the rehabilitation of dilapidated complexes of historic or architectural interest. This would tend to restore the social balance.

The financial advantages and tax concessions available for new building should be accorded in the same proportion for the upkeep and conservation of old buildings, less, of course, any compensation for extra cost that may have been paid.

Authorities should set up Revolving Funds, or encourage them to be established, by providing local authorities or non-profit making associations with the necessary capital. This is particularly applicable to areas where such programmes can become self-financing in the short or the long term because of the rise in value accruing from the high demand for such attractive property.

It is vital, however, to encourage all private sources of finance, particularly coming from industry. Numerous private initiatives have shown the viable part that they can play in association with the authorities at either national or local level.

Integrated conservation requires the promotion of methods, techniques and skills for restoration and rehabilitation.

Methods and techniques of the restoration and rehabilitation of historic complexes should be better exploited and their range developed.

Specialized techniques which have been developed for the restoration of important historic complexes should be henceforth applied to the wide range of buildings and complexes of less outstanding artistic merit.

Steps should be taken to ensure that traditional building materials remain available and that traditional crafts and techniques continue to be used. Permanent maintenance of the architectural heritage, will, in the long run, obviate costly rehabilitation operations.

Every rehabilitation scheme should be studied thoroughly before it is carried out. Comprehensive documentation should be assembled about materials and techniques and an analysis of costs should be made. This documentation should be collected and housed in appropriate centres.

New materials and techniques should be used only after approval by independent scientific institutions.

Research should be undertaken to compile a catalogue of methods and techniques used for conservation and for this purpose scientific institutions should be created and should co-operate closely with each other. This catalogue should be made readily available and distributed to everyone concerned, thus stimulating the reform of restoration and rehabilitation practices.

There is a fundamental need for better training programme to produce qualified personnel. These programmes should be flexible, multi-disciplinary and should include courses where on-site practical experience can be gained.

International exchange of knowledge, experience and trainees an essential element in the training of all personnel concerned.

This should help to create the required pool of qualified planners, architects, technicians and craftsmen to prepare conservation programmes and help to ensure that particular crafts for restoration work, that are in danger of dying out, will be fostered.

The opportunity for qualifications, conditions of work, salary, employment security and social status should be sufficiently attractive to induce young people to take up and stay in disciplines connected with restoration and rehabilitation work.

Furthermore, the authorities responsible for educational programmes at all levels should endeavour to promote the interest of young people in conservation disciplines.

Towards a

EUROPEAN PREVENTIVE CONSERVATION STRATEGY

Adopted at the Vantaa Meeting

21-22 September 2000

**Part 1: Rationale**

Beyond the rich traditions of each nation, Europeans share a common identity. The fundamental values and culture of its peoples are common, and there are many themes that unify heritage in Europe.

More than ever before there are moves towards closer European unity. National governments have long held similar structures and policies for heritage. Based on European social and intellectual development, museums also share a common philosophy and practice. Public museums emerged in Europe in the 19<sup>th</sup> century and since then national collections have been intended as a source of education and enrichment to the public. As the decades have passed, museums across Europe have developed and remained united in the concept of providing joy, creation and progress. Their collections are a resource and a source of knowledge.

Today, museums are a driving force of cultural policy in Europe. They strengthen and act on the social, cultural and scientific traditions that cross all nations.

Used with care, heritage collections are the basis for museums to build and reinforce their own individual society and that of Europe as a whole. Collections offer rediscovery of the peoples, migrations, evolutions and ideas that have shaped and created Europe and the world. They record and store its aesthetic and scientific creations and provide a basis for further progress. They provide a sense of belonging and understanding, with a view extending from the ancient past up to the most recent and rapid changes in society. The challenge is to preserve these heritage collections, in order to carry the past forward and enrich the future.

European museums have been leaders in developing the concept and practice of preventive conservation: multi-disciplinary management to reduce the loss of cultural heritage, with the aim of benefiting the public. Preventive Conservation is a cornerstone of any European policy of heritage preservation.

Heritage is fragile. For material heritage, the sources of damage range from the massive and horrifying impact of war and natural disasters to the insidious damage of pollution, insects, environmental conditions and individual acts of vandalism. Preventive conservation reduces risks and slows the deterioration of entire collections. Therefore it is a corner stone of any strategy of preservation, an effective and economical means to preserve the integrity of heritage, minimizing the need for additional intervention on single objects.

This strategy document is based on the innovations of each nation, the accumulation of widespread and deep experience throughout Europe, and the common identification of challenges. It speaks primarily of preventive conservation in museums, however it also has relevance to archives, libraries, and other collecting institutions.

Preventive conservation is international. There has always been a unifying philosophy, and we are now moving towards an ever-stronger emphasis on the public access and use of collections. Since its origins, preventive conservation has relied on scientific exchanges, the free flow of information and parallel development of training.

Within shared international concepts, European nations have built up a vast experience. Governments have been crucial, developing legal and administrative structures, training institutes and services to museums across Europe. Museums have begun to integrate preventive conservation into their overall policies and plans. Inter-disciplinary teams of professionals have started to develop sound methodologies and well-practiced technologies to preserve collections.

This document brings together a remarkable range of contributions by participants from 24 nations. It makes the best use of Europe's resources. The Vantaa meeting participants accept responsibility for translating and promoting the document widely.

It combines input from the richest nations to those recently emerged from war, from those well established in the field of preventive conservation to those in the first steps of innovation. The strategy puts experience from across Europe to use, making the best use of available resources and proposing the most efficient and logical developments. It advocates European partnership, based on the long-standing strength of each nation.

## **Part 2: Strategic Themes and Lines of Action**

The participants of the Vantaa meeting have identified five themes as a framework for effective policy and action. Action on these themes is vital in preserving the heritage of any nation and of Europe as a whole. Lines of action accompany each theme. These provide a more detailed basis for questioning, analysis and planning at national and institutional levels. They respect the experience and the realities of any context.

### **1. Leadership**

Governments take the leadership in the preservation of cultural heritage, and facilitate the development of national strategies and plans.

Lines of action:

- Develop an agreed and sustainable preventive conservation strategy, adopted by government, in a way that ensures implementation.
- Establish priorities for preventive conservation strategy based on museum audits of public collections and their context.
- Museum professionals and governments engage in establishing museum accreditation or registration programmes, in which preventive conservation is fully integrated. These should involve standards, specifications or contracts agreed by museums and government.
- Use economical and social impact analysis to make the case for preventive conservation.
- Establish and maintain structures for wide public consultation to devise and develop preventive conservation strategies that are proactive as well as responsive to changing needs.

### **2. Institutional Planning**

Museums include preventive conservation in long-term institutional planning, and use consistent methodologies in preventive conservation.

Lines of action:

- Involve all departments or units in developing all-encompassing institutional policy plans, with preventive conservation as an integrated part of these plans, and appropriate budgets assigned.
- Base institutional policy plans on sound knowledge of the composition, significance and condition of the collection, by means of surveys and/or risk assessment procedures.
- Carry out preventive conservation in museums by inter-disciplinary groups of professionals, both inside and outside of museums, properly trained in their specific activities.
- Designate staff responsibilities to preventive conservation, including them into job descriptions. Establish end responsibility for preventive conservation at the senior management level.
- Establish guidelines and methods for preventive conservation activities, including disaster plans and teams.

### 3. Training

All those dealing with collections have appropriate and up-to-date training in preventive conservation, according to their function and responsibility.

Lines of Action:

In order to ensure that internal and external staff dealing with collections, as well as decision-making bodies, receive proper training/information in preventive conservation, it is necessary to:

- Define and develop the content of fundamental knowledge of preventive conservation
- Produce teaching materials in a variety of languages to support in-house training
- Organize regular opportunities of up-dating knowledge (CPD)

In order to promote a shared understanding of preventive conservation, it is necessary to:

- Establish preventive conservation, at appropriate levels, in all study programmes dealing with cultural heritage
- Define, develop and provide a curriculum in preventive conservation for conservation-restoration training institutions

In order to advance knowledge in preventive conservation, it is necessary to:

- Create opportunities for specialization in preventive conservation (such as postgraduate diplomas and PhDs)
- Stimulate research in preventive conservation
- Develop teacher training programmes in preventive conservation

#### **4. Access to Information**

All those involved in collection care have awareness of and access to the international body of information on preventive conservation, in forms suitable to their needs.

Lines of Action:

- Use internationally recognized terminology.
  - Make relevant and authoritative preventive conservation texts available through translation.
  - Produce and publicize a comprehensive list of publications and other information, available through national and international sources.
  - Promote access to information technologies for museums (Internet, WEB-sites) to exchange information on preventive conservation.
  - Identify which organizations will be responsible for keeping data current, and for international links.
  - Develop resource centres of service to many institutions, beginning from reference to existing international bodies of knowledge.
  - Encourage exchange of information on preventive conservation through means such as membership of professional associations,

conferences, professional exchanges, and provision of support to national and international meetings.

- Work with existing professional structures in order to identify and assess preventive conservation advisors.

## 5. Public Role

The public is made aware of and has a role in preventive conservation.

Lines of Action:

- Develop programmes to ensure the principle of shared care for collections, actively involving the public, creating a sense of common responsibility for cultural heritage.
- Target communication strategies at specific groups (among these age groups, heritage professionals, responsible authorities, policy makers, media) to raise awareness of the needs and benefits of conservation of cultural heritage.
- Encourage every one who has a stake in conservation to take part in decision-making, in order to develop a sense of public ownership.
- Assert that sustainability is fundamental to all actions related to collections. Promote the fact that cultural heritage is most meaningful and valuable in its whole context.

## Part 3: Recommendations at a European level

These are specific actions recommended for implementation at the European level, to promote progress in all nations and which should be the subject of immediate cooperation. They will assemble and draw on the overall European strength of resources and support the unique evolution of each nation. The actions are practical and feasible, but innovative and significant for all of Europe. They continue the tradition of preventive conservation as a progressive common theme for European heritage.

**The participants of the Vantaa meeting urge the following actions:**

1. Invite the Council of Europe to bring together a group of experts in order to produce a European Charter on Sustainable Preventive Conservation, leading to a European Convention.
2. Develop a Preventive conservation Strategy for adoption by the Council of Ministers of the European Union and other member states of the Council of Europe.
3. Promote the fundamental concept of shared care, actively engaging politicians, professionals and the public in developing a strong sense of common responsibility for preventive conservation.
4. Facilitate the development of training programmes and educational materials building on existing resources.
5. Develop guidelines for museum policy plans, which include preventive conservation, using existing models and experience.
6. Urge equal access to the Internet for museums throughout Europe.
7. Create a network of institutions that will take responsibility for collecting and diffusing information on preventive conservation, taking into consideration existing bodies such as ICOM, through the Preventive Conservation Working Group of its International Committee for Conservation, and ICCROM.
8. Share experience of media and public awareness initiatives, including evaluation of these actions.

## THE NARA DOCUMENT ON AUTHENTICITY

### *Preamble*

We, the experts assembled in Nara (Japan), wish to acknowledge the generous spirit and intellectual courage of the Japanese authorities in providing a timely forum in which we could challenge conventional thinking in the conservation field, and debate ways and means of broadening our horizons to bring greater respect for cultural and heritage diversity to conservation practice.

We also wish to acknowledge the value of the framework for discussion provided by the World Heritage Committee's desire to apply the test of authenticity in ways which accord full respect to the social and cultural values of all societies, in examining the outstanding universal value of cultural properties proposed for the World Heritage List.

The Nara Document on Authenticity is conceived in the spirit of the Charter of Venice, 1964, and builds on it and extends it in response to the expanding scope of cultural heritage concerns and interests in our contemporary world.

In a world that is increasingly subject to the forces of globalization and homogenization, and in a world in which the search for cultural identity is sometimes pursued through aggressive nationalism and the suppression of the cultures of minorities, the essential contribution made by the consideration of authenticity in conservation practice is to clarify and illuminate the collective memory of humanity.

### *Cultural Diversity and Heritage Diversity*

The diversity of cultures and heritage in our world is an irreplaceable source of spiritual and intellectual richness for all humankind. The protection and enhancement of cultural and heritage diversity in our world should be actively promoted as an essential aspect of human development.

Cultural heritage diversity exists in time and space, and demands respect for other cultures and all aspects of their belief systems. In cases where cultural

values appear to be in conflict, respect for cultural diversity demands acknowledgment of the legitimacy of the cultural values of all parties.

