



UNIVERSITÀ  
DEGLI STUDI  
DI PADOVA



UNIVERSIDADE  
DE ÉVORA

**UNIVERSITÀ DEGLI STUDI DI PADOVA**

DIPARTIMENTO DI SCIENZE STORICHE, GEOGRAFICHE E DELL'ANTICHITÀ

**LAUREA MAGISTRALE IN**

**TECNICHE, PATRIMONIO, TERRITORI DELL'INDUSTRIA -  
TECHNIQUES, PATRIMOINE, TERRITOIRES DE L'INDUSTRIE**

MASTER ERASMUS MUNDUS TPTI

TESI DI LAUREA  
Mémoire de Master

**THE ENHANCEMENT OF INDUSTRIAL HERITAGE: DEMOCRATIC  
PARTICIPATION AND GOVERNANCE**

**La valorisation du patrimoine industriel: la participation démocratique et la gouvernance**

**Relatore:** Prof. Marco Giampieretti  
Prof. Giovanni Luigi Fontana

**Laureanda:** Adriana Giroletti  
**Matricola:** 121135

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## **ABBREVIATIONS**

AHD - Authorized Heritage Discourse'

CESCR - The Committee on Economic, Social and Cultural Rights

CGC - Commission on Global Governance,

CT - Company Town

EHL - European heritage label

ERIH – European Routes of Industrial Heritage

IBGE – Instituto Brasileiro de Geografia e Estatísticas

ICCROM - Centro Internacional para a Conservação e Restauração de Objetos de Museu

ICOMOS - Conseil international des monuments et des sites

ICOM - Conselho Internacional de Museus:

IFAC - International Federation of Accountants

IPHAN – Instituto do Patrimônio Histórico e Artístico Nacional

ONU Nações Unidas

ONG - Non Governmental Organization:

OCPM - Organização das Cidades Patrimônio Mundial

Open Method Of Coordination-OMC

TCU – tribunal de contas da União - Brasil

TPII – Techniques Patrimoine Territoires de l'Industrie

TICCIH - The International Committee for the Conservation of the Industrial Heritage

UNESCO - Organização Educacional, Científica e Cultural das Nações Unidas

UE - União Europeia;

UN-HABITAT- United Nations Human Settlements Programme

UICN - União Internacional para a Conservação da Natureza

WHL – World Heritage List



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## **ABSTRACT**

The **process of patrimonialisation** as the institutionalization of a practice of social character, the result of which is the valuation of cultural heritage, results from the declaration of good of common interest for humanity by UNESCO. Understanding the heritage process, its nature, the stakeholders involved and its dynamics is essential for the sustainability of cultural heritage, since the declaration alone is not enough to guarantee its protection. The participation of civil society is not a novelty in heritage protection practices, but it is also not a priority despite being a 'sine qua non' condition for the existence of the heritage. Democratic participation is a guarantee of the right to culture and occurs through the exercise of a 'combined capacity' of the citizen, internal capacities and adequate external conditions, which allow for the enjoyment of the common good and the exercise of these functions in the social context in the three dimensions of law: participation (freedom), access and contribution. Governance assumes a role as a methodology to ensure democratic participation through the balance of powers, resources and also as a composition of interests. The efficient management of industrial heritage and the governance of new vocations in the field of public policies should propose solutions closer to the most diverse realities. The future with sustainability and quality of life based on culture is conditioned by integrated and synergistic action between cultural heritage, territory and citizens, through democratic participation supported by governance on a local scale.

**Keywords: Industrial Heritage, patrimonialisation (Heritage-Making Process), Public Policies, Democratic Participation, Governance**



## RÉSUMÉ

Le processus de patrimonialisation comme institutionnalisation d'une pratique à caractère social, dont le résultat est la valorisation du patrimoine culturel, résulte de la déclaration de bien d'intérêt commun pour l'humanité par l'UNESCO. La compréhension du processus patrimonial, de sa nature, des acteurs impliqués et de sa dynamique est essentielle pour la durabilité du patrimoine culturel, car la déclaration seule ne suffit pas à garantir sa protection. La participation de la société civile n'est pas une nouveauté dans les pratiques de protection du patrimoine, mais elle n'est pas non plus une priorité bien qu'elle soit une condition "sine qua non" de l'existence du patrimoine. La participation démocratique est une garantie du droit à la culture et se produit par l'exercice d'une "capacité combinée" du citoyen, des capacités internes et des conditions externes adéquates, qui permettent la jouissance du bien commun et l'exercice de ces fonctions dans le contexte social dans les trois dimensions du droit : la participation (liberté), l'accès et la contribution. La gouvernance assume un rôle de méthodologie pour assurer la participation démocratique par l'équilibre des pouvoirs, des ressources et aussi comme une composition d'intérêts. La gestion efficace du patrimoine industriel et la gouvernance de nouvelles vocations dans le domaine des politiques publiques doivent proposer des solutions plus proches des réalités les plus diverses. Un avenir où la durabilité et la qualité de vie seront fondées sur la culture est conditionné par une action intégrée et synergique entre le patrimoine culturel, le territoire et les citoyens, grâce à une participation démocratique soutenue par une gouvernance à l'échelle locale.

**MOTS-CLÉS:** Patrimoine Industriel, Patrimonialisation, Politique Publique, Participation Démocratique, Gouvernance



## **INTRODUCTION**

Culture is a source of meaning and energy..., a resource to address challenges and find appropriate solutions' that enables people to live and be what they choose (Unesco 2013)



The declaration of a cultural heritage as a heritage of humanity, as well as other declarations, is imbued with the intention of protecting the cultural heritage as something of value and of unique importance to humanity.

The practice was instituted after the Second World War and reflected its initial intention of protection, an intention that gained other proportions with the evolution of the concept of cultural heritage in the face of the recognition of its importance for society and culture, events that we will seek to address. The understanding of this new role of heritage for society and its importance embraced the concept of industrial heritage as a result of a period of great importance for contemporary history, which changed the way the world relates under various aspects and forms, which was the Industrial Revolution. The declaration of industrial heritage in association with culture was now treated as an item of local and sustainable development, capable of bringing quality of life to citizens and territories.

### **Definition of the subject and general objectives**

The declaration of a cultural heritage as a patrimony of humanity is a formal, legal, bureaucratic process, but it carries with it the re-significance of values of identity and cultural relationship of society to the heritage and to society itself, therefore, it carries with it a strong social aspect. The act of heritagealizing any material or immaterial element of culture as common good transforms this heritage into an element of shared identity, thus allowing citizens to differentiate themselves from other cultures, people, societies and territories.

And here we come to the point of origin of our work (framework): is the process of patrimonialisation a mere formal act or is it an important part of a social process, of institutional recognition? This is our generating question and from it we will assess developments and implications. The patrimonialisation as a process is composed of a sequence of logical acts developed in time and space that lead to a final result. In this way, we will seek to understand how this process develops? It will be necessary to analyze, identify and trace which are the phases of the process of patrimonialisation and if there is any specificity related to it when we refer to industrial cultural heritage. These processes usually culminate in a result, within a logical-temporal space. Therefore, we are interested in knowing what would be the results of the patrimonialisation process? What is the status that the cultural heritage receives with the process of patrimonialisation? Does the recognition of cultural heritage as a common good ensure its sustainability? Is the declaration alone able to guarantee the protection of the heritage?

What are the necessary measures to be taken, after the recognition of value for humanity (declaration), to ensure the protection of the heritage? Who will define these measures and on the basis of which criteria? Are the results produced by the heritage process limited to your declaration? Or does the process produce other results? If so, which? Do these possible results apply only to assets? What are the results experienced by society and the population within the territory where the heritage is located? What are the results related to society and its well-being? And in the territory in which it is inserted, what are the positive and negative consequences? Does the declaration of heritage value create a new vocation for its citizens and territory? Because it is a world heritage site, do the results produced by the declaration of value are limited to the territory where it is located or do they go beyond? Finally, what would be necessary to induce a process of sustainable development?

Does this set of questions related to **the results and the effects produced by the patrimonialisation** process induce us to seek or identify who are the various stakeholders who participate in the process and in its various phases? What is the role of UNESCO, other international bodies, national states and civil society in this process? What is the role of the State as the curator of the common interest and how will it unfold in the various phases of the process of patrimonialisation and through public policies? The questions can be expanded in several ways: What support can the State provide for the defense of the collective interest and for the common good, the patrimony? What kind of actions are implemented by it? How does the State create public policies to support and correct distortions arising from the processes of patrimonialisation, especially after it has been recognized as a common good and in the public interest? Can public heritage policies be considered multidisciplinary policies? And how can they be defined if they relate to other members and stakeholders?

**Under the social aspect,** will we seek to deepen our understanding of how civil society engages in the process of patrimonialisation and public policies? What is the role of civil society? Is the participation of society a condition for the success and legitimization of the process of patrimonialisation and public policies? And what about the participation of civil society in public policies? How does democratic participation occur, what are the elements that characterize it and ensure access to the right to culture and the right to the city? What instruments are available to Civil Society for the development of the process and which would be more important in this process? Does governance offer the mechanisms to support this public policy and democratic participation? What are the advantages of having governance as a method to support democratic participation in the third phase of the patrimonialisation process? What would be the conceptual cut-out of governance



focused on cultural heritage and what would be its characteristic elements? And what is the role of the law as an allied factor of governance?

This last question leads us to the last block of analysis of our study, based on the chosen framework - the process of patrimonialisation of humanity by UNESCO as its legal basis. What is the role of legislation to support the process of patrimonialisation, public policies, the guarantee of democratic participation and governance itself? Do we seek, by means of a general analysis of UNESCO's normative basis on cultural heritage, to identify the elements and possible methodologies of governance that ensure democratic participation in relation to public heritage policies? And also: what are the benefits and limitations of having or not having democratic support in public heritage policies? And, finally, whether governance and its elements offer mechanisms to support this public policy and democratic participation? All these questions will give us subsidies and elements to answer the specific questions posed and the context in which they occur.

### **Specific objectives: State of the question**

We are aware that the object of study brought is multidisciplinary, which imprints a structural complexity to the work. In order to provide a good analytical structure and answers to the problems raised above, we present the three central questions to be answered:

- The first question refers to the process of patrimonialisation : What is the nature, the dynamics of the process of patrimonialisation, and the results that it produces for the sustainability of cultural heritage, since the declaration alone is not capable of guaranteeing its protection?
- Our second question concerns the participation of civil society: How does civil society participate in the current context of the heritage process and how do public policies enable it (spaces and instruments) to fully exercise democratic participation, how and under what conditions to guarantee the right to culture and, secondarily, the right to the city?
- The third issue concerns governance. Can governance offer the mechanisms (tools, methodology and procedure) and the legal basis for efficient and democratic management of cultural heritage and its public policies in a committed, coordinated, cooperative and legitimate manner?

## **Methodology: Sources and Methods**

The methodology of the work is based on a bibliographic, theoretical, doctrinal and legislative survey to encompass the multidisciplinary characteristics that make up the theme of the work. This methodological set allowed to outline and outline the key concepts related to cultural heritage, industrial heritage and the process of patrimonialisation ; democratic participation as access to the human right to culture and the city, public policies for preservation, protection, conservation, reuse and others of industrial heritage and its interrelation with other areas of public policy; and sustainable development, governance and governance applied to cultural heritage and its elements. As far as foreign bibliographies are concerned, these have been translated by the author into English.

The reading of the literature was fundamental to understand the general structure of identification and understanding of UNESCO's legislative basis related to World Heritage and the connection with the other concepts adopted in the theoretical basis. The chosen methodology helped to recognize and process the multidisciplinary work theme and achieve the desired objective based on a schedule of activities developed over the two years of the TPTI course.

## **Relevance of the study**

The contributions of study to the academy come, in the first place, from the understanding of the dynamics in the process of patrimonialisation as: the institutionalization of a social practice, whose desired result is the valuation of cultural heritage of an industrial nature, as the guarantee of the right to culture; in the second place, from the participation in the exercise of a 'combined capacity' of the citizen that allows him/her to enjoy the common good and to exercise these functions in the social context in the three dimensions of the right: participation (freedom), access and contribution.

## **Structure of the thesis**

It seeks to give an overview of the objectives and scope of the work having as framework the process of patrimonialisation , its unfolding into new vocations and public policies; and what governance tools are at your disposal with emphasis on the role of the rules to establish the 'rules of the game'.

**Chapter 1** refers to the valuation of industrial assets. We begin to delineate the conceptual historical evolution of cultural heritage and the industrial cultural heritage as an element of great representativeness of contemporary history, fruit of the Industrial Revolution. We will highlight the role of the Company Town, city-companies, and how they condition the local development of the territory, its citizens and the specificities for the preservation of the heritage itself.

In **Chapter 2** we will address the **process of patrimonialisation** as our framework and critical framework. The process of patrimonialisation is a complex process because it refers to the social construction of reality, of universal values and a new vocation, which produces side effects and effects, but not only in the organizational field, the institutionalization of its practice and the process of patrimonialisation.

In **Chapter 3** we will deal with democratic participation which will be analysed as a guarantee of the right to culture (human right), which includes access to heritage as a cultural element, the fruit of the combined capacity in the three dimensions of law: Participation (freedom), Access and Contribution. It is this combination that ensures the full exercise of democratic participation.

In **Chapter 4** we will deal with the theme 'Governance as a underpinning of patrimonialisation Process and Public Policies in Heritage'. In it, a historical contextualization of the use of the concept is made, its application in the various fields of knowledge with emphasis on public policies and conceptual differentiation: governance, governability, government and management. The concept of governance applied to cultural heritage management will be presented, seeking to identify its elements, its context as a system, its relations with stakeholders, principles and methodological advantages.

It is important to understand the role of legislation as a mechanism and process that subsidizes governance and creates conditions for democratic participation, the subject of **Chapter 5**. It presents an "overview on UNESCO heritage normative bases with regard to democratic participation and governance". It seeks to understand and highlight the elements and mechanisms of democratic social participation and governance that exist in the UNESCO normative basis and some differences when implemented by countries of diverse cultures (Europe and Latin America). Finally, we conclude the work with our **Chapter 6** by making our main considerations on the content explained and the main results of our thesis.



## **CHAPTER I THE ENHANCEMENT OF INDUSTRIAL HERITAGE**

It does not smooth over struggles and controversies, but it does not build fixed us- them constellations, either. (Lähdesmäki, čeginskas, kaasik- krogerus, & turunen, 2020)



**Dans ce Chapitre**, nous aborderons l'évolution historique conceptuelle du patrimoine culturel et du patrimoine culturel industriel en tant que partie de l'identité (individuelle et collective), développé dans un contexte culturel considéré comme un élément de valeur, un bien commun, d'intérêt public par lequel des efforts et des ressources sont mobilisés pour sa protection et sa valorisation.

Parmi les différents types de patrimoine, notre recherche se concentrera sur le patrimoine industriel en tant qu'élément d'une grande représentativité de l'histoire contemporaine, fruit de la révolution industrielle. Nous cherchons à synthétiser, sur la base de recherches littéraires et normatives, le concept de patrimoine industriel, sa nature, sa composition et d'autres spécificités en tant que défis communs - un ensemble d'attributs qui influencent les choix et les solutions pour proposer des alternatives pour l'avenir de ce patrimoine (protection, conservation, préservation, destination et utilisation). Nous avons choisi comme élément de référence qui donne de l'importance au patrimoine industriel - les villes d'entreprises/villes industrielles - qui conditionnent le développement local du territoire et de ses citoyens et les spécificités pour la préservation du patrimoine lui-même.

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**In this Chapter** we will discuss the conceptual historical evolution of cultural heritage and the industrial cultural heritage as part of identity (individual and group), developed in a cultural context seen as an element of value, common good, of public interest by which efforts and resources are mobilized for its protection and enhancement.

Among the various types of heritage our research focus will be the industrial heritage as an element of great representativeness of contemporary history, fruit of the Industrial Revolution. We seek to synthesize, based on literary and normative research, the concept of industrial heritage, its nature, composition and other specificities as common challenges - a set of attributes that influence the choices and solutions for proposing alternatives for the future of this heritage (protection, conservation, preservation, destination and use). We have chosen as a reference element that gives importance to the industrial heritage - the Company Towns/ Industrial Cities - that condition the local development of the territory and its citizens and the specificities for the preservation of the heritage itself.





## 1.1. Cultural Heritage: Historical Context and Perspectives

Cultural Heritage becomes a concept of social importance when an individual or group of individuals identifies an object or a group of them as their own, intrinsically related to their identity and memory, whether these are personal, group and/or collective. The concept is also associated with the idea of transmitting something of value (initially, material goods) which passes from generation to generation, as a present 'heritage' and 'linked to the family, economic and legal structures of a stable society, rooted in space and time' (Choay, 2006 apud (Starling 2012)). It is a legacy that creates an identity through its sense of belonging (belong to).

The concept of cultural heritage and its applicability were expanded throughout the twentieth century, connecting material goods to the immaterial, associated with people, their cultures and territories, assuming two categories: that of material nature and that of immaterial, and more recently digital (born digital and digitised). In addition to 'new goods, buildings of diverse architectural styles and expressions, representations and cultural manifestations of interest for preservation, passing stylistic and historical criteria to others such as concern for surroundings, ambience and meaning; (...) The object of politics changes, moving from isolated monuments to groups of buildings, urban landscapes and public spaces' (Starling 2012).

Therefore, when we speak of historical cultural heritage we also speak of identity, developed in a culture of a group or community and which, for this reason, carries an authenticity (uniqueness) also represented by memories, traditions and knowledge (know-how) that can be materialized in buildings, monuments and movable and immovable property. Thus, the definition of heritage carries with me the complexity of elements that allow its identification and characterization as something of value for a society to the point of launching itself in favor of its Protection, Safeguarding and Conservation as a good of public and common interest (common good).

**'Protection'** means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions. "Protect" means to adopt such measures. (UNESCO - Convention 2005).

**'Safeguarding'** means measures designed to ensure the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, improvement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of this heritage. (UNESCO - Convention 2003).

**'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). (ICOMOS 1994).

**Conservation** means all the processes of looking after a place so as to retain its cultural significance. (ICOMOS 2013).

**Conservation** of a place should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others. (ICOMOS 2013).

**Conservation and management:** 2.1 Places of cultural significance should be conserved; 2.2 The aim of conservation is to retain the cultural significance of a place; 2.3 **Conservation** is an integral part of good management of places of cultural significance; 2.4 Places of cultural significance should be safeguarded and not put at risk or left in a vulnerable state (ICOMOS 2013).

**Heritage is an element of culture** (...) that 'gives man the ability to reflect on himself. It is the culture that makes us specifically human, rational, critical and ethically committed. Through it, we discern values and make choices. Through Culture, man expresses himself, becomes aware of himself and recognizes himself as an unfinished project, questioning his own achievements, tirelessly seeking new meanings and creating works that transcend him. Culture can be considered today as a set of distinctive traits - material, affective, intellectual, ethical and spiritual - that characterize a social group or a society. It encompasses, in addition to arts and letters, ways of life, fundamental human rights, value systems, traditions and beliefs', a definition approved at the World Conference on Cultural Policies held in Mexico (ICOMOS 1982).

Despite the different definitions and approaches of the concept of culture, García Cuetos (2012) mentions that culture, citing José Herrero<sup>1</sup>, has some universal characteristics:

- Culture is always a symbolic code: members of a culture share the same symbols (including language), which allows them to communicate effectively with each other;
- Culture is an arbitrary system: there are no rules that force the choice of a model; each culture has its own model of cultural behaviour;
- One learns: it is not genetic, it is not internalised by instinct; one person is the teacher of another (in many cases, mother, father, uncle, etc.);

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<sup>1</sup> Herrero, J., «¿Qué es cultura?». En línea: [http://www.dgmvenezuela.org/cont/data/files/1\\_cultura.pdf](http://www.dgmvenezuela.org/cont/data/files/1_cultura.pdf) (última revisión: julio de 2011). Monterroso, J., apud (García Cuetos, El patrimonio cultural : conceptos básicos 2012)

- It is shared: it is necessary that all members have the same cultural standards to live together, so culture is shared during childhood, when children are being introduced into society, that is, they are being socialized;
- It is an integrated system: where each part of this culture is interrelated and affects the other parts of the culture;
- It has a great capacity to adapt: it is always changing and willing to make new changes;
- the culture exists at different levels of knowledge: implicit level and explicit level;
- The idea of culture is not the same as the real culture lived: one thing is what people say about their culture and quite another is what they are thinking, based on their ideal model of what they should do or what they are doing;
- The first and main function of culture is to adapt to the group. 'To achieve continuity through new individuals, to join the group' (García Cuetos, 2012, 16).

Therefore, the definition of cultural heritage adopted for the purposes of this work is one that 'consists of resources inherited from the past in all forms and aspects - tangible, intangible and digital (born digital and digitized), including monuments, sites, landscapes, skills, practices, knowledge and expressions of human creativity, as well as collections held and managed by public and private bodies such as museums, libraries and archives. It originates in the interaction between people and places over time and is constantly evolving. It is a group of inherited resources from the past that people identify, regardless of ownership, as a reflection and expression of their values, beliefs, knowledge and traditions in constant evolution. It includes all aspects of the environment resulting from the interaction between people and places through time' (European Union - OMC 2018).

Figure nº1 - Cultural Heritage			
(1) cultural heritage	Heritage tangível	immovable	- historical cities; - sacred natural sites (natural sites with religious value for some cultures); - cultural landscapes among them the industrial landscapes; - museums; - monuments, etc.; - archaeological sites
		mobile	- paintings, sculptures, engravings, among other paintings, coins, archaeological objects, etc.; - Documentary heritage; - Speleological heritage.
		underwater	- underwater cultural heritage (submerged sites of cultural interest to man - shipwrecks, underwater cities, etc.)
	Heritage imaterial - intangível	<p>Immaterial cultural heritage" means the practices, representations, expressions, knowledge, skills - as well as the instruments, objects, artifacts and cultural spaces associated with it - that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.<sup>2</sup>.</p> <p>It manifests itself among others in the following areas: - traditions and oral expressions, including language as a vehicle of intangible cultural heritage; - Performing arts; - Social practices, rituals and festive events; - Knowledge and practices related to nature and the universe; - Traditional crafts (UNESCO - Convention 2003, Art.2). Ex: Know how, Handicraft; Film heritage; Oral traditions; Languages; Festival events; Rites and beliefs; Music and songs; Performing arts (dances, performances); Traditional medicine; Literature; culinary traditions; Sports and traditional games.</p>	
	Patrimônio digital <sup>3</sup>	digital e digitalizado (Open Method Of Coordination-OMC 2018)	
(2) natural heritage	- Natural monuments consisting of physical and biological formations or groups of such formations, which have been of outstanding universal value from the aesthetic or scientific point of view, - Geological and physiographic formations and strictly defined areas which constitute the habitat of endangered animal and plant species, - Which have outstanding universal value from the point of view of beauty or science, - Natural sites or precisely delimited natural areas, which have outstanding universal value from the point of view of science, conservation or natural beauty. (UNESCO 1972). Examples: sites, physical, biological or geological formations, etc.		
Source: self development based on information collected at UNESCO website and its conventions <sup>4</sup>			

<sup>2</sup> This intangible cultural heritage, passed down from generation to generation, is constantly recreated by the community and groups in response to their environment, their interaction with nature and their history, providing them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration shall be given only to intangible cultural heritage, as compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals and of sustainable development. (UNESCO - Convention 2003, Art.2)

<sup>3</sup> We highlight that digital and digitised support is distinguished from other forms and aspects - tangible, intangible highlighted (European Union - OMC 2018) also becoming object of protection.

<sup>4</sup> Convenção de 1972 e Convenção de Haia,1999 (2º revisão) e Convenção Paris de 3 a 21 de outubro de 2005

## 1.2. Industrial Heritage

**Industrial heritage, as a category of cultural heritage**, reflects the maturity of the concept highlighted above. It is undeniable that the Industrial Revolution, the capitalist organization of industry, the productive system, social and spatial arrangements brought about by the revolution were responsible 'for a ferocious and intense reordering of society that reached the most different levels (Andrade Lima, 2002; apud (Thiesen 2006))' around the world. The Industrial Revolution propitiated the economic development of the contemporary world, qualitatively transforming the productive processes and, among other things, provoking the appearance of big industry, the expansion of world trade, the emergence of the industrial bourgeoisie, of new social and economic doctrines, of deeper rivalries among nations. From it, economic and social power ceased to belong only to the circle of mercantile capitalism and passed to other segments, that is, to all those who produced and made fortune (Bassalo 2008).

**The diverse material culture promoted by the Industrial Revolution** 'carries within itself the narrative of different facets of the same drama: strategies of survival, domination or resistance; labour, gender or ethnic relations; economic, religious or spatial divisions, and so many other issues (Thiesen 2006)'. The demand to understand such a change has therefore stimulated the recognition of industrial archaeology as a field of study that aims to understand "the social, economic and cultural changes resulting from the growth of the capitalist organization in industry, from the interpretation of its material evidence" (Thiesen 2006); furthermore, it seeks to "reconstitute, from concrete elements, the material and human space that involves a society (Pinard, 1985; apud (Thiesen 2006))', consolidating the industrial heritage as an important part of human history and culture".

Companies and territories have had brands printed by the Industrial Revolution a global process of undeniable value having been 'observed over the past two centuries constitute a major stage of human history, making its heritage particularly important and critical to the Modern World. Precursors and beginnings of industrialisation can be recognized in many parts of the world well back into ancient times through active or archaeological sites, and our attention extends to any examples of such process and its heritage. However, for our purposes, these joint principles' primary interests coincide with the common notions of the Modern Era Industrial Revolution, marked by distinctive and dedicated production, transportation and power-generating or harnessing processes and technologies, trade and

commercial interactions, and new social and cultural patterns (Preamble) (TICCIH - The Dublin Principles 2011).

**The main economic activities developed can be characterized as follows:** • Mines and quarries - coal, lead, tin, copper, stone, etc, extractive activities • Electricity and utilities - gas factories, electricity and water production sites and sewers; • Processing and manufacturing - metallurgical industries, textile factories, glassworks, potteries, factories of all kinds, chemical production, food and beverage production (including wind and water mills) (Pickard 2017) and • Transport and communications - roads, bridges, canals and waterways, railways, ports, docks and ports; and • industrialization of agriculture, with food crops, brewing and clothing industry (Pickard 2017).

The particularity of the cultural heritage of industrial nature brings together the material and immaterial aspect of the industrial landscape and can be defined such as:

‘Industrial heritage consists of the remains of industrial culture which are of historical, technological, social, architectural or scientific value. These remains consist of buildings and machinery, workshops, mills and factories, mines and sites for processing and refining, warehouses and stores, places where energy is generated, transmitted and used, transport and all its infrastructure, as well as places used for social activities related to industry such as housing, religious worship or education. (TICCIH-Charter for the Industrial Heritage 2003)’

The industrial heritage consists of sites, structures, complexes, areas and landscapes as well as the related machinery, objects or documents that provide evidence of past or ongoing industrial processes of production, the extraction of raw materials, their transformation into goods, and the related energy and transport infrastructures. Industrial heritage reflects the profound connection between the cultural and natural environment, as industrial processes – whether ancient or modern – depend on natural sources of raw materials, energy and transportation networks to produce and distribute products to broader markets. It includes both material assets – immovable and movable –, and intangible dimensions such as technical know-how, the organization of work and workers, and the complex social and cultural legacy that shaped the life of communities and brought major

organizational changes to entire societies and the world in general. (TICCIH - The Dublin Principles 2011)

Industrial heritage sites are vary diversified in terms of their purpose, design and evolution over time. Many are representative of processes, technologies as well as regional or historical conditions while others constitute outstanding achievements of global influence. Others are complexes and multiple site operations or systems whose many components are interdependent, with different technologies and historical periods frequently present (TICCIH - The Dublin Principles 2011).The significance and value of industrial heritage are intrinsic to the structures or sites themselves, their material fabric, components, machinery and setting, expressed in the industrial landscape, in written documentation, and also in the intangible records contained in memories, arts and customs .

**Thus, the intangible - immaterial elements that make up the industrial heritage can be defined as changes in social practices, technological and scientific innovations or productive know-how,** in addition to the aesthetic value for the quality of their architecture, design or planning. It is evident that this new form of organization of labor, economic forces, capital and labor, of the productive system causes changes in social relations between the various actors within industries, in family nuclei and other existing social-cultural environments, and in the form of interaction between individuals-industry-society, a strong identity element in association with industrial heritage.

**The industrial landscape is also one of the elements that make up the industrial cultural heritage and impacts on social identity and the design of territories.** The concept of landscape gained notorious recognition in 1992, when UNESCO included the cultural landscape as one of the typologies of World Heritage because it records and illustrates the evolution of human society and its consolidation over time, under the influence of physical conditioning and/or the possibilities presented by its natural environment and by successive social, economic and cultural forces, external and internal (TICCIH-Charter for the Industrial Heritage 2003)'. The landscape is a dynamic system where the natural elements are related to human interference, where the technological, social and cultural historical-temporal relationships are specialized and contextualized. Therefore, the landscape constitutes 'a testimony of the history of human groups that have occupied a certain space. It can also be read as a product of the society that produced it or as the material basis for the production of

different symbologies, the locus of interaction between materiality and symbolic representations' (Ribeiro, 2007 apud (Figueiredo e Batista 2016).

The materialization of industrial culture is registered in all its physical and infrastructural structures such as: machinery, buildings, workshops, factories, mines and treatment and refining sites, warehouses and warehouses, production, transmission and energy use centers, means of transportation; and places where social activities related to industry and productive systems have been developed such as: housing, places of worship or education' (TICCIH-Charter for the Industrial Heritage 2003).

We include in this list the company towns, entire cities thought and developed around and according to the productive processes brought by the industrial revolution. Company Town as its name already indicates is a city belonging to a company represented by an individual, a family or an economic group. An entire city developed, coordinated physically, socially (lifestyle of its inhabitants) and politically by this company-family. Through it, social and economic relations are developed and established around its economic activity, of a manufacturing or exploratory nature, a mix between protection and social control of workers and monopolistic<sup>5</sup>. commercial advantage. We highlight Company Town/ Industrial Cities and their legacy to industrialization to illustrate part of the approach of our work when their presence conditions the local development of the territory, its citizens and the specific characteristics for the preservation of the heritage itself.

This set of elements that make up the industrial heritage is, therefore, of enormous social value, being part of the record of life of ordinary men and women, and as such provides an important sense of identity. It constitutes 'that category of heritage which has been shaped by the greatest mass of people in the entire history of mankind; it is the main factor of identity for practically any person in modern post-industrial society' and because it is a common element among societies and 'is that heritage category that was shaped by the largest mass of people in all human history; it is the key identity maker of practically anyone in the modern post-industrial society. This is why a major part of population identifies with it, understands it, feels it, and thus strives to protect it. Of course, to give it equal status among all heritage categories it is necessary to appropriately present this heritage to the general public

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<sup>5</sup> "The basic | no-basic ratio of the typical company town stood high in the favor of the entrepreneur, and most non-basic inhabitants were service workers dependent upon of the company in one way or another. Economic differentials between basic (company workers) and non basic (independent) workers were often marked'. Independent workers "in many towns, especially in the last century, such activity was either impossible, or was strictly regulated by the company (Porteous 1970)



and take professional care of its conservation' (Ifko 2017). We must not forget to mention that 'this diverse material culture carries within itself the narratives of different facets of the same drama: strategies of survival, domination or resistance; labor, gender or ethnic relations; economic, religious or spatial divisions, and so many other issues'(Thiesen 2006). This will represent, as we will see below, a challenge for the preservation of some sites.

**From the 19th and 20th centuries onwards**, a very intense movement arose, driven especially by the European territory, which stimulated the rehabilitation of the historical and architectural heritage of industrial cities - transforming them into goods for reuse and development, as Pickard (2017) explains. **In a study promoted<sup>6</sup> on the impact of industrial heritage on European territories it was highlighted** 'the fact that industrial towns have been the cradle of economic growth from which all of Europe has benefitted and called for public authorities to regenerate them in order to create new reasons for their citizens and enterprises to want to live and work in them, as well as to invest in and demonstrate a commitment to locality. It recommended, amongst other matters, that the historic and architectural heritage of industrial towns – particularly from the 19th and 20th century – should be rehabilitated, turning them into assets for reuse and development. In addition, a number of policy guidelines were proposed including the regeneration of industrial environments and improved policy co-ordination, public sector management and integrated approaches to urban regeneration including new forms of partnership between public and private sectors, innovators and entrepreneurs to encourage initiatives in industrial and commercial development and social and cultural fields by reuse of existing resources (derelict land and the conservation and revitalization of existing buildings facilities and amenities) (Pickard 2017):

**The dimension of industrial heritage presents different realities between countries.** There are, however, elements in common, having as the main factor, 'the history of industrial heritage, which is fundamental for the attribution of new symbolic cultural and/or economic values to many testimonies of industrial civilization, which would otherwise be destined to destruction' (Fontana 2013). The valorization of heritage, 'consists in updating, adapting and reinterpreting the characteristics of the past extracted from the history of a group (experience and practical knowledge), combining heritage and

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<sup>6</sup> Within the 1981 – 1986 Medium Term Plan of the Council of Europe, two studies were commenced in 1983 (the first, relating to northern Europe was published in a report of 1985) with the aim of drawing a compendium on the industrial heritage situation in Europe and proposals for future action in this field. In 1987. Recommendation No. R (87) 24, both Council of Europe initiatives on European industrial cities, was published..

innovation, stability and change. It implies more than rescue and conservation, beyond the processes of selection, fragmentation, decontextualization, modification of uses and functions, adaptation and reinterpretation, guided by the role that will be attributed to this heritage, the space that will occupy and the interests of various agents (González, Bernat e Serrano 2015).

The motives for protecting the industrial heritage are based on the universal value of this evidence. This is key when speaking of the significance of those sites that lack exceptional characteristics such as rarity and exceptional development, as their testimonial value is often underrated and not researched enough, legally unprotected and thus at the discretion of various real-estate speculations (Ifko 2017).

Therefore, the importance of industrial heritage is associated with its meaning and significance for a society, because preserving heritage, an element of culture, is to ensure that it has greater opportunities to perceive itself and, for this reason, 'must be interrelated in order to safeguard the quality of life and development possibilities of man' (Starling 2012).

### **1.2.1. Definition and Historical Context.**

The industrial heritage has historically faced several challenges to have its value recognized as an element of identity and belonging to society. Some other challenges are still present when choosing to preserve and conserve, and many of these challenges are associated with the complexity of its nature (qualitative, historical, social and environmental), the size (quantitative and size, volume of some heritage groups) and its historical period and location.

Industrial activities are not always associated with a positive memory. They can be related to difficult times such as: exploitation of people and the environment, health risks, economic crises, interruption of economic activity, loss of jobs and the beginning of the process of deindustrialization (post industrialization) that can lead to the abandonment and neglect of equipment, buildings and territories etc. that are part of the industrial heritage. It can be a legacy loaded with negative aspects that continue to represent challenges as in the case of ghost towns, mining cities and other company towns, present in various territories today.

Industrial heritage, 'because most of this urban residential and industrial heritage dates from the 18th to the 20th century, sometimes, they are not regarded as sufficiently old to focus the attention of either conservation experts or citizens and users. They don't understand that the buildings which represent their everyday environment actually possess the values and characteristics of monuments. For that reason they are exposed to degradation processes, the areas and buildings are neglected and left to decay'(Blagojević and Nikolić 2017).

The understanding of the meaning and significance of industrial heritage in terms of its authenticity and integrity is the way to ensure its valorization, therefore, its protection, conservation and preservation. Analytical appreciation should correlate technical, historical, social and environmental information, according to Burra chapter: (a) Associations: All relevant associations are described here, relative to other places, people and events - as already mentioned; (b) Use at various levels, past and present, and the future that brings reflection on long-term sustainability; and (c) Fabrics<sup>7</sup>: the structure of materials is described: how and what buildings are made of) and what their future applicability includes environmental and urban.

### **1.2.2. Perspectives and Challenges**

The complexity of the characteristics of the industrial heritage represents a challenge and/or a threat to its present and future, if the option is its preservation or reuse which necessarily depends on the understanding of the value of the industrial heritage when it resigns as a means to ensure its authenticity AND integrity<sup>8</sup>.

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<sup>7</sup> Fabric means all the physical material of the place including elements, fixtures, contents and objects. (ICOMOS 2013)

<sup>8</sup> 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." Integrity is understood as a measure of the wholeness and intactness of the natural and/ or cultural heritage and its attributes. Only the wholeness of monument or heritage unit allows for a complete understanding of its values. The definition that is also adopted after The Operational Guidelines for the Implementation of the World Heritage Convention<sup>8</sup> is an appropriate starting point for determining the degree of integrity of industrial heritage sites: Examining the conditions of integrity, therefore requires assessing the extent to which the property: a) includes all elements necessary to express its (Outstanding Universal) Values; b) is of adequate size to ensure the complete representation of the features and processes which convey the property's significance; c) suffers from adverse effects of development and/or neglect."(The Nara Document on Authenticity, ICOMOS, 1994) (Ifko 2017)

**We seek to systematize the descriptive elements of industrial heritage into four major groups that represent its strengths and challenges:**

**(a) Historical Industrial Environments and Integrity:**

- **character:** 'distinction between the archaeological and architectural character of industrial heritage'<sup>9</sup>(Pickard 2017);
- **geographical and cultural contexts** of each heritage and country (territory);
- **values:** These are evaluated at this level according to the cultural importance. An evaluation for its future potential is not included at this stage. Each complex is evaluated as a basic production and organization unit and then in relation to the environment, which helps form it. Afterwards, the buildings or structures are evaluated together with their equipment and other material and intangible sources.(...) The exclusion of individual structures from the whole is unreasonable, but still extremely frequent.(...) Indeed, the conservation of entire complexes is in most cases impossible; however, they should be analyzed as a whole, while the protective measures should be designed in such a way that their testimonial value is truncated the least (Ifko 2017).
- **contextualize:** the need to contextualize the structures researched in time and by location, as well as by the historical (situational) cutout referring to the period of industrialization and the nature of the industrial and exploratory activity developed as well as the interdisciplinary profile of the industrial heritage to preserve the role they represent from the historical, technical and scientific development, architecture, sociology and ethnology point of view).
- **Peaceful coexistence:** integrity and good fit between the heritage and its use (present and future);
- **Interfering with integrity in certain sites:** 'It is particularly important to define the level to which it is possible to interfere with the integrity of certain sites according to their heritage values and consequently their legal protection status'(Ifko 2017);
- **Adaptive processes of re-use:** 'should allow the operation of new programs, while practice shows that efficient projects can be carried out in a coexistence of the old and the new, if the interests of those included in the projects are in favor of the heritage'(Ifko 2017);

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<sup>9</sup> The distinction between the archaeological and architectural nature of the industrial heritage was highlighted in the second Conference on Ministers, following on from the opening for signature of the Convention for the Protection of the Architectural Heritage of Europe<sup>2</sup> in Granada, which referred to the need to extend the categories of architectural heritage assets for protection, including the industrial heritage, in its second resolution . report of 1985, the 1981 – 1986 Medium Term Plan of the Council of Europe (Pickard 2017)

- **Reduction of value and authenticity:** The value and authenticity of an industrial site may be greatly **reduced if machinery or components are removed**, or if subsidiary elements which form part of a whole site are destroyed. (Ifko 2017). The Nizhny Tagil Charter also highlights the meaning of the two declared attributes: “Conservation of the industrial heritage depends on preserving functional integrity, and interventions to an industrial site should therefore aim to maintain this as far as possible” so, ‘the fact is that adaptive reuse processes must allow for the functioning of new programmes, while practice shows that efficient projects can be carried out in a coexistence of the old and new, if the interests of those included in the projects are in favor of the heritage’(Ifko 2017).
- **Offer reuse, reuse and conservation of materials as an element of integrity:** Richard Butt regarding vacant/redundant heritage property “Heritage Assets” with potential for new or reuse. He highlighted that such buildings are frequently prestigious by virtue of their design and location, relatively cheap to acquire and maintain and, because of the open plan floors in many of them, highly adaptable (Pickard 2017).

**(b) Visual and Identity:**

- **Market appeal:** ‘Historic industrial buildings often do not have “market appeal” and can often be regarded negatively by developers. As with other historic buildings, they may be perceived as carrying greater risk compared to new buildings because of uncertainty about hidden or unfamiliar defects, which creates a barrier to investment (Pickard 2017);
- **unexpected costs and/or delays:** development projects involving historic industrial buildings tend to encounter unexpected costs and/or delays (Pickard 2017);
- **inappropriate approaches to preserving visually attractive parts of sites:** preserved the visually attractive parts of the sites – ‘In the past, there were many problems and inappropriate approaches in relation to renovation of industrial heritage sites, which primarily preserved the visually attractive parts of the sites, while the rest was removed without being properly recorded or assessed’(Ifko 2017);
- **building, architectural complex and sustainable future:** . ‘The future of the site often depends on the settlement, (although sometimes the building/complex is so large and dominant that the reverse is true). It can sometimes be difficult to find sustainable development for concentrations of former industrial buildings (particularly when market conditions are weak), but such buildings may be important factors in the sustainable future for the place. In such circumstances temporary use and mothballing of redundant industrial buildings may be the best course of action(Pickard 2017).

- **Intangible Aspect:** understanding the material remains an intangible aspect of industrial heritage; and adopting a minimalist approach often respects the original structure and helps maintain its industrial character and significant characteristics. “In the past, there were many problems and inappropriate approaches in relation to renovation of industrial heritage sites, which primarily preserved the visually attractive parts of the sites, while the rest was removed without being properly recorded or assessed (Ifko 2017).

**(c) Location, Scale and Impact:**

- **Economic and location conditions:** The potential for sustainable development of any heritage asset is determined largely by the economic conditions of its location (Pickard 2017);

- **Concentration in urban areas:** Industrial structures tend to be concentrated in urban areas where property values are relatively low because the industries that generated them have declined (Milne, R., 2011, apud (Pickard 2017);

- **Scale of structures in all their dimensions;**

- **Fear of environmental contamination:** With industrial buildings there are particular risks such as the fear of contamination, which make it more difficult for developers to secure funding for developing them. Moreover, in general terms major property companies and institutions that invest in property do not tend to invest in former industrial buildings (Milne, R., 2011, apud o (Pickard 2017);

- **Industrial complex and exclusion of individual structures:** These are evaluated at this level according to the cultural importance. An evaluation for its future potential is not included at this stage. Each complex is evaluated as a basic production and organization unit and then in relation to the environment, which helps form it. Afterwards, the buildings or structures are evaluated together with their equipment and other material and intangible sources.(...) The exclusion of individual structures from the whole is unreasonable, but still extremely frequent.(...) Indeed, the conservation of entire complexes is in most cases impossible; however, they should be analyzed as a whole, while the protective measures should be designed in such a way that their testimonial value is truncated the least.(ICOMOS 2013)(Ifko 2017) ;

- **Conservation of entire complexes:** .(...) Indeed, the conservation of entire complexes is in most cases impossible; however, they should be analysed as a whole, while the protective measures should be designed in such a way that their testimonial value is truncated the least (ICOMOS 2013) (Ifko 2017);

- **High cost and long term execution:** (a) conversion and decontamination of industrial facilities; (b) some ventures take many years to complete, (c) many of the schemes are conducted by determined individuals with vision; (d) phasing and long term vision may be important.
- **Continuity of industrial use:** there are industrial structures or complexes still in operation, but through some forms of small-scale business and manufacturing activities;
- **On-hold" spaces:** industrial facilities that, given their historical-architectural values, are still awaiting adequate reconstruction and change of use (Vučković 2017).

#### **(d) Adaptability and Urban Expansion:**

- **Difficult to adapt to new uses:** ‘While many former industrial buildings are flexible, they tend to be less easily adaptable to new uses if they were built to a special form, for a specific purpose which is no longer needed; contain machinery or other fittings which are central to what gives them special interest; or are ruins, beyond repair but protected heritage because they provide important evidence of past activity. Textile mills and warehouses therefore tend to be more easily adapted whereas sites associated with the extractive and chemical industries are particularly problematic because the structures are essentially an envelope to contain the process plant and machinery’ (Pickard 2017)<sup>10</sup>;
- **Project development:** this can be presented in a comprehensive and comparative way;
- **The role of spatial development, the processes of reuse and variety of interests:** ‘the most important characteristics of industrial heritage sites, **their spatial development role** and characteristics shaping reuse processes - allow us to balance all parameters, both developmental and protective. (...) The symbiosis of both value poles is what enables a long-term success of projects but is the most difficult to achieve due to the wide array of interests. This paper highlights two basic heritage attributes – authenticity and integrity. Their preservation as far as possible is the starting point to guide reuse projects and revitalisation processes in industrial heritage sites<sup>1</sup>, in a sustainable way which consistently considers all aspects – along with protective ones, also social, spatial development, and economic ones (Ifko 2017).

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<sup>10</sup> (Pickard 2017) “**Sub-division of mills and warehouses tends to detract from their spatial qualities.** Open plan uses, such as offices and studios, are normally preferable, in terms of maintaining their character, to uses that subdivide, notably residential, although sub-division is reversible in the long term and is generally acceptable unless the exposed structure is outstandingly important. - Entrepreneurial Activity The most “successful” commercial developments of industrial buildings tend to be by entrepreneurs who have a “vision” for the future use of the buildings. There are many examples in the UK of “creative entrepreneurs” who were driven not just by financial concerns but by a vision of how their industrial buildings could be adapted and used with vitality.”

- **Local and regional impact:** A change in the wider area may be necessary before a site becomes commercially viable, particularly where an industrial area has suffered economic decline (Pickard 2017);
- **Urban expansion:** These characteristics are defined by the spatial and urban development elements of the complex itself and its influence on its surroundings (Ifko 2017);
- **Purpose conversion:** industrial plants that have predominantly changed their original purpose through a process of adaptation or some form of reconstruction;
- **Urban rehabilitation:** complete disappearance of industrial complexes and structures and formation of a new urban matrix, more often for residential or tourist purposes;
- **Destinations as enterprise and investment:** '(i) mixed use developments; (ii) common destinations - commercial, residential and cultural uses: residential apartments, museums, bars, cafes, restaurants and shopping, in addition to new community squares, walkways and public art and other industrial purposes: buildings offering the possibility of being converted to offices, starter units for small businesses, housing, shopping, hotels, and so on; adequados para pequenas empresas, indústrias criativas e (iii) **the role of non-profit organisations** (where there is no apparent commercial solution (Pickard 2017)';
- **Re-use with cultural and tourist potential:** contemporary re-use as places with cultural and tourist potential. This is important for the urban and economic development of industrial areas, but it must be in accordance with the preservation of the integrity and authenticity of the place;
- **Still in the field of entrepreneurship and investments,** we will have to face the challenge when approaching the economic aspect of industrial heritage usually conferred by exclusively economic indicators, but in the case of cultural heritage they present aggregate values that are not mathematical: Ruud van der Kemp states that 'using economic indicators in the evaluation of industrial heritage conservation measures to define the factors of economic value, we must follow a system that includes all relevant aspects of revitalization'. The author points out that economic value in the case of cultural heritage is divided into two groups 'measurable values' (e.g. in euros, per square meter to which he refers as 'hard' values) and 'non-measurable values', which are either subjective or not accepted collectively, also called 'soft' values (apud (Ifko 2017).

Sonja Ifko mentions the study by Dutch researcher Ruud van der Kemp as a methodology that helps us identify the cultural and conservation values of the study area that are irreplaceable and the most difficult to quantify financially. The values that we want to expose in the processes of industrial heritage conservation belong to the group of non-measurable ones, which makes their implementation in the processes of urban regeneration even more indispensable. Nevertheless, **there have not been many**



**studies that would provide a comprehensive analytical evaluation and the basis for directing future development.** In his study *Value and Revitalizing Industrial Heritage*, the Dutch researcher Ruud van der Kemp stemmed from economic parameters of evaluation. Economic indicators are the basic and most widely used way of evaluation and, for many, the only credible comparative criterion of evaluating various investments and cultural heritage regenerations. In his study, Ruud van der Kemp<sup>16</sup> states: “When using economic indicators in evaluating industrial heritage conservation measures to define the economic value factors we should follow a system that includes all the relevant revitalisation aspects”. He divided the **economic values into two groups – “measurable values” (e.g. in Euros, per square meter) which he refers to as “hard” values, and “non-measurable values”, which are subjective or not collectively accepted, also called “soft” values.** The analysis helps us to identify the cultural and conservation values of the study area that are irreplaceable and the most difficult to quantify financially. The values that we want to expose in industrial heritage conservation processes belong to the group of non-measurable values, which makes their implementation in urban regeneration processes even more (Ifko 2017).

- **Legal aspect:** it has two aspects when 'owners generally do not seek the legal protection of the property, since it is then legally binding on them' and those who seek in anonymity the security for non-protection (Ifko 2017).

Despite the complexity of the nature of industrial heritage, its meaning and value justify promoting the future of the heritage associated with the citizens and the territory. The idea is that 'the successful rehabilitation of these sites should crucially reinforce the visibility of the value of cultural and technical heritage to society and its importance for both local and regional development (Blagojević e Nikolić 2017)', as well as, 'its role in spatial development and the processes of re-use that shape the characteristics - allow us to balance all parameters, both development and protection (Ifko 2017)', associated also with the provision of a safe environment with quality of life.



**CHAPTER II . PROCESS OF PATRIMONIALISATION AND  
PUBLIC POLICES: THE COMMON GOOD - OUR FRAME  
WORK**

Man is the beginning and the end of development (ICOMOS 1982)



Dans ce **Chapitre 2**, nous nous attacherons à expliquer le processus de patrimonialisation en tant que cadre et point de référence critique. La patrimonialisation est un processus complexe de construction sociale. C'est la construction sociale d'une valeur qui tourne autour de la culture (patrimoine) et qui traite d'une signification et d'un sens nouveaux (résignation) et de l'institutionnalisation de valeurs pour la société avec la reconnaissance de ce patrimoine comme un intérêt public et, dans notre cas, comme patrimoine de l'humanité.

Nous cherchons à comprendre le processus de patrimonialisation comme faisant partie de la construction sociale de la réalité, des valeurs universelles, une nouvelle vocation qui produit des effets et des effets secondaires, parce qu'elle se produit dans un domaine organisationnel, qui a trait à son institutionnalisation et à sa pratique.

De notre point de vue, le processus de patrimonialisation se compose de trois grandes phases, composées d'éléments spécifiques qui impliquent divers acteurs (stakeholders) mais qui aboutissent généralement à la construction institutionnelle de quelque chose ayant une valeur sociale. Dans la première phase, il est caractérisé par la construction institutionnelle et par la décision qui motive la préservation et la conservation du patrimoine culturel et, pour cette raison, il doit être encadré par l'État. Dans la deuxième phase, le point zéro(mark), peut être caractérisé par l'émission formelle de déclarations que le patrimoine en qualité d'intérêt public (bien commun) peut se produire au niveau international (UNESCO), national, régional et local. nous analyserons le processus de patrimonialisation en nous basant sur les normes de l'UNESCO. Dans la troisième phase, il s'agit d'un patrimoine déjà consolidé comme bien commun et, pour cette raison, il sera soutenu par des politiques publiques multisectorielles, en acquérant une nouvelle vocation qui aura un impact sur la vie des citoyens (personnes) et du territoire, et sur les actions pour sa préservation et sa conservation.

Nous chercherons à mettre en évidence les principaux effets positifs et négatifs, produits lors de la troisième phase du processus de patrimonialisation sur la base de références bibliographiques et, selon notre perception, lorsqu'il y a consécration du bien commun et de l'intérêt public.

La durabilité des politiques publiques liées à la protection du patrimoine en tant que bien commun ne se fera que de manière durable, en se basant sur les trois piliers que sont le patrimoine, les citoyens et la société qui "donnent vie" au patrimoine et au territoire - en tant que point de rencontre de l'homme avec son patrimoine.

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In this **Chapter 2** will be dedicated to explaining the patrimonialisation process as our framework and critical benchmark. patrimonialisation is a complex process of social construction. It is the social construction of a value that revolves around culture (heritage) and deals with a new significance and meaning (re-significance) and with the institutionalization of values for society with the recognition of this heritage as a public interest and, in our case, as patrimony of humanity.

We seek to understand the patrimonialisation process as part of the social construction of reality, of universal values, a new vocation that produces effects and side effects, because it occurs in an organizational field, which has to do with its institutionalization and its practice.

From our point of view, the patrimonialisation process is made up of three major phases, composed of specific elements that involve diverse actors (stakeholders) but that commonly result in the institutional construction of something with social value. In the first phase it is characterized by institutional construction and by the decision that motivates the preservation and conservation of the cultural heritage and, for this reason, it must be tutored by the state. In the second phase, the zero milestone(mark), can be characterized by the formal issuance of declarations that the heritage in the quality of public interest (common good) can occur at the international (UNESCO), national, regional and local levels. we will analyze the patrimonialisation process based on UNESCO norms. In the third phase, it deals with heritage already consolidated as common good and, for this reason, it will be supported by multisectoral public policies, by acquiring a new vocation that will impact the lives of citizens (people) and territory, and the actions for its preservation and conservation.

We will seek to highlight the main positive and negative effects, produced in the third phase of the process of patrimonialisation based on bibliographic references and, according to our perception, when there is the consecration of the common good and public interest.

Sustainability through public policies related to heritage protection as a common good will only occur in a sustainable manner based on the three pillars: that are the heritage, the citizens and the society that 'give life' to the heritage and the territory - as a meeting point of man with his heritage.

## 2.1. The Process of Patrimonialisation: the institutionalization of the common good

The patrimonialisation process, also known as heritage-making process, refers to the 'social construction of a value' to the environment of an element of culture - the patrimony, i.e. its valuation<sup>11</sup> that occurs through a complex process that deals with re-significance and the institutionalization of values for society.

The act of patrimonializing any tangible or intangible element of culture into common good and formal is based on the premise that it is legitimated by a social process, when it involves selecting certain cultural manifestations of a given society or community and transforming them into an element of shared identity, thus allowing these citizens to differentiate themselves from other cultures, people, societies and territories, and for this reason 'must be a conscious process in both its objective and subjective aspects' (Fontana 2013).

We register in advance that the process of patrimonialisation is a choice and that it is not a condition for the recognition of the identity value of the patrimony as an element of culture, which deserves to be valued and protected:

**Article12** - The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists. (UNESCO - Convention 1972)

In literature we also find the criticism that the patrimonialisation process is a unilateral act fruit of a political decision<sup>12</sup>, a top-down decision and that, for this reason, the distance from the social practice that would give it this recognition of shared value, distancing it from an act of power and dominion.

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<sup>11</sup> Action of assigning value to, act of valuing, of determining the importance, the quality, the price of something; the valuation of goods will be done next week; the valuation of the picture will be done by a specialist. Portuguese Online Dictionary <https://www.dicio.com.br/valoracao/> (Portuguese Online Dictionary 2020)

<sup>12</sup> We question whether a political decision taken by a democratically elected representative, who supposedly defends, as a political and public agent, common interests, would not be part of this social construction, with the reservation and recognition of the spheres of power where these decisions take place and the association of the patrimony itself as an instrument of power and defense of certain dominant groups, therefore their interests - as exposed.

**Institutional Theory**, on its own, would be 'capable of explaining this wider phenomenon, which is prior to or even concomitant with the institutionalization of practice, this movement that makes society assume a new value, starting to wait and to charge organizations that adopt a certain action that, many times, can go against the objective and immediate interests of the institutions of the capitalist system (Peci, 2005, apud Ferreira 2005).

Therefore our '**objective is not to offer a value analysis of the phenomenon, but to understand it as part of a mechanism that makes the system viable**'(Medeiros, 2013, apud Ferreira 2005). **We do not limit ourselves to 'understanding only how practice is institutionalized in an organizational field, but we should seek to understand it as part of the social construction of reality** (Medeiros, 2013, apud Ferreira 2005), '**which transforms particular values, generally those of the dominant, into universal values**'(Bourdieu, 1996 apud Ferreira 2005).

The term institutionalize refers to the normalization of a practice 'in a given context, which makes it part of the life of that community, taking on its own body and moving on to the status of rule in social thought and action (Meyer and Rowan, 1983, apud (Ferreira 2005). It can also be understood 'as the process that transforms beliefs and actions into rules of social conduct, concepts widely shared by mechanisms of acceptance and reproduction (Tolbert and Zucker, 1999, apud Ferreira 2005). We also consider that these same practices 'that become institutionalized are those that 'work', becoming necessary and useful practices for power relations (Peci, 2005, p.197, apud Ferreira 2005). Furthermore, 'once an institution becomes an institution, social practice becomes part of that reality, having been submitted to social control (Berger and Luckmann, 2001, apud Ferreira 2005).

Thus, the institutionalization of heritage, material or immaterial, as a common value, 'links to the idea of permanence' (Selznick, 1996, apud Ferreira 2005), giving the feeling of its perpetuation as a means of combating the threat 'of the disappearance of part of this material and immaterial legacy by the pressures of a globalized society economically and culturally' (Choay, 2001; Jeudy, 2005; Peixoto, 2006, apud et al Starling 2012).

We should be aware that the process of institutionalization, in our case represented by the process of patrimonialisation , may be 'configured in different ways, taking into account its specificities, especially the nature of the activity and the degree of structuring of the field'(Ferreira 2005), which 'vary according to historical and temporal circumstances'(Fonseca, 2003, apud Ferreira 2005), thus allowing



us to understand the differences between the systems and mechanisms of each country and at the international level, since it is these that will influence public policies from 'a marginal and isolated action to a structured action (Medeiros, 2013, apud Ferreira 2005).

The level of adherence among stakeholders to the 'common good' (the heritage) is a key element of the success of a sustainable policy and, in contrast, it becomes an element of power, which will eventually put it at risk if it is not legitimated, as we will see in the course of our exposure.

The desired result of the heritage process is the preservation of cultural heritage linked to sustainable development based on the synergy and integration of the three main pillars - tangible or intangible, digital - cited:

**(1) The Heritage itself, whether material, immaterial or digital, goes through the maintenance of its integrity, authenticity and diversity associated with its heritage policy or police conservation and management, consisting of meanings<sup>13</sup>, interpretation<sup>14</sup> and associations<sup>15</sup> of its cultural significance<sup>16</sup>, protection<sup>17</sup>, conservation<sup>18</sup>, maintenance<sup>19</sup>, preservation<sup>20</sup>, restoration<sup>21</sup>, reconstruction<sup>22</sup> adaptation<sup>23</sup>, use<sup>24</sup> and compatible use<sup>25</sup>, and management (ICOMOS 2013).**

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<sup>13</sup> Meanings denote what a place signifies, indicates, evokes or expresses to people. (ICOMOS 2013)

<sup>14</sup> Interpretation means all the ways of presenting the cultural significance of a place. (ICOMOS 2013)

<sup>15</sup> Associations mean the connections that exist between people and a place. (ICOMOS 2013)

<sup>16</sup> Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups. (ICOMOS 2013)

<sup>17</sup> 7. Protection - "Protection" means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions; and "Protect" means to adopt such measures. (UNESCO - Convention 2005)

<sup>18</sup> Conservation means all the processes of looking after a place so as to retain its cultural significance. (ICOMOS 2013)

<sup>19</sup> Maintenance means the continuous protective care of a place, and its setting. Maintenance is to be distinguished from repair which involves restoration or reconstruction (ICOMOS 2013)

<sup>20</sup> Preservation means maintaining a place in its existing state and retarding deterioration. (ICOMOS 2013)

<sup>21</sup> Restoration means returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material. (ICOMOS 2013)

<sup>22</sup> Reconstruction means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material. (ICOMOS 2013)

<sup>23</sup> Adaptation means changing a place to suit the existing use or a proposed use. (ICOMOS 2013)

<sup>24</sup> Use means the functions of a place, including the activities and traditional and customary practices that may occur at the place or are dependent on the place. (ICOMOS 2013)

<sup>25</sup> Compatible use means a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.(ICOMOS 2013)

We must have a clear perception that the existential condition of cultural heritage is linked to citizens and territory, after all 'the concept of heritage is not one-dimensional, isolated or confined to particular objects and disconnected historical moments. It is necessary to discover the language of the territory, with all its cultural expressions as interconnected tools (García Cuetos 2012, 54)<sup>26</sup>.

**(2) Citizens and Society** - They are the ones who “give birth” to heritage from the 'co-existence of cultural values (that) should always be recognized, respected and encouraged' (ICOMOS 2013).

Cultural heritage is inseparable from all aspects of community life. For example, it cites housing. Habitat is geared to promoting the sustainable development of human settlements, taking this aspect into account. Cultural heritage is not only an economic resource at the service of a mercantilist concept of development, but we must see it as an integral part of communities, of humanity and of all progress and must necessarily take this into account. (García Cuetos 2012, 133-132).

We draw attention to the fact that 'it engages social actors and their diverse interests and such resources, held in common, may also represent some social dilemmas. In particular, collectively managed resources risk being overused by some, which may threaten their very existence. The social sciences have recognized a potential "tragedy of commons" in which individuals interested in acting independently are unable to cooperate and, as a result, behave contrary to the best long-term interests of the entire group, exhausting the common resource. The solutions to this dilemma are traditionally either public intervention and centralized management or, alternatively, privatization and market-based approaches to resource management (European Union - OMC 2018)<sup>26</sup>, but we believe that strengthening democratic participation will also offer more equitable solutions in the conduct of these interests.

**(3) Territory** - 'the territory is the meeting point of man with his heritage. Without a cultural appreciation of the territory that highlights the uniqueness of its resources and stimulates the community's confidence in itself and its creative capacity, it is difficult for a place to take off in its economic development. Therefore, heritage is the result of the dialectic between man and the environment, between community and territory. Inheritance does not consist only of those objects

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<sup>26</sup> Theme treated at the Seminar Cultural Heritage and Globalization. Globalization, ethics and identity, held in Burgos on July 19, 20 and 21, 2001 and convened by ICOMOS, Spain

from the past that have official recognition, but of everything that refers to our identity. The integral concept of heritage has as its dimension the globality of the territory and its inhabitants; as its final objective, the quality of life resulting from sustainable economic and social development; its methodology is the integral management of heritage resources based on territorial strategies territorials (García Cuetos 2012, 18).

The concept of sustainability was born from the relationship between man and nature. Therefore, it is expected that both of them can survive without the acts of man and the use and exploitation of natural resources compromising life on the planet. Therefore, sustainable development must be understood as 'the model that contemplates the integration between economy, society and environment. In other words, it is the notion that economic growth must take into account social inclusion and environmental protection (ONU 2012)<sup>27</sup>. We recognize that heritage is an economic resource<sup>28</sup> and that it brings with it the capacity to generate other resources for citizens and territories - whether in the economy or as social, cultural, environmental, urban, and other capital, all associated with the new printed vocation.