All cultures and societies are rooted in the particular forms and means of tangible and intangible expression which constitute their heritage, and these should be respected.

It is important to underline a fundamental principle of UNESCO, to the effect that the cultural heritage of each is the cultural heritage of all.

Responsibility for cultural heritage and the management of it belongs, in the first place, to the cultural community that has generated it, and subsequently to that which cares for it. However, in addition to these responsibilities, adherence to the international charters and conventions developed for conservation of cultural heritage also obliges consideration of the principles and responsibilities flowing from them. Balancing their own requirements with those of other cultural communities is, for each community, highly desirable, provided achieving this balance does not undermine their fundamental cultural values.

### *Values and authenticity*

Conservation of cultural heritage in all its forms and historical periods is rooted in the values attributed to the heritage. Our ability to understand these values depends, in part, on the degree to which information sources about these values may be understood as credible or truthful. Knowledge and understanding of these sources of information, in relation to original and subsequent characteristics of the cultural heritage, and their meaning, is a requisite basis for assessing all aspects of authenticity.

Authenticity, considered in this way and affirmed in the Charter of Venice, appears as the essential qualifying factor concerning values. The understanding of authenticity plays a fundamental role in all scientific studies of the cultural heritage, in conservation and restoration planning, as well as within the inscription procedures used for the World Heritage Convention and other cultural heritage inventories.

All judgements about values attributed to cultural properties as well as the credibility of related information sources may differ from culture to culture, and even within the same culture. It is thus not possible to base judgements of

values and authenticity within fixed criteria. On the contrary, the respect due to all cultures requires that heritage properties must be considered and judged within the cultural contexts to which they belong.

Therefore, it is of the highest importance and urgency that, within each culture, recognition be accorded to the specific nature of its heritage values and the credibility and truthfulness of related information sources.

Depending on the nature of the cultural heritage, its cultural context, and its evolution through time, authenticity judgements may be linked to the worth of a great variety of sources of information. Aspects of the sources may include form and design, materials and substance, use and function, traditions and techniques, location and setting, and spirit and feeling, and other internal and external factors. The use of these sources permits elaboration of the specific artistic, historic, social, and scientific dimensions of the cultural heritage being examined.

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## *APPENDIX 1*

Suggestions for follow-up (proposed by H. Stovel)

Respect for cultural and heritage diversity requires conscious efforts to avoid imposing mechanistic formulae or standardized procedures in attempting to define or determine authenticity of particular monuments and sites.

Efforts to determine authenticity in a manner respectful of cultures and heritage diversity requires approaches which encourage cultures to develop analytical processes and tools specific to their nature and needs. Such approaches may have several aspects in common:

- efforts to ensure assessment of authenticity involve multidisciplinary collaboration and the appropriate utilisation of all available expertise and knowledge;
- efforts to ensure attributed values are truly representative of a culture and the diversity of its interests, in particular monuments and sites;

- efforts to document clearly the particular nature of authenticity for monuments and sites as a practical guide to future treatment and monitoring;
- efforts to update authenticity assessments in light of changing values and circumstances.

Particularly important are efforts to ensure that attributed values are respected, and that their determination included efforts to build, as far as possible, a multidisciplinary and community consensus concerning these values.

Approaches should also build on and facilitate international co-operation among all those with an interest in conservation of cultural heritage, in order to improve global respect and understanding for the diverse expressions and values of each culture.

Continuation and extension of this dialogue to the various regions and cultures of the world is a prerequisite to increasing the practical value of consideration of authenticity in the conservation of the common heritage of humankind.

Increasing awareness within the public of this fundamental dimension of heritage is an absolute necessity in order to arrive at concrete measures for safeguarding the vestiges of the past. This means developing greater understanding of the values represented by the cultural properties themselves, as well as respecting the role such monuments and sites play in contemporary society.

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## *APPENDIX II*

### **Definitions**

**Conservation:** all efforts designed to understand cultural heritage, know its history and meaning, ensure its material safeguard and, as required, its presentation, restoration and enhancement. (Cultural heritage is understood to include monuments, groups of buildings and sites of cultural value as defined in article one of the World Heritage Convention).

**Information sources:** all material, written, oral and figurative sources which

make it possible to know the nature, specifications, meaning and history of the cultural heritage.

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The Nara Document on Authenticity was drafted by the 45 participants at the Nara Conference on Authenticity in Relation to the World Heritage Convention, held at Nara, Japan, from 1-6 November 1994, at the invitation of the Agency for Cultural Affairs (Government of Japan) and the Nara Prefecture.

The Agency organized the Nara Conference in cooperation with UNESCO, ICCROM and ICOMOS.

This final version of the Nara Document has been edited by the general rapporteurs of the Nara Conference, Mr. Raymond Lemaire and Mr. Herb Stovel.

## European Urban Charter

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A. The European Declaration of Urban Rights (1)

CONSIDERING that the exercise of the following rights should be based upon solidarity and responsible citizenship implying an equal acceptance of duties, citizens of European towns have a right to:

**SECURITY:**- to a secure and safe town, free, as far as possible, from crime, delinquency and aggression;

**AN UNPOLLUTED AND HEALTHY ENVIRONMENT:**- to an environment free from air, noise, water and ground pollution and protective of nature and natural resources;

**EMPLOYMENT:**- to adequate employment possibilities; to a share in economic development and the achievement thereby of personal financial autonomy;

**HOUSING:**- to an adequate supply and choice of affordable, salubrious housing, guaranteeing privacy and tranquillity;

**MOBILITY:**- to unhampered mobility and freedom to travel; to a harmonious balance between all street users - public transport, the private car, the pedestrian and cyclists;

**HEALTH:**- to an environment and a range of facilities conducive to physical and psychological health;

**SPORT AND LEISURE:**- to access for all persons, irrespective of age, ability or income, to a wide range of sport and leisure facilities;

**CULTURE:** - to access to and participation in a wide range of cultural and creative activities and pursuits;

**MULTICULTURAL INTEGRATION:-** where communities of different cultural ethnic and religious backgrounds co-exist peaceably;

**GOOD QUALITY ARCHITECTURE AND PHYSICAL SURROUNDINGS:-** to an agreeable, stimulating physical form achieved through contemporary architecture of high quality and retention and sensitive restoration of the historic built heritage;

**HARMONISATION OF FUNCTIONS:-** where living, working, travelling and the pursuit of social activities are as closely interrelated as possible;

**PARTICIPATION:-** in pluralistic democratic structures and in urban management characterised by co-operation between all the various partners, the principle of subsidiarity, information and freedom from over-regulation;

**ECONOMIC DEVELOPMENT:** - where the local authority, in a determined and enlightened manner, assumes responsibility for creating, directly or indirectly, economic growth;

**SUSTAINED DEVELOPMENT:-** where local authorities attempt to achieve reconciliation of economic development and environmental protection;

**SERVICES AND GOODS:-** to a wide range of accessible services and goods, of adequate quality, provided by the local authority, the private sector or by partnerships between both;

**NATURAL WEALTH AND RESOURCES:-** to the management and husbanding of local resources and assets by a local authority in a rational, careful, efficient and equitable manner for the benefit of all citizens;

**PERSONAL FULFILMENT:-** to urban conditions conducive to the achievement of personal well-being and individual social, cultural, moral and spiritual development;

**INTER-MUNICIPAL COLLABORATION:-** in which citizens are free and encouraged to participate directly in the international relations of their community;

**FINANCIAL MECHANISMS AND STRUCTURES:-** enabling local authorities to find the financial resources necessary for the exercise of the rights as defined in this Declaration;

**EQUALITY:-** where local authorities ensure that the above rights apply to all citizens, irrespective of sex, age, origin, belief, social, economic or political position, physical or psychological handicap.

(1) This Declaration arises from the European Urban Charter, adopted by the Council of Europe's Standing Conference of Local and Regional Authorities of Europe (CLRAE) on 18 March 1992, a Session held during the annual Plenary Session of the CLRAE (17-19 March 1992, Strasbourg).

## B. The European Urban Charter

### **1. Background to the Charter**

The European Urban Charter is built upon the work of the Council of Europe on urban policies - work inspired by the European Campaign for Urban Renaissance, organised by the Council of Europe from 1980 to 1982.

This Campaign, a Europe-wide focus by public authorities and the public, on some key approaches to the improvement of life in our cities, concentrated on four main general areas:

- improvement of the physical urban environment;
- rehabilitation of existing housing stock;
- the creation of social and cultural opportunities in towns;
- community development and public participation.

In line with the human rights vocation of the work of the Council of Europe, the Campaign was dominated by qualitative rather than quantitative aspects of urban development; the slogan of the Campaign was "A better life in towns" ("des villes pour vivre"; "Städte zum Leben").

The Campaign subsequently led to a programme within the Council of Europe on urban policies, developed from 1982 to 1986 by an intergovernmental

Committee (ie made up of representatives of national ministries responsible for urban questions).

In 1986 this programme was transferred to the Council of Europe's Standing Conference of Local and Regional Authorities of Europe (CLRAE), following the logic of existing practice in many member countries whereby decisions affecting urban communities are made principally by local civic leaders and following the logic of decentralisation policies in other member countries, which gave increased responsibility for urban matters to the local tier of government.

From 1986 to the present day, a sustained programme has been developed, characterised by the organisation of a considerable number of "ad hoc" conferences and symposia; the preparation of reports and Resolutions, based on those reports, addressed to municipalities in Europe, on different aspects of urban development (e.g. health in towns; regeneration of industrial towns; policies for dealing with urban insecurity, crime prevention and drug abuse; architectural development and historic towns; self-help and community development in towns, etc). Details appear as an appendix to the Charter.

These events, developed in order to promote an exchange of experience and information between politicians, professionals and the public, together with other work of the Standing Conference

on local democracy, decentralisation and participation (e.g. the European Charter on Local Self-Government), have provided the necessary background material for the Charter.

## **2. Purpose, Philosophy and Structure of the Charter**

Drawing together into a single composite text a series of principles on good urban management at local level, the PURPOSE of the Charter is to:

- provide a practical tool and urban management handbook for local authorities;
- provide the principal elements for a possible future Convention on Urban Rights;
- provide the basis for an international award scheme for towns who subscribe to the principles of the Charter;

- constitute a "visiting card" for the Council of Europe on matters relating to the built environment and act, at the same time as a synthesis of the conclusions of the Council of Europe's work and particularly that of the CLRAE on urban questions.

In terms of its PHILOSOPHY, the Charter has a number of distinct, clear, underlying threads.

It has a firm local authority dimension, concentrating upon the specific responsibilities of this level of government for urban development.

It concentrates very much on qualitative aspects of urban development and quality of life considerations, in line with the overall vocation of the Council of Europe for the protection of fundamental freedoms and human rights. In this sense, the urban work of the Council of Europe and its Standing Conference of Local and Regional Authorities of Europe is distinguishable from that of other international governmental organisations which have a valid urban component within their programmes.

It identifies a number of universal guiding principles, readily applicable from country to country in Europe where the problems of cities are very much the same in nature, if not in scale. This universality is particularly important, in that the Council of Europe is an expanding organisation, with progressively additional member countries following democratic reform in Central and Eastern Europe. The cities in such countries might well find much of value in the series of principles included in the Charter, arising from the experience of cities in countries where democracy has a more unbroken tradition.

A strong element throughout the Charter is the notion of collaboration and solidarity:

- between local authorities in individual member countries, in order to secure an improved quality of life in urban areas, recognising also the additional benefits, responsibilities and opportunities arising as a result of the involvement of Central and Eastern European countries;
- between national and local governments in securing and strengthening, through political and financial commitment, the devolution of decision-making away from the centre towards towns and their communities;

- between local governments and their communities, to examine and gain a closer understanding of the different needs of an urban area and involve local people in the decision-making process; and,
- significantly, between cities throughout Europe and beyond, transcending national boundaries.

The Charter is guided by the belief that citizens have basic urban rights: the right to protection from aggression; from pollution; from a difficult and disturbing urban environment; the right to exercise democratic control of their local community; the right to decent housing, health, cultural opportunity and mobility.

Furthermore, the Charter insists that such rights are applicable to all urban dwellers without discrimination in respect of sex, age, origin, race, belief, socio-economic or political position, physical or psychological handicap.

It is thus one of the responsibilities of local and regional authorities to protect such rights through the development of appropriate strategies.

In terms of its STRUCTURE, the Charter takes the form of a series of short, clear principles, relating to different aspects of urban development, accompanied by substantial explanatory paragraphs.

### **3. The town in Europe**

#### 3.1 The development and notion of a city

The town or municipality has always been the ideal place in which to gather, somewhere where community and social life is possible, without which, in the words of Thomas Hobbes life is "nasty, poor, solitary, brutish and short".

Towns and cities attract people who wish to live there, work there, go there as tourists or for cultural reasons. It has traditionally been the area for concentration of substantial resources and networks of influence.

The etymology of the word "città", "cité" and "ciudad" (stemming from the Latin "civitas") encompasses two fundamental concepts - a material, archaeological, topographical and town-planning notion, the city as the

venue for human congregation and, in the words of the Treccani Italian Encyclopedia, a "historic and legal phenomenon that has come to provide the characteristic, fundamental nucleus of life in society."

The Greek word "Polis" also suggests the two concepts of both the medieval city in the territorial sense, as a collection of buildings and spaces, and the city in the legal sense, as a community of people politically organised for the achievement of common aims.

The same concepts lie behind the French "cité", Spanish "ciudad", etc.

Currently, the town or city is increasingly identified with the "municipality" (commune, municipio, Gemeinde, comune), as an "autonomous area body comprising a community of residents with certain interests", an inhabited centre "with organised building development, public services and its own administration".

Cities, however, are complex entities. They differ considerably in terms of urban development and size. Their identity, although rooted in history, is constantly changing. Over time, most towns and cities have evolved in the light of new requirements, ideals, lifestyles, standards of living and a new quality of life.

In some cases, cities have changed for the better, where their administrators, politicians or members of the public have been enlightened or where they have collaborated; or for the worse where this has not been the case.

New problems have arisen, through the development of urbanisation and urban sprawl. Beginning in the 19th century, associated with the Industrial Revolution, streams of people migrated into cities, drawn by jobs and wealth, theoretically leaving poverty behind.

The process is still continuing in many European countries. In others, especially in recent years, decentralisation or reverse migration from the city towards suburbs has taken place

- not only at weekends, but also more permanently by the search for a healthier, less polluted environment, a different job or more amenable surroundings.

Fortunately, there are many examples of cities which function well and which provide their inhabitants with a satisfactory quality and way of life; where a balance is struck between economic development and retention of a high quality environment; where high levels of participation, neighbourhood and community development, a sense of belonging and pride exist.

Many cities, however, are not so well off and reflect in a magnified way a wide range of societal difficulties and painful adjustments: inner city decay, engendering a descending spiral of deprivation for their populations; deterioration of historic centres; excessive traffic densities; noise, air and soil pollution; shortage of good quality, affordable housing; social and health problems; generations and ethnic groups no longer respecting each other's differentials; high unemployment, particularly among younger people; unfamiliar and alien surroundings; neighbourhoods which have become unsafe and insecure through high levels of crime and delinquency, mostly drug-related.

Some cities no longer meet the most elementary requirements of livability.

### 3.2 The city and its surroundings

The boundaries of the city are never the limits of urban society. The city needs its surrounding region for functions which are often considerable consumers of land, eg airports; for a variety of settlements for urban dwellers and for open air recreation.

Conversely, the region needs the city for its services (cultural, medical, retailing) and for jobs.

Too egotistical management of the city and the suburbs separately is causing:

- imbalances, eg costly urban services, theoretically available to all within the conurbation are mainly paid by the city - often poorer than the outlying suburban areas;
- low costs of development in suburban areas prevent the city from developing its own potential;

- the city consumes environmental resources of the surrounding region (energy and water) and returning waste and pollution.

A balanced development of the city with its surrounding region is required - reflected through regional planning, active collaboration between cities and local authorities within the surrounding region and joint decision-making. The result is the harnessing of respective potential for mutual benefit, avoidance of unnecessary mobility and more rational use of environmental resources.

### 3.3 Local democracy

It has not always been the case that members of the public have had sufficient opportunity to put forward their requirements through existing institutions and become involved as of right in the democratic process of urban development.

This shortcoming is particularly serious in that the way towns function conditions the effectiveness in defending democracy and rights. If they function well, they are a guarantee of human rights; if they function badly, these rights are threatened.

The basis of urban development must be direct citizen participation, within a local authority which itself enjoys as much autonomy and fiscal independence as possible.

### 3.4 The raison d'être of urban policy

The transformation of an unsatisfactory urban condition to one which becomes as satisfactory as possible for as large a number of people as possible is achieved through an amalgam of determined local political will and urban planning proposed by teams of skilled professionals.

This twin political and professional approach is what constitutes urban policy.

A wide range of factors affect urban life and need to be taken into account in a comprehensive manner - the economy, technology, socio-cultural factors, legislative framework. Any action taken in towns thus requires considerable analysis, study, knowledge and responsibility.

Urban policy "is concerned with an examination of the relationship between resources, products and movements, aimed at resulting in objectives and services, promoting the development of the municipality, associations and individuals within it, within an overall perspective of sustainable development". (René Parenteau)

Urban policy affects the community as a whole and individuals in many aspects of their private lives. It is a major public act of intervention and direction and should therefore be the fruit of constant, regularly renewed co-operation between elected representatives and the public. It is part of the democratic institutional heritage of towns and cities.

### 3.5 The city of the future

Choices need to be made now if the city of the future is to be liveable, agreeable, beautiful and healthy. Existing unsatisfactory conditions should act as an incentive to reviewing the current underlying conception of cities and towns.

This review must be built around the coordination of all people and professional categories concerned: city dwellers, administrators, politicians, officials, professionals, those who work in it - a coordination in contrast to many of the tenets of the Athens Charter.

An ideal city is one which succeeds in reconciling the various sectors and activities that take place (traffic, living working and leisure requirements); which safeguards civic rights; which ensures the best possible living conditions; which reflects and is responsive to the lifestyles and attitudes of its inhabitants; where full account is taken of all those who use it, who work or trade there, who visit it, who seek entertainment, culture, information, knowledge, who study there.

A city must also strike a balance between modern development and retention of the historic heritage; integrate the new without destroying the old; support the principle of sustainable development. A town without its past is like a man without memory. People leave traces of their lives and their work and their personal history in cities, in the form of neighbourhoods, buildings, trees, churches, libraries. They constitute the collective legacy of the past, enabling people to feel a sense of continuity in their contemporary lives and prepare for the future.

Cities must function and be managed, in the belief that urban problems cannot be limited to purely financial mechanisms or questions, nor by traditional means of functional town planning. Municipalities must seek to use methods drawn from other the experience of national governments and/or the private sector.

### 3.6 Co-operation between towns

Reflecting the reality that towns have a fundamental role in regional, national, European and world-wide development, it is essential for them to be involved in networks of co-operation and exchange on the regional, national and international levels, through twinings, contracts, membership of international associations and non-governmental organisations.

### 3.7 Rights within towns

The respect, promotion and extension of human rights, for all individuals in towns - irrespective of sex, age, origin, race, age, belief, social, economic or political position, physical or psychological handicap - is essential.

This includes, amongst other rights, those to:

- provision of suitable, well-located and well-lit housing and dwellings of sufficient size, with adequate amenities, reasonably priced and reflecting anti-pollution requirements;
- preventive health measures; to the provision of greenery, space, sunlight, silence, vegetation, beauty;
- the interlinking of the various functions of city life;
- cultural opportunity, sport and leisure facilities, social development, to free circulation, incorporating a harmonious balance between all street users (public transport, private cars, the pedestrian and cyclists);
- provision for community facilities; measures against poverty; particular help for the disadvantaged;
- security; work; well-being; training and education possibilities; culture and history.

## 4. Individual Chapters

### 4.1 THEME: Transport and mobility

(...)

### 4.2 THEME: Environment and nature in towns

(...)

### 4.3 THEME: The physical form of cities

A townscape is the culmination of a process of urban design and construction of a diversity of buildings, with their surrounding spaces, over a period of years.

The way in which this townscape is conserved and developed and the way in which inter-related issues of safety, comfort, convenience and appearance are dealt with are important considerations in the pursuit of an improved urban environment.

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## PRINCIPLES

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### **1. City centres must be safeguarded as important symbols of the European cultural and historic heritage**

European historic centres, with their buildings, urban spaces and street patterns, provide an important link between the past, the present and the future; they contain priceless elements of the architectural heritage; are places which enshrine the city's memory; establish a sense of identity for present and future generations and are key factors in establishing a sense of solidarity and a sense of community between the people of Europe.

Solutions to urban pressure in historic centres require a careful balance between their traditional emphasis on dense and diverse developments and new large-scale uses demanding space and accessibility at an accelerated pace of development and change.

The manner in which new development is made to blend within historic areas is a fundamental architectural issue which city centres are having to face in Europe as well as other parts of the world.

Means for protecting historic buildings must be combined with the careful design of new buildings inserted into urban centres, taking care nonetheless to encourage architectural innovation. Skilful attention to detail can play an important part in evolving an appropriate urban form.

## **2. The provision and management of open space in the city are integral parts of urban development**

Open space - pavements, minor streets, tree-lined boulevards, avenues, parks, playgrounds, riverbanks, railway concourses, traffic-free areas, gardens and allotments - are as much basic components of European cities as their buildings.

Well-designed and planned open space increases the attractiveness of a city and thus contributes to its economic prosperity or revival. It assures a human dimension and provides the opportunity for collective life, acting as a sort of public living room for the locality.

Cultural activity and human well-being requires that there is space to linger, amble, play and meet.

In providing for and developing new open spaces, the needs of inhabitants and their patterns of behaviour must be respected and reflected, as must architectural character and quality, both in scale and detail.

The introduction of trees, vegetation, colour, light, shade, choice of materials, is important. Such open spaces should be designed furthermore so as to give maximum scope for inhabitants themselves to be active and creative.

Good upkeep of open space should be maintained, whilst avoiding it becoming a form of prohibition or unreasonable regulating control on behaviour.

As far as possible, the creation and management of open space should be neighbourhood based, through partnerships between local authorities,

community groups and the population as a whole. The direct involvement of residents has a self-policing effect and can be useful in combatting vandalism.

### **3. Architectural creation and development play a crucial role in the quality of the urban townscape**

The character of a town is to be found in its contemporary architecture and architectural heritage.

The attractiveness of the town may be improved by upgrading existing buildings and ensuring that new ones are both attractive and blend with their existing surroundings.

Architecture must be free to express itself and reflect different needs. Architectural competitions have a key role in generating new ideas.

### **4. All persons are entitled to a healthy, safe, settled, pleasant and stimulating living environment**

The physical form of cities, particularly the nature of housing in its wider neighbourhood setting, plays a key role in the development of a high quality urban environment.

This is achieved, at least in part, through protection of residential areas against air, water, soil and sub-soil pollution; the creation of environmental protection and buffer zones, parks, gardens and allotments; diversion of heavy traffic causing disturbance; the supply of a variety of cultural and sporting facilities.

Citizens needs to be given full opportunity to express their ideas and influence decision-making in respect of the form of their surroundings and any changes that may occur to it.

### **5. The vitality of a town depends upon balanced urban residential patterns and the maintenance of the residential character of the city centre**

Local authorities should have the necessary power to protect the residential character of the town centre, establishing limits to selective appropriate practised by powerful economic interests and encouraging conversion and rehabilitation operations.

Equally, social diversity in the central residential areas should be maintained.

#### 4.4 THEME: The urban architectural heritage

Urban architecture is made up of a heritage of elements considered to be of enduring significance, preserved to protect a town's identity and memory. This may include natural elements, ie the result of location, topography and climate, as well as man-made elements, the product of human skill and artistic and cultural values;

This heritage is often complemented with additional elements in response to temporary or permanent needs, fashions or pressures, which have themselves become permanent.

This urban heritage constitutes an important and irreplaceable part of the urban fabric, crucial for the identity of a city and its inhabitants. It hands down to future generations a system of cultural reference, establishing the context and consciousness of Europe's common history and future.

The urban heritage consists of monuments, groups of buildings and sites, as indicated in Article 1 of the European Convention of the Architectural Heritage.

A particular and often neglected part of urban heritage is that arising from periods of industrialisation - factories, machines, bridges, ports, warehousing, etc.

This urban heritage is often threatened by ignorance, disuse and deterioration of every kind.

Local authorities are in the best position to deal with and assume responsibility for conservation and maintenance of the urban heritage.

The structure of historic centres and sites is conducive to a harmonious social balance. By offering the right conditions for the development of a wide range of activities our old cities favoured social integration. By the conservation of an old building a district's character might be preserved and improved.