Faced with models that establish the indiscriminate and unregulated exploitation of resources, including heritage, a new vision was born that seeks to ensure a sustained or sustainable development (García Cuetos, 2012, 131-132). The main objective of sustainable development in relation to heritage 'in the opinion of Francisca Hernández (Hernández, 2002), cannot be other than the constitution of a close relationship between the needs expressed by society, the use made of natural and cultural resources and the organization of human activities to be carried out in a certain place'(apud García Cuetos, 2012, 133-132).

Thus, the economic aspect is undoubtedly important and plays a prominent role in the proposal of sustainable development, but conditioned by the prioritization and harmony between the three pillars now mentioned. Economic activities are essential and seen as tools (activity-means) for the desired development, which will only occur in a balanced way when the economy does not take the foreground (activity-end) as a reflection of a developmental action 'at any price<sup>29</sup>'. The economic solutions, derived

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<sup>27</sup> Conferência das Nações Unidas sobre o Desenvolvimento Sustentável Rio+20 (2012)

<sup>28</sup> Quito Rules of 1967: We assume that monuments of archaeological, and artistic interest are also economic resources, as well as the natural resources of the country. Consequently, the measures that lead to their preservation and proper use are no longer only related to development plans, but are or should be part of it (ICOMOS 1967) apud (García Cuetos, 2012).

<sup>29</sup> In practice, several social policies have been designed and implemented as residual priorities of economic policies and explicitly labeled as 'compensatory' programs to 'smooth out' the social cost of economic adjustments". (Björkman 2005)

from common goods, are not in "centralized management nor in the privatization of common goods, but, although they are feasible, they do not offer an ideal solution. Starting from the analysis of several empirical case studies, she scientifically demonstrated that the tragedy of the commons is not inevitable: communities can develop a 'third way of governance' at community level, thus succeeding in avoiding unproductive conflicts, according to Elinor Ostrom, political economist and Nobel Prize winner (apud (European Union - OMC 2018, 18, note n°31).

**Sustainable development also allows us to aspire to social cohesion**<sup>30</sup> between citizens and territories as one of its results. Social cohesion presupposes a set of circumstances that concern vertical and horizontal interactions between members of a society characterized by attitudes and norms that include trust, a sense of belonging and a willingness to participate and help, as well as appropriate 'behavioral manifestations'(Chan et al. 2006, apud et al Acket, et al. 2011).

The concept **to social cohesion** also covers 'substantial relationships that, applied to spheres of activity and social relations as a precondition for **economic prosperity**, should consider the **coexistence of three components**: •**Economic - Insertion/exclusion**: a shared market capacity, particularly regarding the labour market and **Equality/inequality**: equality in chances and equality in conditions; • **Political - Legitimacy/illegitimacy**: maintenance of public and private institutions which act as mediators and **Participation/passivity**: involvement in management of public affairs, third sector (in opposition to political disenchantment); • **Sociocultural - Acceptance/rejection**: pluralism in facts and also as a virtue i. e. tolerance in differences and **Affiliation/isolation**: share of common values, feeling of belonging to a same community (Bernard, 1999 apud Acket, et al. 2011).

**Therefore, sustainable development based on the process of patrimonialisation will only be possible if it is continuously based on the balanced and synergistic relationship between the three pillars, thus ensuring the quality of life that they imply.**

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<sup>30</sup>**Social cohesion**: During the last years two main approaches to the study of social cohesion can be identified (Chan et al., 2006). The first one is a sociological and psychological approach based on the study of integration and social stability (Berger, 1998; Gough and Olofsson, 1999). The second one is a policy oriented one as adopted by the Canadian government, by the European and other international institutions who consider social cohesion as a precondition for economic prosperity (Acket, et al. 2011)

## 2.2. Our Time Line Research - Our Framework

The **Heritage Process**, as a process, is understood by a set of sequential, formal acts and actions, supported by diverse techniques and methodologies that lead to a final result; the patrimonialisation process from our point of view is a new vocation originated from the social recognition of Patrimony as a common good and that will be supported by public policies.

**The process of patrimonialisation, in our view, as already mentioned, is composed of three major phases<sup>31</sup> that can be characterized, as follows:**

- **1st Phase - Institutionalization of a value**, the choice for the process of patrimonialisation as preservation and conservation of cultural heritage;
- **2st Phase - The Common Good: 'Zero Milestone'**. It is characterized by the formalization and publication of the declaration of heritage as a good of public interest, which can be in the international (UNESCO), national, regional (state) and local scope.
- **3rd Phase - The New vocation** brought by recognition of the common good and public policies in Heritage.

### 2.2.1. 1st Phase – Institucionalização de um valor

The first phase of the process of patrimonialisation is related to the process of institutionalization when by means of a social process of valuation of the patrimony as a common good for a society and its territory, as already mentioned in the introduction of this chapter.

The act of (patrimonialising) transforming any tangible or intangible element of culture into a heritage of common good is based on the premise that it is legitimated by a social process, therefore the attribution of value, valuation, only occurs if the citizen recognizes himself in the context of his

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<sup>31</sup>There are also two modalities of evaluation studies that refer to the types of problems or questions to be answered (Cohen and Franco, 2004; Cotta, 1998): the evaluation of processes, which is carried out during the implementation of the program and concerns the management dimension; and the evaluation of results and impact, with more ambitious objectives, especially that of answering whether the program has worked or not (Cunha, 2006). The process evaluation seeks to detect, periodically, the difficulties that occur during the process, in order to make corrections or adjustments. It allows identifying the true contents of the program, whether it is being carried out as planned, whether it is reaching the target audience and whether the benefits are being distributed correctly. Following the internal processes, it focuses on the factors that influence the implementation, stimulating changes when necessary. (Ramos and Schabbach 2012).

existence, whether personal, social and territorial, and in the impact that that heritage, whether tangible or intangible, will have on society, its culture and its identity, transforming it into an element of shared identity that allows these citizens to differentiate themselves from other people, cultures, societies and territories.

**The reasons for protecting a cultural heritage, which also underpin the heritage process, can be internal and external** (European Union - OMC 2018). We can highlight as '**internal motivations**' those directly related to heritage, of the type: • the need to better protect and conserve cultural heritage; • the need to develop new methods and processes in the cultural heritage sector; - a third motivation may relate to the choice of a participatory governance approach and also to the need to protect and safeguard it or to defend good practices in the care and protection of cultural heritage; • The mandate for participatory approaches at international conventions provides a fourth cultural motivation centred on cultural heritage, without diminishing the central role of local communities. Professionals are also encouraged to implement participatory approaches to cultural heritage governance (European Union - OMC 2018). **In the 'external motivations'** permeate economic, political, scientific, administrative and cultural aspects, factors capable of: • encourage involvement; • support active citizenship and social revitalization; • promote social inclusion; • reinforce identities; and, • develop public ownership of cultural heritage and create a sense of shared responsibility (European Union - OMC 2018)'.

**Heritage protection practices are associated with the idea that this is a positive factor capable of bringing development to the territory and its citizens** with the creation of new market and employment opportunities<sup>32</sup>. It can stimulate the desire to improve the value and significance of cultural heritage at a regional level and to promote regional development at various levels through recreation, transformation, renewal and sustainability' (European Union - OMC 2018).

This network between these various elements (internal and external) has as its point of connection people (societies) and for this reason must be related to participation, democratic practices that support the 'desire to include all stakeholders in the processes, to achieve a better balance between economic, social, cultural, heritage, architectural and environmental aspects' (European Union - OMC 2018).

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<sup>32</sup> 'creation of new employment opportunities in less developed areas (Open Method of Coordination Report, 2018)'.

This set of motivations also portrays the paradox that 'there are no neutral, transparent and universally accepted criteria, which puts the relativity of the patrimonialisation processes and their potential conflict (Starling 2012)'. Such motivations may include addressing sensitive issues that are important to some communities, such as: dealing with past mistakes or giving communities access to a hard-to-find, fragile and perishable cultural heritage. In such cases, the underlying motivations include the need to establish dialogue with neglected groups or to obtain a more nuanced view of history' (European Union - OMC 2018). And, for this reason, the presence of the various actors in the deliberation of the decision to protect, safeguard and conserve heritage in a sustainable way, makes democratic participation a differential.

**In this context, for the construction of the 'common good'**, it is 'essential to establish criteria in order to direct the efforts undertaken towards the necessary research and the choice of the most appropriate and socially legitimate uses in each context'(Starling 2012), these being the formal elements that will lead to the formalization of the heritage process, considering the legislative structure of each entity - international, national, regional and local.

In the case of Unesco, the evaluation of the Outstanding Universal Value of a new property (a monument, ensemble or site) to compose the World Heritage List must meet a set of criteria. Criteria for the assessment of Outstanding Universal Value:

Criteria for the assessment of Outstanding Universal Value:

**•criteria for cultural heritage:**

- (i) represents a masterpiece of human creative genius;
- (ii) exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;
- (iii) bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared;
- (iv) be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history;
- (v) be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative of a culture (or cultures), or human interaction with the

environment especially when it has become vulnerable under the impact of irreversible change;

(vi) be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria);

• **Criteria for natural heritage:**

(vii) contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance;

(viii) be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features;

(ix) be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals;

(x) contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of Outstanding Universal Value from the point of view of science or conservation.

World heritage properties nominated under criteria (i) to (vi) must meet the conditions of authenticity, but all properties nominated for inscription on the World Heritage List must meet the conditions of integrity, which refers to natural and cultural heritage and its attributes. Examination of the conditions of integrity therefore requires an assessment of the extent to which a property: a) includes all the elements necessary to express its Outstanding Universal Value; b) is of adequate size to ensure complete representation of the characteristics and processes which convey the property's significance; c) suffers the adverse effects of development and/or neglect. (UNESCO 2017)

They are also important: - the authenticity criterion in terms of design, materials, workmanship or structure - as an additional factor, it will also be taken into account that the state of conservation of the property must be evaluated in a relevant way, that is, compared with the state of other similar properties of the same period (UNESCO - Convention 1972, apud García Cuetos, 2012, 43).



As for the Criteria for inscription on the Intangible Cultural Heritage List (UNESCO - Convention 2003), listed below, the State or other members are responsible for its fulfillment:

- R.1 The element constitutes the intangible cultural heritage, as defined in article 2 of the Convention.
- R.2 The inscription of the element will contribute to ensure visibility and awareness of the meaning of intangible cultural heritage and to encourage dialogue, thus reflecting the world's cultural diversity and witnessing human creativity.
- R.3 Safeguard measures that can protect and promote the element are developed.
- R.4 The element has been named after the widest possible participation of the community, group or individuals concerned with their free, prior and informed consent.
- R.5 The element is included in an inventory of intangible cultural heritage present in the territory(s) of the requesting State Party(ies), as defined in articles 11 and 12 of the Convention. (UNESCO 2018, 26-27)

Also in the case of intangible assets, the Convention establishes specific criteria for those assets that require Urgent Safeguard and must meet all of the following criteria:

- U.1 The element constitutes intangible cultural heritage, as defined in article 2 of the Convention.
- U.2 (a) The element is in urgent need of safeguarding because its viability is at risk despite the efforts of the community, the group or, if applicable, the individuals and the State(s) Party(ies) in question; or (b) The element is in extremely urgent need of safeguarding because it is facing serious threats as a result of which it cannot be expected to survive without a safeguard.
- U.3 A safeguard plan is developed that can allow the community, the group, or, if applicable, individuals interested in continuing the practice and transmission of the element.
- U.4 The element has been named after the widest possible participation of the community, group, or, if applicable, individuals concerned and with their free, prior, and informed consent.
- U.5 The element is included in an inventory of intangible cultural heritage present in the territory(s) of the requesting State Party(ies) as defined in articles 11 and 12 of the Convention.
- U.6 In cases of extreme urgency, the State Party or Parties involved have been duly consulted on the listing of the item in accordance with Article 17.3 of the Convention. (UNESCO 2018, 26-27).

Also in terms of technical aspects, the conservation policy (heritage policy) will also assist in the preparation and presentation for inscription as a World Heritage Site. The conservation policy (heritage policy) consists of the actions, criteria and values that refer to the technical aspects and integrity of the heritage and that will guide the actions of its preservation, conservation, reuse and reuse as mentioned in the Burra Charter (ICOMOS 2013), present in the first phase of the process of patrimonialisation and other conservation actions that do not seek the institutional and formal declaration.

The Burra Charter presents three stages for establishing conservation policy (heritage policy), the first of which is understanding the meaning of heritage, followed by the development of policies and, finally, its management in accordance with established technical parameters.

**The development of conservation policy (heritage policy)** based on the Burra Charter proposes that a Declaration of Meaning be made, structured in accordance with the characteristics of the analytical phase and the phase of identifying values, a summary of cultural significance, which emphasizes heritage values as the basis for implementing the conservation and management process (Ifko, 2017). This is the most important part of the coordination's conservation policy, i.e. when all the conditions are studied and the parameters for the development of the management plan are agreed upon' (Ifko, 2017). The management plan of the heritage policy will be developed according to the following considerations: • conservation and interpretation measures - at this stage conservation activities should be presented for the entire heritage, e.g. restoration work, maintenance together with interpretation plans; • recommended uses - recommendations for the use and rules for implementing these uses; • finally, the potentials should be defined (Ifko 2017), such as tourism, real estate, housing, environmental and creative economy and others.

These criteria and parameters will guide the public policy of patrimony in association and participation of the actors responsible for its guardianship (public and private nature). The fulfilment of all these criteria and elements will lead us to the second and third phase of the patrimonialisation process, which will assume parameters of deliberation and acceptance for the qualification of the patrimony and the emission of the declarations, portrayed in the management of the patrimony and in the public policy that will be present in the third phase.

### **2.2.2. 2<sup>nd</sup> Phase - The Common Good: 'Zero Milestone'**

The second phase can be characterized as a 'zero milestone' by referring to the formalization, publication and publication of the declaration(s) of recognition of the heritage as a 'common good', which can be of local, regional, national and international scope.

Heritage as a process implies the promotion of a set of actions and formal acts promoted in sequential order involving methods and techniques necessary for its declaration as cultural heritage of public interest (common good). Before the declaration, the process of patrimonialisation includes methods of: inventory, selection, recovery, invention, construction, territorial delimitation and reinforcement of the territorial link, differentiation, identification and promotion (González, Bernat and Serrano 2015).

Declarations are an instrument to formalize the act of institutional recognition, originating from the choice formulated in the first phase of the process of patrimonialisation, and can coexist in multi-scales, in accordance with the legal structure of each country and international (UNESCO). In the latter case, with common parameters for all nations to achieve qualification as World Heritage (UNESCO 2018<sup>33</sup>).

**The declarations are granted autonomously and respecting the supremacy of each host country and at the international level that can be granted individually**, which would eventually accumulate in more than one instance. Each of these declarations because they occur in different environments will involve different actors also parameterized due to the competence and jurisdiction of each institution and territory, and also a specific cultural and legislative scenario.

In this context, we understand that after institutional recognition, which unfolds in formal recognition with the issuing of declarations, there is a standardization of the understanding of the **"good of public interest"<sup>34</sup>**, a **"common interest"**, a **"common good"** that motivates actions and investments by the State through specific public policies.

The concept of 'commons' (from the Latin word *communis*) dates back to the Middle Ages as an institutional arrangement for the collective management and property of natural resources, including habitable and grazing land, forests, irrigation systems and fisheries (European Union - OMC 2018). The term is also qualified as that which benefits society as a whole, in contrast to the private good of individuals and sectors of society. "The common good points to how freedom, autonomy and self-government can be realized through collective action and active participation by individuals, not as atomized consumers, but as active citizens in the public domain of politics. It also offers the possibility

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<sup>33</sup> We note that the European Community does not grant any formal declaration, but issues notes for technical guidance and governability of these heritages that make up the identity of the Community and subsidizes actions and lines of funding.

<sup>34</sup> Public Interest: The one that imposes itself for a collective need, to be pursued by the State, for the benefit of the administered. (DINIZ, Maria Helena. Legal Dictionary. 3rd ed. São Paulo, Editora Saraiva, 2008. According to the TCU, the Principle of supremacy of the public interest is that which overcomes the superiority of the public interest over that of the private, so that there is order in the administrative activities and respect for the collectivity (TCU - Brazilian reality). Collective Interest: Interest of an indivisible nature, owned by a group, category or class of persons, linked to each other or to the opposing party by a basic legal relationship (Source: Brazil) According to the Federal Senate, collective interest is "of an indivisible nature, owned by a group, category or class of persons, linked to each other or to the opposing party by a basic legal relationship". (Brazil. Federal Senate. Basic Controlled Vocabulary (VCB). Brasília: Federal Senate, 2010) apud (TCU - Brazilian reality).

that political participation may have an intrinsic value in its own right, in addition to its instrumental value in ensuring the common good (Encyclopaedia Britannica 2016) .

In the usual political discourse, the 'common good' refers to the facilities - whether material, cultural or institutional - that the members of a community provide to the whole population in fulfilling a relational obligation that belongs to all and everyone has to take care of because it is of common interest (Stanford Encyclopedia of Philosophy s.d.). In the field of law, the common good is associated with the public interest that assumes a hierarchical degree of supremacy when compared to other interests because it is associated with a collective need, the one that imposes itself as such, and must be carried out by the State for the benefit of all citizens (Diniz, 2008 apud TCU).

From the perspective of cultural heritage, the notion of the common good is associated with the understanding of how 'cultural heritage can be possessed, not only by states or communities, but also privately; it can also be seen and treated as a common good' which makes 'heritage resources, irrespective of their ownership, of common value and therefore common goods. This requires a developed framework of collective governance, operating at multiple levels and involving multiple actors, all actively involved in the maintenance, management and development of the common heritage' (Open Method Of Coordination-OMC 2018)<sup>35</sup>.

As a transactional example of the construction of a common good to give it a collective identity, we use that proposed by the composition of the protection of the various forms of cultural heritage developed by the European Community, present in its member countries, but which '...all forms of cultural heritage in Europe which together constitute a shared source of remembrance, understanding, identity, cohesion and creativity...' and '...the ideals, principles and values, derived from the experience gained through progress and past conflicts, which foster the development of a peaceful and stable society, founded on respect for human rights, democracy and the rule of law'(European Union - OMC 2018).

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<sup>35</sup> The Heritage Commons conference held in Turin in September 2014, promoted by the European Community, analysed cultural heritage through the "commons" perspective in order to identify and discuss the governance and policy implications for its preservation, management, enhancement and enjoyment as a driver for sustainable development at local, national and European level (European Union - OMC 2018)

For this reason, the act of institutionalizing the patrimonial value based on the inheritances and instances mentioned changes the way society relates to them and in face of the impacts that unfold (effects and side effects) around its own patrimony, citizens and territories to which the new vocation brought about by the officialization (formalization) of the 'common good' is linked. For this reason, it will be supported by the State through public policies, thus inaugurating the third stage of the patrimonialisation process.

### **2.2.3. 3<sup>rd</sup> Phase –The New vocation brought by recognition of the common good and public policies**

The third phase refers to the future of the heritage when it has already been recognized as a common good of public interest and is now protected by the State and supported by public policies. The institutional and formal recognition (declaration) of this common good (heritage) gives rise to new vocations which promote 'effects and side effects' felt by citizens, the territory and the heritage itself.

The decision to make heritage, to give it 're-significance' and to value it as an element of culture transforms it, in our opinion, into a 'socioeconomic agent', an element that generates a link, a 'taxation' that starts to influence the relationships and the context where they develop (socioeconomic and territorial) from this sociocultural element, thus appearing a new vocation and a new perspective for the future of a certain society and its territory.

**Vocation** is a term derived from the Latin verb 'vocare' which means 'to call', a call which is interpreted as an inclination, a tendency or a skill which leads to the exercise of a certain competence, the practice of activities which are associated with the desire to follow a certain path <sup>36</sup>.

**The vocation** we mention here is not the 'natural/natural' vocation, as for example, are the vocations related to the activities developed from an abundant element such as ore or water in a territory, but a vocation that has been built from a social process, a process of institutionalization known as patrimonialisation . Thus, the institutionalization of heritage brings a 'new vocation' to the heritage itself, to citizens and to the territory.

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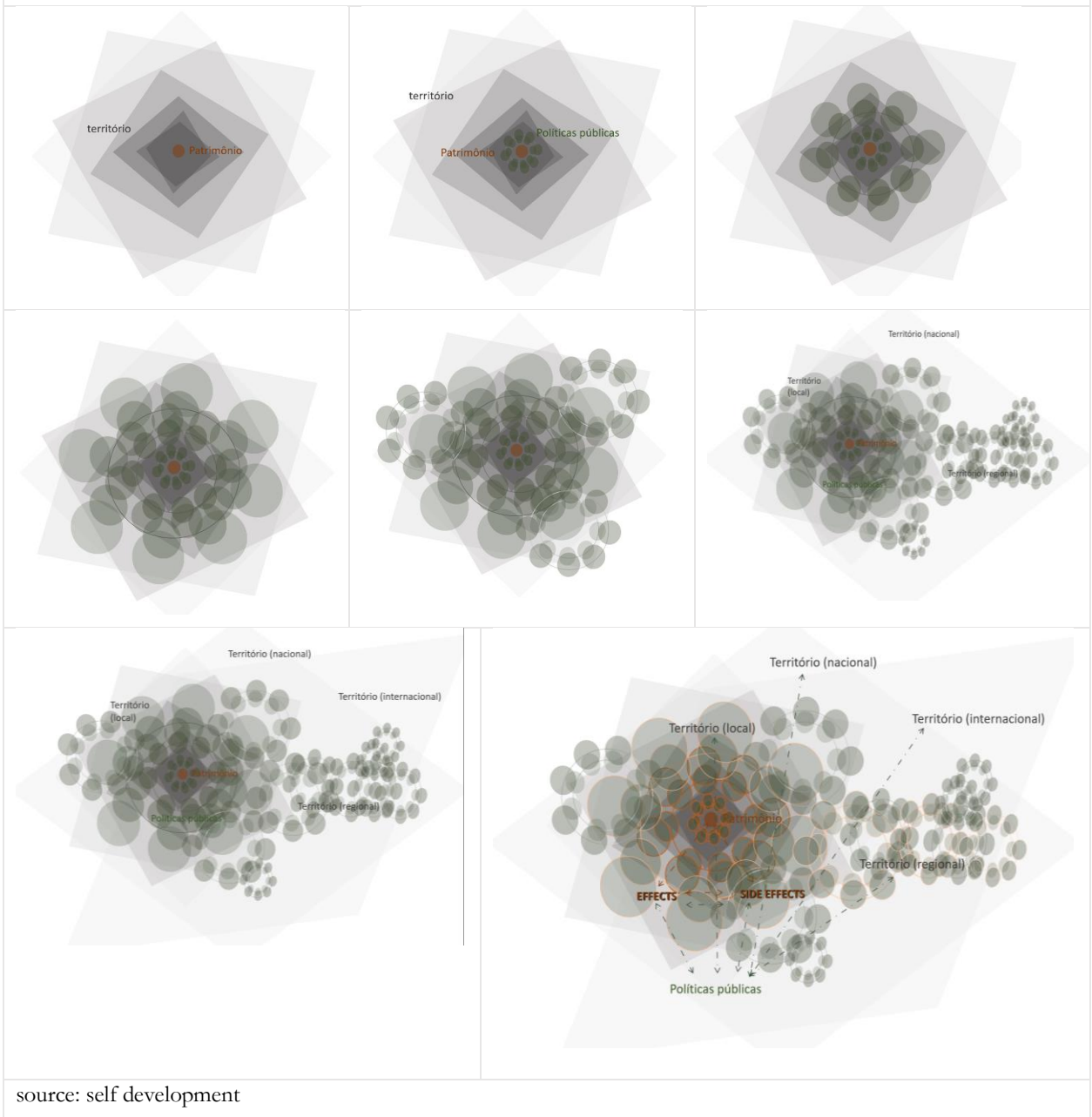
<sup>36</sup> Based on (<https://www.significados.com.br/vocacao> 2019)

**In the link established between the 'new vocation' and the citizens, culture plays a vital role,** because culture 'is a way of understanding the present and future relations of human groups and the different ways of organizing social life that characterize the way of life of a community in its global and totalizing aspect (Santos,1996 apud (Maurício 2015). **The connection established with the territory** unfolds through the incorporation of the 'characteristics of the social landscapes of industrialization, whose return requires and makes usable the recovery or maintenance of the homogeneity of the constructed frameworks. There can also be a whole series of elements inserted in local contexts of value, supported by ecomuseus systems, environmental or thematic itineraries that, in many Italian and European regions, these local realities connect with key systemic environmental resources, productive inclinations, economic and technological aspects, work cultures, socio-cultural characteristics' as Fontana (2013) very well approached.

#### **2.2.3.1. New vocation: Effects and Side Effects of patrimonialisation Process**

The new vocation generates effects (predicted, projected and desired) and side effects (not predicted, not projected and even undesired) to its surroundings, all originating from the process of patrimonialisation and due to the impact of the patrimony in the personal sphere of the citizen, in society and in the territory. The effects expected and side effects of this new vocation promote a radial (wave) effect to its surroundings, and may cause a greater degree of concentration of activities and demands in the local sphere or continuous effects of lower graduation as it distances itself in regional, national and international terms, mobilizing policies (actions, projects and programs), public and private resources, structured or not, formal and non-formal, organic and artificial (stimulated).

Figure nº2 - Radial Effect - Heritage Wave under citizens, territory and public policies developments



**It is difficult to identify and synthesize all the expected effects and the collaterals that unfold as a result of the new vocation and the new heritage policy brought about by patrimonialisation** because they branch off, interconnect and correlate as something desired and positive, but in other circumstances they may represent something challenging or negative because of the risk of compromising local sustainability.

We have tried to highlight the most recurrent descriptive elements in the literature that we have identified as side effects, but in an illustrative rather than a taxative manner. Some of these dimensions can be interpreted as having positive, negative and side effects. In addition, one should also consider the gradation of impacts.

**(a) Positive Effects - are those that impact adequately and can be understood as expected and planned. They are:**

- **Protecting and conserving cultural heritage better:** 'the need to protect and conserve cultural heritage better. Many initiatives are seen as the best ways to protect some particular aspect of cultural heritage. Better protection is sought, for example, by raising awareness of sites, making them more visible, but also because the support of heritage communities can help to preserve and safeguard cultural heritage. Linked to this need for protection is sometimes a lack of sufficient funds or manpower for tasks such as conducting inventories over large areas, site-specific maintenance or eliminating a backlog in catalogues in museums'(European Union - OMC 2018);
- **Promotes social, economic and cultural growth:** linked to innovation, creativity and inclusion;
- **Heritage can be considered as an economic asset,** increasing and maintaining the economic function;
- **territorial and economic development:** 'industrial heritage can become the basis for the development of successful economic and cultural tourism models and contribute significantly to the processes of reindustrialization necessary for global competitiveness across Europe'(Ifko 2017);
- **economic valorization of monuments and public spaces:** it becomes a condition for the implementation and sustainability of actions for the conservation and rehabilitation of urban space;
- **Cultural consumption associated with urban regeneration:** 'disseminated in the 1980s stimulates as a priority the opportunities for new business related to tourism and cultural animation of revitalized public places and spaces (Choay, 2001; Jeudy, 2005; Peixoto, 2006 aput et al Starling 2012);



- **Sustainable development associated with the urban rehabilitation of conserved areas:** 'the topic of new uses for conserved buildings and protected spaces is given an important place on the agenda, since the perspective of rehabilitation of all or its transformation into museums, theme parks or cultural centres is not placed'(Choay, 2001; Jeudy, 2005; Peixoto, 2006) apud et al Starling 2012).
- **Tourism and development of economic tourism models:** tourism must be a factor that contributes to the protection of cultural heritage, since it is possible to preserve heritage values by using it as a tourist resource (García Cuetos, 2012, 143-144);
- **Cultural tourism policy access to cultural heritage and resources:** García Cuetos (2012) mentions: 'Tourism contributes significantly to the access to cultural heritage of a large number of people, and revenues from tourism can provide significant resources for the maintenance and conservation of cultural heritage (García Cuetos, 2012, 145);
- **Sustainable cultural tourism policy:** 'Cultural tourism strategies can cooperate to highlight different categories of cultural goods, such as technical and industrial heritage and those resulting from tourism, taking into account the experience of European cultural routes promoted by the Council of Europe', for example. 'Policies to be developed should prevent the use of heritage and the frequency of certain cultural sites cannot go beyond an acceptable quota, determined according to the vulnerability of the sites' (García Cuetos 2012, 145). Any sustainable cultural tourism policy must avoid excessive exploitation of cultural and natural heritage, which is a rare and non-renewable resource whose degradation would destroy the very basis of tourism motivation. And that 'the growth of cultural tourism can contribute to the development and revitalization of regions, but is likely to create pressures on cultural heritage and affect the quality of life of host communities. Cultural tourism policies and strategies should be researched from the perspective of a balanced and sustainable use of cultural heritage, ensuring the potential for its use by future generations. Specific models for the development of cultural tourism should be researched without reproducing the usual patterns of mass tourism (García Cuetos 2012, 145);
- **Cultural industries:** Cultural industries refer to companies producing and distributing cultural goods or services, as defined, that are currently considered as a specific attribute, use or purpose, incorporating or transmitting cultural expressions, regardless of the commercial value they may have. Cultural activities may be an end in themselves, or may contribute to the production of cultural goods and services'(UNESCO - Convention 2005, art.4);
- **Proposals for sustainable, creative and collaborative uses:** 'The situation and policy of industrial heritage at risk include: marketing and awareness issues; the protection of industrial sites; redundant (vacant) industrial buildings and how to protect them or use them temporarily; constructive

conservation (the protection and adaptation of historic buildings and sites through active management of change, working with owners, architects and developers to develop proposals for sustainable and creative uses); guidance to developers; the role of non-profit organizations (where there is no apparent commercial solution); and outstanding issues. Different types of industrial buildings converted to commercial, residential and cultural uses will be examined'(Pickard 2017);

- **Integration of materials in planning:** Thus, heritage preservation, territory planning and environmental preservation are some of the examples of heritage communication with other fields of knowledge, incorporating the idea of culture and the environment built in the 20th century(Castriota 2009, 13);
- **definition of urban space zoning policies** and the interventions on it reach a larger number of people;
- **environment:** promotion of site renovation;
- **Interculturality:** 'Interculturality refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect (UNESCO - Convention 2005)'.

**(b) Side effects are those associated with something negative, unanticipated, unexpected, not sized, not planned, not projected and/or unwanted.**

**Side effects, identified as unpredictable, are side and undesired actions.** By the initial approach, asset value statements as the method of protecting the public interest were idealized and always seen as a positive policy, something positive that ensured asset protection and brings development, even if it is private property. Thus, how can we accept that this act of protection can have a negative impact on the society that elected it as the common good and its territory?

**The side effects reported** have been highlighted by professionals and recent literature with diverse approaches, but in a conscious way that they exist and deserve our attention, because they directly affect the sustainability of the heritage (itself) and also of citizens and their territories. We believe that these effects may gain even greater dimensions in the cases of large industrial estates due to their profile (size, proportion, type of material and environmental issues).