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## PRINCIPLES

## **1. Urban conservation requires a carefully constructed legal framework**

Whilst responsibility for conservation is in the hands of public authorities, individual buildings are usually in private possession. A legal framework is needed to regulate respective rights, responsibilities and conflicts between these two agents in order to ensure protection of the heritage.

Public authorities must provide appropriate supervision and authorization procedures to prevent disfigurement, dilapidation, substantial alteration, change of character or demolition of protected individual or groups of buildings.

Such legislation should give authorities the power to require the owner of a protected property to carry out restoration work, accompanied by appropriate financial aid, if possible; to carry out work itself if the owners fails to do so or compulsorily acquire protected property.

Such legislation should also provide for the establishment of a comprehensive register or inventory of the urban heritage. This register, arising from a widespread survey of historic buildings within a town, should also try to identify threats; adaptive re-use possibilities, particularly of the industrial heritage, which can be brought to the attention of prospective purchasers; and potential new heritage.

The legislation should also provide for the creation of protected heritage zones or conservation areas, where authorities would control and guide conservation through use of skilled craftsmen, traditional materials, original colours, etc.

## **2. Conservation of the urban heritage requires policies for information**

Adequate conservation can only be achieved through increased awareness among the general public and the individual owners of heritage of its value.

This requires use of modern communication and promotion techniques, with special attention being directed at young people, as from school age.

Policies, the philosophy and knowledge about conservation should be extended beyond the narrow circles of architects, archaeologists and historians to town planners, politicians, building developers and the business community.

Voluntary work camps; self-help campaigns and sites constitute not only practical ways of participation in conservation, but also have a useful didactic spin-off effect.

### **3. Adequate and often original financial mechanisms and partnerships are necessary**

Conservation of the urban heritage is a heavy financial commitment, both in respect of buildings or groups of buildings themselves and in equipping adequate administrative services administrative services to implement national, regional and local conservation policies. Often beyond the resources of public authorities, funding requires partnership with the private sector and incentives to private individuals, e.g. tax and fiscal incentives to encourage restoration rather than demolition; differential VAT ratings on buildings; sale of historic property at reduced price on condition that full repair and conservation is carried out, particularly before re-sale; long-term loans; creation of restoration foundations; development of revolving funds; increased use of patronage and sponsorship.

For heritage in the ownership of public institutions, eg railways, they should accept responsibility for maintenance of historic properties in their care.

### **4. The maintenance and sometimes revival of specialised crafts and techniques are essential**

Specialist conservation training is for three main categories of craftsmen: young people intending to take up a craft, craftsmen wishing to retrain or specialise and specialist craftsmen seeking to advance skills. These different needs require different types of training provision. Training should open up career and social advancement opportunities, which are essential to the upgrading of the status of craft trades.

### **5. Urban heritage must be integrated into contemporary life via its incorporation as an essential element in overall planning**

The guiding principle of integrated conservation is to include the protection and conservation of the urban heritage as an essential planning objective. This implies that a conservation programme should be based on an overall approach. Teams for heritage conservation should be multidisciplinary and work in active collaboration with other sectoral policies - economic development, culture, housing, environment, etc.

Care must be taken to ensure that town does not become an open-air museum. Restoration must ensure that buildings have a valid contemporary life. Public authorities must provide a framework in which buildings become self-conserving.

## **6. Economic development can often be stimulated by conservation of the urban heritage**

Conservation of the heritage can often mean successful urban economic regeneration. It increases the attractiveness of a city, both for tourists and the business sector. Adaptive re-use of old, particularly industrial, buildings can often be sound economic solution, providing opportunities for housing, hotels, business/office centres, etc.

In that conservation work is labour intensive, it can relieve unemployment. It enables savings to be made of energy, raw materials and infrastructure.

### 4.5 THEME: Housing

(...)

### 4.6 THEME: Urban security and crime prevention

(...)

### 4.7 THEME: Disadvantaged and disabled persons in towns

(...)

### 4.8 THEME: Sport and Leisure in Urban Areas

(...)

#### 4.9 THEME: Culture in Towns

Local and regional authorities play a vital role in the provision of artistic and recreational facilities, the promotion of cultural activities and the achievement of cultural democracy.

They thus should have the right and the capacity to formulate and implement a cultural policy, in the light of a town's specific cultural tradition and the cultural characteristics of its population as a whole.

Architectural creation, language, the arts, music, literature are all expressions of the rich storehouse of history and the collective memory of a town; barometers of change in lifestyles and social patterns and components of the cultural heritage and experience. Culture is the range of a people's acquired concepts; literary, scientific and artistic traditions and knowledge.

Specific geography, topography, climate and living conditions within each locality give a specific characteristic to such culture, enabling citizens to identify with a particular area.

Cultural policy can contribute to economic and social development. In a wider setting, it is a factor in enabling citizens within their towns to understand, identify, recognise their particular roles and goals within an interrelated European network of contact and exchange.

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#### PRINCIPLES

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##### **1. All urban dwellers have a right to culture**

Culture involves everyone. It should not be treated as the domain of a privileged few or an elite, but rather a vehicle for stimulating the creativity and imagination of all social groups. The universality of cultural democracy is embodied in Article 27 of the Universal Declaration of Human Rights.

##### **2. The cultural development of towns contributes to their economic and social development**

Cultural policy contribute to economic development; to the creation of a sense of community; it is a fundamental element in formal education at all levels from primary to adult education; can be a powerful means for achieving public participation in the affairs of a community; can help with the social regeneration of disadvantaged sectors of the population. It is thus a key element within a comprehensive urban policy; part of an overall policy for the improvement of the quality of life in towns and in the promotion of human rights.

### **3. Cultural exchange is a powerful bond between peoples of different nationalities, different regions and nations**

Local authorities should recognise that the transfer of cultural experience of their towns to others plays an important role in creating mutual comprehension and respect.

### **4. Cultural development and genuine cultural democracy involves extensive collaboration between local authorities and community groups, the voluntary sector and the private sectors**

Cultural development is not simply the responsibility of local authorities alone. They should seek to enlist, by a variety of means - for example fiscal incentives - greater involvement of industry and commerce in patronage of the arts and cultural creation. They should consider maximum support for neighbourhood groups which aim at cultural innovation and transfer to community groups responsibilities or activities.

### **5. Cultural pluralism presupposes experiment and encouragement of innovation**

Part of the richness of cultural activity derives from its spontaneous, innovative nature, not deriving from organised or institutionalised structures.

Successful cultural development must also target and recognise the particular needs and contribution of specific groups of the population, for example, young people and, significantly, immigrant communities.

Local authorities should recognise this through appropriate allocations within municipal funding for cultural activities.

### **6. The balanced promotion of cultural tourism by local authorities can have a beneficial effect on their community**

Cultural tourism is a growth industry throughout Europe; historic towns, cultural and artistic events attract visitors in growing numbers.

The benefits to local authorities are clear: increased prosperity; improved local employment prospects; extension of the range of amenities available to residents, beneficial "spin-off" effects on the building industry, on specialised crafts and, above all, an increase in the mutual knowledge and respect of different cultures and communities.

Such benefits, however, can only be ensured and potential negative effects avoided, through devising a tourist and cultural management plan which closely involves local residents, the private sector, representatives of the tourist industry and local authorities.

#### 4.10 THEME: Multicultural integration in towns

Full and active membership of the local community in which one lives should be at the basis of any multicultural urban society.

However, too often, such a principle is not respected. Immigrant communities coming from other countries; minorities with different traditions, cultures, languages and religions are not always accepted or integrated into the community.

Too often, their experience of urban life is synonymous with social exclusion, solitude, fear and poor standards of living.

Local authorities, for their part, have little power to make decisions on immigration policy laid down by governments, yet they must deal with problems occasioned by high levels of immigration, in reception, town planning, schooling, public health and other areas of policy.

Multicultural integration is the key both to an improved way of life in towns for migrant communities and a source of cultural and economic enrichment for local authorities and their town as a whole.

The vocation of a town is one of hospitality and inclusion of groups of different cultural background, which should be called upon to live together, collaborate and co-operate, recognising that the result is of benefit to the urban community as a whole. In such a way, the notion of European citizenship, based on active

democracy, a sense of belonging to a community and free expression of different beliefs is advanced.

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## PRINCIPLES

(...)

### **3. Cultural and educational policies in towns should be non-discriminatory**

Acceptance of differences and a capacity for tolerance are the basis for an equitable urban society.

This implies policies which ensure multicultural and anti-racist education, incorporating an acceptance of the cultural requirements of minority groups; dialogue and exchange between different cultures and religions; equal possibilities for expression of worship.

(...)

#### 4.11 THEME: Health in towns

(...)

#### 4.12 THEME: Citizen participation, urban management and urban planning

The European Charter of Local Self-Government outlines the principles of local autonomy and local finance, if such autonomy is to be realistic. This text should be used as the basis for local authorities in defining their approaches to citizen participation and local democracy.

Without the principle of local democracy, human rights in towns are precarious.

The satisfaction of physical, social and emotional needs can only be established and respected through an open dialogue between official management and individual members of the urban community.

Management of a town must therefore be conducted in order to ensure that those people, whose rights and property are affected to a significant degree by proposed administrative acts and decisions are informed of them, have their views heard and thus become an active part in the decision-making process.

No single action at any one level of management must be taken, if the consequences of that decision extend beyond those people and that level which it is meant for. If this is the case; it has to be elevated to the managerial level immediately above so that the necessary decisions can be taken within a comprehensive context.

This comprehensive view must replace the current vertical system of urban management, which has created a series of isolated public sectors, defined by specialist views of various city functions with watertight administrative boundaries.

Current urban management is often viewed by citizens as incomprehensible, time-consuming and uneconomic.

## **PRINCIPLES**

### **1. Citizen participation in local political life must be safeguarded through the right to elect representatives, freely and democratically**

The exercise by citizens of their right to participate in local democracy is safeguarded, first and foremost, through delegation of decision-making powers to elected representatives, who have subsequently the authority to exercise them and to implement policies, programmes and projects for the well-being of citizens living in the area.

This is achieved by creating the conditions in which political parties may emerge and flourish; by guaranteeing the rights of all residents, male and female, to participate in the election of local political representatives, without discrimination on grounds of origin, social position or wealth.

### **2. Citizen participation in local political life must be effective at all levels of the local, political and administrative structure**

At the time of their election, local representatives are not given a detailed mandate covering all local affairs throughout their term of office, and must therefore return to the electorate at regular intervals for consultation on particular issues. Also, there is a tendency for local government staff, with their long-term appointments and job security, to acquire a degree of autonomy in their relations with the elected politicians; the population must be involved in overseeing the machinery of administration and also the way it works.

This is achieved by recognising local interest groups and institutionalising citizen participation in local political life (provision for citizens to be represented on committees and boards directly responsible to the Executive), and in the operation of the administrative machinery (board of control, complaints tribunal, ombudsman).

The use of a referendum is essential where elected local representatives, whilst possessing a general mandate, do not have one for a new particular problem or policy.

### **3. Citizens are entitled to be consulted over all major projects affecting the future of the community**

Citizens are the grass roots of local democracy. They are the partners of elected representatives and local government officials, in planning and managing the community. In order to exercise these duties, they must be informed about all principal plans conceived by their elected representatives and officials.

The outcome of consultation on projects affecting the urban environment in the widest sense must be open to inspection by elected representatives, developers and members of the public.

This is achieved through developing formal public consultation procedures; by providing guarantees of the impartiality in the process of consultation; by allowing free access to all public documents; by publicising all projects on site; through publishing an official local interest news sheet; through allowing recognising and enhancing the role of voluntary organisations in bridging the gap between local government and the general public.

### **4. Urban management and planning must be based upon maximum information on the characteristics and special features of the town**

Every town has its own identity, to be preserved and asserted. Its regional affiliation, its location, its population, its spatial extent, its hinterland, its

weather, its form, its colour, its origins, its history, its function - all of these are elements which mark it off from other towns.

Deciding priorities and making proposals are not a matter for a single professional, any one single unit or for chance. Such decisions must be based upon an initial and regularly up-dated analysis, covering the city's special features, potential, activities, development capacities and resources.

Urban development patterns and urban policies can be worked out more reliably and inspire greater confidence if the area they cover has been thoroughly explored, and its capacity for change defined and delimited.

Such analysis will include a survey of human capacities, geographical and topographical features, the need to provide for human self-fulfilment, strike a balance between individual freedom and projects benefiting the community, health and safety, raising of cultural and artistic standards and, on the other hand, promoting growth and development.

Should be involved in the plan beforehand, all those individually or collectively concerned - the best way of identifying obstacles to be overcome.

##### **5. Local political decisions should be based on urban and regional planning conducted by teams of professionals**

Local political decisions must be based on comprehensive and up-to-date information and a variety of reasoned choices proposed by teams of urban and regional planning professionals.

Urban planning is the science of assessment by professionals and analysts of projects, programmes, strategies or plans shaping the physical, social, economic and environmental structures within a city. It should be based on balance, ie between growth and conservation; the achievement of sustainable development and the resolution of conflict.

Such planning should always be associated with a process for evaluation, ie assessing the worthwhileness of what is proposed and reviewing and analyzing, after the event, whether predictions and decisions were justified. Such evaluation thus concerns feasibility, political acceptability, conformity with higher levels of policy.

##### **6. Political choices, the final stage in the decision-making process, should be vital and comprehensible**

Once data on the past have been collected, the technical constraints and solutions surveyed, future alternatives subjected in some cases to simulation testing, economic conditions studied and resources secured, it only remains for the political authorities to make a choice. This choice must be sufficiently vital and comprehensible to motivate and involve the community.

## **7. Local authorities should ensure the participation of young people in local life**

Local authorities should ensure that future citizens are given opportunities to participate in local life at a very early age, in accordance with the principles set out in the Charter on the Participation of Young People in Municipal and Regional Life.

Such participation is a decisive factor in securing social cohesion and creating in young people a commitment to democratic institutions and organisations.

It is achieved by a deliberate local youth policy based on the provision of equal opportunities and coherent interlinking of sectoral policies - concentrating upon the specific requirements of younger people - for employment, housing, environment, culture, leisure, education, training and health.

### 4.13 THEME: Economic development in cities

(...)

## **C. Resolutions and Opinions, relative to urban questions, adopted by the CLRAE**

(...)

Resolution 42 (1964) on regional planning and the problem of maintaining the balance between town and country

Resolution 44 (1964) on regional planning and development of ancient buildings and historical or artistic sites

(...)

Resolution 65 (1970) on the role of local and regional authorities in the implementation of a policy of preservation and rehabilitation of ancient buildings and historic or artistic sites

(...)

Resolution 73 (1972) on the participation by citizens, local authorities and regions in the regional planning of Europe

(...)

#### **D. CLRAE - organised or sponsored international conferences on urban matters**

(...)

Sixth European Symposium of Historic Towns - "Historic Towns and Tourism", Cambridge, 20-22 September 1989

Conference on "Managing Urban Development: North/South Solidarity", Lisbon, 18-20 October 1989

Conference on "European Towns: Strategies and Programmes", Strasbourg, 6-8 June 1990

(...)

7th European Symposium of Historic Towns - "Achieving a Balance between Historic Preservation and Urban Development", Istanbul, 16-18 September 1992

#### **E. Summary of the principles of the European Urban Charter, as contained in the individual chapters**

##### **1. Transport and mobility**

###### **PRINCIPLES**

It is essential that the volume of travel, particularly by private car, be reduced

Mobility must be organised in a way which is conducive to maintaining a liveable town and permitting co-existence of different forms of travel

The street must be recovered as a social arena

A sustained educational and training effort is required

## **2. Environment and nature in towns**

### **PRINCIPLES**

Public authorities have a responsibility to husband and manage energy resources in a coherent and rational manner

Local authorities should adopt policies to prevent pollution

Local authorities have a responsibility to protect nature and green spaces

Nature conservation is a factor in developing community involvement and pride

## **3. The physical form of cities**

### **PRINCIPLES**

City centres must be safeguarded as important symbols of European cultural and historic heritage

The provision and management of open space in the city are integral parts of urban development

Architectural creation and development play a crucial role in the quality of the urban townscape

All persons are entitled to a healthy, safe, settled, pleasant and stimulating living environment

The vitality of a town depends upon balanced urban residential patterns and the maintenance of the residential character of the city centre

#### **4. The urban architectural heritage**

##### **PRINCIPLES**

Urban conservation requires a carefully constructed legal framework

Conservation of the urban heritage requires policies for information partnerships

Adequate and often original finance mechanisms and partnerships are necessary

The maintenance and sometimes revival of specialised crafts and techniques are essential

Urban heritage must be integrated into contemporary life via its incorporation as an essential element in overall planning

Economic development can often be stimulated by the heritage

#### **5. Housing**

##### **PRINCIPLES**

The urban dweller is entitled to privacy in the home

Every person and family is entitled to secure and salubrious housing

Local authorities should ensure diversity, choice and mobility in housing

The right of persons and families in the most disadvantaged categories cannot be safeguarded by market forces alone

Local authorities should ensure that opportunities to purchase housing are available and that security of tenure is achieved

The redevelopment of older housing must not be undertaken at the expense of the existing social fabric

## 6. Urban security and crime prevention

### PRINCIPLES

A coherent security and crime prevention policy must be based on prevention, law enforcement and mutual support

A local urban security policy must be based on up-to-date comprehensive statistics and information

Crime prevention involves all members of the community

An effective urban security policy depends upon close co-operation between the police and the local community

A local anti-drug policy must be defined and applied

Programmes for preventing relapse and developing alternatives to incarceration are essential

Support for victims is a key component of any local security policy

Crime prevention must be recognised as a priority and thus command increased financial resources

## 7. Disadvantaged and disabled persons in towns

### PRINCIPLES

Towns must be designed in such a way that all citizens have access to all places

Policies for the disadvantaged and disabled persons should aim to integrate and not over-protect

Co-operation with and between specialised associations, representing disadvantaged or minority groups, is essential

It is important to ensure that houses and workplaces are suitably adapted to the requirements of the disadvantaged and disabled

Travel and communication and public transport must be accessible for all people

## **8. Sport and Leisure in Urban Areas**

### **PRINCIPLES**

All urban dwellers have a right to take part in sporting and recreational facilities

Sports facilities should be safe and well designed

All urban dwellers have a right to be able to develop their expertise in sport up to their individual potential

## **9. Culture in Towns**

### **PRINCIPLES**

All urban dwellers have a right to culture

The cultural development of towns contributes to their economic and social development

Cultural exchange is a powerful bond between peoples of different nationalities, different regions and nations

Cultural development and genuine cultural democracy involves extensive collaboration between local authorities and community groups, the voluntary sector and the private sectors

Cultural pluralism presupposes experiment and encouragement of innovation

The balanced promotion of cultural tourism by local authorities can have a beneficial effect on their community

## **10. Multicultural Integration in Towns**

### **PRINCIPLES**

Non-discrimination is a fundamental aspect of urban policies

Local authorities should ensure effective participation by immigrants in local, political life

Cultural and educational policies in towns should be non-discriminatory

The provision of equal access to employment must be a concern of public authorities

Multicultural integration implies full integration of immigrant communities into the social and physical urban environment

## **11. Health in towns**

### **PRINCIPLES**

The urban environment must be conducive to good health for all citizens

A reliable and durable supply of goods, meeting the fundamental needs of people, is a major factor in ensuring good health

Local authorities must encourage community-based health initiatives and participation

Urban health, a matter of international importance, involves the coordination of municipal action with international programmes

## **12. Citizen participation, urban management and urban planning**

### **PRINCIPLES**

Citizen participation, in local political life must be safeguarded through the right to elect local elected representatives freely and democratically

Citizen participation in local political life must also be effective at all levels of the local, political and administrative structure

Citizens are entitled to be consulted over all major projects affecting the future of the community

Urban management and planning must be based upon maximum information on the characteristics and special features of the town special features, potential, activities, development capacities and resources

Local political decisions should be based on urban and regional planning conducted by teams of professionals

Political choices, the final stage in the decision-making process, should be vital and comprehensible

Local authorities should ensure the participation of young people in local life

## **13. Economic development in cities**

### **PRINCIPLES**

Local authorities should ensure the economic development of their local communities

Economic and social development are inextricably linked

A town is economically and socially part of its surrounding region or hinterland

Economic growth and development depends upon an infrastructure adequate to produce, sustain and increase that growth

Collaboration between the private and public sectors is an important component in urban economic growth and development

Recommendation Concerning the

PRESERVATION OF CULTURAL PROPERTY  
ENDANGERED BY PUBLIC OR PRIVATE WORKS

**Preamble**

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 15 October to 20 November 1968, at its fifteenth session,

Considering that contemporary civilization and its future evolution rest upon, among other elements, the cultural traditions of the peoples of the world, their creative force and their social and economic development,

Considering that cultural property is the product and witness of the different traditions and of the spiritual achievements of the past and thus is an essential element in the personality of the peoples of the world,

Considering that it is indispensable to preserve it as much as possible, according to its historical and artistic importance, so that the significance and message of cultural property become a part of the spirit of peoples who thereby may gain consciousness of their own dignity,

Considering that preserving cultural property and rendering it accessible constitute, in the spirit of the Declaration of the Principles of International Cultural Co-operation adopted on 4 November 1966 in the course of its fourteenth session, means of encouraging mutual understanding among peoples and thereby serve the cause of peace,

Considering also that the well-being of all peoples depends, inter alia, upon the existence of a favourable and stimulating environment and that the preservation of cultural property of all periods of history contributes directly to such an environment,

Recognizing, on the other hand, the role that industrialization, towards which world civilization is moving, plays in the development of peoples and their spiritual and national fulfilment,

Considering, however, that the prehistoric, protohistoric and historic monuments and remains, as well as numerous recent structures having artistic, historic or scientific importance are increasingly threatened by public and private works resulting from industrial development and urbanization,

Considering that it is the duty of governments to ensure the protection and the preservation of the cultural heritage of mankind, as much as to promote social and economic development,

Considering in consequence that it is urgent to harmonize the preservation of the cultural heritage with the changes which follow from social and economic development, making serious efforts to meet both requirements in a broad spirit of understanding, and with reference to appropriate planning,

Considering equally that adequate preservation and accessibility of cultural property constitute a major contribution to the social and economic development of countries and regions which possess such treasures of mankind by means of promoting national and international tourism,

Considering finally that the surest guarantee for the preservation of cultural property rests in the respect and the attachment felt for it by the people themselves, and persuaded that such feelings may be greatly strengthened by adequate measures carried out by Member States,

Having before it proposals concerning the preservation of cultural property endangered by public or private works, which constitute item 16 on the agenda of the session,

Having decided at its thirteenth session that proposals on this item should be the subject of an international instrument in the form of a recommendation to Member States,

Adopts on this nineteenth day of November 1968 this recommendation.

The General Conference recommends that Member States should apply the following provisions by taking whatever legislative or other steps may be required to give effect within their respective territories to the norms and principles set forth in this recommendation.

The General Conference recommends that Member States should bring this recommendation to the attention of the authorities or services responsible for public or private works as well as to the bodies responsible for the conservation and the protection of monuments and historic, artistic, archaeological and scientific sites. It recommends that authorities and bodies which plan programmes for education and the development of tourism be equally informed.

The General Conference recommends that Member States should report to it, on the dates and in a manner to be determined by it, on the action they have taken to give effect to this recommendation.

## **I. Definition**

1. For the purpose of this recommendation, the term 'cultural property' applies to:

(a) Immovables, such as archaeological and historic or scientific sites, structures or other features of historic, scientific, artistic or architectural value, whether religious or secular, including groups of traditional structures, historic quarters in urban or rural built-up areas and the ethnological structures of previous cultures still extant in valid form. It applies to such immovables constituting ruins existing above the earth as well as to archaeological or historic remains found within the earth. The term cultural property also includes the setting of such property;

(b) Movable property of cultural importance including that existing in or recovered from immovable property and that concealed in the earth, which may be found in archaeological or historical sites or elsewhere.

2. The term 'cultural property' includes not only the established and scheduled architectural, archaeological and historic sites and structure, but also the unscheduled or unclassified vestiges of the past as well as artistically or historically important recent sites and structures.

## II. General principles

3. Measures to preserve cultural property should extend to the whole territory of the State and should not be confined to certain monuments and sites.

4. Protective inventories of important cultural property, whether scheduled or unscheduled, should be maintained. Where such inventories do not exist, priority should be given in their establishment to the thorough survey of cultural property in areas where such property is endangered by public or private works.

5. Due account should be taken of the relative significance of the cultural property concerned when determining measures required for the:

(a) Preservation of an entire site, structure, or other forms of immovable cultural property from the effects of private or public works;

(b) Salvage or rescue of cultural property if the area in which it is found is to be transformed by public or private works, and the whole or a part of the property in question is to be preserved and removed.