**We list below some examples of side effects:**

- **Expulsion of the resident population** near the heritage and historical centers;
- **Ennoblement or gentrification:** 'the concept of ennoblement or gentrification (translation of the English term gentrification) was used by Harvey (1992), Featherstone (1996) and Zukin (1995) to designate forms of economic enterprise that elect certain spaces in the city as centralities and transform them into areas of public investment that create asymmetries and inequalities' (Leite, 2007; Rubino, 2009, apud et al Starling 2012); and yet according to Leite, two characteristics seem central and recurring in these processes: '(a) the spectacularization of culture and (b) the formation of social-spatialities with the construction of a fragmented public space, markedly multipolarized'(Leite, 2010, apud et al Starling 2012)".
- **Segmentation and spatialization of cultural heritage uses:** 'ennobling interventions in urban space present as negative results a segmentation and spatialization of cultural heritage uses with a strong characteristic of exclusion of social segments that do not adapt to the new pattern of consumption that is established. These externalities affect the sustainability of these interventions and compromise their potential to meet the objectives for which they were undertaken'(Starling 2012);
- **Monumental aesthetic dimension (valorization of facades and lighting) and overlap** with the interests and needs of resident populations: 'urban heritage rehabilitation policies have produced considerable impacts on urban dynamics and on resident populations in rehabilitated places. This overvaluation of the aesthetic aspect of heritage overlaps with the interests and needs of resident populations (Arantes, 2009; Peixoto, 2006; Leite, 2007; 2010, apud et al Starling 2012). Also: 'the revitalization or rehabilitation of historical centres has taken on the form of interventions aimed at transforming historical heritage into "merchandise for cultural consumption' and 'the citizen into consumer'(Leite, 2007, apud et al Starling 2012);
- **the needs of inhabitants and the sociological aspects:** 'the sociological aspects to be considered in actions of tutelage or intervention in old urban plots, a theme that gained strength, especially, from the 1960s. Hubert Fernand Joway exposes the issue clearly. The author suggests that the old quarters should be preserved not only because of historical-artistic values, but above all because of their essential role in the social dynamics of the whole city. Therefore, preservation proposals based on the production of 'museum districts', aimed at tourists, are seen by the author as destructive as demolition itself, as they rob the old quarters of their original functions in the social conformation of the urban organism. The professionals involved in the intervention of these groups should therefore seek a

sociological formation that would guide them in understanding the needs of the inhabitants (apud et al Rufinoni 2013);

- **Museum districts:** 'the old neighbourhoods perform important Parisian social dynamic functions and discuss the valorisation of social criteria, in addition to aesthetic and historical institutions (Rufinoni 2013). As an example, 'Certain neighbourhoods, such as the Latin Quarter and the large neighbourhoods on the right bank of Paris, play an essential role: one that harmoniously mixes the extremely diverse masses of the population or allows for enriching exchanges. (...) is irreplaceable and is a motive for capital conservation, for the appropriation of these neighbourhoods to present life. In these neighbourhoods in particular, the inhabitant passes ahead of the tourist; or will the social criterion be achieved, if necessary, ahead of the aesthetic criterion and that of the historical one? (H. F. Joway apud et al Rufinoni 2013).

- **Merchandise for cultural consumption:** 'the revitalization or rehabilitation of historical centres have taken the form of interventions aimed at transforming historical heritage into 'merchandise for cultural consumption' and 'the citizen into consumer'(Leite, 2007 apud et al Starling 2012). Risk to the integrity and authenticity of the heritage and to the culture of the territory inserted; or even "defense of the eminently cultural character of the action of preservation and restoration, either in the approach of the polemics around the old-new relationship, or in the contestation of the challenges caused by the interference of economic tariffs in the action of guardianship, as a constant threat to real estate activity or advance of an idea of tourism harmful to heritage, which classification of monuments as consumer elements not of culture (Rufinoni 2013);

- **Real estate speculation harmful to heritage:** 'defense of the eminently cultural character of the action of preservation and restoration (...) in the face of the constant threat of real estate speculation or the advance of an idea of tourism harmful to heritage, which classifies monuments as elements of consumer rather than culture. In this sense, the panel stresses that protection must consider monuments as a living heritage, an integral part of our present, and also elements that register fruition and (...) cultural heritage, and not just a nostalgic, "museified" image of an isolated past in the present'(Rufinoni 2013, 137);

- **Segregation in cities, developmental urbanism and private interests:** 'The main criticism was against developmental urbanism in which public policies submitted to private interests resulted in fragmentation and segregation in cities'(Starling 2012);

- **Urbanisation and sustainable development:** The world is increasingly urbanised and the challenges to sustainable development will increasingly depend on cities, which means that they bring together the causes of many of the world's current problems, such as: social inequality, insecurity, lack

of mobility, lack of urban planning and asset management, housing in unsafe areas, and that in order to achieve sustainable and equitable urban development it will be necessary to think about and find solutions to these challenges, naturally extending to the protection, promotion, improvement and sustainable management of cultural heritage, the object of our study;

- **Infrastructure:** restriction to the development of infrastructure in urban centers and due to territorial expansion;

- **Lack of coordination between sectors and levels of government:** 'in this sense, Lerda, Acquatella and Gómez (2005) emphasize that the lack of coordination between sectors and levels of government can generate negative incentives, aggravating the current environmental problems. Negative externalities can arise from the political, economic and social costs, generated both by lack of coordination and by failures to coordinate, which can be sufficiently relevant to explain the paradoxical rift between aspirations and results with respect to sustainable development (apud et al Moura and Bezerra 2016);

- **Lack of transparency in public management and participatory processes;**

- **Economic and political cycles;**

- **Environment:** 'population growth and its unequal distribution, the brutal and disordered acceleration - over the last decades - of urbanism and industrial expansion, the intensive exploitation of resources that we know are not renewable, the lack of compliance with legislation, unbridled competition in all fields'. It was then clearly seen how 'an authentic (ecological) environmental policy is inseparable from a redefinition of the notion of development'; and, finally, 'in the search for a new and beneficial balance between economic development, environmental heritage and cultural heritage'(Castriota 2009);

- **Non-sustainable tourism:** 'The protection and conservation of heritage sites can also promote the economic development of the communities where they are located, but we must not forget that the presence of tourism always implies, without exception, an economic, social and environmental transformation of these same sites and that the damage can be greater than the benefits caused to the heritage and be irreversible. In many cases, what is damaged or destroyed by misuse or excessive exploitation by tourism far exceeds the supposed benefits obtained from it, if we exclude, of course, the profits obtained by tourism companies, which do not feel linked to heritage or value it as something that is not a replaceable resource (one can always look for another destination to replace the destroyed or degraded)(García Cuetos, 2012, 140).

García Cuetos also highlights that:

**'The responsible use of the patrimony,** the good management or the ethical management of the heritage, are particularly important in all the questions related to the development of the industry and the cultural tourism. ... For the tourism industry, obviously, protection is not the priority. It understands that tourism is only a matter of promotion and not of planning. It does not consider, for example, something as important as assessing what we call the carrying capacity and tolerance threshold of a place, its buildings and its heritage in general, nor does it analyse the positive or negative impact that tourism can have. Not taking these aspects into consideration, the major tour operators are very reluctant to accept the need for responsible use of the heritage and the fact that there are cases where its use should be controlled and dosed or simply prohibited, in the interest of conservation".

The author explains another concept, "**carrying capacity:** it is the maximum number of people who can visit a tourist site at any time, without harming the physical, economic or sociocultural environment, and without unacceptably reducing the quality of the visitor's experience.

**This definition includes other sub-concepts:** (i) **Environmental carrying capacity:** the number of visitors or activities above which a development compatible with the natural resources and ecosystems present in the territory in question is not assured. (ii) **Social carrying capacity:** the number of visitors or level of tourist activity above which negative situations and damage to the local population occur and, consequently, rejection processes. (iii) **Tourist welcoming capacity:** number of visitors sharing the same tourist experience or level of activities, above which there is a negative experience for the tourist decreasing his degree of satisfaction and pleasure, which is very important in the case of cultural heritage. (iv) **Economic reception capacity:** number of tourists or level of tourist activity compatible with the balance between economic benefits and expenses generated by the tourist. The industry itself must be the first to take an interest in this responsible use, since it must start from the premise that if permanent and perpetual tourism is desired, it must ensure the sustainable use of the heritage, that is, guarantee its protection and conservation. In this way, it contributes to the conservation of an important resource for tourism, since cultural heritage is one of its most important objectives, which attracts millions of visitors around the world. This responsible use of

the heritage requires careful planning, conscious and responsible management, which adequately anticipates the impact it may have, as well as a rigorous ethical valuation'. (García Cuetos 2012, 138-139)

The 'Osaka Declaration on Tourism, as the fourth declaration, on the impact of tourism on society and the environment, associates the destruction of traditional cultures and lifestyles and the exploitation of vulnerable groups with the development of tourism, and indicates that tourists should take responsibility for discreet and desirable behaviour so as not to cause negative effects on local society. This document also indicates that this context of harmony between conservation and development will not destroy tourist resources for future generations and make sustainable tourism a reality (García Cuetos 2012, 143-144).

Our objective, in highlighting all these elements brought about by this new vocation, is to illustrate the different types of impacts (positive or negative, planned or unplanned, and always multisectoral and multidisciplinary) that these produce in the lives of citizens, territories and the heritage itself; and to understand how we must manage this new vocation more efficiently and effectively supported by efficient and sustainable public policies. The legitimacy of the decisions arising from this new vocation must be guaranteed by democratic participation in the deliberation, formulation, execution and review of public policies and other actions.

### **2.3. Public Policy on Cultural Heritage - Protecting the Common Good**

#### **2.3.1. The Construction of Public Policies as Part of the Result of the Heritage Process**

Public policy, present in the third phase of the patrimonialisation process, appears as a means to sustain and maintain the new vocation, its (positive) effects and its unfoldings, and also to act, correct and confront the negative side effects in search of the sustainability of the common good, in synergy with citizens and territory. The value added by the 'common' perspective brings an interdisciplinary approach, capable of linking themes and methods to the cultural heritage (whether material, immaterial or digital) that are often treated separately (European Union - OMC 2018).

The complexity involved in the public interest means 'taking a reticular and relational viewpoint that moves from 'policies of mere assignment of functions (destinations of use) to a strategic vision of industrial heritage (Fontana 2013) that ensures sustainability. It will be a matter of defining new values of use that include both the economic value and the symbolic and identity value of the disarticulated areas. In short, these are times of new synthesis between heritage and territory, between memory and innovation, in which industrial heritage is interpreted in dynamic and active terms, as a set of legacies from the past that constitute both the territorial foundation of a specific collective identity and the set of endogenous potential for development'(Fontana 2013).

We must 'consider heritage monuments as living, an integral part of the present presence, and also elements that make the enjoyment and heritage of a cultural legacy, and not just a nostalgic, "museified" image of a past isolated from the present: We do not want to preserve the monuments of the past, as a rare world of images that serves as a refuge to our nostalgia, but as a living and present heritage in our present' (R. Pane<sup>37</sup>, apud Rufinoni 2013).

The notion of "historical environment" in the 20th century expanded the perception of its relationship with the territory and society that was restricted to the circle and surrounding environment of the monument (Rufinoni 2013). Therefore, 'heritage preservation, territorial planning and environmental preservation are some of the examples of heritage communication with other fields of knowledge that incorporate the idea of culture and built environment in the 20th century (Castriota 2009, 11, 13, 161). We entered the 21st century with heritage playing a central role in the reflection not only on culture, but also on the approaches that are present today and on the future of cities of urban planning and of the environment itself. While preservation presupposes the limitation of change, conservation concerns the inevitability of change and its management (Castriota 2009, 11, 13, 161). We move from isolated monuments to groups of buildings, urban landscapes and public spaces (Starling 2012) in an integrated way.

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<sup>37</sup> R. Pane, "Conférence Introductive", em *Il Monumento per l'Uomo*. Atti del II Congresso Internazionale del Restauro (tradução da autora) - (Rufinoni 2013).-As in any modern humanistic conception, the principles of conservation of monuments are based on the assumption that a relationship of cultural and historical continuity between past and present can and must subsist. And, on the other hand, if in this field and in others we were to aspire to "qualification" as opposed to the dissemination of "quantification", we could no longer speak of the survival of a culture.



Therefore, we went beyond the traditional conceptions that limited the management to the tutelage, the study and the control of the patrimony within a real estate perspective (little intervening) - called preservationist. Heritage conservation in today's world is carried out in an integrated manner with urban planning, using various strategies such as the rehabilitation and revitalization of historic centres or preserved buildings, rehabilitation and urban ennoblement in order to find new and "profitable" uses for historical and cultural heritage (Starling 2012).

There is a fear 'of the threat of the disappearance of part of this material and immaterial legacy by the pressures of a globalized society economically and culturally. Today we are witnessing a tendency to overvalue the heritage resource according to a Market logic that leads both to an expansion of its public and to an intensification of its exploitation oriented towards urban consumption' that must also be faced. The city and the urban public space become the main vectors of this change of perspective regarding cultural heritage (Choay, 2001; Jeudy, 2005; Peixoto, 2006, apud et al Starling 2012).

We must have the 'perception of the city in a holistic way, i.e. the city as an organism with its own attributes and mechanisms (Rufinoni 2013). 'The city of public space intends to build urban fabrics with an equality and open vocation, with referential elements that produce meaning, with diversity of centralities and with the capacity to articulate different pieces and functions. In these spaces the balance of functions between public and private must also be built. In the public it is decided the density, the uses and the urban design. The private develops them, gives land and builds. In this conception the street matters more than the house (Borja, 2005, apud (Starling 2012).

This set of new elements and conceptual changes demanded new and diversified 'strategies and policies for protection, conservation, valuation and innovative, diversified and coordinated management (Fontana 2013)'; as well as, 'new actions and instruments for protection and intervention that aim to encompass the re-significance of values and sustainable development which go beyond the methods of: inventory, selection, recovery, invention, construction, territorial delimitation and strengthening of the territorial link, differentiation, identification and promotion (González, Bernat and Serrano 2015).

We have spoken of the sustainability of a public interest (common good) and that the declaration alone as a public interest asset will not be sufficient for its perpetuation. Finally, we must also consider that the various types of public heritage and equipment that support it, such as museums, which will require measures with different formats, but which, if protected by the State (public body), will be interpreted

in this text as public policies, remembering that these can take forms of action, projects and programs and other policies. Other one-off measures, isolated or from various initiatives, may also be implemented by civil society or private initiative (market), and will demand recognition and other types of action from the State.

In the case of World Heritage Sites, obligations have been established for the signatory countries to ensure structures in their government and effectively promote public policies with minimum requirements for the protection, conservation and active enhancement of the heritage located in their territory. See what UNESCO recommends:

**‘Article 5** To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavor, in so far as possible, and as appropriate for each country: (a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes; (b) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions; (c) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage; (d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and (e) to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field. (Art. 5°, (UNESCO 1972)).’

**‘6. Cultural policies and measures** - Cultural policies and measures” refers to those policies and measures relating to culture, whether at the local, national, regional or international level that are either focused on culture as such or are designed to have a direct effect on cultural expressions of individuals, groups or societies, including on the creation, production, dissemination, distribution of and access to cultural activities, goods and services’(UNESCO - Convention 2005)<sup>38</sup>.

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<sup>38</sup> **4. Cultural activities, goods and services** - “Cultural activities, goods and services” refers to those activities, goods and services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions, irrespective of the commercial value they may have. Cultural activities may be an end in themselves, or they may contribute to the production of cultural goods and services.**Artigo 4º** – Paris, 20 October 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

Generally the formulation of public policies will result in the adoption of normative bases and laws that can be transformed into international law, amendments to constitutional articles such as, for example, after the adoption of a popular initiative, may be laws, federal decrees or even ordinances, guidelines or other normative measures that support public policies (Baripedia 2018). As for the property issue, the multidisciplinary and the eventual complexity of implementing its cycle should be transported to the legal-political reality of each territory and to the complexity of the governmental system with the concentration or decentralization of attributions and obligations.

### **2.3.2. Concept, Development and Agenda of Public Policy**

Public policies are actions developed directly or indirectly by the State, with the participation of public or private entities and citizens, which aim to alter, impact, promote changes in some way in the social, cultural, political or economic reality of a people and territory. Public policies emerge as an alternative to correct, combat, act on a problem or as a way to sustain a political agenda - represented by a project, a desire, a strategy - all aimed at the public interest.

The delineation of the problem(s) is the first and most complex step in the formulation of public policy. Usually the problem starts from a private situation that is considered problematic and affects many people in their private sphere, being considered a broader, collective or social problem (Baripedia 2018).

**We should seek to answer the following questions when describing the problem for further public policy formulation:**

- **What's causing the problem?** The complexity of the problem or cause being stated is also a factor that explains why a problem keeps the agenda or does not keep it. The simplicity of the hypotheses, and this is a bit saddening for people who are trying to fight populism, is that the simpler the story, the more likely it is that it will make its way onto the agenda. If you tell a complex story with a multitude of causes and you don't know exactly where the government should prioritize action, then it's going to be more difficult. The barrier is generally very high, it is the highest that can be observed in the whole process of constructing a problem(Baripedia 2018).

- **Who's suffering from the problem?** The main pitfall here is simply the social non-recognition of the problem, there is no mobilization on an individual basis, there are no associative actors who carry the problem to give it a certain resonance, speaking on behalf of the people who suffer from this problem (Baripedia 2018).

- **Who can solve or influence the solution or not of the problem?** 'By defining the causes of the problem, we will identify, we will designate politically, we will sometimes politically stigmatize actors as being responsible or even guilty of the problem' (Baripedia 2018).

The question that also arises is **which actors construct these problems**, who are able to manipulate these decisions on the construction of the problem. and the ambience of its formulation, leading us to a subsequent question: 'is whether they are doing it **deliberately, through negligence or whether it is purely accidental?** (Baripedia 2018).

- **What kind and how many problems are there?** The quantification and qualification of the problem refers to the ability to 'being able to objectify, to make visible or even monetize, to give a value to the problem or to the negative effects of the problem that we want to put on the agenda' (Baripedia 2018).

- **In what environment, in what dimension and on what scale do the problem and the solutions develop?** The political and organizational and legal regime of each territory (nations, states, communities) allows us to understand the capacities (strengths and limitations) of the stakeholders to influence processes and decisions in the definition of problems and the formulation of the political agenda and at what scale. The state, as the one responsible for public policy, also suffers from the environment of interest (endogenous and exogenous) in delineating the problem and building the public policy agenda that can become a barrier to the realization of these interests.

**As a curator of public interest, the State would have a neutral role and mediator between the various actors**, seeking a balance between the parties and their interests, (an almost fantasy task from our point of view) that finds little support in the real world. Even within state structures we deal with conflict of interest. For this reason, the State cannot sidestep the existential task of ensuring a more participatory and democratic space, seeking the composition of interests and visions that will lead to efficiency and effectiveness of public policy.

- **How long has the problem been going on and how long will we have the solution?** The temporality should also be considered when defining and measuring the problem as an element that hinders its support. "The consistency of policies over time is not an easy thing to achieve. Circumstances change, policy objectives may go beyond the policy cycle, and resources may not be compatible, which changes incentives<sup>39</sup> to implement previously selected policies (World Bank - Banuri, et al. 2017).

There are a number of issues to be addressed in outlining the problem so that it can be recognized and included in the policy agenda when it becomes understood as 'a set of issues considered a priority by political and administrative authorities, covering all priority themes, public policy issues and public problems addressed by political actors'(Baripedia 2018).

**The path to building this agenda is laborious and conflictive (multiple interests) and we must not forget that it is** 'The analysis of agenda setting will try to explain why the problems addressed by public policies are constructed. Without forgetting that it is very difficult to initiate a new public policy, since the construction of these problems does not automatically ensure that they have access to the agenda' (Baripedia 2018).

The side effects mentioned above are the 'problems' originated with the patrimonialisation and its new vocation; but if they are not on the public agenda it may be due to ignorance, lack of delineation of the problem, choice or conflict of interest. And how can this gap be reduced in favor of sustainable development? The first step is to recognize that these positive and collateral effects exist and, sequentially, try to outline them. For this reason, our effort is to try to identify in the literature those situations and elements that may be considered a common problem, originated from the new vocation brought about by the process of patrimonialisation and that deserve the intervention of the State.

Based on this perception of the **common problems** arising from the new vocation created by the process of patrimonialisation, one of the questions posed by cultural heritage experts: is whether it is worth institutionalizing and formalizing the heritage value of these cultural legacies, with the issuance of a declaration of recognition by authorities such as UNESCO, as the best way to protect it.

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<sup>39</sup> In line with the economic theory of incomplete contracts, the policies require compromising devices to ensure their credibility. (World Bank - Banuri, et al. 2017)

Of course, the recognition of the common good brings responsibility, puts the heritage issue in evidence and in debate among the issues that must be attended by the public agenda. However, the declaration alone will not ensure sustainable protection of the common good.

Problems need to be outlined and brought to the public agenda for solutions even if there is "no technically perfect solution and that entails what is politically considered a "good decision" - a decision in which all actors involved believe they have gained something and none of them think they have been completely damaged<sup>40</sup>(Cavalcante and Pires 2018).

**The institution of democratic mechanisms of participation (quantitative and qualitative)** will allow society to 'mature' with the participation of the various stakeholders of how to face, analytically, the problems, aiming at the effectiveness and efficiency of public policies and the protection of the common interest. This is the moment when the democratic process legitimizes choices and mobilizes the majority in favors of the common interest, which requires common sacrifices, will allow coordinated, cooperative and committed actions:

**(a) Commitment.** Solving problems of commitment consists in making policies last over time, even in the face of constantly changing circumstances and incentives.

**(b) Coordination.** Effective policies - often through the application of rules, standards and regulations - help coordinate the actors' actions based on shared expectations. Coordination problems occur in many contexts, from finance to industrial conglomerates to urban planning. (...) Solving coordination problems consists in obtaining socially desirable actions.

**(c) Cooperation.** Effective policies help to promote cooperation by limiting opportunistic behavior, often through reliable mechanisms of rewards or penalties. (...) When actors are excluded from policy benefits, or when they perceive that they are being harmed (such as in the form of low-quality public services), compliance with existing norms may weaken further. Over time, this dynamic may lead to fragmentation within society and weaken the fabric of the social contract (World Bank - Banuri, et al. 2017)'.<sup>40</sup>

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<sup>40</sup> In this case, none of the actors are supposed to mobilize their power resources to prevent the decision from being turned into action and the policy will be implemented and achieve its objectives. However, this is not always the case (Cavalcante e Pires 2018).

### 2.3.3. Characteristics and Structure of Public Policy

When analyzing public policies we must keep in mind that their characteristics are composed of certain elements and structures correlated with the objectives themselves, the actors and the scenario in which it is designed.

**Some characteristics of public policies are presented:**

- **Purpose and specific public interest** - The projected solutions will be adequate to the specificities of each purpose, projecting the ideal results to be achieved, considering also that many of the solutions (actions, projects, programs and policies) will have a diverse nature (strategic, tactical, operational), with a multidisciplinary and trans-sectoral character, different terms (long, medium and short). **All solutions must be based on 'specific, sustainable, realistic and time-bound measures** (Baripedia 2018<sup>41</sup>)
- **Transparency in actions should be the guiding principle**, making it clear what the objective of each policy is (what problem will be addressed or not), who is or is not contemplated, and what the benefits of the policy are. **'Often the political power**, if it does not foresee a simple, easy and immediate solution, it will prefer to remove a problem from the agenda rather than wanting to deal with it'(Baripedia) **because the political cost will be lower.**
- **Pre-existing theory:** 'Public policy is preferably based on a pre-existing theory' (La Spina e Espa, 2011, apud (Casula 2017).
- **Resources and instruments:** having at your disposal a set of resources and instruments to achieve and make viable public interest purposes. Here we highlight the role of the law;
- **Actors, institutional arrangements and power of coercion:** there are also 'the so-called institutional or organisational arrangements which are those 'actors responsible for implementing the instruments or not' (Baripedia 2018). The presence of a public authority that decides to be the guaranteeing of the policy, also having power of coercion (La Spina e Espa, 2011, apud (Casula 2017).

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<sup>41</sup> One of the criticisms found in the literature refers to the 'lack of precise objectives, portrayed in a vague or general way and sometimes contradictory in the text of the law being a difficulty for the implementation of policies. Simply because, if the objectives are very precise, they become less acceptable politically. The more concretely we say what we want, the more we say what we do not want by omission.(Baripedia 2018).

**The perspective of the power of coercion in public policy is associated, in our understanding, with its effects on society.** The first time the perspective of the power of coercion was approached was by Lowi (1972) highlighting four different degrees. **These are them: (a) Redistributive policies represent the highest degree.** In fact, to the extent that they imply the transfer of a large amount of resources from one social group to another, they necessarily require public authorities to play a central role; **(b) A certain degree of coercion is also present in regulatory policies,** which imply the imposition of specific rules to regulate the behavior of actors on specific issues; **(c) An even lower level of coercion is present in distributive policies,** aimed at allocating economic resources to a specific group, especially through the use of taxation; **(d) an almost absent level of coercion can be found in constitutional policies,** which involve constitutional changes, the organization of public powers and the establishment of new administrative bodies (apud (Casula 2017)).

With the challenges brought by Lowi's analysis, several criticisms<sup>42</sup> emerged, one of them by Wilson (1980). He argued that one of the perspectives could become part of the same policy, sharing more than one characteristic; his second point relates to the divisions between benefits versus costs, thus summarized by him:

**(a) the degree of concentration/diffusion of benefits and**

**(b) the costs generated by the various measures that can be composed by:**

- **public policies with concentrated benefits and diffuse benefits,** characterized by the presence of a group that generates considerable costs and another, notoriously more numerous, that will collect the benefits;
- **public policies with diffuse costs and benefits,** which are little used because they do not generate large returns in electoral terms;
- **public policies with diffuse costs and concentrated benefits,** which are more accessible to policymakers, since they are able to meet the needs of a specific group without penalizing any other (apud Casula, 2017).

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<sup>42</sup> The line proposed by Lowi received several criticisms in complementary degrees and about the non-exclusivity of the types among themselves (Aynley, 1988; Spitzer, 1987; Smith, 2002) and also about the problematic operationalization of the variables (Capano, 1993), and therefore a same policy may share several characteristics". (Casula 2017)



**In another critical analysis**, still on the perspective of the power of coercion in public policy, 'Pasquino (2009) highlights the role of politics as 'symbolic politics'<sup>43</sup> that is necessary to 'strengthen and/or transform collective identities, sense of belonging, bonds between those in political power and citizens and legitimize those in power'<sup>44</sup> themselves'(apud et al Casula 2017)'.

**The power to influence decision making in public policy also permeates the ability to influence 'non-decision' or 'non-agenda'. Baratz and Bachrach<sup>45</sup> state that 'to understand who has power in a democracy, we should not look at who influences the decisions that are made in public policy, but at who is able to remove certain problems from the agenda to prevent the state from interfering in their affairs. Therefore, non-decision, a deliberate decision not to put on the agenda and not to intervene**, is also a standard public policy and is a public policy that applies in most cases. A minority of problems follow this causal chain and most public problems end up in their traps (apud Baripedia 2018). Therefore, sometimes 'for the political elite steel is more convenient bureaucratized and centralized institutional and political system, rather than developed a lively dialogue among experts in civil service, universities, NGO's and other stake-holders (Blagojević e Nikolić 2017)<sup>46</sup>.

We must therefore ensure participation and the capacity for contestability, both quantitative and qualitative. 'Who is included - or excluded - from the public policy negotiating arena is determined by the relative power of competing actors and barriers to entry. When policy selection and implementation procedures are more contestable, these policies are perceived as fair and induce

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<sup>43</sup> Casula brings the definition of symbolic politics: In response to what they saw as a gap in Lowi's classification and Wilson's typology, several authors have argued the need to consider another type of public policy, the so-called "symbolic politics. In this case, it is possible to consider the existence of at least two different types of symbolic policies. From an earlier study by Edelman (1964), Gustafsson (1983:271) defines symbolic policies as "decisions that are not intended to be fully implemented". This definition emphasizes the existence of public policies that are difficult to implement, even if precisely formulated. In addition, the author argues that the emergence of this type of policy is caused by the growing process of decentralization in the public sector, which is related to the growing use of multi-level logics for the attribution of responsibility and power.. (Casula 2017)

<sup>44</sup> **Power** is understood as the ability of groups and individuals (actors) to make others act in their interest, as well as the ability to achieve specific outcomes.

<sup>45</sup>"La Non-Decision" (Baratz and Bachrach). It says that in order to understand who has power in a democracy, we should not look at who influences the decisions that are made in public policy, but at who is able to remove certain problems from the agenda in order to prevent the state from interfering in its affairs. Therefore, non-decision, a deliberate decision not to put on the agenda and not to intervene, is also a standard public policy and is a public policy that applies in most cases. A minority of problems follow this causal chain and most public problems end up in their traps.

<sup>46</sup> Nevertheless, for the political elite steel is more convenient bureaucratized and centralized institutional and political system, rather than developed a lively dialogue among experts in civil service, universities, NGO's and other stake-holders (Blagojević e Nikolić 2017)

cooperation more effectively, i.e. they are perceived as more legitimate (World Bank - Banuri, et al. 2017<sup>47</sup>).

And in the context of the current trend to move from governance to participatory governance, cultural heritage can be seen as a resource for democratic development (European Union - OMC 2018).

### 2.3.4. Public Policy Cycle and the Specificities of Public Heritage Policy

Once the political agenda has been defined, the first stage of public policy formulation begins with the diagnosis, correlated to the definition of the problem that underpinned the political agenda, followed by the design, planning and decision-making on its implementation.

In democratic regimes, the 'political powers - the government, the parliament and its administration - will be responsible for the elaboration of different options and solutions to try to solve the problem in public policies (Baripedia 2018)'. Citizens, the third sector and the market should also participate in this process as we will see in the next chapter, the democratic exercise of rights.

Once the public policy is structured, it is implemented and executed, which can be composed of actions, projects and programs. During the execution of the policy, it will be monitored<sup>48</sup> and finally evaluated<sup>49</sup>, also consisting of the financial part, with accountability for the resources invested. In some

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<sup>47</sup> As the rigorous empirical evidence from developing countries demonstrates, participation and a sense of ownership in rule design can increase voluntary compliance. When producers know that rules have been jointly created (with government and other key actors), they are more likely to form a positive perception of policy and compliance by other actors (World Bank - Banuri, et al. 2017).

<sup>48</sup> **Monitoring:** 'Monitoring is an internal managerial activity, carried out systematically during the period of execution and operation, in order to know how an intervention evolves over time, through project management data on initial goals, indicators and results associated with the programs. It is necessary in order to measure the goals of a project, the paths an intervention takes and the potential metrics to measure the effects on the target population. Through monitoring, managers, researchers or other agents can examine how implementation is being carried out, whether it is achieving its objectives, and what problems are interfering with the actions, processes, and achievement of the planned objectives (Faria, 2005; Cunha, 2006). According to its results, the adjustment of the plan, operational conditions and the correction of the course can be recommended. (Ramos e Schabbach 2012, 1279-1280)

<sup>49</sup> **Evaluation:** it is an 'important instrument for improving the efficiency of public spending, the quality of management, social control over the effectiveness of state action, the latter instrumentalized by the dissemination of results of government actions. For Costa and Castanhar (2003), it is the systematic and objective examination of a project or program, finalized or in progress, that contemplates its performance, implementation, and results, in order to determine its efficiency, effectiveness, impact, sustainability, and relevance of its objectives. It is a permanent activity and not restricted to the final stage of the public policy cycle (which includes the phases: definition of the agenda, formulation, implementation and evaluation), which informs about its progress and limits. "The purpose of evaluation is to guide decision-makers on the

structures we will have the support of internal and external control bodies to evaluate the proper use and transparency of this set of resources that are not limited to the financial.