6. Measures should vary according to the character, size and location of the cultural property and the nature of the dangers with which it is threatened.

7. Measures for the preservation or salvage of cultural property should be preventive and corrective.

8. Preventive and corrective measures should be aimed at protecting or saving cultural property from public or private works likely to damage and destroy it, such as:

(a) Urban expansion and renewal projects, although they may retain scheduled monuments while sometimes removing less important structures, with the result that historical relations and the setting of historic quarters are destroyed;

(b) Similar projects in areas where groups of traditional structures having cultural value as a whole risk being destroyed for the lack of a scheduled individual monument;

(c) Injudicious modifications and repair of individual historic buildings;

(d) The construction or alteration of highways which are a particular danger to sites or to historically important structures or groups of structures;

(e) The construction of dams for irrigation, hydroelectric power or flood control;

(f) The construction of pipelines and of power and transmission lines of electricity;

(g) Farming operations including deep ploughing, drainage and irrigation operations, the clearing and levelling of land and afforestation;

(h) Works required by the growth of industry and the technological progress of industrialized societies such as airfields, mining and quarrying operations and dredging and reclamation of channels and harbours.

**9.** Member States should give due priority to measures required for the preservation in situ of cultural property endangered by public or private works in order to preserve historical associations and continuity. When overriding economic or social conditions require that cultural property be transferred, abandoned or destroyed, the salvage or rescue operations should always include careful study of the cultural property involved and the preparations of detailed records.

**10.** The results of studies having scientific or historic value carried out in connexion with salvage operations, particularly when all or much of the immovable cultural property has been abandoned or destroyed, should be published or otherwise made available for future research.

**11.** Important structures and other monuments which have been transferred in order to save them from destruction by public or private works should be placed on a site or in a setting which resembles their former position and natural, historic or artistic associations.

12. Important movable cultural property, including representative samples of objects recovered from archaeological excavations, obtained from salvage operations should be preserved for study or placed on exhibition in institutions such as museums including site museums, or universities.

### III. Preservation and salvage measures

13. The preservation or salvage of cultural property endangered by public or private works should be ensured through the means mentioned below the precise measures to be determined by the legislation and organizational system of the State:

- (a) Legislation;
- (b) Finance;
- (c) Administrative measures;
- (d) Procedures to preserve and to salvage cultural property;
- (e) Penalties;
- (f) Repairs;
- (g) Awards;
- (h) Advice;
- (i) Educational programmes.

#### Legislation

14. Member States should enact or maintain on the national as well as on the local level the legislative measures necessary to ensure the preservation or salvage of cultural property endangered by public or private works in accordance with the norms and principles embodied in this recommendation.

## Finance

15. Member States should ensure that adequate budgets are available for the preservation or salvage of cultural property endangered by public or private works. Although differences in legal systems and traditions as well as disparity in resources preclude the adoption of uniform measures, the following should be considered:

(a) The national or local authorities responsible for the safeguarding of cultural property should have adequate budgets to undertake the preservation or salvage of cultural property endangered by public or private works; or

(b) The costs of preserving or salvaging cultural property endangered by public or private works including preliminary archaeological research should form part of the budget of construction costs; or

(c) The possibility of combining the two methods mentioned in subparagraphs a and b above should be provided for.

16. In the event of unusual costs due to the size and complexity of the operations required, there should be possibilities of obtaining additional funds through enabling legislation, special subventions, a national fund for monuments or other appropriate means. The services responsible for the safeguarding of cultural property should be empowered to administer or to utilize these extra-budgetary contributions required for the preservation or salvage of cultural property endangered by public or private works.

17. Member States should encourage proprietors of artistically or historically important structures, including structures forming part of a traditional group, or residents in a historic quarter in urban or rural built-up areas to preserve the character and aesthetic qualities of their cultural property, which would otherwise be endangered by public or private works, through:

(a) Favourable tax rates; or

(b) The establishment, through appropriate legislation, of a budget to assist, by grants, loans or other measures, local authorities, institutions and private owners of artistically, architecturally, scientifically or historically important structures including groups of traditional structures to maintain or to adapt

them suitably for functions which would meet the needs of contemporary society; or

(c) The possibility of combining the two methods mentioned in subparagraphs a and b above should be provided for.

**18.** If the cultural property is not scheduled or otherwise protected it should be possible for the owner to request such assistance from the appropriate authorities.

**19.** National or local authorities, as well as private owners, when budgeting for the preservation of cultural property endangered by public or private works, should take into account the intrinsic value of cultural property and also the contribution it can make to the economy as a tourist attraction.

#### **Administrative measures**

**20.** Responsibility for the preservation or salvage of cultural property endangered by public or private works should be entrusted to appropriate official bodies. Whenever official bodies or services already exist for the protection of cultural property, these bodies or services should be given responsibility for the preservation of cultural property against the dangers caused by public or private works. If such services do not exist, special bodies or services should be created for the purpose of the preservation of cultural property endangered by public or private works; and although differences of constitutional provisions and traditions preclude the adoption of a uniform system, certain common principles should be adopted.

(a) There should be a co-ordinating or consultative body, composed of representatives of the authorities responsible for the safeguarding of cultural property, for public and private works, for town planning, and of research and educational institutions, which should be competent to advise of the preservation of cultural property endangered by public or private works and, in particular, on conflicts of interest between requirements for public or private works and the preservation or salvage of cultural property.

b) Provincial, municipal or other forms of local government should also have services responsible for the preservation or salvage of cultural property endangered by public or private works. These services should be able to call upon the assistance of national services or other

appropriate bodies in accordance with their capabilities and requirements.

(c) The services responsible for the safeguarding of cultural property should be adequately staffed with the specialists required for the preservation or salvage of cultural property endangered by public or private works, such as architects, urbanists, archaeologists, historians, inspectors and other specialists and technicians.

(d) Administrative measures should be taken to co-ordinate the work of the different services responsible for the safeguarding of cultural property with that of other services responsible for public and private works and that of any other department or service whose responsibilities touch upon the problem of the preservation or salvage of cultural property endangered by public or private works.

(e) Administrative measures should be taken to establish an authority or commission in charge of urban development programmes in all communities having scheduled or unscheduled historic quarters, sites and monuments which need to be preserved against public and private construction.

**21.** At the preliminary survey stage of any project involving construction in a locality recognized as being of cultural interest or likely to contain objects of archaeological or historical importance, several variants of the project should be prepared, at regional or municipal level, before a decision is taken. The choice between these variants should be made on the basis of a comprehensive comparative analysis, in order that the most advantageous solution, both economically and from the point of view of preserving or salvaging cultural property, may be adopted.

### **Procedures to preserve and to salvage cultural property**

**22.** Thorough surveys should be carried out well in advance of any public or private works which might endanger cultural property to determine:

(a) The measures to be taken to preserve important cultural property in situ;

(b) The amount of salvage operations which would be required such as the selection of archaeological sites to be excavated, structures to be transferred and movable cultural property salvaged, etc.

**23.** Measures for the preservation or salvage of cultural property should be carried out well in advance of public or private works. In areas of archaeological or cultural importance, such as historic towns, villages, sites and districts, which should be protected by the legislation of every country, the starting of new work should be made conditional upon the execution of preliminary archaeological excavations. If necessary, work should be delayed to ensure that adequate measures are taken for the preservation or salvage of the cultural property concerned.

**24.** Important archaeological sites, and, in particular, prehistoric sites as they are difficult to recognize, historic quarters in urban or rural areas, groups of traditional structures, ethnological structures of previous cultures and other immovable cultural property which would otherwise be endangered by public or private works should be protected by zoning or scheduling:

(a) Archaeological reserves should be zoned or scheduled and, if necessary, immovable property purchased, to permit thorough excavation or the preservation of the ruins found at the site.

(b) Historic quarters in urban or rural centres and groups of traditional structures should be zoned and appropriate regulations adopted to preserve their setting and character, such as the imposition of controls on the degree to which historically or artistically important structures can be renovated and the type and design of new structures which can be introduced. The preservation of monuments should be an absolute requirement of any well-designed plan for urban redevelopment especially in historic cities or districts. Similar regulations should cover the area surrounding a scheduled monument or site and its setting to preserve its association and character. Due allowance should be made for the modification of ordinary regulations applicable to new construction; these should be placed in abeyance when new structures are introduced into an historical zone. Ordinary types of commercial advertising by means of posters and illuminated announcements should be forbidden, but commercial establishments could be allowed to indicate their presence by means of judiciously presented signs.

**25.** Member States should make it obligatory for persons finding archaeological remains in the course of public or private works to declare them at the earliest

possible moment to the competent service. Careful examination should be carried out by the service concerned and, if the site is important, construction should be deferred to permit thorough excavation, due allowance or compensation being made for the delays incurred.

**26.** Member States should have provisions for the acquisition, through purchase, by national or local governments and other appropriate bodies of important cultural property endangered by public or private works. When necessary, it should be possible to effect such acquisition through expropriation.

### **Penalties**

**27.** Member States should take steps to ensure that offences, through intent or negligence, against the preservation or salvage of cultural property endangered by public or private works are severely punished by their Penal Code, which should provide for fines or imprisonment or both.

In addition, the following measures could be applied:

a) Whenever possible, restoration of the site or structure at the expense of those responsible for the damage to it:

(b) In the case of a chance archaeological find, payment of damages to the State when immovable cultural property has been damaged, destroyed or neglected: confiscation without compensation when a movable object has been concealed.

### **Repairs**

**28.** Member States should, when the nature of the property so allows, adopt the necessary measures to ensure the repair, restoration or reconstruction of cultural property damaged by public or private works. They should also foresee the possibility of requiring local authorities and private owners of important cultural property to carry out repairs or restorations, with technical and financial assistance if necessary.

### **Awards**

**29.** Member States should encourage individuals, associations and municipalities to take part in programmes for the preservation or salvage of cultural property endangered by public or private works. Measures to that effect could include:

- (a) Ex gratia payments to individuals reporting or surrendering hidden archaeological finds;
- (b) Awards of certificates, medals or other forms of recognition to individuals, even if they belong to government service associations, institutions or municipalities which have carried out outstanding projects for the preservation or salvage of cultural property endangered by public or private works.

### **Advice**

**30.** Member States should provide individuals associations or municipalities lacking the required experience or staff with technical advice or supervision to maintain adequate standards for the preservation or salvage of cultural property endangered by public or private works.

### **Educational programmes**

**31.** In a spirit of international collaboration, Member States should take steps to stimulate and develop among their nationals interest in, and respect for, the cultural heritage of the past of their own and other traditions in order to preserve or to salvage cultural property endangered by public or private works.

**32.** Specialized publications, articles in the press, and radio and television broadcasts should publicize the nature of the dangers to cultural property arising from ill-conceived public or private works as well as cases where cultural property has been successfully preserved or salvaged.

**33.** Educational institutions, historical and cultural associations, public bodies concerned with the tourist industry and associations for popular education should have programmes to publicize the dangers to cultural property arising from short-sighted public or private works and to underline the fact that projects to preserve cultural property contribute to international understanding.

**34.** Museums and educational institutions and other interested organizations should prepare special exhibitions on the dangers to cultural property arising from uncontrolled public or private works and on the measures which have been used to preserve or to salvage cultural property which has been endangered.