Final evaluation: it is an 'important instrument for improving the efficiency of public spending, the quality of management, social control over the effectiveness of state action, the latter instrumentalized by the dissemination of results of government actions.

For Costa and Castanhar (2003), this is the systematic and objective examination of a project or program, finished or in progress, that contemplates its performance, implementation and results, with a view to determining its efficiency, effectiveness, impact, sustainability and relevance of its objectives.

**It is a permanent activity and not restricted to the final stage of the public policy cycle** (which includes the phases: definition of the agenda, formulation, implementation and evaluation), which reports on its progress and limits. "The purpose of evaluation is to guide decision makers, guiding them as to the continuity, need for corrections or even suspension of a given policy or program"(Costa and Castanhar, 2003). Evaluation is the determination of the value of an activity, program or policy, a judgment as systematic and objective as possible, made by internal or external evaluators. By incorporating evaluation and judgment elements, the evaluation contemplates qualitative aspects, not being confused with the mere monitoring of government actions. It establishes fundamental criteria for deciding whether a policy should continue to be implemented if it is promoting the desirable distribution of well-being (Figueiredo and Figueiredo, 1986), or producing changes in the economic and social systems towards the desired results, thus being preferable to any other policy. As part of the planning process of any public policy, the evaluation generates feedback that allows choosing between different projects according to their effectiveness and efficiency, and, by comparing the results, makes it possible to rectify the actions and redirect them towards the postulated end (Cohen and Franco, 2004, apud et al Ramos and Schabbach 2012).

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continuity, need for corrections or even suspension of a certain policy or program" (Costa and Castanhar, 2003:972) Evaluation is the determination of the value of an activity, program or policy, a judgment as systematic and objective as possible, carried out by internal or external evaluators. By incorporating evaluation and judgment elements, the evaluation contemplates qualitative aspects, not being confused with the mere monitoring of government actions. It establishes fundamental criteria for deciding whether a policy should continue to be implemented if it is promoting the desirable distribution of well-being (Figueiredo and Figueiredo, 1986), or producing changes in the economic and social systems towards the desired results, thus being preferable to any other policy. As part of the planning process of any public policy, the evaluation generates feedback that allows one to choose between different projects according to their effectiveness and efficiency, and, by collating the results, makes it possible to rectify actions and redirect them toward the postulated end (Cohen and Franco, 2004:73) [apud et al (Ramos and Schabbach 2012, 1272-1273)].

#### **2.3.4.1. The formulation of the Public Policy of Patrimony - conservation, management and legal support**

In the case of **public policies specific** to the heritage when they are formulated, the technical criteria derived from the conservation policy in harmony with the actions of preservation and conservation should be included, which will also be reflected in the way the management of the heritage is conducted, remembering that it has various natures, forms and assumes various supports. We remind that police conservation and management are composed by: meanings, interpretation and associations of its cultural significance, protection, conservation, maintenance, preservation, restoration, reconstruction, adaptation, use and compatible use, and management (ICOMOS 2013).

#### **The management of the patrimony will embrace:**

- (a) a system of content specific to the place to which it refers and to the territory where it is inserted;**
- (b) it must involve all interested parties** - stakeholders - and, subsequently, harmonize, coordinate them when it is being managed. This is also the phase in which the managers responsible for the management of the sites need to be determined; these can be legal or natural persons (depending on the owner);
- (c) A schedule for the execution** of the activities with the phases of the work in the project must be defined and parameterized with indicators and the expected results;
- (d) It is important to consider all phases** of the work in the project, that is, from the acquisition of data, information and deadlines to their monitoring, aiming at the successful implementation of the plan (Ifko 2017)'.

**The efficient management of the conservation management plan** is also linked to its ability to 'adapt to new demands and needs, without putting the heritage at risk in any way, and without reducing its testimonial value' (Ifko 2017), taking its integrity and authenticity as a parameter. For these reasons, the monitoring of the Heritage Policy is always crucial. Based on the monitoring of the process and results throughout the execution of the policy will allow a review of administrative and management criteria and 'the resources of the program implementation and the dynamics in obtaining funding, essential for its execution'(Ifko 2017).

**Another essential aspect to the success of public policies on heritage** is that due to its multidisciplinary nature related to its vocational role, it should dialogue and be incorporated into other public policies, such as: territorial and urban planning, culture, environment, education, content present in other planning instruments, management and legal basis.

**The formulation of any public policy among them that of heritage occurs in a complex and not neutral environment. Cultural heritage is not a neutral concept** and different groups have from time to time engaged in and laid claims on cultural heritage – kings, nobility, religious and political leaders, academic scholars and experts, state and cultural institutions, while the role of civil society and people in general has varied between passive audience and active actors (European Union - OMC 2018). It is also considered that **'all cultural heritage is managed in the conflicting and contradictory process of the production of space and culture is one of the conditions of production and reproduction of society and the environment in which it is inserted (Cruz, 2012),** apud et al (European Union - OMC 2018)<sup>50</sup>.

**The value, valuation and re-significance given to the industrial cultural heritage** are motivated by interests of different natures as well as the degree of influence (interference in the conduct of processes), forces and power existing among the various actors (stakeholders) involved, which impact on the future of society and its territory.

In all these **stages in the public policy cycle**, there is the involvement of various actors that impact and influence the process and its results, without this being restricted to the third phase of the patrimonialisation process. The active participation of all actors (stakeholders) involved along the entire cycle, which undeniably have diverse structures and roles, increases the effectiveness of public policies and makes their commitment possible, induces their coordination and increases cooperation and the active participation of all stakeholders.

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<sup>50</sup> In the development of democracies, and even the development of the European Union, cultural heritage has been activated from time to time to foster unity, a common sense of belonging, etc. In light of today's trend to move from governing towards participatory governance, cultural heritage can be seen as a resource for **democratic development.**" (Elisabeth Niklasson, 2017 apud (Open Method Of Coordination-OMC 2018).

Thus, we must seek to clarify who these actors are? Who are the main stakeholders and in what positions do they operate? How important is the stakeholder to the programme or project? What does the stakeholder demand from the programme or project? What are the groups' expectations of the programme or project? What are the existing channels of action to act on this problem, this new vocation? What are the environments? How do the pressures on function and personality affect these actors in relation to the issue? What are the deadlines that may force the issue to be resolved? What are the benefits/goals expected by the groups concerned? What resources are the groups willing (or not willing) to offer the program or project? What other interests do the groups have that may conflict with those of the programme or project? How do the groups consider others on the list? <sup>51</sup>

### **2.3.5. Stakeholders: Identity, Roles and Capacity**

Stakeholders<sup>52</sup> are those people, individuals or formal or informal institutions, who have an interest in the program or project, the common goal, and the ability to influence or not influence the decision-making process that goes through the "non-scheduled" or the "non-decisions". Stakeholder analysis makes it possible to identify 'how the actors, interests, structures, mechanisms and instruments actually operate in the organization and conduct of the process of formulating and implementing a public policy or a specific area of state action (Moura and Bezerra 2016)'.

Identification through stakeholder<sup>53</sup> analysis is fundamental to public policy because it allows us to map the demands of each group and their ability to influence decision-making, i.e. how the forces occur in the arena of power, in the field of politics and in the implementation of the agenda problems that will consequently unfold in public policies that will sustain the common interest and the new vocation. The contrast is to seek to establish the balance of power and counter-power mechanisms (methodology, processes, legal basis) to create democratic spaces and support them to ensure democratic social participation in a quantitative and qualitative manner throughout the cycle of public policy implementation.

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<sup>51</sup> self development and adapted from Alison, 1971, p. 257 apud Weiss et al., 2007) and Joseph S. Weiss, 2016 and TCU). (Weiss 2016)

<sup>52</sup> The origin of the concept is associated with that of governance and was developed in the business environment in the 1980/90's describing the majority, minority and management shareholders as the stakeholders.

<sup>53</sup> The literature indicates for some analysis the division of Stakeholders into two groups: the primary groups are those most affected, both positively (the beneficiaries) and negatively (those reallocated involuntarily); and the secondary groups are the intermediaries involved in the service delivery process. (TCU 2013)

The diversity and number of stakeholders that can be involved in a single public policy area are countless due to the wave/radial effect they have in other fields of interest because they are multidisciplinary and cross-cutting, thus creating a plot that crosses them and is difficult to diagnose. This can occur in the case of public policies related to heritage protection with emphasis on those linked to industrial heritage by the complexity of their nature. In the case of World Heritage Sites, we will still have an impact on the international, national, regional and local scale, which will also mobilize stakeholders at all levels.

#### 2.3.5.1. Stakeholders Categorization

**The categorization of the actors chosen is the cut-out of classical economic theory that divides them into three groups:** those capable of influencing decision making due to particular interests, mainly economic ones. The first group includes political representation to the state and its institutions; the second sector is formed by the market representing the economic interest; and the third sector is a mix of diverse actors from civil society, non-profit organizations, academies, churches, etc., representing diverse interests.

This approach is not exclusive to economic analysis, nor does it express the forces and confluences that these actors have as their main motivation to establish relations in society. The economic conceptual basis is incorporated and applied as a reference for stakeholder analysis and to analyze their capacity to influence cultural heritage cases, considering the various scales.

When analyzing the actors related to public heritage policy in a general, illustrative but not exhaustive way, they can be classified, as follows:

##### **(a) First Sector - Public Sector:**

- **Public authorities and policy makers** encompass national, regional or local governments, politicians and public administrators; government areas and public service organizations; the government, local planning authorities and statutory bodies;
- **Organizations at different levels:** international and national organizations, forming a broad spectrum coalition.

- **Mixed composition environments foreseen in the administration structure:** Often they have boards or advisory committees in which civil society is represented by civil society organizations and politicians (Weiss 2016);
- **Executive Authority:** 'Within the executive powers, there are internal struggles between positions in favor and against environmental issues, with relative balance (Weiss 2016);
- **Legislative authority:** 'In the legislative, the conservative classes, traditionally more resistant to environmental issues, were well represented or even dominant (Weiss 2016);
- **Judiciary authority:** 'Many judiciaries, relatively outdated in human rights and environmental laws, representing more traditional society, have applied slow and unfavorable procedures. (Weiss 2016);
- **Cultural heritage institutions:** 'Cultural heritage institutions are public authorities and public service bodies responsible for basic responsibility for cultural heritage (European Union - OMC 2018)<sup>54</sup>;
- **Cultural heritage professionals** linked to cultural heritage institutions as public servants in their capacity as State Representative;
- **International organizations of an intergovernmental nature:** ONU and UNESCO;
- **International Organizations:** European Union (EU) was established in 1993 by the Maastricht Treaty and represents the union of 27 Member States with economic and political union and its development as its constitutional principles. The EU acts through a system of independent supranational institutions and intergovernmental decisions negotiated between member states. The most important EU institutions are the European Commission (it is the EU's executive body and takes the decisions on the political and strategic direction of the European Union (European-Commission 2020), the Council of the European Union, the European Council, the Court of Justice of the European Union and the European Central Bank. The European Parliament is elected every five years by EU citizens. The EU has established a common market through a harmonized system of laws applicable to all member states. (Wikipedia 2020<sup>55</sup>).

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<sup>54</sup> Historically, many cultural heritage institutions were initiated by civil society. Over time, they received funding from public authorities and employed professional staff. These institutions have often assumed a role in society that signals stability and continuity.<sup>54</sup> (European Union - OMC 2018)

<sup>55</sup> European Union: Article 128 of the Maastricht Treaty (1992) included, for the first time, the EU's commitment to contribute to the development of the member countries' culture, respecting regional and national diversity, while emphasising the existence of a European cultural heritage common to all the countries making up the EU. The Raphael programme, adopted in 1997, is a specific heritage programme. (García Cuetos 2012, 35-37). Its Cultural Heritage Committee is the body responsible for ensuring the preservation of the heritage and its integration. It promotes conferences, seminars; prepares recommendations and supports museums.



**(b) Second Sector - Market - designated as:**

- **Companies:** with local action may be part of local hierarchies, traditional or modern, open or not to new proposals, willing or not to dialogue or violent acts (Weiss 2016);
- **Private initiatives:** 'owners, architects and developers; planners and investors; producers (European Union - OMC 2018)'; and also 'in the private sector, many groups, in the context of economic openness and liberalization, have obtained public resources and support, privatizing common goods and socializing negative externalities, avoiding their social and environmental obligations. Undoubtedly, many companies are implementing programs that benefit the poor and protect the environment, while others have increasingly focused on their image of socioenvironmental responsibility, but do not see the positive side of community resistance actions (Anguelovski, 2007, apub (European Union - OMC 2018)';
- **Cultural and Creative Industries:** 'independent entrepreneurs, with joint actions and small investments;
- **National business associations:** 'are important actors for their ability to make agreements with public and social actors to reduce the impacts of their members' activities (Weiss 2016).

**(c) Third Sector, Civil Society and Non-profit organizations- institutions, non profit organization, non governmental organization (ONG):**

- citizen (self-expression and individuality): people want to understand, influence and choose for themselves (European Union - OMC 2018);
- civil society (citizenship): 'the integration of professionals from various fields: anthropologists, social scientists, historians, architects, urban planners, tourism professionals, cultural producers and marketing professionals is also highlighted, in order to build a more comprehensive look that is appropriate to the broad concept of cultural heritage (Starling 2012);
- scientific community, academic and research sector, professional bodies, associations, owners;
- non-profit organizations: institutions, non-profit organizations, non-governmental organizations; community groups; voluntary organizations; social economy organizations;
- church sectors;
- trade union groups, professional groups and associations and network of development bodies: tourism, education, creative industries, cultural heritage professionals, academic experts, arts

professionals, archival and gallery professionals, associations and interest groups representing non-professionals and local societies (European Union - OMC 2018);

- funding organizations (European Union - OMC 2018);
- international institutions working in the area: with various levels of international (bilateral, multilateral and non-governmental) and national support (areas of national and state governments, scientists, professionals, the middle class and the private sector) (Weiss 2016);
- party system and political parties.

We draw attention to **two multi-organizational structures** that are part of participatory bodies and that support governance at different scales due to the variety of their actors:

- **social movements:** 'Social movements act in a multi-organizational field, interacting with a variety of other actors: in public administration, the party system, interest groups and civil society they find both allies and opponents (Della Porta and Diani, 2006, apud et al Weiss 2016); and
- **debate forums:** 'one must also consider the actors who are part of management by their participation in the various debate forums on cultural and urban policies: the councils of managers, municipal conferences on culture, sector commissions, City Congresses, etc. In this case, the wider the composition of these forums in terms of representation of social segments, the greater the potential for democratization of decisions and choices made in relation to heritage symbols'(Starling 2012).

#### **2.3.5.1.1. Stakeholders in the context of World Heritage**

In the context of World Heritage, UNESCO - United Nations Educational, Scientific and Cultural Organization is the body responsible for encouraging the identification, protection and preservation of cultural and natural heritage throughout the world considered of exceptional value to humanity in association with the promotion of knowledge, enhancement and dissemination of world heritage.

The World Cultural and Natural Heritage Convention, adopted by UNESCO in 1972, is a legally binding instrument that provides an intergovernmental framework for international cooperation for the identification and conservation of the world's most outstanding natural and cultural assets, in order to foster understanding among peoples, based on the right to culture and education as one of the human rights consecrated by the Declaration of Human Rights and Diversity.

Established as an integral part of the United Nations in 1946 after the Second World War, it is composed of Member States which are encouraged to integrate the protection of cultural and natural heritage into land-use planning programmes, to create personnel and services at their sites, to carry out scientific research and conservation techniques and to adopt measures that give this heritage a role in the daily life of the community(Unesco site).

Responsible for developing and implementing projects, in collaboration with the World Heritage Centre, ICOMOS and ICCROM, to promote legal documents of a conservation nature, such as Conventions and Recommendations.

- **ICCROM - International Centre for the Conservation and Restoration of Museum:** objects is an organism created by UNESCO in 1959 and has its headquarters in Rome. It offers technical advice to countries and organizations for the conservation of protected cultural assets, as well as training in restoration techniques and procedures. It receives scholarship holders and has a very important specialized library (García Cuetos, 2012, 35-37).

- **IUCN - International Union for Conservation of Nature:** It was created in 1948 and advises the World Heritage Committee on the selection of natural heritage sites and reports on the state of conservation. (García Cuetos, 2012, 35-37) IUCN is a membership Union composed of both government and civil society organizations. UCN is a democratic Union that brings together the world's most influential organizations and top experts in a combined effort to conserve nature and accelerate the transition to sustainable development. (García Cuetos, 2012, 35-37). Other international organizations play a relevant role in the preservation of cultural heritage, such as non-profit and non-governmental organizations, acting in connection with UNESCO as technical, consultative and non-profit institutions as well summarized by García Cuetos (2012, 35-37):

- **ICOMOS- International Council of Monuments and Sites:** Founded in Krakow in 1965 to disseminate and promote the implementation of the 1964 Venice Charter. Its objectives are: to act as an international forum for the exchange of experiences and reflections; to gather, deepen, and disseminate information on conservation principles, techniques, legislation, or policies; to collaborate at the international and national levels by supporting the creation of specialized documentation centers, to encourage the adoption and implementation of conventions and recommendations related to the protection, conservation, or enhancement of the heritage; to participate in the development of training

programs; and to place its network of experts at the service of the international community. (García Cuetos, 2012, 35-37). It is the only global non-government organization of this kind, which is dedicated to promoting the application of theory, methodology, and scientific techniques to the conservation of the architectural and archaeological heritage for the conservation and protection of cultural heritage places. It also develops the consultative mission entrusted to it by UNESCO in the theoretical and practical field of heritage conservation. Over the years, ICOMOS has produced a body of doctrine that is mainly contained in its international Letters and Recommendations, which were approved by its General Assemblies after lengthy processes of reflection and consultation with its experts. (García Cuetos, 2012, 35-37).

- **ICOM - International Council of Museums:** It is a professional organization that was founded in 1946 with the objective of helping to promote and develop museums. Museum and Icom news is an heir organization of the International Bureau of Museums, created within the United Nations. (García Cuetos, 2012, 35-37).

- **OCPM - World Heritage Cities Organization:** created in 1993 with the purpose of developing a spirit of solidarity and close cooperation between World Heritage Cities. It is based in Quebec (Canada) and its function is to facilitate the exchange of knowledge and techniques for the protection of monuments and sites. (García Cuetos, 2012, 35-37)

In the case of Industrial Heritage we cannot fail to mention the great role of TICCIH - The International Committee for the Conservation of the Industrial Heritage is the world organization representing industrial heritage and is special adviser to ICOMOS on industrial heritage. Its goals are to promote international cooperation in preserving, conserving, investigating, documenting, researching, interpreting, and advancing education of the industrial heritage (TICCIH 2020).

In 2003, The International Committee for the Conservation of Industrial Heritage (TICCIH) adopted its Nizhny Tagil Charter for the Industrial Heritage, a first international reference text of such recognition to guide protection and conservation in the field (TICCIH - The Dublin Principles 2011).

The list of stakeholders and flows illustrate the complexity of the network of stakeholders in the field of cultural heritage well addressed by García Cuetos (2012, 34-35):

'International organizations for the protection of cultural heritage associated with heritage protection have developed a complex network, the institutional structure of which is structured on four levels, which can vary from three to five, depending on the administrative organization in the different countries. These levels are:

1. governmental and intergovernmental organizations and institutions International: UN, UNESCO Superstate: Council of Europe, European Union, OAS (Organization of American States) State: central, autonomous/ regional and local governments: councils and municipalities;
2. International governmental bodies: ICCROM State: ministries of education and culture; general directorates, ministries of environment Regional: departments, general directorates of heritage and local environment: areas and services of culture, environment and urbanism;
3. International professional organizations: ICOMOS, ICOM, IIC Supra-State; European archaeologists of assistance State: ANABAD, ICOM, professional associations Regional: associations, professional associations;
4. International Private Organizations and Institutions: ICOM Foundation, Friends of the Museums Supra-State: Church, Europe Nostra State: Hispania Nostra, Friends of the Museums, Autonomous Foundations: Friends of Museums, Friends of Romanesque Art, Foundations, Local Church: associations, companies .

Related to the levels mentioned in the technical aspect, the same patrimonial artifact, declared as World Heritage, can act simultaneously at different 'territorial levels', assuming 'multi-scale' meanings, which brings a complexity to governance as well as to the governability of related public policies. This will be addressed in the next chapters.



**CHAPTER III      DEMOCRATIC PARTICIPATION: A  
COMBINED CAPACITY FOR THE REALIZATION AND  
LEGITIMIZATION OF RIGHTS CHAPTER**

Changes only happens when ordinary people get involved. get engaged.  
and come together to demand it” (Barack Obama)





Il est nécessaire d'évaluer comment les politiques publiques sont formulées dans l'arène des intérêts et du pouvoir lorsque la participation démocratique des différents acteurs gagne en pertinence, et conditionne, l'objet du **Chapitre 3**.

La participation démocratique en tant que garantie du droit à la culture (droit de l'homme), qui inclut l'accès au patrimoine en tant qu'élément de la culture, se produit par l'exercice d'une capacité combinée dans les trois dimensions du droit: Participation(liberté), Accès et Contribution. C'est cette combinaison qui garantit le plein exercice de la participation démocratique. La littérature montre que "la participation est précieuse en soi car elle permet l'autodétermination et l'inclusion, indépendamment du contenu spécifique qu'elle peut avoir (Lavalle 2011, 38) et que la participation de la société civile devient une condition préalable à la réussite de la conception des délibérations (Avritzer 2011, 13)

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**It is necessary to evaluate how public policies are formulated in the arena of interests and power when the Democratic Participation of the various stakeholders gains relevance, and condition, object of Chapter 3.**

**Democratic Participation** as a guarantee of the right to culture (human right), which includes access to heritage as an element of culture, occurs through the exercise of a combined capacity in the three dimensions of right: Participation(freedom), Access and Contribution. This combination is what ensures the full exercise of democratic participation. Fact among the literature that 'participation is valuable in itself because it achieves self-determination and inclusion, regardless of the specific contents it may assume (Lavalle 2011, 38) and that the participation of civil society becomes a precondition for a successful deliberative design (Avritzer 2011, 13)



### 3.1. Cultural Heritage, Power and Choices

**The concept of cultural heritage, faces the paradox of being a common good but that simultaneously does not bring with it a neutral concept<sup>56</sup>** as already mentioned . The ideas, practices and processes of heritage are inherently political and emerge within complex power relations that are open to change and contestation, so they are also identified as a source and result of social conflict, inclusion and exclusion (Smith 2006; Graham e Howard 2008; Harrison 2013) apud et al (Lähdesmäki, Zhu e Thomas 2019).

Inheritance 'includes several layers and modes of existence, being a social, spatial, temporal, discursive, narrative and performative entangled process. Inheritance itself 'includes dissonances about the stories told through it, the ways in which the past is represented and the memories used in public spheres (Tunbridge and Ashworth, 1996), which is often 'intrinsic to the very nature of inheritance'<sup>57</sup> (Smith 2006, Graham e Howard 2008, Kisić 2017, aput et al (Lähdesmäki, et al. 2020).

Lähdesmäki, Čeginskas, Kaasik- Krogerus, & Turunen (2020) state that 'discussions about the past should pay attention to discontinuities and ruptures, to enable dissonant interpretations to emerge without excluding those who do not identify with the dominant story. (...) The past is always remembered, interpreted, and used in a myriad of ways by a variety of actors (e.g. Stråth 2000; Hodgkin and Radstone 2003), and this precisely makes heritage inherently dissonant(Lähdesmäki, et al. 2020). Defining, enhancing, and fostering any heritage creates boundaries, excludes people while including some others, and positions objects, interpretations of the past, and people in certain categories. Moreover, we see heritage as an active process, oriented to both the present and future, through which realities are being constructed from the selected elements of the past' (Ashworth, 20, Graham, and Tunbridge 2007; Harrison 2013a; Whitehead et al. 2019 apud et al Lähdesmäki, et al. 2020).

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<sup>56</sup> Following Paasi's (2005) views, we perceive borders as social, cultural, and political constructs that are never neutral. (Lähdesmäki, et al. 2020, 22)

<sup>57</sup> These attributes lead to 'dissonance and is not just an unforeseen or sometimes unfortunate implication of a certain type of inheritance or remembrance process, but intrinsic to the very nature of inheritance [Smith 2006, 82; Graham and Howard 2008, 3; Kisić 2017)

The authors Lähdesmäki, Čeginskas, Kaasik- Krogerus, & Turunen (2020) outline the role of memory and its multispective when treated as synonymous with heritage. They state that the term memory'calls attention to the articulation of individual and collective memory, instead of assuming a collective memory necessarily shared by individuals (Winter and Sivan 1999). By emphasizing processes and practices of remembrance, it refers to a multi-pronged approach to the past, which can help avoid over-simplification or the creation of an uneven bias in interpretations of the past, thus reinforcing the potential for a diverse heritage and a more comprehensive society (Stanković 2016). Such a multiperspectivist reminder underlines the need for various individuals and groups to be involved in producing interpretations of the past. Delanty (2017) suggests a pluralist (rather than particularistic or universalist) idea of memories, which allows new conceptions and narratives of heritage to emerge from the encounter and entanglement of different memories(apud et al)<sup>58</sup>.

Kisić (2018) correlates the concept of heritage dissonance with radical democracy and "democratic opening of the heritage" for all social actors: this "democratic opening" redefines the heritage "as a plural and therefore conflicting terrain - the space where the meanings of the past and the visions of the future can compete and collide"<sup>59</sup>(apud Lähdesmäki, et al., 2020). Conflicts and contestations are understood as relevant conditions for a radical or agonistic democracy (Mouffe 1992, 2000, 2005 apud et al Lähdesmäki, et al. 2020).

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<sup>58</sup> Memories as unilateral narratives - 'Many people and communities have protested against today's regimes of memory and heritage, which are perceived as fostering unilateral or discriminatory memories and narratives of the past - particularly those related to minorities and peoples other than European whites and Christians. These "agents of change" aim to promote alternative or silent memories, or to narrate and reinterpret past events to form a more inclusive present (Lähdesmäki, et al. 2020). And yet personal memories interact and intertwine with other personal memories and are shaped by the collective (or cultural memories) related to different groups to which a person belongs" (Stanković 2016, 6) (Lähdesmäki, et al. 2020) The term remembrance is often used in the context of heritage and draws attention to the articulation of individual and collective remembering, instead of assuming a collective memory necessarily shared by individuals (Winter and Sivan 1999). By emphasizing processes and practices of remembering, it refers to a multi-perspectivist approach to the past, which can help to prevent oversimplifying or creating an unequal bias to interpretations of the past, and thereby strengthen the potential for diverse heritage and a more understanding society (Stanković 2016, 6– 10). Such a multi- perspectivist remembering stresses the need for various individuals and groups to participate in producing interpretations of the past. Delanty (2017a) suggests a pluralist (instead of particularistic or universalistic) idea of memories, that allows new conceptions and narratives of heritage to emerge from the encounter and entanglement of different memories. (Lähdesmäki, et al. 2020)

<sup>59</sup>The concepts of equity dissonance and inclusive equity discourse, both developed by Kisić (2016, 2018), are used here to give meaning to the forms of participation in the EHL sites, and to the inclusive and exclusive equity narratives and practices related to them. The concepts of heritage dissonance and including heritage discourse, both developed by Kisić (2016, 2018), are used here to make sense of the forms of participation at the EHL (European Heritage Label) (Lähdesmäki, et al. 2020). Sites, and of the inclusive and exclusive heritage narratives and practices related to them (Lähdesmäki, et al. 2020, 122)

It is therefore crucial to reflect and question **'whether heritage sites, through their participatory practices, can create space for dissent and debate and, therefore, for democracy?'**(Lähdesmäki, et al. 2020).

We cannot forget that the different social actors (stakeholders), involved in the process of patrimonialisation and the resulting public policies, have different political, economic and social weights and capacities to influence decisions, some being more powerful than others. This leads us to another reflection, how to create and ensure, quantitatively and qualitatively, space, mechanisms, channels and processes of counterpoints within these complex power relations. The legitimization of the participation of these multistakeholders will occur through dialogue, listening, demonstration, registration and effective and isonomic conditions to influence deliberative processes and the democratic exercise of rights, considering governance one of these tools.

**Fung and Wright state that 'civil society is understood as a result of the very effectiveness of participatory institutions** (Fung; Wright, 2003, p. 20-22), and becomes a **precondition for successful deliberative design** (Avritzer, 2003, 2009, apud et al Avritzer 2011, 13). **Civil society**, our focus, despite playing a prominent role, being a numerically large actor, does not find such quantitative and qualitative spaces for its participation, which is often diluted in terms of power, since it represents multi-interests and visions; not to mention the confrontation with the actors who occupy the first and second sectors.

### **3.2. Multifacets of the Right to Culture: Participation, Access to Contribution to Cultural Heritage**

The concept of participation and access to heritage reaches diverse dimensions, complementary to each other, in a more holistic and synergic vision. We can affirm that these rights gain strength with the evolution of the concept of cultural heritage, as a good of common interest, when there is the involvement of multi-stakeholder, associated with the promotion of well-being, quality of life of its citizens and territory.

Academic research developed on cultural heritage has shown that since the 1980's attention has increasingly shifted from objects and collections to the public. Increasingly, scholars are emphasizing that in addition to professionals and experts, other individuals and groups should participate in heritage-related discourses and decisions so that multiple voices and interpretations can be heard (e.g. Macdonald 2005; Murawska-Muthesius and Piotrowski 2015), apud et al (Lähdesmäki, et al. 2020, 22)

Although the initiative to protect and safeguard cultural heritage is often taken by institutions and professionals, responsibility for passing it on to future generations is often shared with owners and holders (of houses, land, objects) as well as local communities (as bearers of traditions, etc.) (European Union - OMC 2018). The challenge for cultural heritage organisations is 'to change their institutional habits and to learn to work in partnership towards people building strong communities, a move from being leaders to becoming facilitators', which is also reflected in the public's shift from 'users and choosers to makers and shapers' (European Union - OMC 2018).

The literature brings several dimensions of what would be understood as participation and access to the Patrimony as punctuated below:

**(a) Right and Access to visit a site or public equipment:**

- On the one hand, only visiting a heritage site can be seen as participation(Lähdesmäki, et al. 2020, 22);
- 'Museums are increasingly seen as critical actors and contributors to debates, which can strengthen the powerless and correct social inequalities. For museums and heritage sites to act as agents of change (van Huis 2019), they need to be places of participation for a wide range of visitors and citizen-oriented activities (apud et al Lähdesmäki, et al. 2020, 120);
- Ticketing: financial access through free ticketing once a month; 'the differentiated fee for school activities - aligned with access to heritage education'(Lähdesmäki, et al. 2020, 126 and 132);
- Accessibility due to the profile of visitors: such as age, condition and physical restriction, audiovisual, mobility - accessibility for users with reduced capacities and their origin;
- provide space for visitors of various ages to concretely and actively participate'(Lähdesmäki, et al. 2020, 126);

- Various formats and media: 'the use of audio recordings and visual materials or the opportunity to interact with concrete objects increases emotionality: they make the site more sentimental, tangible and therefore more understandable'(Lähdesmäki, et al. 2020, 126);
- Various formats of events: 'These activities include festivals, projects, theme weeks, workshops, concerts, conferences, lectures, book presentations, celebrations, discussions, films, theatre, dance, gastronomic events, competitions, documentaries and radio programmes'(Lähdesmäki, et al. 2020, 126).

**(b) Right to Produce knowledge, content on cultural heritage:**

- Citizens should have the right to produce knowledge about and define the cultural heritage. They should be able to influence what kind of stories are told on heritage sites and in memory organizations, and how they are told.
- People who interact with cultural heritage in varied and sometimes unexpected ways, who share specific memories about a site or a story, also have a crucial word to say, as Bidault observes (2018, apud Lähdesmäki, et al. 2020, 120);
- 'As members of the European Heritage Label(EHL), heritage practitioners have a hegemonic position to interpret, narrate and present the past. However, there is always room for various interpretations, and both participatory and non-participatory practices and events give visitors new opportunities to interpret and give meaning to the sites and their narratives. Based on our interview data, the EHL websites encourage visitors to express their own interpretations to different degrees, but it is not yet clear whether visitors' interpretations are incorporated into the exhibits and other website activities'(Lähdesmäki, et al. 2020, 126);
- 'Interaction between guides and visitors as a way of creating space for dialogue and thus allowing visitors to share their own interpretations. For both parties, the interactive activities on the sites are fun and counterbalance the text - heavy displays'(Lähdesmäki, et al. 2020, 127).

**(c) Participate in decision making in the core activities of heritage and other institutions as a mechanism for access to the human right to culture:**

- 'Visitors contribute to the core activities of heritage institutions such as collections and exhibitions and participate in decision making regarding cultural heritage and what aspects of participation are

discussed by professionals and visitors to EHL websites, particularly how visitors' own production of heritage knowledge is made possible and perceived'(Lähdesmäki, et al. 2020);

- 'Based on the opinion of professionals, the sites can offer facilities for activities to be organized by, with, or for citizens'(Lähdesmäki, et al. 2020, 128);
- 'The sites have the power to take the initiative and select the participants and ways to enable participation, but the participants themselves also decide how to use participatory practices'(Lähdesmäki, et al. 2020, 128).

**(d) Participation in multiple associated for and public policy:**

- Local public officials should keep up ongoing dialogue with citizens and with civil society. There have to be well-developed channels for this communication and collaboration. Measures should be taken, both nationally and internationally, to strengthen civil society capacity to monitor and engage with local government. Outside large urban municipalities, civil society is often weak and has little experience of monitoring or cooperating with local government(Slack 2015);
- 'How do staff training, publicity documents, organizational plans and grant applications occur'(European Union - OMC 2018).

**(e) Communication, Access to Information and Transparency:**

- 'Participation is conditioned by how sites communicate about their activities and to whom they address on their sites and promotional material. One of the professionals interviewed talked about "very complicated communication" between visitors and the site as an institution. In the words of the interviewee: "it is an institutional communication, so it can put some barriers between us and the visitors'(Lähdesmäki, et al. 2020, 33);
- communication, or at least initiative for it, is often more top-down than bottom-up and can create barriers between the institution and the citizens who are invited to participate'(Lähdesmäki, et al. 2020, 131 );
- Barriers to communication are linked to the broader issue of accessibility. Barriers to access can be physical, linguistic or socio-economic. It has been observed that a typical visitor to heritage sites does not represent the average population with respect to gender, age and educational and socio-economic background (Lähdesmäki, et al. 2020, 131);



- **The language barrier** may prevent visitors from participating in activities, events, and other interactive practices at the site, as one of the interviewed visitors described, which in the case of the European Community sites is intense (Lähdesmäki, et al. 2020, 134-136);
- **Using several languages** is seen as a way to make the memory and history of the sites "truly European" and display their story in a form "suitable for Europeans", as one practitioner noted (Lähdesmäki, et al. 2020, 134-136);
- **Sometimes the interaction between the site and its audience is complicated** or reduced to a top-down communication to inform visitors. Exhibits may not be interactive enough to encourage visitors to actively participate and interpret (Lähdesmäki, et al. 2020, 136);
- **Inequalities in information and technical language:** 'discussion about the technical language permeating debates and deliberations of participatory institutions would be discriminating against actors, as their ownership to varying degrees could lead to errors of judgement and therefore to misconceptions about specific issues and deliberations within participatory institutions (Fonseca 2011, apud Pires, 2011);
- **Access to resource as Active participation:** 'active participation also requires resources that not everyone has. One practitioner emphasized that 'everyone should be able to get closer to culture" and criticized the fact that participatory projects related to Europe are often targeted to those who already have opportunities to be active in these matters (Lähdesmäki, et al. 2020, 134-135).

**(f) Minority Access and Inclusive Heritage Discourse:**

- In relation to this participatory change, scholars of the new museology and other similar currents of thought (e.g. Vergo 1989; Macdonald 2005, 2007; Applegate Krouse 2006; Hooper- Greenhill 2006) have long emphasized both the important interaction between institutions and heritage communities and the active role of visitors as creators of meaning rather than mere consumers, as well as the strengthening of silent groups such as women, minorities and indigenous peoples (e). g. Macdonald 2005, 2007; Applegate Krouse 2006; Hooper- Greenhill 2006; Murawska- Muthesius and Piotrowski 2015) (apud et al Lähdesmäki, et al. 2020, 120 -122);
- **Minority groups**, people living in poverty, and people with disabilities can have limited access to cultural heritage. This, in turn, can be used against them and as a way to control and marginalize these groups. Such discrimination may decrease their capacity to participate in the cultural life of society and exercise citizenship (Bidault 2018, 78). Access is needed to participate; according to Anthias (2002; 2009), it is a pre- requisite for belonging; apud et al (Lähdesmäki, et al. 2020, 132).

- We understand the inclusive heritage discourse (Kisić 2016) as a channel that allows participation in the context of equity dissonance. By facilitating a dynamic and pluralistic understanding of the past, the inclusive heritage discourse offers space for heritage dissonance - that is, different memories, interpretations of the past and meanings given to heritage. The inclusive heritage discourse can be perceived as an arena in which participation and heritage dissonance are mutually constructed. It offers an alternative to authoritative heritage discourse (EHL), as defined by Smith (2006; see Introduction), as it recognizes the active management of various groups and includes their insights in the production and use of cultural heritage (Kisić 2016, 281). As such, the inclusive heritage discourse has the potential to promote intercultural dialogue, one of the two main objectives of the EHL. Kisić (2016) has developed the inclusive heritage discourse in the context of conflicts related to heritage in the former Yugoslav republics, although intercultural dialogue need not necessarily refer to difficult situations. In the EHL documents, however, the notion of intercultural dialogue is no longer elaborated. (apud et al (Lähdesmäki, et al. 2020, 122)).

**(g) Equity interest is also associated with the right over the city:**

- 'The right to the city', first articulated by the French philosopher Henri Lefebvre, which mainly refers to the right of the inhabitants and 'users' of the city to participate in local public affairs and define the city space (UN-HABITAT 2015).

**(h) Adoption of various models and ways to overcome challenges:**

- 'Adoption of various models for development in improving human rights at the international level (e.g. new treaties and conventions, recommendations, guidelines and examples of best practice) should be brought to the local level. In doing so, it is of paramount importance to have more than just abstract information. There is a need to make human rights more concrete and practicable for specific needs at the local level. (...). In making human rights more practicable and effective at the local level, specific areas highly linked to the effective implementation of human rights at the local level should be identified. For example, if public services are provided at the local level, this can be identified as a field where non-discriminatory access should be guaranteed (United Nations - Human Rights Council, 2018).

### **(i) Forms and format of spaces in association with Public Policies:**

- **Diversification** also passes through the **democratic structures (systems)** existing between nations;
- **Innovative governance mechanisms** have been tried in one tier systems to encourage citizen access and participation in an otherwise inaccessible system. Increasingly, local budgets and financial accounts are freely accessible on the internet. The Open Government movement around the world is motivated by a desire to create more transparent and participatory forms of government, enabled by transformative technological innovation. Online access to government information and data allows citizens to work with government on policies and services and to hold them to account for their decisions. In some instances residents are actively encouraged to participate to some extent in developing the expenditure plans for their areas. **Participatory budgeting** is the practice of including citizens in decisions on how the budget is formulated. It was introduced, in part, as a way to address severe inequalities in services (especially water and sanitation) and quality of life. The extent to which online access to information and participatory budgeting can actually substitute for smaller local governments is an open question (Slack 2015, 60);
- **In the field of culture, we cite as an example understanding given by the EU**, ‘access and participation are closely related terms. Policies for access and participation aim to ensure equal opportunities of enjoyment of culture through the identification of underrepresented groups, the design and implementation of initiatives or programmes aimed at increasing their participation, and the removal of barriers. The concept of access focuses on enabling new audiences to use the available culture on offer, by ‘opening doors’ to non-traditional audiences so that they may enjoy an offer of cultural heritage that has previously been difficult to access because of a set of barriers. (European Union - OMC 2018)<sup>60</sup>.
- **Multiple forms:** "The literature also points out that 'the ways in which participatory institutions can fulfil this desire are multiple: (i) acting in the formation of more capable citizens for political and collective action; (ii) stimulating the formation and activation of new actors in civil society; (iii) contributing to greater transparency, rationality and efficiency in public administration; (iv) directing public policies to the fulfillment of distributive and inclusive functions; and (v) contributing to the formation of new political elites, among many other possibilities. However, this apparent

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<sup>60</sup> reference note number 37: experts on better access to and wider participation in culture. A report on policies and good practices in the public arts and in cultural institutions to promote better access to and wider participation in culture, 2012. (Open Method Of Coordination-OMC 2018, 7)

multidimensionality of the results of participatory institutions poses important challenges for the operationalization of effectiveness assessments (Pires (org.) 2011, 29)'.

There are obvious gaps between the realities of participatory practices. The actions described above illustrate the attempt, as mentioned by Stoker (1998), to promote openness to new internal and external actors, previously excluded from the definition of policies supported by new governance processes, thus extending participation to a plurality of non-state actors (apud (Casula 2017)).

**Openness to new actors** is linked not only to the creation of new participatory instances (numerically), but also to the quality of these spaces (for dialogue, listening, demonstration and interactions), the mechanisms, processes and forms of participation.

**Participation through participation'** is also placed as one of the 'critical and paradoxical effects of governance and consequently its implication in the determination of policies, considered as part of an excessive tendency for inclusion; and as an attempt to open up the participation of subjects from civil society and the private sector in decision-making arenas (Moura and Bezerra 2016).

**Another distortion is the exercise of 'participation' as a strategic bargaining** - 'if I achieve this, you will have that, opposing the real meaning that it must take on, which is the characterization by mutual recognition, respect and interest (European Union - OMC 2018, 21). Or, 'to weigh the value of participation against its usefulness is to devalue it or make it secondary to the desired effect (Lavalle 2011, 34), distancing yourself from the effectiveness and legitimacy of these instances.

**Participation also differs from citizen activism and social movements, and for this reason 'it** may not be expected to produce counter-portraits and make a significant contribution to democracy (Lähdesmäki, et al. 2020, 136) .

**Adrián Lavalle, grouped in three common types of understanding among the theoreticians about the conceptualization of participation and the participatory process being:** (i) sometimes taken as a native category of the practice of social actors; (ii) sometimes as a theoretical category that subsidizes, with differentiated weights and meanings, the debates in democratic theory; and, finally,

(iii) sometimes considered a procedural category, disposed in specific laws and regimental norms - and institutionalized procedure with functions delimited by laws and regimental dispositions (Lavalle 2011, 29, 34).

This set of attributes, of diverse nature, represent mechanisms that enable citizens and organizations to have access to rights and participate in democratic structures. It is a combined capacity as defined by Nussbaum (apud Campagna 2017) and that the absence or limitation of this and its elements threatens and (or) restricts the guarantee or implementation of rights, such as the right to the human right to culture.

### **3.3. Democratic Participation: a Combined Capacity - Participation, Access and Contribution**

**The participation refers to a combined capability**’ which relates to both ‘internal capabilities’ – the competences the individual needs for understanding and creating culture – and ‘suitable external conditions’, that make the person able to exercise these functions in the social context. **according to Nussbaum** (Nussbaum, 1997 apud (Campagna 2017):

The eyesight of Nussbam, Campagna continues:

In Nussbaum’s view, this right is a ‘combined capability’ which relates to both ‘internal capabilities’ – the competences the individual needs for understanding and creating culture – and ‘suitable external conditions’, that make the person able to exercise these functions in the social context. Since the ‘capabilities approach’ considers the creation of these ‘combined capabilities’ as the main objective of public policies, the promotion of the ‘inclusive cultural empowerment’ could be arguably considered as a proper indicator for evaluating the successful implementation of the right to take part in cultural life. (...) Zimmermann and Rappaport (1998, 725) describe the empowerment process ‘as the connection between a sense of personal competence, a desire for, and a willingness to take action in the public domain’. This conceptual linkage between individual competence and social actions recalls the conceptual core of the ‘capabilities approach’ to the understanding of human rights proposed by Nussbaum (1997). (...) The ‘inclusive

cultural empowerment' is a 'combined capability' in Nussbaum's terms since corresponds to the process of personal and social growth through which the individual, after having access to cultural resources through information and education, uses them for realizing cultural actions in the community, participating in cultural decision making processes or being involved in intercultural initiatives. (apud et al (Campagna 2017, 174-175)).

**This** 'capabilities approach' to the analysis of human rights and refers to a 'tripartite' understanding of the participation in cultural life. It includes the 'freedom', the 'access' and the 'contribution' aspect of cultural production and reception and conceptualizes a further dimension dealing with the 'inclusive cultural empowerment' of people as outlined by Campagna (2017, 169) a perspective on which we agree. The "tripartite typology weighted by Campaign (2017) is characterized by three dimensions<sup>61</sup>:

**(1) Right to Participation ('freedom' associated with freedom of expression and creation) as:** the right to take part in cultural life encompasses the right 'to act freely, to choose his or her own identity (...), to engage in one's own cultural practices and to express oneself in the language of one's choice (...) as well as to act creatively and take part in creative activity'<sup>62</sup>(Campagna 2017, 173). It refers to 'dealing with the protection of the freedom of both the individual and the community for what concerns the choice of cultural identity, the use of language and the expression of artistic creativity'<sup>63</sup> (Campagna 2017, 173). Inhibiting contrary practices and the tutelage of the State to these rights and to citizens who express the desire to exercise them(Campagna 2017).

**(2) Right of Access:** the implementation of the right to take part in cultural life, covers the right to take part in cultural life covers 'the right of everyone — alone, in association with others or as a community — to know and understand his or her own culture and that of others through education and information, and to receive quality education and training with due regard for cultural identity'. It also includes the right 'to benefit from the cultural heritage and the creation of other individuals and communities'(Campagna 2017).

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<sup>61</sup> **Cada uma das três dimensões engloba outras sub-dimensões, com base nas quais a avaliação das políticas culturais nacionais pode ser realizada.** | Each of the three dimensions encompasses further sub-dimensions, on the basis of which the evaluation of the national cultural policies can be realized. (Campagna 2017)

<sup>62</sup> (CESCR 2009b, 4)

<sup>63</sup> No documento, este aspecto é considerado particularmente relevante para minorias e povos indígenas, mas também inclui a proteção da liberdade de expressão artística e de criação.

**(3) Right to Contribution:** intended as ‘contribution’ the right to take part in cultural life refers to ‘the right of everyone to be involved in creating the spiritual, material, intellectual and emotional expressions of the community’. Moreover, it includes ‘(...) the right to take part in the development of the community to which a person belongs, and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person’s cultural rights’ (Campagna 2017).

**In this last item 'Contribution' we propose the subdivision of its methodological order into two sub-items, namely, (b.1.) 'the right to participate in the development of the community to which a person belongs, (b.2.) and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person's cultural rights (Campagna 2017) , as they will require different approaches for their guarantee and implementation of public policies and participatory instances. We transcribe:**

The ‘contribution’ dimension reflects the significance attributed by the CESCR (2009b) to the inclusion and involvement of each individual in the creation of the spiritual, material, intellectual and emotional expressions of the community. This implies the duty of public authorities of setting up participatory forms of cultural decision-making through which people become actors and co-creators of the design and implementation of cultural policies and of the public interventions that concern cultural heritage and cultural expressions. Moreover, through active contribution, the right to take part in cultural life is supposed to be linked with the promotion of intercultural programmes and initiatives that aim at creating shared cultural expressions among different cultural communities. According to the ‘capabilities approach’, the ‘contribution’ dimension refers to the ‘external conditions’ that make the individual able to fully express his/her creative potential in the social context. In the proposed model, two types of policies are individuated for assessing this dimension, namely (1) intercultural projects and (2) participatory mechanisms in cultural decision-making processes. (Campagna 2017, 177)

**This tripartite conceptualization** proposed by the Committee, while recognized as an important contribution for a deeper understanding of this right (Ferri 2014; Odello 2011), has been judged difficult to be operationalized and used as a workable framework for cultural **policies** as brought about by (Campagna 2017) in his work. The Campagna also states that the 'concept of culture has

undergone a process of expansion and evolution within the international debate (2017, 5)' situation that corroborates the reported difficulty.

We understand the difficulty shared by the Author when we transcend to the practical point of implementation of the concept / rights in the various moments and actions of culture, but this fact does not prevent us from reiterating the importance and mention the ease with which this cutout allows us to understand in how many faces participation and access to the right to culture assume. Through the clarity of typologies, this detailing enables the State, organizations and citizens to be trained in planning and management instruments, supported by legal instruments, to face the challenges and propose solutions that will provide sustainability and ensure democratic participation. The solutions will not be implemented all at once, but the science in which fields of law we must act allows us to move forward with public policies that are adequate to the demands and therefore effective, efficient and democratic.

In this sense, the distinction between participation, access and contribution gains strength and collaborates with the effectiveness that access to the right to culture and heritage as one of its elements. We should be aware that 'one should not expect, under any circumstances, that the functioning of participatory institutions will generate dramatic or immediate impacts in these fields and areas', and adds 'their insertion takes place in processes of an incremental nature, in which the results and impacts are gradually constructed over time, through marginal contributions to the improvement of management and public policies (Wampler 2011, 89).

### **3.4. Strengths and Limitations on Democratic Participation as Effectiveness and Legitimation of Rights**

Participation, as an action, generates a reaction or other effects that may emerge associated with a logic of gains and losses. In other words, the analysis of the effects of participation needs to take into consideration the trade-offs<sup>64</sup> in order to understand the real strengths and limitations in democratic

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<sup>64</sup> **trade-offs**- is a situational decision that involves diminishing or losing one quality, quantity or property of a set or design in return for gains in other aspects. In simple terms, a tradeoff is where one thing increases and another must decrease. (wikipedia 2020); 'An exchange of one thing in return for another, especially relinquishment of one benefit or advantage for another regarded as more desirable: "a fundamental trade-off between capitalist prosperity and economic security" (Stockman 2016)



environments and of the various stakeholders. By common sense in the existing literature 'participation is valuable in itself because it realizes self-determination and inclusion, regardless of the specific contents it may assume (Lavallo 2011, 38) and that the participation of civil society becomes a precondition for a successful deliberative design (Avritzer, 2009, apud et al Avritzer 2011, 13) as already mentioned but which deserves our emphasis.

Lavallo (2011, 39) classifies into three groups the consequences or effects caused by participation with its varied nature:

"In the **first instance**, various socialization and psychological effects on participants are assumed. Participation as a school of citizenship, capable of cultivating civism and raising selfishness to the understanding of the public good, is a classic thesis. Increased self-confidence or self-perception of the citizen's sense of effectiveness is another psychological effect associated with participation. In these two effects, the positive ones would be able to trigger virtuous circles in which participation generates more participation - sometimes by civic engagement or by self-confidence. Still within the socialization and psychological effects, it is also supposed that participatory engagement increases the sense of belonging of citizens to their society. In this sense, participation would not only strengthen the formation of broad political identities, but would also contribute to the legitimization of political institutions.

**Secondly, aggregate effects** - to a greater or lesser extent intentional - or as opposed to sub-effects and unintentional effects are attributed to participation. Participation would generate distributional effects when carried out within the framework of institutions charged with guiding public spending policies and priorities. It is also usually associated with the rationalization and efficiency of policies subject to social control.

**Finally, it is argued that participation brings with it indirect or unintended aggregate effects:** positive externalities capable of generating a public good, different, in this sense, from socialization and psychological effects of an individual nature. The best known contemporary formulation conceptualizes these effects in terms of social capital, understood as a collective good, a sub-product of participation oriented to certain particular collective purposes. Thus, participation would increase the stocks of trust available in a given collectivity, enabling cooperation and the creation of collective responses to common problems. And for similar reasons, it would strengthen associations or civil society and, although in unspecified ways, stimulate good governance (Lavallo 2011, 36).

**In summary, the gains from participation include 'the effects of variable scope always** correlate in positive sum, aligning virtuously the formation of the citizen, self-perception of their capacity to act, development of a broad political identity, sense of belonging to society, legitimization of political institutions, distributional effects, rationalization of policies, social capital, strengthening of civil society and good government (Lavalley 2011, 40).

Otherwise, when thinking about the limitations to participation, we should keep in mind that the democratic exercise of participation does not occur in a homogeneously deliberative moment, but in a sequence of moments, some more strongly deliberative and others not so much (Goodin, 2008 apud Avritzer, 2011). It is then necessary to understand all the political-deliberative moments involved in participatory politics and evaluate them (Avritzer, 2011, 20), as well as the 'tools' available to citizens. This situation is analogous to the process of patrimonialisation .

As already explained in Neussubam's vision<sup>65</sup>, in order to fully enjoy and exercise their rights, citizens must be in possession of the combination of 'internal capacities' (competencies of the individual) in association with those 'appropriate external conditions' which enable them to enjoy the common good and make them a person capable of performing those functions in the social context, their tools.

If we think about the structure of the already existing spaces, 'the discussion on deliberation would move in a clearer direction which would be to think within the participatory Instances and Institutions and what would be their most strongly deliberative moment (Avritzer 2011). Avritzer (2011, p. 17) states that beyond the analysis of the dynamics that permeate the very functioning of participatory institutions, 'the debate on the effectiveness of participatory institutions has its origin in the question of the effects and/or impacts of deliberative processes on public policy decisions; effectiveness defined as follows: 'the capacity of institutions to influence, control or decide on a particular policy' (Cunha, 2010, apud et al).

Thus, when thinking about the capacity of deliberation as moments, it is possible to concentrate to reflect its effectiveness in different moments or contextual aspects of participation. This means, on the other hand, that the deliberative element constitutes only a moment and it is necessary to aggregate

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<sup>65</sup> apud (Campagna 2017)

other evaluative elements in this debate capable of generating more general indicators or results in relation to deliberative processes (Cortes, 2011; Vaz; Pires, 2011 apud et al Avritzer 2011, p. 17).

**Limitations throughout the participatory process**, which combine diverse natures and are correlated with internal and external capacities, strongly influence the unequal development of conditions present at different times or contextual aspects of participation based on 'the structural relationship between institutions and the resources of power, capital and information that social actors use to produce the scale at which they act or seek to act (Smith 1990, apud Lähdesmäki, Zhu and Thomas 2019), incentive and scale.

The **unequal development results in a process of hierarchization and re-hierarchization** (Swyngedouw 1997), which changes the geometry of social power, strengthening the control of some and discouraging others. (Lähdesmäki, Zhu and Thomas 2019) ). As in the case of participation associated with disputes for distributive benefits, which can be effective at the expense of the rationality of politics, good government, and the public good, and can elevate the sense of belonging and self-perception of the capacity to act of some and weaken those of others - those defeated in the distributive dispute (Lavallo 2011, 40).

**The incentive to continue participating takes two perspectives**, therefore, the first in the form of a stimulus that they are capable of generating for the engagement of political actors and citizens, and may occur in different degrees and natures (Siddiqur Osmani, 2008 apud (European Union - OMC 2018). According to Julian Borba, 'political participation is largely due to the types of incentives put in place for actors. In this sense, specific institutional designs, such as the distinctions observed between participatory budgeting experiences and management councils, would induce and encourage the participation of individuals with determined types and profiles. Thus, each Participatory Institution would generate its own incentives for political participation and particular types of participating groups. relates specific types of Participatory Institutions to particular profiles of audiences that are encouraged to participate (apud Pires (org.) 2011, 31). And the second nature of the incentive concept means that, individually, all intrinsic and instrumental values should exceed the costs of participation (European Union - OMC 2018).

**The internal capacity of a citizen** is also associated with his profile, his identity, his education and his origin. Avritzer (2011, 18) points out that 'the first problem in relation to participatory effectiveness can be termed the context of participatory politics in which participation takes place by focusing on the types of actors involved in participatory processes. This context can be thought of more widely as the economic, political and social environment that generates effectiveness'.

Another **differential element associated with the capacity of social actors** is related to the level of familiarity, knowledge, access to information they have about politics, about the 'rules of the game' and other conjunctures, considering also the type of language used - subsidies that allow them to influence the processes, the environments where they take place and the scale in which they act or seek to act.

The **use of technologies** is also now treated as a language that ensures participation and access to rights. Social media, IT-based interactivity are considered capabilities, soon another channel, a tool for participation 'recent cultural and social changes, such as the growing importance of social media and participatory turnover in contemporary culture, reinforced the opportunities for individuals to take an active role in commemoration, memorialization and heritagization. Today, many heritage managers and institutions actively encourage citizens to participate in various practices and processes to preserve and promote heritage (Giaccardi 2012; Roued- Cunliffe and Copeland 2017 apud et al Lähdesmäki, et al. 2020). However, 'neither should participation be confused with IT-based interactivity. Most institutions of today use digital technologies but they are to be seen rather as 'enabling factors'. Though deeply affecting the way culture is produced and accessed, they should not be confused with processes and content' (European Union - OMC 2018, 21).

Another point that deserves our attention 'beyond balance of power, cultural differences can affect equality in deliberative processes (Healey, 1997; Sandercock, 1998; Young, 1999). In particular, different cultural groups have different communicative styles as well as different affinities with the ideals of deliberation, such as reciprocity<sup>66</sup>(Fish, 1999; Gambetta, 1998; Mendelberg & Karpowitz, 2007, apud et al Zapata, 2009, 198) common reality in a globalized world.

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<sup>66</sup> The importance of cultural differences is an impacting point in the whole process of patrimonialization and its relation to democratic processes. Zapata also makes it clear that in its 'Research on immigrant and historically oppressed ethnic and racial groups in the U.S. demonstrates that various cultural groups have differing conceptions and ideas about democracy, government, participation, and policy (Harwood, 2005; Qadeer, 1997; Sanchez, 1993). Issues that arise from these differences have, in the context of deliberative governance, raised questions in the North and South about whether

In the field of external capacities, we must position citizens within institutions in order to then have a more holistic view on the quality of the spaces of participation to which they are attached, the institutional environment, the actors and their roles associated with the design of forces and power, the quality of deliberative processes under the approach of 'democratic effectiveness, deliberative practice and quality of the discursive process within instances (Pires (org.) 2011, 88), also encompassing an analysis of the results sought with public policies and the ability to influence them.

In trying to understand the **'functioning and operation of these instances and environments we are faced with the following dimensions brought by the current debate: (i) the question of institutional design; (ii) the question of deliberative effectiveness; and, finally, (iii) the question of political representation within participatory institutions'**(Pires (org.) 2011).

**The institutional design** allows the mapping and understanding of the quality of the deliberative process. The normative elements, such as the rules and procedures governing the participatory process, can shape and determine the types and meaning of the deliberative and representative dynamics undertaken within participatory institutions and their functioning (Claudia Feres Faria and Uriella Coelho Ribeiro, apud et al Pires (org.) 2011, 88).

The **differentiation between the institutions and their structures** also provides an understanding of the 'different arrangements and arenas of participation that require adaptation both by managers and governments and by civil society itself to participate (Soraya Vargas Cortes,2011, apud Pires (org.) 2011). The main aspects of variation in the participatory institutions mentioned by Soraya Vargas Cortes 'refer to the modality of participation (direct or indirect), the level of participation (collective or individual) and, finally, the degree of institutionalization of each instance (Soraya Vargas Cortes, 2011, apud Pires (org.) 2011, 88)<sup>67</sup>.

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the normative claims and goals of the deliberative democracy can be achieved (Leib & He, 2006). Similar questions can be raised in the increasingly transnational and multi-cultural United States'. Others factors that influence civic engagement "The Report also outlines key challenges that underscore the need for civic engagement: • recent growth of inequity; • falling Human Development Indices due to the widening of income disparities at the national and cross-national levels; • environmental deterioration; • difficulties in combating corruption; • overall deficits and shortcomings of democracy; and • governance arrangements necessary for attaining the internationally agreed development agenda, including the Millennium Development Goals. (United Nations 2008 , 9)

<sup>67</sup> capítulo 9. Efetividade das instituições participativas no Brasil: estratégias de avaliação/ organizador: Roberto Rocha C. Pires. Brasília: Ipea, 2011. v.7 (372 p.): gráfs., tabs. – (Diálogos para o desenvolvimento).

In terms of deliberative effectiveness, this refers to the conditions and processes of debate and decision-making within Participatory Institutions (IPs) and the quality of the deliberative process, based on variables and indicators that would be able to operate and correlate these concepts according to Almeida and Cunha (2011). The authors 'take as a basis specific principles derived from democratic theory in its deliberative aspect, which seek to express not only the concept of deliberation, but mainly impediments and difficulties for its increment and qualification. With this, they work with some questions such as: who deliberates - what is deliberate - and how to deliberate, among others, which would be relevant indicative of the quality of the deliberative process. This set of discussions allows them, at the end, to present the concept of deliberative effectiveness as an important indicator of the quality of the decision-making process undertaken within participatory institutions (Pires (org.) 2011, 88).

Avritzer (2011, 19-20) shares in his work that much has been written about the relationship between deliberation and political conflict (Przeworski, 1998), basically questioning the idea of deliberative agreement through the absence of conflict. Such criticism, both of the Habermasian idea of deliberation and of the concept of deliberative democracy in Cohen, does not seem fair, since it is possible to reach an agreement with individuals with whom we are in conflict. The *habermasian* idea of *verständigung* itself implies reaching an agreement and not a consensus as it has often been translated (apud et al).

Political representation and power within participatory institutions are also related to external capacities. When we speak of power we speak of forces (political, economic, social and organizational) that are capable of influencing the final results, they manifest themselves throughout the processes, in the way spaces (institutions) are conducted and their actors.

**A set of political preconditions** also appears as a matter of influence in political power environments, such as governing party, the most influential party in the coalition, among other variables (Wampler, 2011), until the formation of a typology that allows differentiating more effective from less effective cases or even those that do not seek effectiveness (Silva, 2011), apud et al (Avritzer, 2011, p.18). Brian Wampler emphasizes the importance of participatory institutions as effective channels for vocalizing the demands of the population, in view of the weakening of party systems and traditional representation. He also states that this potential for vocalization of these institutions tends to be

proportional to the citizens' perception that, effectively, concrete results can be obtained from participation (apud Pires (org.) 2011, 31).