Recomendação Respeitante à  
PROTECÇÃO, NO PLANO NACIONAL, DO PATRIMÓNIO CULTURAL E NATURAL

(Aprovada pela 17.<sup>a</sup> Sessão da Conferência Geral da UNESCO, reunida em Paris  
a 16 de Novembro de 1972)

A Conferência Geral da Organização das Nações Unidas para a Educação, a Ciência e a Cultura, reunida em Paris, de 17 de Outubro a 21 de Novembro de 1972, na sua décima sétima sessão;

Considerando que numa sociedade cujas condições de vida se transformam a uma velocidade acelerada, é fundamental para o equilíbrio e realização do Homem a conservação de um quadro de vida à sua dimensão onde permaneça em contacto com a natureza e os testemunhos de civilizações deixados pelas gerações passadas, e que é conveniente, para esse fim, a atribuição aos bens do património cultural e natural de uma função activa na vida colectiva assim como a integração das obras do nosso tempo e dos valores do passado ou as belezas naturais, numa política de conjunto;

Considerando que esta integração na vida social e económica deve ser um dos aspectos fundamentais do ordenamento do território e da planificação nacional em todos os níveis;

Considerando que perigos particularmente graves nascidos de fenómenos novos inerentes à nossa época ameaçam o património cultural e natural que constitui um elemento essencial do património da humanidade e uma fonte de enriquecimento e desenvolvimento harmonioso para a civilização presente e futura;

Considerando que cada bem do património cultural e natural é único e que o desaparecimento de um deles constitui uma perda definitiva e um empobrecimento irreversível desse património;

Considerando que cada país em cujo território se encontram situados os bens do património cultural e natural tem o dever de salvaguardar esta parte do património da humanidade e de assegurar a sua transmissão às gerações futuras;

Considerando que o estudo, o conhecimento, a protecção do património cultural e natural nos diferentes países do mundo favorecem a compreensão mútua entre os povos;

Considerando que o património cultural e natural constitui um todo harmonioso cujos elementos são indissociáveis;

Considerando que uma política pensada e formulada em comum para a protecção do património cultural e natural é susceptível de criar uma interacção permanente entre os Estados membros e de ter um efeito decisivo quanto às actividades empreendidas pela Organização das Nações Unidas para a educação, a ciência e a cultura, neste domínio;

Constatando que a Conferência Geral já adoptou instrumentos internacionais para a protecção do património cultural e natural tais como a Recomendação que define os princípios internacionais a aplicar no que se refere a escavações arqueológicas (1956), a Recomendação relativa à salvaguarda da beleza e do carácter das paisagens e sítios (1962) e a Recomendação relativa a preservação dos bens culturais postos em perigo por obras públicas e privadas (1968);

Desejando completar e alargar o âmbito das normas e princípios formulados em tais recomendações;

Estando na posse de propostas respeitantes à protecção do património cultural e natural, questão que constitui o ponto 23 da ordem do dia da sessão;

Depois de ter decidido, aquando da décima sexta sessão, que esta questão seria objecto de uma regulamentação internacional por via duma Recomendação aos Estados membros;

Adopta neste décimo sexto dia de Novembro de 1972, a presente Recomendação.

## **I Definições do Património Cultural e Natural**

1. Para os fins da presente Recomendação são considerados como "património cultural":

- Os monumentos: obras arquitectónicas, escultura ou pintura monumentais, incluindo grutas e inscrições, assim como os elementos, grupos de elementos ou estruturas de especial valor do ponto de vista arqueológico, histórico, artístico ou científico;
- Os conjuntos: grupos de construções isoladas ou reunidas que pela sua arquitectura, unidade ou integração na paisagem, têm um valor especial do ponto de vista da história, arte ou ciência;
- Os lugares: zonas topográficas, obras conjugadas do Homem e da Natureza que têm um valor especial devido à sua beleza ou ao seu interesse do ponto de vista arqueológico, histórico, etnológico ou antropológico.

2. Para os fins da presente Recomendação são considerados como "património natural":

- Os monumentos naturais constituídos por formações físicas e biológicas ou por grupos dessas formações, que tenham um valor especial do ponto de vista estético ou científico;
- As formações geológicas e fisiográficas e as zonas rigorosamente delimitadas que constituam o habitat de espécies animais e vegetais preciosas ou ameaçadas, que tenham um valor especial do ponto de vista da ciência, ou da conservação;
- Os lugares naturais ou as zonas naturais rigorosamente delimitadas que tenham um valor especial do ponto de vista da ciência, da conservação, da beleza natural, ou das obras conjugadas do Homem e da Natureza.

## II. Política Nacional

3. Cada Estado deverá formular, desenvolver e aplicar, na medida do possível e em conformidade com a sua regulamentação constitucional e a sua legislação, uma política nacional cujo objectivo principal consista na coordenação e

utilização de todas as possibilidades científicas, técnicas, culturais e outras com vista a assegurar uma protecção, conservação e uma valorização eficazes do seu património cultural e natural.

### **III. Princípios Gerais**

4. O Património cultural e natural constitui uma riqueza cuja protecção, conservação e valorização impõem aos Estados em cujos territórios está situado, responsabilidades tanto em relação aos nacionais como à totalidade da comunidade internacional; Os Estados deverão tomar todas as medidas necessárias para fazer face a estas responsabilidades.

5. O Património cultural ou natural deverá ser considerado globalmente como um todo homogéneo que compreende não só as obras que representam um valor de grande importância mas ainda os elementos mais modestos que adquiriram um valor cultural ou natural.

6. Nenhuma destas obras e nenhum destes elementos deverão em qualquer caso ser dissociados do seu meio ambiente.

7. Uma vez que a protecção, conservação e a valorização do património cultural e natural têm como finalidade o desenvolvimento harmonioso do Homem, deverá ser dada, na medida do possível, uma nova orientação pelos Estados membros à sua actuação neste domínio, a fim de que o património cultural e natural não apareça mais como um travão ao desenvolvimento nacional mas como um factor determinante desse desenvolvimento.

8. A protecção, a conservação e a valorização do património cultural e natural deverão ser encaradas como um dos aspectos fundamentais do ordenamento do território e de planificação, a nível nacional, regional ou local.

9. Uma política activa de conservação e de integração do património cultural e natural na vida colectiva deverá ser desenvolvida. Os Estados membros deverão pôr em prática uma acção concertada de todos os serviços públicos e privados interessados tendo em vista a formulação e aplicação desta política. As medidas de carácter preventivo e correctivo respeitando ao património cultural e natural deverão ser completadas por outras que apontem a cada bem deste património uma função que o insira na vida social, económica, científica e cultural Presente e futura de Nação, função essa compatível com o carácter cultural e natural do

bem em causa. A acção efectuada a fim de proteger o património cultural e natural deverá poder beneficiar dos progressos científicos e técnicos de todas as disciplinas implicadas na protecção, conservação e valorização do património cultural e natural.

**10.** Meios financeiros cada vez mais consideráveis deverão, na medida do possível, ser afectados, a título de participação dos poderes públicos, à salvaguarda e à valorização do património cultural e natural.

**11.** As populações locais deverão ser associadas directamente às medidas de protecção e de conservação a tomar, assim como consultadas com vista à obtenção de sugestões e ajuda, nomeadamente no que se refere ao respeito e vigilância do património cultural e natural. Poderá igualmente ser encarada a possibilidade de realização de um apoio financeiro do sector privado.

#### **IV. Organização dos Serviços**

**12.** Embora a diversidade não permita a todos os Estados membros a adopção de uma organização uniforme, alguns critérios comuns deverão contudo ser retidos.

##### **Serviços públicos especializados**

**13.** Os Estados membros deverão instituir no seu território, tendo em conta as condições próprias de cada país, e na medida em que não existam já um ou vários serviços públicos especializados encarregues de assegurar de forma eficaz as funções aqui enumeradas:

a) Elaborar e pôr em prática todas as medidas necessárias que tenham por objecto a protecção, conservação e valorização do património cultural e natural e a sua integração na vida colectiva, e primeiro que tudo elaborar um inventário de protecção desse património e estabelecer os serviços de documentação adequados;

b) Formar e recrutar o pessoal científico, técnico e administrativo encarregue de elaborar os programas de identificação, protecção, conservação e integração e dirigir a sua execução;

- c) Organizar uma cooperação estreita entre as diferentes disciplinas no seio dos estabelecimentos (de ensino) encarregados de estudar os problemas de conservação técnica do património cultural e natural;
- d) Criar ou dispor de laboratórios e efectuar estudos no local, respeitando todos os problemas científicos que sejam levantados pela conservação do património cultural e natural;
- e) Velar para que todos os proprietários ou titulares de direitos efectuem os restauros necessários e assegurem a manutenção dos imóveis nas melhores condições artísticas e técnicas.

### **Organismos consultivos**

- 14.** Os serviços especializados deverão ser assistidos por organismos consultivos encarregues de emitir pareceres sobre a elaboração de medidas respeitantes ao património cultural e natural. Estes organismos consultivos deverão compreender nomeadamente peritos, representantes das grandes associações de defesa do património cultural e natural e das administrações interessadas.

### **Cooperação entre organismos**

- 15.** Os serviços especializados na protecção, conservação e valorização do património cultural e natural deverão realizar as suas tarefas em conjugação e em pé de igualdade com os outros serviços públicos, nomeadamente aqueles que estão encarregues do ordenamento do território, das grandes obras de equipamento, da planificação económica e social. Os programas de desenvolvimento turístico que impliquem o património cultural e natural não deverão atentar contra o carácter e a importância desses bens. Deverão igualmente ser tomadas medidas, de forma a estabelecer uma ligação adequada entre as autoridades interessadas.

- 16.** Deverá ser organizada uma colaboração permanente a todos os níveis entre os serviços especializados que se ocupam dos projectos importantes assim como deverão ser tomadas as medidas de coordenação para esse efeito, a fim de que as decisões concertadas tenham em conta os diversos interesses em presença. Desde o início da concepção dos estudos, deverão ser previstas medidas para o estabelecimento de um processo que permita a resolução dos diferendos.

## **Competência dos organismos centrais, federais, regionais ou locais**

**17.** Tendo em conta que os problemas de conservação e valorização do património cultural e natural são delicados, que implicam conhecimentos especiais, escolhas por vezes difíceis e que não existe pessoal especializado nesse domínio em número suficiente, a repartição das tarefas entre autoridades centrais ou federais e as autoridades regionais ou locais deverá ser feita seguindo um equilíbrio judicioso e adaptado à situação de cada Estado, em tudo o que respeita à elaboração e à realização de todas as medidas de protecção.

## **V. Medidas de Protecção**

**18.** Os Estados membros deverão, na medida do possível, tomar as medidas científicas, técnicas, administrativas, jurídicas e financeiras necessárias para assegurar a protecção do património cultural e natural situado no seu território. Estas medidas serão determinadas em conformidade com a legislação e a organização do Estado.

### **Medidas científicas e técnicas**

**19.** Os Estados membros deverão proceder a uma conservação cuidadosa e regular do seu património cultural e natural, a fim de evitar o recurso a operações onerosas devido à degradação; deverão programar, para esse efeito, uma vigilância regular dos bens do património, efectuada por inspecções periódicas. Deverão além do mais estabelecer um programa minuciosamente planificado de conservação e valorização que englobará progressivamente a totalidade do património cultural e natural, consoante as possibilidades científicas, técnicas e financeiras de que dispõem.

**20.** Segundo a sua importância, os trabalhos indispensáveis deverão ser precedidos e acompanhados de estudos aprofundados. Estes estudos deverão ser realizados em cooperação com ou por todos os especialistas interessados.

**21.** Os Estados membros deverão investigar sobre os métodos mais eficazes com vista ao reforço da protecção dos bens do património cultural e natural ameaçados por perigos de gravidade excepcional. Estes métodos deverão ter em conta a interdependência dos problemas científicos, técnicos e artísticos que se levantam e permitir a determinação das medidas a tomar.

**22.** Além do mais, estes bens do património cultural deverão ser afectos à função que detinham anteriormente ou a uma mais apropriada, na condição que o seu valor cultural não seja empobrecido.

**23.** As intervenções que tenham de ser feitas no património cultural deverão ter por objectivo a conservação do seu aspecto tradicional, a sua protecção de qualquer construção nova urbanística ou ordenamento que possa alterar o equilíbrio de volumes, e cores em relação ao seu enquadramento.

**24.** Os laços que o tempo e os Homens estabeleceram entre um monumento e a sua vizinhança são de uma importância capital e, regra geral, não deverão ser alvo de perturbações ou destruições. O isolamento de um monumento pela supressão dos edifícios vizinhos ou pela mudança total do seu local de implantação ou pela sua transposição para outro local não deverá ser encarado senão como solução excepcional justificada por razões imperiosas.

**25.** Os Estados membros deverão tomar medidas para proteger o seu património cultural e natural contra as repercussões desfavoráveis que possa provocar o desenvolvimento tecnológico da nossa civilização. Estas medidas deverão ter por objecto a luta contra os choques e vibrações das máquinas e meios de transporte. Deverão ainda conter disposições contra poluições, flagelos naturais e calamidades, assim como disposições destinadas à reparação dos danos sofridos pelo património cultural e natural.

**26.** Para a reanimação dos conjuntos que não obedeçam a regras idênticas, deverão os Estados membros promover para cada caso um inquérito de ciências sociais, a fim de determinar com precisão as necessidades sócio-culturais no meio onde se encontra o conjunto a reanimar. Toda a operação de reanimação deverá especialmente ter por objectivo permitir ao Homem trabalhar nesse conjunto e aí se desenvolver.