We can also highlight how dimensions of influences on public policies are associated with: (i) the nature, trajectory and identity of the public policy in question; (ii) the permeability of public policy to participation; (iii) the institutional position and authority of participation mechanisms in relation to policy production; and, finally, (iv) the characteristics and repertoires of action of the actors involved directly and indirectly (Sá e Silva 2011, 90).

A **complementary angle** to the analysis of power within participatory institutions is brought by the World Bank, which reaffirms that 'power is unequally distributed in all societies, but power asymmetries are not always harmful. They can be a means of achieving effectiveness - for example, through the delegation of power. However, if powerful actors fear that certain policies aimed at improving well-being may reduce their relative power (now or in the future), they may try to obstruct their adoption or impede their implementation (World Bank - Banuri, et al. 2017)'. The effects of the recurrent practice of power is that 'this trend has significant implications for the poorest and most marginalized groups because of their limited bargaining power (World Bank - Banuri, et al. 2017)', perpetuating unsustainable practices that do not promote social cohesion.

The fourth limit refers to scale, a concept that goes beyond the territorial geographical perspective. The scale concept assumes 'multifaceted meanings of scale that are not only about levels such as global, national and local but also about spatialized social and cultural borders and border crossings and about scale in digital platforms<sup>68</sup> (Lähdesmäki, Zhu e Thomas 2019, 32)', dimensions that interrelate and correlate with the other three mentioned obstacles (capacity, incentive and power). The proposal to include scale as one of the elements that impact and hinder decisions in public policies is not so common, but it is one of the points that also deserves our attention for the construction of participative spaces and the understanding of how policies are developed.

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<sup>68</sup> from digitized heritage collections being placed online through to the upscaling impact on potential audiences that digitization offers (Lähdesmäki, Zhu e Thomas 2019, 33)

Lähdesmäki, Zhu, & Thomas (2019) lecture that the recent growth of concerns with heritage policy and practice, and the growing attempts to preserve and govern heritage, require a reconsideration of heritage scales', influencing its sustainability<sup>69</sup>. They also draw our attention to the fact that relations of scale and scaling play a crucial role in the production and meaning of heritage and for this reason a more critical analysis of its constructive and performative nature in order to understand the hierarchies of power in heritage and in various conflicts related to its meanings, ownership, preservation and management .

**Scale is treated as a constructive dimension in which heritage unfolds and is intrinsically related to the concept, 'of space as a relational construction that simultaneously includes several scalar dimensions and multiple meanings, both shared and personal'**(Massey 2005, apud Lähdesmäki, Zhu and Thomas 2019). Thus, the same patrimonial, object or local practice can have several scalar meanings and be used to foster and promote various scalar identities or feelings of belonging to different communities organized at different scales (Lähdesmäki, Zhu and Thomas 2019)

**In the field of heritage, the plural form of politics of scale is little recognized and examined.** The concept of scale policy helps in theorizing heritage; the recognition of scale as an instrument of power and a tool for hierarchization and re-hierarchization brings out the essentiality of scale for heritage (Lähdesmäki, Zhu and Thomas 2019).

**The various scales addressed by Lähdesmäki, Zhu and Thomas (2019) can be summarized as follows:**

**Scale as a Hierarchy** - the scale has been commonly discussed in relation, and as connected, to spatial entities that are hierarchically structured... – whether the hierarchy itself is perceived as 'natural' or 'constructed'. For example, Graham, Ashworth and Tunbridge (2000) **Scale:** an intrinsic attribute of places is that they exist within a hierarchy of spatial scales. Places therefore have a heritage at local, regional, national, continental and international scales, while, in turn, a particular heritage artefact can function at a variety of scales.' As Graham, Ashworth and Tunbridge (2000) note, the same heritage artefact can function simultaneously at different territorial levels. However, the structure of these

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<sup>69</sup> **Despite these recognizable issues of scale, most heritage research does not necessarily identify scale as a central issue.** The recent growth of concerns within heritage policy and practice, and the increasing attempts to preserve and govern heritage, necessitate reconsidering the scales of heritage (Lähdesmäki, Zhu e Thomas 2019).



territorial levels is stable in this conception. This kind of approach to scale hinders perception of the complexity of a heritage-scale relationship and prevents viewing scale as a relational social construct and an instrument of power.(apud et al (7-8))

**Scale as an Instrument of Power** - Revisiting the definition of ‘politics of scale’ enables us to broaden our understanding of heritage and ‘what heritage does’. Brenner has suggested an important revisit to the concept. According to him, politics of scale can refer to ‘the production, reconfiguration or contestation’ both within one scale (the singular) and among different scales (the plural) (Brenner 2001). The singular form indicates a struggle or contestation in a boundary setting, such as in producing a place, locality, region or nation. The plural form, as he rephrases it as a ‘process of scaling’, does not focus on a production of a singular unit as such but rather on ‘hierarchization and re-hierarchization’ among multiple spatial units through interscalar transformation (Brenner 2001).(Brenner 2001, apud et al).

**‘Different social actors within this structure have different weights of influence.** Some are more powerful than others. This uneven development is based on the structural relationship between institutions and the resources of power, capital and information that social actors use to produce the scale in which they act or seek to act (Smith 1990). This uneven development results in a process of hierarchization and re-hierarchization (Swyngedouw 1997). The process changes the geometry of social power by strengthening the control of some while disempowering others (Swyngedouw 1997). Swyngedouw (1997) points out that it is often capital (assets, financial or otherwise) that moves upward (upscaling) while the regulation moves downward (downscaling). Similar trajectories can be identified in heritage governance and administration from various parts of the globe. In these developments, top-down administrative systems have been established to reinforce heritage governance at ‘lower’ scales. As a result, the processes of heritage making are influenced and manipulated by discourses produced at the **‘higher’ scales of power**, although **the local heritage actors** are those who in practice implement these processes (apud et al (10-11)).

**Scale as a Process** - The production of space(s) brings about a constant reshuffling and reworking of social spaces at different scales (Brenner 2001; Lefebvre 1991).(...) The idea of the relational and processual nature of space is the core concept in Lefebvre's (1991) studies. For him, the same space contains various social spaces that all are present in a multilayered way in our physical environment. Scalar configurations are thus seen as the outcome of complex socio-spatial processes that regulate and organize social power relations (Swyngedouw 1997, 2000) (apud et al, (11-12)).

**Scale as a Network** - Latour (1996) and Castells (1996) suggest that the world's complexity should not be thought of as levels, layers, territories or spheres but rather networked together. The conception of 'network' stimulates discussion about the flow of objects, people, ideas and technology as an interconnected complexity. Different from scales that address boundaries and hierarchies, the conception of network helps us to view relations and connections between diverse units (Marston, Jones and Woodward 2005). In this view, the constant movement from local to global (and back to local) is based on the idea and politics of connectivity. This politics is actively utilized by various internationally acting organizations and institutions who engage in constructing transnational or interurban networks to enhance their power, authority and legitimacy related to other scales. This is particularly the case in Europe, where many transnational or trans-regional networks link together across the boundaries of local, regional and national state territories. (Lähdesmäki, Zhu e Thomas 2019, 13-14). Following Brenner's (2001) views, we emphasize how the networks of connectivity and hierarchical scales of heritage governance are mutually constitutive. In each scale, heritage-related networks are established to develop common interests and knowledge across certain boundaries. Heritage actors active in these networks exchange information through formal meetings or informal contact.(apud et al, (Lähdesmäki, Zhu e Thomas 2019, 13-14)<sup>70</sup>.

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<sup>70</sup>Following Brenner's vision (2001), we emphasize how connectivity networks and hierarchical scales of asset governance are mutually constitutive. At each scale, networks related to heritage are established to develop common interests and knowledge across certain borders. Heritage actors active in these networks exchange information through formal meetings or informal contacts. A well-known example of this type of heritage network is the International Council on Monuments and Sites (ICOMOS). Created in 1965, ICOMOS is an international network of heritage and conservation professionals and experts who also act as government officials and heritage consultants. (Lähdesmäki, Zhu and Thomas 2019) Following Brenner's vision (2001), we emphasize how connectivity networks and hierarchical scales of heritage governance are mutually constitutive. At each scale, asset-related networks are established to develop common interests and knowledge across certain boundaries. Heritage actors active in these networks exchange information through formal meetings or informal contacts. A well-known example of this type of heritage network is the International Council on Monuments and

**The idea of ownership** – to whom does heritage truly belong – is one of the critical issues of politics of scale. The concept of politics of scale helps with theorizing heritage; the recognition of scale as an instrument of power and a tool of hierarchization and re-hierarchization brings to the fore the essentiality of scale to heritage. (Lähdesmäki, Zhu e Thomas 2019, 20). Smith, however, also emphasizes how heritage discourse is disputed and mutable. Relations among different scales in the processes of heritage making are not always cooperative and harmonious but contested and competitive – in a sense of dissonance framed by Tunbridge and Ashworth (1996). Similar to the actions of various social movements, subordinate groups use the scale of ‘local’, ‘community’ or even ‘home’ to negotiate and resist control from the heritage discourse. (Lähdesmäki, Zhu e Thomas 2019, 20-22)

**Heritage and Politics of Scale** - Revisiting the definition of ‘politics of scale’ enables us to broaden our understanding of heritage and ‘what heritage does’. **Brenner** has suggested an important revisit to the concept. According to him, politics of scale can refer to ‘the production, reconfiguration or contestation’ both within one scale (the singular) and among different scales (the plural) (Brenner 2001). The singular form indicates a struggle or contestation in a boundary setting, such as in producing a place, locality, region or nation. The plural form, as he rephrases it as a ‘process of scaling’, does not focus on a production of a singular unit as such but rather on ‘hierarchization and re-hierarchization’ among multiple spatial units through interscalar transformation (Brenner 2001) (apud et al (Lähdesmäki, Zhu e Thomas 2019, 18-19).

**The concept of scale applied to public policies also gains other dimensions of correlated to the rescheduling of the state associated with the political trajectory** of a given state policy and how it evolves over time, also involving 'examining the escalating evolutionary articulation of an institutional-territorial space, be it a supranational regulatory agency, a national state, a region or a city (Silva 2019, 132). Such investigations would seek to determine the degree to which the dominant scales of institutional organization of a territory have been reshaped and relate these rescheduling to medium/long-term changes in economic conditions, state spatial strategies, political-territorial

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Sites (ICOMOS). Created in 1965, ICOMOS is an international network of heritage and conservation professionals and experts who also act as government officials and heritage consultants. (Lähdesmäki, Zhu and Thomas 2019)

alliances, and the balance of social forces<sup>71</sup>(Silva 2019). In this sense, our perspective points to the consolidation of participation and access to heritage as an element of culture and one of the foundations of human rights.

This framework of elements also brings us to reflect on the concept of the city in association with cultural heritage as interrelated rights: 'A city of human rights requires shared governance of human rights in the local context where local government, the local parliament (council), civil society, the private sector and other stakeholders cooperate to improve the quality of life of all people in the spirit of partnership based on human rights standards and norms. A human rights-based approach to local governance includes the principle of democracy, participation, responsible leadership, transparency, accountability, non-discrimination, empowerment and the rule of law<sup>72</sup>(United Nations -Human Rights Council, 2018).

Therefore, it is crucial to examine these possibilities and limits of participation in terms of inclusion and exclusion (see Tlili 2008). Exclusion from cultural heritage means that citizens cannot "participate in decisions concerning their own cultural heritage, or cultural heritage with which they have a particular relationship", including the interpretation, preservation, safeguarding, critical review, storage and display of cultural heritage (Bidault 2018, 78). In cultural heritage policies and practices, the ways to seek inclusion are usually based on participation, community and bottom-up approach. For example, Kisić (2016, 26) believes that "the use of participatory methods of heritage design, management, and interpretation, such as discussions, evaluations, oral histories, personal collection, public collection, public curatorship, and artistic interventions" can become the basis for a more inclusive, plural, and participatory heritage policy (apud et al, (Lähdesmäki, Zhu and Thomas 2019, 135) .

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<sup>71</sup> Silva also highlights that these two methodological strategies, which, in Brenner's view, are not mutually exclusive and, if combined, can complement each other to generate more concrete perceptions about the paths of state rescheduling in different parts of the world. Neil Smith, Bob Jessop and Erik Swyngedouw also collaborate with this perception.

<sup>72</sup> The Gwangju Guiding Principles for a Human Rights City, adopted at the 2014 World Human Rights Cities Forum on 17 May 2014, contains the following principles for a human rights city: the right to the city; non-discrimination and affirmative action; social inclusion and cultural diversity; participatory democracy and accountable governance; social justice, solidarity and sustainability; political leadership and institutionalization; human rights mainstreaming; effective institutions and policy coordination; human rights education and training; and right to remedy.

**CHAPTER IV          GOVERNANCE AS A UNDERPINNING  
OF PATRIMONIALIZAÇÃO PROCESS AND PUBLIC  
POLICES IN HERITAGE**

The success of governance also passes through the understanding that it depends on affective relationships. (Parliament.NZ 2016)



Dans ce **Chapitre**, nous aborderons le thème de la gouvernance comme fondement du processus de patrimonialisation et des politiques publiques en matière de patrimoine. Le concept de gouvernance a historiquement souffert de son imprécision, de sa distorsion et de sa mauvaise application dans divers domaines de la connaissance, et a également gagné quelques adjectifs qui, à notre avis, augmentent la confusion. Ainsi, nous essaierons de faire une brève contextualisation historique de l'utilisation du concept, de son application dans les différents domaines de la connaissance, en mettant en évidence les politiques publiques et, aussi, sa différenciation par rapport à d'autres concepts - gouvernance, gouvernabilité, gouvernement et gestion.

Nous présenterons le concept de gouvernance appliqué à la gestion du patrimoine culturel et aux politiques publiques, en cherchant à identifier les éléments qui le différencient de l'usage général du terme, son contexte en tant que système, les relations établies avec les parties prenantes, les principes et les avantages de cette méthodologie. Il est également important de comprendre le rôle de la législation en tant que mécanisme et processus qui subventionne la gouvernance comme l'un de ses outils et méthodologies et crée les conditions de la participation démocratique.

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In this **Chapter**, we will deal with the topic of Governance as a underpinning of patrimonialisation Process and Public Policies in Heritage. The concept of governance has historically suffered from its imprecision, distortion and misapplication in various fields of knowledge, and has also gained some adjectives that, in our opinion, increase confusion. Thus, we will try to make a brief historical contextualization of the use of the concept, its application in the various fields of knowledge, highlighting public policies and, also, its differentiation from other concepts - governance, governability, government and management.

We will outline the concept of governance applied to the management of cultural heritage and public policies, seeking to identify elements that differentiate it from the general use of the term, its context as a system, the relationships established with stakeholders, the principles and advantages of this methodology. It is also important to understand the role of legislation as a mechanism and process that subsidizes governance as one of its tools and methodologies and creates conditions for democratic participation.





#### 4.1. Governance, Governability and Government

The concept of governance has been used by various segments and organizations, including those concerned with culture and heritage, and this 'diversity of uses and definitions and their practical implications lead to a loss of precision of meaning (Kooiman 1999,70, apud Casula 2017). Conceptual imprecision and its misuse as synonyms for other concepts in different ways brings incomprehension and the impossibility of a uniform use in organizational universes.

Because of these 'various' uses (now understood as inappropriate, imprecise), we feel the need to outline the concept of governance adopted in our work and the dimensions it gains in the context in which it is applied - cultural heritage. We began our reflection by differentiating the concepts of governance, governability, government and management that have distinct functions and uses, which consequently impacts our contextual reading, since governance is part of the mechanisms that give sustainability to institutions in order to promote their governability through specific management mechanisms and also through democratic participation.

Governance is understood as the ability to govern and is formed from the relationships between three components: problems, capacity to face them and actions/projects (Weiss 2016). Governance is not restricted to a management problem or a government problem. It is more a combination of the interactions between society, government and the market, which determine the degree of governability, together with instruments such as: established, legitimate and efficient channels, and community mobilization and involvement in policy making and implementation (Weiss 2016)'. Governance refers, therefore, to the structural and legal conditions of a given government to conduct and promote the necessary actions and changes, also supported by governance.

We note briefly that 'governance is related to the ability to transform government action into public action, articulating government actions and involving concepts such as participation, partnership, collective learning, regulation and best practices (Malo, 2000; Câmara, 2011 apud Weiss 2016). Governance in the public arena is a 'process by which we collectively solve our problems and meet the needs of our society, and Government is the instrument we use (Osborne & Gaebler, 1992, apud IGI-GLOBAL s.d.). These actions involve 'stakeholders in processes that were previously largely reserved for government' (European Union - OMC 2018).

## 4.2. Governance: Concept and Brief of historical reference

Governance gained greater prominence in the corporate universe in the last quarter of the twentieth century, in the middle of the decade that began in 1980 in the USA, the environment of its origin, expanding throughout the world, initially reaching England, then spreading to the rest of Europe; and in Brazil the concept was adopted around the 1990s.

The initial motivation was the 'central concern of ensuring forms of control by shareholders over the decisions and performance of companies (Waarden, 2012; Plehwe, 2012 apud (Dianese 2010) and their managers. It aimed to have deliberative power by ensuring a more equitable environment for the various interests, combating concerns about the abuse of power by adopting more transparent measures such as "the recommendation of the use of the audit committee and independent directors, the separation of the role of chairman and CEO and the greater protection of minority shareholders'(Álvares, et al, 2008, Dianese 2010).

**This concern has been translated into one of the basic elements of the concept of governance,** which is the agency theory related to the play of forces and power existing within the same institution and due to the roles played, correlated to the presence or not of management and control instruments.

**The Agency Theory**<sup>73</sup> and its fundamentals are described by Rozo (2003 apud (Dianese 2010, 32)) as 'the Agency Theory addresses problems resulting from conflicts of interest that emerge in a formal or informal contractual relationship when the contracting parties have asymmetric information or there is presence of interest. The main objective of this theory is to explain how the contracting parties perform their contracts in a way that minimizes the costs associated with asymmetric information problems and uncertainty. The agency theory also highlights the existence of the market and institutional mechanisms capable of completing contracts to reduce those problems'.

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<sup>73</sup> According to Santos (2004), the Agency Theory, as it is currently known, was developed from the contributions of Jensen and Mecklin (1976), but had already been studied by Berle and Means in 1932 in the work *The modern corporations and private property*, in dealing with the classic problem of the divergence of interests of separation of ownership and management in companies, being considered the beginning of the Agency Theory.(Dianese 2010).

In the universe of corporate governance the Agency Theory, in our view, finds the same basis for the challenges, with the appropriate reserves, as those identified as Agenda Problem when formulating the policy agenda and the Agency Theory will come into existence when formulating and implementing public policies. In this perspective, its terms refer to the capacity to influence an institution, its scenario or its actors and the appropriation of the means (instruments) in order to have served its interest. We also believe that the concept of Agency Theory applied to the public policy environment would involve other elements considerably broader than those faced by the agenda problem itself because it would confront the conflicts of the political arena, the organization of the state, its regime, the system of control and counter-control, the multiscales in which they develop and others.

The agency theory has influenced the creation of the method and system of decisions, of management and control practices that make up Corporate Governance. This system focuses on controlling the performance and strategic direction of corporations seeking to reduce internal and external risks inherent to the business, but also on managing interests, reducing the volatility of results and gaining the credibility of investors and society in general, allowing the expansion of the strategic bases of value creation (Dianese 2010).

**The specific definitions of governance with the expansion of the concept were linked to the type of organization** under analysis (public, corporate, global, non-profit governance, etc.); the activities (environmental, internet or information technology governance) or to a particular model (regulatory, participatory, multilevel or collaborative governance) (Cavalcante and Pires 2018, 7).

**In the field of political sciences**, cut closer to our framework, the use of governance assumes four divisions according to Profeti (2010, apud et al Casula 2017, 1128-1131) on which we present the following summary:

**‘(a) the macro analysis of structures and the political-institutional order in which forms of public regulation can be allocated.** In this item ‘Profeti (2010) interprets the concept of governance as the means to study the changes that occur in the nature of the State (Gray, 1994; Rhodes, 1994), as well as the beginning of new rules for the coordination of public action and regulation of contemporary society, and the reconfiguration of the relationship between public and private and between State and market(Tricker, 1994)’.

**(b) in administrative science** - as a response to the dysfunctions of bureaucratic administration, they propose an alternative model for the new public management, as theorized by Hood (1991).

**(c) in international relations** - "Scholars of international relations and European studies have used this concept to indicate coordination practices and the continuous search for multilateral agreements between states, subnational levels of government, and formalized independent actors (both public and private) when shared objectives are in question. More specifically, in the study of international relations, the concept of global governance is used to outline the new relationship between developing supranational organizations, nation states and new non-state actors (multinational corporations, NGOs, private sector representatives and civil society) that now share the decision-making process (Rosenau and Czempiel, 1992; Marchetti, 2016). European integration scholars (Hooghe and Marks, 2001; Bache, 2008; Piattoni, 2009), on the other hand, talk about governance at various levels to indicate the new forms of governance that involve European, national and sub-national actors in policies in various areas".

**(d) From the point of view of public policy analysis** - Finally, the concept of governance is studied alongside the partnerships and interactions between public and private actors (more or less institutional) and at different levels of government characterised by the absence of formal and hierarchical authorities and the presence of horizontal interactions between the various actors involved in the political process.

(Profeti, 2010 apud et al (Casula 2017)

#### 4.2.1. Governance In Public Sector

The incorporation of the concept of governance also occurred in the field of public management, reflecting public policies. Three main milestones historically summarize the adoption of the concept of governance in public administration, in the executive sphere, as well as summarized by Cavalcante and Pires( 2018):

**The first period until 1970** when there is low use of the term. It portrays the scenario that the solution to the problems of public sector performance and accountability had a unique answer: the traditional bureaucratic administration model, which summarized in itself the possibilities for reflection on government organization. The development of the government's capacity to act involved the creation of typically bureaucratic organizations - be they ministries, autarchies or companies - procedural rationality, legal reform, recruitment of qualified personnel for public careers, meritocracy and autonomy.

**The second moment** at the turn of the century is the expansion of the use of the term governance, which is associated with the perception of the complexity of problems and their possibilities of solution, and of the senses of performance and accountability in the public sector. In this context of technological and informational advances, as well as economic, social and demographic transformations, combined with growing demands for more transparency, social participation and better public services in times of fiscal restrictions, the term is now necessary for debates, to account for this process of growing complexity.

**And finally, a third aspect**, the profusion of meanings and uses of the term governance arise from the different reform packages of the state apparatus that have been disseminated internationally in the last decades of the twentieth century, sheltered under the New Public Management (NPM) movement. This wave of reforms, under the strong influence of private initiative management practices, had as its main guidelines the disintegration of bureaucratic monopolies, deconcentration (subnational decentralization, privatization and transfer of responsibilities to the non-state public sector) and the induction of competition in an increasingly fragmented organizational environment. In fact, the results of these reforms have led governments to rethink their intra- and inter-

governmental coordination strategies and their forms of articulation with the private and non-governmental sectors. In this reaction, the idea of governance emerged associated with the promotion of new forms of government coordination and articulation, with an emphasis on reinforcing state capacities. The notion of good governance and an intensification of relations between government and society (Boschi, 1999) began to refer to the management capacities of governments, the effectiveness of their policies and the sharing of public policy decision-making with civil society actors in democratic contexts (apud et al (Cavalcante and Pires 2018)).

**The concept of governance in policies and public management** has also gained relevance in the international sphere. The United Nations has defined governance as the total sum of the various ways in which individuals and institutions, public and private, manage their common business; an uninterrupted process whereby conflicting or diverse interests can be accommodated and cooperative action established. This process includes institutions and formal regimes vested with power to enforce compliance as well as informal arrangements that people and institutions have agreed to establish or perceive to be in their interest (Commission on Global Governance, 1995, p. 53 apud Moura and Bezerra 2016).

The International Federation of Accountants (IFAC), on the other hand, prescribes governance as a 'system by which organizations are directed and controlled; it refers to the set of mechanisms for convergence of the interests of actors directly and indirectly impacted by the activity of the organizations; composed of the administrative, political, economic, social and environmental legal structure and others put into practice to ensure that the results intended by stakeholders are defined and achieved (IFAC 2013 apud TCU 2013).

In addition to the political-institutional decision-making issues, governance also involves the forms of state interlocation with organized groups in society in relation to the process of defining, monitoring and implementing public policies (Commission on Global Governance). The concept incorporates the articulation and cooperation between social and political actors, institutional arrangements as a strategic point and allows for the coordination and regulation of transactions within and across the borders of the political system, as well as the traditional mechanisms of joining interests, such as political parties and pressure groups, through social networks and associations of different types (Hollingsworth, Rogers and Streeck, 1993, apud et al Moura and Bezerra 2016).

Therefore, governance sought to increase the capacity to process society's demands and to articulate them with public and private decision-making processes; being associated with the capacity to induce the development process through the construction of relationship spaces between the public, private and third sectors (Speth and Haas, 2006; Gorla, Sgobbi and Homeyer, 2010 apud et al Moura and Bezerra 2016) - key elements that maintain the concept's contemporaneity and its plasticity to the various organizational formats.

#### 4.2.2. Governance and 'Its Adjectives'

In this historical journey some 'adjectives' have been attached to 'governance' such as: good governance, deliberative governance; participatory governance, co-governance, multilevel governance, intergovernmental ('interfederative') governance and others; which in our view have been added with the function of highlighting a certain constitutive element of the concept, in co-option with the context of its use.

**We will briefly analyze some of these concepts, but we have already registered the discomfort when adding 'adjectives' to the concept of governance because this act generates conceptual imprecision, distancing it from the essence of the concept itself, which we seek to remove. If governance functions adequately and effectively, it will happen in a qualitative and quantitative way; therefore, in this case, it will already be 'good', aligned with its principles, in an environment and with balanced 'deliberative' mechanisms, where all actors can '(co)participate', 'collaborate', actively, in an isonomic way, '(co)managing' interests, desires and sharing the results produced, equitably, in the various spheres and multilevel that take place. For these reasons we will address in this work the expression purely governance.**

We understand the terms how:

**(a) "Good Governance"** - The concept of Good Governance was disseminated in the 1990s by the World Bank associated with public administration and good practices of public policies based on prescriptions of institutions, actions and resources necessary for what should be effective government in a democratic context (Cavalcante and Pires 2018, 7). Its development comes in a context where 'the management concerns prevailing in the mid-1980s that pointed to the need for administrative

modernization given the difficulties of the public sector arising from the fiscal crisis of the state (Starling 2012)'. The 'good governance' approach brings a strong prescriptive connotation of standards and ways forward in the direction of improving the design and functioning of policymaking. Obviously, this option receives a number of criticisms that position it as a naive (naive) and also somewhat unrealistic approach, to the point of being considered a 'magic concept', as (Pollitt and Huppe (2011) apud (Cavalcante and Pires 2018, 7)).

**(b) Deliberative Governance** - The proposal of the 'deliberative governance' model in the area of heritage '(...) presupposes a renovation of the normative contents and management processes of city policies, through the establishment of instances of popular participation and new dynamics of dialogues between public, social and economic actors. The new roles assumed by local governments involve the substantive production of policies and no longer the management of policies defined by the central sphere (Starling 2012)'.

Starling also points out that '**Deliberative governance**', as a model for the management of cultural property, was differentiated from other models such as: (i) traditional or preservation; (ii) integrated conservation, already incorporated by European countries when synthesized in the Amsterdam Declaration of 1975, to refer to the need for conservation to be considered as one of the central objectives of urban and regional planning, having as general principles: (a) conservation should be the main objective of urban and territorial planning; **(b) municipalities** are primarily responsible for conservation; **(c) urban interventions** should minimize the impact on the social composition of the local population; (d) integrated conservation should be supported by effective legislative and administrative measures; (e) integrated conservation should be supported by public funds systems that support local initiatives; (f) the participation of private organizations in integrated conservation tasks should be encouraged; and the model, (iii) urban rehabilitation, which attributes importance to the development and economic sustainability of the conserved areas with a focus on urban development (Starling 2012).

**(c) Participatory Governance** - **Participatory governance** is characterized by governability, a typically liberal and neo-liberal style of governance. Through different agency technologies, it aims to produce subjectivities, guide the conduct of citizens and thus involve them in achieving the goals projected by the administration (Foucault 1991; Cruikshank 1999; Dean 2010 apud Lähdesmäki, et al. 2020).



The objective of this 'form of governance aims to create closer connections between citizens and the administration, involving citizens in government processes through various participatory practices increasingly organized by different levels of administration (Papadopoulos and Warn 2007; Saurugger 2010; Lindgren and Persson 2011; Michels 2011; Moini 2011 apud et al Lähdesmäki, et al. 2020).

**Participatory Governance** 'because of its position at the intersection between administration and citizens, the interrelationship of participatory practices with democracy is contested (e.g. Nousiainen and Mäkinen 2015). This is because participatory practices can guide participation in two directions. They can offer opportunities for more direct democracy, include elements of grassroots activities and promote citizen participation in decision-making. In addition, civil society actors can be involved in them as organizers or participants. As such, they can be seen as part of civil society activity and thus as central components of democracy'. In addition, 'participatory practices have the potential to support democracy as the rule of the people, in which participation means making demands, being involved in decision-making and changing decision-makers when necessary. However, participatory practices are often limited to networking, developing expertise, or organizing events and activities; and the conditions for participation in them are defined by the administration in order to legitimize their objectives rather than contest them and open new space for debate and action. (Lähdesmäki, et al. 2020, 121). In practical terms, this form finds acceptance in the practices of the European community mentioned in the case of the European Heritage Label (EHL<sup>74</sup>)(Lähdesmäki, et al. 2020).

**(d) Co-Governance:** is defined as 'provisions in which the final decision-making authority resides in a collaborative body exercising decentralized power - where power and responsibility are shared between the government and local stakeholders. The concept also describes a situation where an institution of government shares with one or more entities, typically community-based organizations, the right to decide on a matter on which the institution has formal decision-making power (Dodson, G., 2014, apud Parliament.NZ 2016)). Governance has changed the idea of "what governments do" to the potential for communities to be, at least in part, "self-governing" (IGI-GLOBAL s.d.).

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<sup>74</sup> Several layers of EU participatory governance are involved in the EHL, from the EU institutions and the national, regional, and local authorities to the staff members and visitors of the sites. The EHL framework limits the activities of those involved in it, but actors may also challenge the top-down approach through the alternative interpretations they give to cultural heritage and the ways of dealing with it. (Lähdesmäki, et al. 2020)

The term "**co-governance**" is sometimes used interchangeably as "co-management" because its definitions are not well understood. Co-management is a "collaborative process of decision making and problem solving within conservation policy management. Otherwise, "governance focuses on strategic issues, management is concerned with day-to-day operational responsibilities. When used correctly, terms can describe the extent of decision-making powers (Dodson, G., 2014 apud Parliament.NZ, 2016).

**(e) Multilevel Governance<sup>75</sup> - Multi-level governance can be interpreted with more than one approach.** This concept refers to the increasing complexity of governance in a globalized and networked world, in which states are no longer the only or even the key actors in all processes of governance (e.g. Hooghe and Marks 2001a; Piattoni 2009a). In multilevel governance, "supranational, national, regional and local governments are enmeshed in territorially overarching policy networks" (Marks 1993, 402–403). However, multilevel governance also functions horizontally, through interaction between different territorial governing bodies and the increased interdependence between governments and non-governmental actors ((Bache and Flinders 2004, 3) apud et al (Lähdesmäki, et al. 2020)

Lähdesmäki, Čeginskas, Kaasik- Krogerus, & Turunen complete the analysis by stating that: "Multilevel governance is twofold in nature: it encourages non-governmental actors to participate in governance processes, thus increasing democracy, but simultaneously restricts democracy by complicating governance through equalizing general-purpose jurisdictions (such as national or regional governments) with special-purpose jurisdictions (such as voluntary associations, civil society organizations, and expert committees), thus creating an odd mix of ruling actors (Piattoni 2009). The logic of multilevel governance, based on multi-directional, flexible, intersecting, variable, and networked relationships between diverse actors at different levels (apud et al Lähdesmäki, et al. 2020).