**27.** Os Estados membros deverão proceder a estudos e pesquisas sobre a geologia e a ecologia dos diversos bens do património cultural, tais como os parques naturais, as reservas de fauna e flora, os refúgios, os parques de diversão ou outras reservas análogas, a fim de compreender o seu valor científico, de determinar as consequências de admissão do público e prevenir as suas implicações, quer para evitar que o património seja gravemente prejudicado quer para assegurar uma base suficiente para a conservação da fauna e da flora.

**28.** Os Estados membros deverão seguir o progresso dos transportes, das comunicações, das técnicas audiovisuais, do tratamento automático da informação e outras técnicas apropriadas, assim como as tendências da vida cultural e dos tempos livres, a fim de que os melhores meios e serviços possam ser postos à disposição do estudo, da pesquisa científica e do público, segundo a vocação de cada zona, sem deteriorar as zonas naturais.

### **Medidas administrativas**

**29.** Cada Estado membro deverá realizar o mais cedo possível um inventário de protecção do seu património cultural e natural incluindo aqueles bens que, embora sem importância excepcional, são inseparáveis do meio para cuja caracterização contribuem.

**30.** Os resultados dos trabalhos de recenseamento do património cultural e natural deverão ser reagrupados de forma apropriada e regularmente actualizados.

**31.** Para assegurar a integração activa do património cultural e natural a todos os níveis de planificação, os Estados membros deverão preparar os mapas assim como a documentação, o mais completa possível, com a menção dos bens culturais e naturais considerados.

**32.** Os Estados membros deverão preocupar-se com a atribuição de uma função adequada aos conjuntos históricos que perderam a sua vocação original.

**33.** Deverá ser estabelecido um plano para a protecção, a conservação, valorização e reanimação dos conjuntos históricos e artísticos; ele deverá incluir perímetros de protecção, fixar as condições de utilização do solo e mencionar os imóveis a conservar e as condições dessa conservação. Este plano deverá ser inserido na política de urbanização e ordenamento do território das zonas interessadas.

**34.** Os planos de reanimação deverão determinar quais as funções readquiridas pelos imóveis históricos e as relações entre o sector de reanimação e o tecido urbano que o rodeia. Quando está em estudo o estabelecimento de um sector de reanimação, as colectividades e os representantes dos habitantes deverão ser consultados.

**35.** Todas as obras que possam ter como consequência a modificação do estado dos imóveis compreendidos num sector protegido, só deverão ser submetidos à

autorização dos serviços responsáveis pelo ordenamento do território depois do parecer favorável dos serviços responsáveis pela protecção do património cultural e natural.

**36.** Na medida em que elas não modifiquem a disposição característica das habitações antigas, as transformações interiores deverão ser autorizadas com vista a dotar os edifícios do conforto necessário ao agrado dos seus ocupantes.

**37.** Os Estados membros deverão pôr em prática planos a curto e longo prazos baseados nos inventários dos seus patrimónios naturais, planos esses visando a criação de uma rede que responda às necessidades da Nação.

**38.** Os Estados membros deverão criar um serviço consultivo encarregue de orientar as organizações não-governamentais e os proprietários de bens de raiz quanto às políticas de conservação nacional compatíveis com uma utilização produtiva da terra.

**39.** Os Estados membros deverão elaborar políticas e programas visando a restauração das zonas naturais que foram degradadas pela indústria ou outras acções humanas.

### **Medidas jurídicas**

**40.** Tendo em conta o interesse que ele representa, o património cultural e natural deverá ser protegido, nos seus elementos individuais ou na sua totalidade, pelas medidas legislativas ou regulamentares, segundo a competência e os procedimentos jurídicos de cada país.

**41.** As medidas de protecção deverão, se necessário, ser alargadas por disposições novas destinadas a reforçar a conservação do património cultural ou natural e facilitar a valorização dos seus elementos constitutivos. Para este fim, o respeito pelas medidas de protecção deverá ser imposto aos proprietários privados e às colectividades públicas quando eles são proprietários de elementos do património cultural e natural.

**42.** Quando um imóvel estiver situado no interior ou na proximidade de um bem protegido, ele não deverá ser objecto de qualquer nova construção, de nenhuma demolição, de nenhum desbaratamento, de nenhuma transformação ou modificação que possa afectar o seu aspecto, sem uma autorização dos serviços especializados.

**43.** Os textos legislativos relativos à implantação de indústrias, ou a obras públicas e privadas, deverão ter em conta as legislações existentes em matéria de conservação. As autoridades responsáveis pela protecção do património cultural e natural poderão intervir a fim de apressar a execução das obras de conservação necessárias, ajudando o proprietário com ajudas financeiras, ou substituindo-o e executando os trabalhos por sua iniciativa própria, tendo, no entanto, direito à obtenção do reembolso da parte que lhe toca.

**44.** Um imóvel ou um lugar natural protegido poderá ser expropriado pelas autoridades públicas no interesse da conservação do património, de acordo com as condições fixadas pela legislação anterior.

**45.** Os Estados membros deverão regulamentar a colagem de cartazes, a publicidade luminosa ou não, as placas comerciais, o campismo, a colocação de suportes, de cabos eléctricos ou telefones, a instalação de antenas de televisão, a circulação e estacionamento de qualquer veículo, a colocação de placas de indicação, a instalação de móveis urbanos, etc.; e de um modo geral, de todos os equipamentos e ocupação de bens que façam parte do património cultural e natural.

**46.** Os efeitos das medidas tomadas para a protecção dos elementos do património natural ou cultural deverão seguir estes elementos por onde quer que eles passem. Quem alienar um imóvel ou um sítio natural protegido deverá dar conhecimento ao novo proprietário da existência da protecção.

**47.** Em conformidade com as disposições legais e constitucionais de cada Estado, deverão ser previstas penas e sanções administrativas a quem quer que tenha intencionalmente destruído, mutilado ou degradado um monumento, um conjunto, ou um sítio arqueológico, histórico ou artístico. Estas medidas poderão ser completadas pelo confisco dos equipamentos utilizados em escavações ilícitas.

**48.** Penas ou sanções administrativas deverão atingir os autores de qualquer outra infracção à protecção ou à valorização de um bem protegido do património cultural ou natural; as sanções deverão igualmente prever a reposição dos lugares no seu estado anterior, segundo as normas científicas e técnicas.

## **Medidas financeiras**

**49.** As autoridades centrais e locais deverão, na medida do possível, consagrar uma certa percentagem do seu orçamento, proporcional à importância dos bens protegidos que entram no seu património cultural ou natural, a fim de satisfazer a manutenção, conservação e valorização dos bens de que são proprietários e de participar financeiramente nos ditos trabalhos realizados nesses bens pelos proprietários públicos ou privados.

**50.** As despesas que resultem da protecção, conservação e valorização dos bens do património cultural e natural que constituem propriedade privada deverão o mais possível incumbir aos seus proprietários ou aos seus utilizadores.

**51.** Regimes fiscais privilegiados, doações ou empréstimos acordados em condições favoráveis poderão ser concedidos aos proprietários privados, na condição de que estes procedam aos trabalhos de protecção, conservação, valorização e reanimação dos seus bens imobiliários, e na condição de que os trabalhos a efectuar sejam conformes às normas reconhecidas na matéria.

**52.** Se necessário, poderão ser concedidas, indemnizações aos proprietários dos sítios culturais e naturais protegidos, por prejuízos que tenham sofrido em consequência da realização de um programa de protecção.

**53.** As vantagens financeiras concedidas aos proprietários privados deverão eventualmente ser subordinadas ao respeito de certas condições impostas para proveito do público: acesso aos parques, jardins e sítios, visita total ou parcial dos sítios naturais, interiores de monumentos e conjuntos, miradouros, etc.

**54.** Dotações especiais deverão estar previstas nos orçamentos das entidades públicas para a protecção do património cultural e natural posto em perigo por grandes obras públicas ou privadas.

**55.** Para aumentar os meios financeiros à sua disposição, os Estados membros poderão instituir uma ou várias "Caixa(s) para o património cultural e natural", estabelecimentos públicos financeiros dotados de personalidade moral, e podendo receber doações de particulares, nomeadamente de empresas industriais e comerciais.

**56.** Deverão igualmente ser concedidas aos particulares que façam doações ou liberalidades, regimes fiscais privilegiados para aquisição, restauro ou conservação dos elementos específicas do património cultural ou natural.

**57.** A fim de facilitar as operações de reanimação do património cultural e natural, os Estados membros tomarão as medidas particulares, nomeadamente sob forma de empréstimos para renovação e restauração, e tomarão também as medidas regulamentares indispensáveis para evitar a subida especulativa dos preços de terrenos nas zonas consideradas.

**58.** Para evitar a substituição das populações em detrimento dos habitantes menos favorecidos nos imóveis ou conjuntos reanimados, poderão ser considerados subsídios de compensação das subidas de renda, com vista a permitir aos habitantes dos imóveis submetidos à reanimação, a conservação dos seus alojamentos. Estas indemnizações temporárias, determinadas em função dos rendimentos dos interessados, permitirão a estes últimos fazer face aos encargos acrescidos inerentes aos trabalhos realizados.

**59.** Os Estados membros poderão facilitar o financiamento das obras, qualquer que seja a sua natureza, realizadas em proveito do património cultural e natural instituindo uma "Caixa de empréstimos", organismo que beneficiaria da ajuda de instituições públicas e de créditos privados, encarregue de conceder empréstimos aos proprietários a taxas de juro reduzidas a par de prazos de reembolso alargados.

## **VI. Acção Educativa e Cultural**

**60.** Cursos regulares, conferências, estágios de estudo, etc..., sobre história de arte, arquitectura, meio ambiente e urbanismo deverão ser dadas pelas universidades, estabelecimentos de ensino, a todos os níveis, e por aqueles que se consagram à educação permanente.

**61.** Os Estados membros deverão empreender uma acção educativa com vista a alertar a consciência da população e a desenvolver o seu respeito pelo património cultural e natural. Deverá ser feito um esforço contínuo no sentido de informar o público sobre as realidades da protecção do património cultural ou natural e para lhe inculcar o apreço e respeito pelos valores que ele comporta. Para este efeito deverá ser feito apelo, segundo as necessidades, a todos os meios de informação.

**62.** Tendo em consideração o grande valor económico e social do património cultural e natural, deverão ser tomadas medidas para promover e reforçar o

grande valor cultural e educativo deste património que constitui a motivação fundamental da sua protecção, conservação e da sua valorização.

**63.** Qualquer intervenção a favor dos bens do património cultural e natural deverá ter em conta este valor cultural e educativo que resulta da qualidade de testemunhos de um meio ambiente, duma arquitectura e de um urbanismo à medida e à escala humana.

**64.** Deverão ser criadas organizações de beneficência, a fim de encorajar as autoridades nacionais e locais a fazer pleno uso dos seus poderes em matéria de protecção, apoiá-las ou eventualmente arranjar-lhes fundos. Estes organismos deverão manter relações com as sociedades históricas locais, sociedades de embelezamento, comités de iniciativa, organismos turísticos, etc..., os quais poderão igualmente organizar para os seus membros passeios e visitas, guiadas comentadas aos bens culturais e naturais.

**65.** Poderão ser organizados centros de iniciativa, museus e exposições para explicar os trabalhos empreendidos sobre os bens culturais e naturais reanimados.

## **VII. Cooperação Internacional**

**66.** Os Estados membros deverão colaborar no domínio de protecção, conservação e valorização do património cultural e natural, podendo recorrer, se desejável, à ajuda de organizações internacionais, intergovernamentais e não governamentais. Esta cooperação, multilateral ou bilateral, deverá ser judiciosamente coordenada e ser concretizada por medidas tais como as seguintes:

- a) Troca de informações e de publicações científicas e técnicas;
- b) Organizações de estágios de estudos e de grupos de trabalho sobre temas determinados;
- c) Atribuição de bolsas de estudo e de viagens; envio de pessoal científico técnico e administrativo e de material;
- d) Concessão de facilidades para a formação científica e técnica no estrangeiro, graças à admissão de jovens investigadores e técnicos nos

estaleiros de arquitectura e de escavações arqueológicas, assim como nos lugares naturais cuja conservação está em causa.

e) Coordenação num grupo de Estados membros de grandes projectos de conservação, escavações, de restauração e de reanimação com vista à difusão da experiência adquirida.