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<sup>75</sup> The Authors also mention when referring to multi-level governance that the focus of governance to the economics and branding of European cultural heritage. It also introduces the concept of neoliberal belonging, in which the aim of governance is to advance the European dimension of cultural heritage and Europeans' feeling of belonging to Europe and the EU through continuous competition (Lähdesmäki, et al. 2020, 21).

We quote a European example: 'During the past two decades, policy-making and the use of power in the diverse policy sectors in the EU have been broadly explored in terms of multilevel governance<sup>76</sup>. "The strengthening of EU integration through the Maastricht Treaty has accelerated the emergence of this new mode of governance based on interdependent and simultaneous acts of governance at different levels. Through the principle of subsidiarity introduced in the Maastricht Treaty, the EU has sought to regulate decision-making and governance processes with the other state levels. The Treaty also recognized the multiple levels of governance within the EU administration (Mäkinen 2018). The strengthening of EU integration through the Maastricht Treaty has accelerated the emergence of this new mode of governance which is based on interdependent and simultaneous acts of governance at different levels. The Treaty also recognized the multiple levels of governance within the EU states (Mäkinen 2018<sup>77</sup>, apud et al Lähdesmäki, et al. 2020, 21).

The governance of Europe's cultural heritage is based on the concept of multi-level governance: Hooghe and Marks have distinguished two different modes of understanding the concept in relation to the EU. The first mode emphasizes multilevel governance as still relying on a relatively stable architecture of non-intersecting memberships between different levels, while the second one sees the relationships between the various levels as more flexible, intersecting, and variable (Hooghe and Marks 2001b; Marks and Hooghe 2003, 2004). The second mode stresses diverse networks between subnational, national, and supranational actors that blur previous demarcations between centre and periphery, state and society, and the domestic and the international (Piattoni 2009). This is where the democratic challenge of multilevel governance lies. As Piattoni (2009) noted, "creation of ad hoc networks, which may include, in a rather haphazard way, legitimately constituted deliberative assemblies together with other public and private, individual and collective actors (...) moves beyond a purely representative democracy (apud et al Lähdesmäki, et al. 2020).

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<sup>76</sup> governance of European cultural heritage, draws on the concept of multilevel governance. This refers to the complexity of governance in a globalized and networked world in which states are no longer the only or even the key actors in the processes of governance. Multilevel governance is closely related to participatory governance, which aims to better include people in policy processes at different levels of administration Also (e.g. Hooghe and Marks 2001a; Bache and Flinders 2004; DeBardeleben and Hurrelmann 2007; Piattoni 2009a; Benz 2010; Nousiainen and Mäkinen 2015, as mentioned by (Lähdesmäki, et al. 2020)

<sup>77</sup> The strengthening of EU integration through the Maastricht Treaty speeded up the emergence of this new mode of governance that is based on interdependent and simultaneous acts of governing at different levels. Through the subsidiarity principle introduced in the Maastricht Treaty, the EU sought to regulate the decision-making and processes of governance between the EU and state levels. The Treaty also recognized the multiple levels of governance inside the EU administration (Mäkinen 2018).

**(f) Intergovernmental or Interfederative Governance**<sup>78</sup>: It exists in countries with a federative structure such as Brazil, associating public policies between autonomous federated entities, resembling the mode of governance established by the Maastricht Treaty from the perspective of foreseeing interdependent and simultaneous acts of governance at different levels and by autonomous federated entities. **Intergovernmental or Interfederative governance** foresees the sharing of responsibilities, management and actions among Federation entities in terms of organization, planning and execution of public functions of common interest associated with the democratic management of the city, effectiveness in the use of public resources and the pursuit of sustainable development, seeking the prevalence of the common interest over the local to promote integrated urban development, without the loss of autonomy of the Federation entities. One of the guidelines brought into the legal framework that regulates intergovernmental or interfederative governance is the participation of civil society, representatives in planning and decision-making processes<sup>79</sup>.

#### **4.3. Principles of Governance: Legitimacy, Equity, Responsibility, Efficiency, Probity, Transparency and Accountability.**

**Principles mean 'central ideas of a system that has a logical, harmonious, rational sense, allowing the understanding of its way of organizing itself (Sundfeld, 1995, p. 18).** They can also be interpreted as 'positive or implicit norms in the legal system, with a high degree of generality and abstraction and, as a result, have no predetermined chances of application, although they play a preponderant role in relation to the other rules, which cannot contradict them, because they are the guiding beams of the legal system and represent the fundamental positive values of society (Harger, 2001, p. 16); (apud et al Martins de Sá, et al. 2017, 6).

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<sup>78</sup> The Constitution (1988) of Brazil itself, in its Article 241, has already provided that the Union, the States, the Federal District and the Municipalities shall discipline, by means of law, the public consortiums and the cooperation agreements between the federated entities, authorizing the associated management of public services, as well as the total or partial transfer of charges, services, personnel and goods essential to the continuity of the transferred services. (Martins de Sá, et al. 2017)

<sup>79</sup> Metropolitan Statute: Article 7 In addition to the general guidelines established in Article 2 of Law No. 10,257 of July 10, 2001, the interfederative governance of metropolitan regions and urban agglomerations will observe the following specific guidelines V - participation of civil society representatives in the planning and decision-making processes; (wording given by Law No. 13,683 of 2018)

**Governance is guided by principles that** govern its management and control actions, and also in the development of patterns of articulation and cooperation between the various stakeholders and the organization of institutional arrangements, i.e., instruments of governability, aimed at achieving certain objectives of common interest, through shared management.

**Governance is guided by principles that govern its management and control actions, and also in the development of patterns of articulation and cooperation between** the various stakeholders and the organization of institutional arrangements, i.e. governance instruments, aimed at achieving certain objectives of common interest, through shared management.

**Governance is represented by a set of principles that govern its applicability:**

**(a) Legitimacy:** is considered to be the "...fundamental legal principle of the Democratic State of Law and informative criterion of the external control of the Public Administration, which extends the incidence of control beyond the isolated application of the criterion of legality. It is not enough to verify whether the law has been complied with, but whether the public interest, the common good, has been achieved". (TCU, 2013)

**(b) Equity:** to promote equity 'is to guarantee the conditions for everyone to have access to the exercise of their civil rights - freedom of expression, access to information, association, voting, gender equality; political and social - health, education, housing, security. (TCU, 2013). Equity refers to the ability to share costs and benefits of services fairly across the metropolitan area (Slack 2015, 56). It is characterized by the fair and equal treatment of all minority groups, whether capital or other "stakeholders" such as employees, customers, suppliers or creditors'(Dianese 2010, 17).

**(c) Responsibility:** it concerns 'the commitment that governance agents should have for the sustainability of organizations, aiming at their longevity, incorporating social and environmental considerations in the definition of business and operations'(IBGC, 2010 apud TCU, 2013).

**(d) Efficiency:** conceptualized as 'doing what needs to be done, with adequate quality, at the lowest possible cost. It is not about cost reduction in any way, but to seek the best relationship between quality of service and quality of spending'(TCU, 2010). The decentralization theorem suggests that the efficient provision of services requires decision-making to be carried out by the level of government

closest to the individual citizen, so that resources will be allocated with the greatest efficiency (Oates, 1972 apud Slack 2015, 55). 'Each local government will have different expenditure needs and differing abilities to raise revenues'(Slack 2015, 58).

**(e) Probity:** it is the 'duty of public servants to demonstrate probity, zeal, economy and observance of the agency's rules and procedures when using, collecting, managing and administering public goods and values. Finally, it refers to the duty of public servants to demonstrate that they are worthy of trust'. (IFAC, 2001 apud TCU, 2013).

**(f) Transparency:** it is characterized by 'possibility of access to all information related to the public organization, being one of the requirements of state control by civil society. Adequate transparency results in a climate of trust, both internally and in the relations of bodies and entities with third parties'(IBGC, 2010 apud TCU, 2013).

**(g) Accountability:** Reinforces 'the obligation of persons or entities entrusted with resources, including companies and public organizations, to assume the fiscal, managerial and programmatic responsibilities assigned to them, and to inform those who have delegated these responsibilities to them' (TCU 2013). And also correlates to 'the extent to which citizens have access to local government through public meetings, hearings, elections, and direct contacts with officials-are easier to achieve when local government units are smaller and more fragmented (Smoke, 2013). Smaller government units can provide citizens with greater access to local decisions because the ability of the public to monitor the behavior of decision makers falls as the size of the government increases (Boyne, 1992). The larger the local government jurisdiction, the more likely it is that special-interest groups will dominate citizen participation (Bish, 2001). In countries where democratic traditions are not well established, access to policy decisions is particularly important because there is no opportunity to vote out the government'(Slack 2015, 56).

In the case of Cultural Heritage Governance, in addition to the principles mentioned above, the technical principles prescribed both in conservation policy of ICOMOS, by TICCIH, UNESCO and other international bases, as well as others defined at the national, regional and local levels, should also be incorporated and harmonized in the system.

The advantage of having governance underpinned by principles such as 'plasticity' to adjust it to the various organizational formats that present specific solutions appropriate to their realities, without losing focus on the common interest that is supported by these macros principles which give logical, harmonious and rational meaning, allowing for the understanding of their way of organizing themselves as cited by Sundfeld (1995).

**Both the rule and the principles must be present for the exercise of governance and for the efficiency of public policies.** In drawing a parallel between legal principles and legal rules, Dworkin (2002) clarifies:

'The difference between legal principles and legal rules is of a logical nature. The two sets of standards point to particular decisions about legal obligation in specific circumstances, but they differ in the nature of the guidance they offer. The rules apply the all-or-nothing way. Given the facts that a rule stipulates, then either the rule is valid, and in this case the answer it provides must be accepted, or it is not valid, and in this case the decision does not contribute at all. (...) principles have a dimension that rules do not have - the dimension of weight or importance. When the principles intersect (for example, the policy of protecting car buyers is opposed to the principles of freedom of contract), the one who is going to resolve the conflict has to take into account the relative strength of each one. This cannot, of course, be an exact measurement and the judgement that one particular principle or policy is more important than another will often be the subject of controversy. Nevertheless, this dimension is an integral part of the concept of a principle, so it makes sense to ask what weight it has or how important it is (Dworkin, 2002, apud Martins de Sá, et al. 2017, 6-7).

Therefore, the principles and the law should be seen as an instrument of support in guaranteeing the good functioning of the spaces of democratic participation and the public interest on the part of the state.

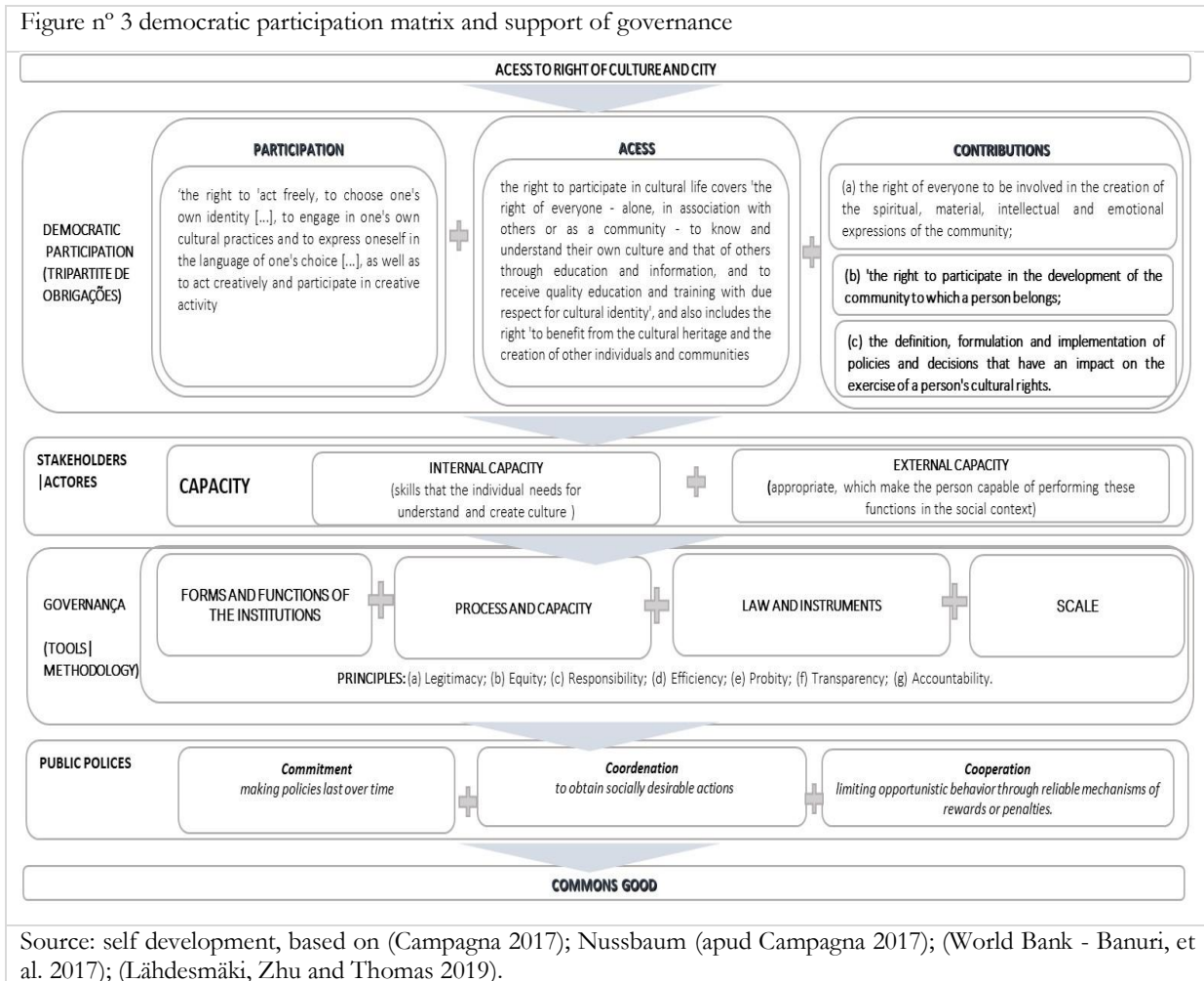
#### **4.4. Overview on the Governance in heritage Context and public polices – Our perspective**

The concept of governance, which we adopt in this work, is defined as a system of practices, processes, rules, management, planning, communication resolutions, and controls, isonomical and equitable, which ensure that all the various stakeholders are involved so that their voices are expressed and whenever possible have their interests considered and favored, all guided by principles that guide the common interest, thus building a relationship of trust. Governance seeks to provide citizens with internal and external capabilities and access to their right to 'participate, access and deliberate' on assets and public policies.

In adopting the Governance model for managing cultural heritage we understand several aspects: 'Forms and Functions of Institutions - not only the form of institutions, but also their functions, (2) consider not only empowerment, but also power asymmetries - Process and Capacity; (3) not only the rule of law, but also the role of law (Law and Instruments); the latter under the focus that "actors interact not only to select and implement policies, but also to design and change the rules under which this interaction occurs. There are, in fact, three distinct levels: rules as policies (such as budget allocations), rules as organizational forms (such as central bank independence) and rules as mechanisms to change the rules themselves (such as electoral rules) (World Bank - Banuri, et al. 2017) .



Figure nº 3 democratic participation matrix and support of governance



**We must bear in mind that this set of attributes when manipulated can end up hindering the governance process, conditioning democratic participation (in a quantitative and qualitative way), which compromises the promotion of the sustainable development of one's own heritage, citizens and territory.**

However, when this same set of attributes is implemented in a harmonized and integrated manner to democratic participation, it is capable of promoting it:

**(a) Commitment:** Commitment allows actors to trust in the credibility of policies so that they can calibrate their behavior. In line with the economic theory of incomplete contracts, policies require commitment devices to ensure their credibility. Commitment is credible because all parties lose out if any of them fail to comply with the agreement.

Therefore, resolving commitment issues is to keep the policies going over time, even in the face of changing circumstances and incentives;

**(b) Coordination:** coordination problems occur in many contexts, from finance, industrial conglomerates to urban planning. (...) Solving coordination problems means obtaining socially desirable actions. For companies and individuals to make investments and innovation, they must believe that others will also invest;

**(c) Cooperation:** is improved by commitment because a credible and consistent application of laws is also necessary to expand opportunities and level the playing field. Effective policies help foster cooperation by limiting opportunistic behaviors, often through credible rewards or penalties. (...) When actors are excluded from the benefits of policies, or when they perceive that they are being harmed... they can lead society to fragmentation and weaken the fabric of the social contract that summarizes the three core functions needed by any institution to ensure: rules and resources that produce the desired results. (World Bank - Banuri, et al. 2017) et al).

Therefore, the proposed Cultural Heritage Governance system considers the nature of cultural heritage, in our case from the perspective related to the third phase of the heritage process (management and public policies) with the recognition of the common good; but when it takes on forms and functions that are more appropriate to the type of heritage, it unfolds in the form of its strategic and management planning, which will consider the processes and organizational capacity of the public policies, guided by the normative basis of a technical and legal nature, according to the scale at which they occur; all are supported by the very principles of governance, the technical principles of conservation policy and UNESCO, those established by the legislation of the Member States according to their autonomy, and, finally, the principles of the charter of human rights.

#### **4.4.1. Other points that collaborate with Heritage Governance**

**The first attribute** of the combination of elements that defines the system of cultural heritage governance **is the nature of the heritage, which can take on various organizational forms composed of 'institutions that depend on the public sector in their different administrations** (such as National Museums, National Heritage, etc.); others depend on private foundations, small independent museums, castles and historical houses belonging to the public and private sector,

monumental patrimony of the Church, natural reserves of diverse property, organizations whose resources are obtained mainly from the profit produced by the entrance fees (like some centers of interpretation of the patrimony) etc' (Francisco Zamora Baño apud García Cuetos, 2012), and the industrial patrimony of which we highlight the Company Towns.

**These diverse institutions and forms are aligned with 'a powerful implicit commitment and a common set of attitudes to protect and conserve for posterity the objects, natural sites, monuments, structures and other material evidence of the past and present of a given community.** They present a shared perception of the intrinsic and cultural value of heritage and the purpose of using it to communicate and interpret the past for present and future generations (Francisco Zamora Baño apud García Cuetos 2012).

The fact that this heritage is declared a heritage of interest to humanity imposes conditions on the format of governance and involves the Member States at the national level, and can be deployed at the regional (state) and local levels. The organization of Member States will also have an impact on the configuration of governance mainly because of the stakeholders and their roles, also reflecting on public policy and the organizations that will support their planning, management and control, as well as financing and legal basis (right, instruments and scale), subject of our next chapter.

Aware that the system of governance of cultural heritage declared to be of interest to humanity will involve different institutions, rules and instruments at all levels: from positive to collateral effects to new vocations perceived locally. For this reason, the local becomes very important and its voice must be the first to be heard. And in this sense we anticipate that UNESCO's norms do not reinforce this perception and its general guidelines deal with the demands within the Member States, without supporting in a more explicit way the local demands as an essential element for the sustainability of this heritage in order to create harmony, synergy and effectiveness between the three pillars, the heritage, the citizen and the territory.

**Cultural diversity**<sup>80</sup> will also be an element that will influence the solutions incorporated by the system of Governance because the same type of heritage, even if it commonly has the declaration of patrimony of humanity, can present different forms of governance, without this form compromising the principles that protect the heritage.

**Regarding the endogenous attributes** (forms and functions/process and capacity) of heritage organizations, Heritage Governance will assume aspects of 'corporate governance' due to the formalization that results from the heritage process, as a mechanism of management, planning, and control as public patrimony by the institution that will promote the protection of this asset and the public equipment of culture. If the property of the good is private there will be some nuances despite the fact that both share a set of management rules and controls<sup>81</sup> because they reflect the incentives and principles that guide their values and the institutional mission of protecting the good of public interest.

**Sound 'organizational (corporate) governance practices should consider not only administrative-financial efficiency, risk management, accountability, transparency but also demonstrate good corporate citizenship through ethical, inclusive (diversity) and environmentally conscious behavior, aligned with principles that will ensure long-term sustainability.**

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<sup>80</sup> Cultural identity and cultural diversity are inseparable. Cultural peculiarities do not hinder, but favor, the communion of universal values that unite peoples. Therefore, the very essence of cultural pluralism is the recognition of multiple cultural identities where diverse traditions coexist. The international community considers that it is a duty to watch over the preservation and defence of the cultural identity of each people. All this calls for cultural policies that protect, stimulate and enrich the identity and cultural heritage of each people, in addition to establishing the most absolute respect and appreciation for cultural minorities and other cultures in the world. Humanity is impoverished when the culture of a particular group is ignored or destroyed. The equality and dignity of all cultures must be recognized, as well as the right of each people and each cultural community to assert and preserve its cultural identity, and to demand respect for it. (ICOMOS 1982):

<sup>81</sup> "According to COSO methodology (2004), internal controls are essential in the management process and would be formed by five dimensions: control environment; risk assessment; control activity; information and communication; and monitoring. Each component involves various control procedures necessary for the system to provide reasonable assurance to the entity's operations, as to the reliability of financial data, legality, economy, efficiency and effectiveness of operations. In this sense, the components would both serve as a kind of guide for the organization to achieve governance, as a roadmap for control bodies to check to what extent the organization's internal controls would be structured to ensure governance. For each component there would be a series of procedures to be verified in the organization. (Pereira 2011, 7). And also: The main actions recommended by most of the markets that have adopted the principles of Corporate Governance are: - reduce information asymmetry; - treat all investors equally; - reduce costs and agency conflict; - encourage the analysis of the company's information by external auditing companies; - increase the powers of the board of directors over the company's top executives; - appoint directors not linked to top executives. (IBGC, 2007, apud (Dianese 2010).

**The constant dialogue between strategic matters and day-by-day operational responsibilities should also occur.** Always aware that 'some were about governance and others more about management. In some, people's roles included elements of both governance and management'(Parliament.NZ 2016, 9).

Heritage management for García Cuetos (2012, 128) will cover **'the development of a series of intervention strategies that, using new technologies for planning and proper administration of heritage resources, both human and economic, aim at the development of conservation, research, dissemination and enjoyment of this heritage, as stated by Ángela Rojas. On the other hand, in the opinion of Francisca Hernández, for the management to be efficient, it must have adequate resources, as well as the information and marketing essential to enable the dialogue between society and the new professionals defined as heritage managers (apud et al ).**

We also believe that the search for the efficient management aimed at by governance is 'linked to its capacity to 'adapt to new demands and needs, without putting assets at risk in any way, and without reducing their testimonial value (Ifko 2017)<sup>82</sup>, taking as a parameter their integrity and authenticity from a technical point of view, but also in the context of their management and relationship with the public, community and society.

**The success of governance also depends on the understanding that it depends on affective relationships as cited by Parliament-NZ (2016) in the report principles for effectively co-governing natural resources and the feeling of being part (to belong).** We need to look carefully 'at the institutional arrangements (formal and informal) that organize and stabilize relationships between the different actors involved (Gomide and Pires, 2014; Pires, 2016a and 2016b apud et al Cavalcante and Pires 2018, 9) to create conditions, based on governance, for democratic participation.

These arrangements, in turn, can and should be diversified and dynamic, depending on the characteristics of the actors, as well as on the different contexts and legacies in which public organizations operate and the policies they conduct (Cavalcante and Pires 2018, 9). Thus, 'the bottom-

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<sup>82</sup> 'States that monitoring the Conservation Policy will be crucial because, based on the monitoring of the process and results, it will allow a "review of the resources of the implementation of the program and the dynamics in obtaining funding, essential for its execution' (Ifko 2017)

up approach makes local cultural heritage communities commit to a project. The bottom-up approach means that communities can participate in making decisions about the strategy and selecting priorities to pursue. Experience with best practice examples has shown that the bottom-up approach should not be considered as an alternative, or in opposition, to the top-down approaches of national and/or regional authorities. Best overall results are achieved by combining the two approaches so that they interact with each other' (European Union - OMC 2018).

**What matters is that we have diversified and dynamic processes as these allow us to 'move towards greater participation in everyday and common practice'** (Open Method Of Coordination-OMC 2018).

**The role of the executive body and technical professionals in the area of culture and heritage is crucial. Participatory governance affects the professional role because it requires both knowledge of cultural heritage and understanding of the relevance of cultural heritage in society and the relationships between people and cultural heritage** (European Union - OMC 2018).

**Governance in the heritage universe should seek to "strengthen the relationship between cultural heritage institutions and professionals and all those interested in or involved with cultural heritage - civil society, the public, owners, caretakers, companies, etc** (European Union - OMC 2018). This is because 'although the initiative to protect and safeguard cultural heritage is often taken by institutions and professionals, the responsibility for passing it on to future generations is often shared with owners and holders (of houses, land, objects) as well as local communities (as bearers of traditions, etc.)' (European Union - OMC 2018).

This form of governance aims to create closer connections between citizens and the administration, involving citizens in government processes through various participatory practices increasingly organized by different levels of administration (Papadopoulos and Warn 2007; Saurugger 2010; Lindgren and Persson 2011; Michels 2011; Moini 2011) in processes commonly reserved and led by experts, officials and politicians (apud et al Lähdesmäki, et al. 2020, 121).

We believe that 'civil society could be invited more frequently to participate in vital government research on cultural heritage' by adding 'the challenge of how to give culture and cultural heritage a more relevant and transformative role in the economy, communities and territories and will build and test a participatory model and toolkit for participation (European Union - OMC 2018). Or in ensuring spaces where 'heritage, memory and commemoration have become politicized in a new way, allowing different actors to influence the politics of the past. Several non-governmental organizations (NGOs), interest groups, commercial actors and political parties seeking to promote their interpretations of the past and propagate their social, commercial or political agendas have become increasingly active in the fields of memory' (Lähdesmäki, et al. 2020) . Fact is that 'Ideally, participation in the cultural heritage field includes activities through which different memories can be found and linked (Stanković 2016; Delanty 2017a). Such participation enables critical thinking and multiple perspectives, imagining and discussing alternatives and finding reasons to act collectively (Kisić 2016, apud et al. Lähdesmäki, et al. 2020) for sustainability and the common good.

In this context, heritage organizations must be prepared for organizational change, so 'they must be prepared to give in to authority, create mechanisms to support independent initiatives and empower stakeholders (European Union - OMC 2018)<sup>83</sup>.

All parties to a relationship need to value it and prioritize building an effective relationship and this takes time and commitment. Building and maintaining mutual trust and respect needs constant attention to achieve good environmental outcomes (Parliament.NZ 2016) and, consequently, the common goal that is the protection and conservation of heritage through sustainable development with the territory and the wellbeing of citizens.

Also as one of the results of the patrimonialisation process, governance, when brought to the sphere of public policies originated from this process, must find interference in governmental actions, which will mean 'a change in the direction of governmental activity, referring to new processes of government or the renovated conditions for the exercise of power and for state organization or the

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<sup>83</sup> Although the initiative to protect and safeguard cultural heritage often is taken by institutions and professionals, the responsibility for its transmission to future generations is often shared with owners and keepers (of houses, land, objects), as well as local communities (as the bearers of traditions, etc.). Therefore, the EENC report argues that the best way to handle participatory governance is through organizational change: cultural organizations must be prepared to cede authority, create support mechanisms for independent initiatives and empower the stakeholders? (Open Method Of Coordination-OMC 2018)

new methods through which society is governed (Cavalcante and Pires 2018), accepting the characteristics of the specificity and multidisciplinary that public patrimonial policy presents.

Governments have great difficulty in converting their policy statements into concrete strategies for implementation and dealing strategically 'with the challenges of coordinating and implementing government programs in increasingly complex, dynamic and uncertain internal and external environments that bring together the demands of heritage, citizens and territory supported by public policies. Poor coordination among the different actors should be combated (Akukwe, 1999; Cooper, 1997 apud et al Vargas and Restrepo 2019, 103-104).

The normative and principiologic basis is a precious instrument for governance which also 'has everything to do with quality of attitude and scale of values in the purest human sense; for governance does not only imply compliance with regulations (Steinberg, 2003 apud Dianese 2010, 14). We therefore argue that any initiative associated with governance as a support mechanism for public policies should also be based on principles, creating macro-structures that will guide the actions of all players in support of common good, managed through public policy. This governance must be designed and aligned with the way of managing and planning the protection of cultural heritage, unfolding in a constant language of strategic planning instruments (including the strategic, tactical and operational sphere) and management and public policies.

We also highlight as key elements of the governance of organizations and public policies on heritage communication, accessibility, transparency of information and its dissemination and educational actions - conditions often underestimated.

Access to qualitative and transparent (ineligible) information is also a motivating element in governance and participation practices or the 'motivation arising from the need to spread information to a larger audience and create a chain of involvement and understanding of cultural heritage at many levels through governance (European Union - OMC 2018). Communication must be understood as an element of power that can inhibit participatory and deliberative processes. Cultural diversity should be considered, as should technological innovations<sup>84</sup>. Therefore, information technology and the various

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<sup>84</sup> In the recent Member State expert report on audience development via digital means, 'audience' can be synonymous with far-reaching interaction and participation 34. The report suggests that a wide-ranging approach is needed, given that new technologies offer great potential for inclusion of hitherto marginalized groups, as well as greater access to current



communication media, advertising, publication, language, accessibility and transparency of information, through multiple and diverse channels and media, are key components in governance as an enabling element for the various stakeholders.

In the document developed by the New Zealand Parliament on (Principles for effectively co-governing natural resources 2016) they brought some good practices that can be incorporated into the governance of cultural heritage and its public policies which collaborate with joint action and help communication between the parties towards the common goal, of which we highlight some points:

- build and maintain a shared understanding of what everyone is trying to achieve (a clear purpose), for this the parties need to understand each other's objectives or aspirations, which will help them work together to achieve a shared outcome;
- be aware that it may be necessary to periodically review the project;
- the parties should periodically review their agreement, formally or informally, to ensure that their approach continues to meet the needs of the parties and remains aligned with the purpose for which the co-governance agreement was established;
- In some cases, it will be possible or desirable for partners to review the purpose of their agreement;
- build the structures, processes and understanding of how people will work together;
- be clear about the type of agreement that will help them achieve their purpose, including what mechanism to establish the agreement is best for them; - take into account the time needed to prepare for co-governance and co-management;
- regularly review their agreements;
- be clear about how they work together, including the extent of their decision-making powers and their roles and responsibilities;
- be accountable and transparent about performance, achievements and challenges;
- keep the public informed about progress; - the time needed to achieve results can affect public perceptions of project effectiveness. It is important to manage people's expectations about the pace of progress to keep stakeholders and the public involved to

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and potential audiences. “Neither should participation be confused with IT-based interactivity. Most institutions of today use digital technologies but they are to be seen rather as ‘enabling factors’. Though deeply affecting the way culture is produced and accessed, they should not be confused with processes and content. (European Union - OMC 2018)

support the project. This can be done by keeping people informed about the progress made so far and explaining why it takes so long.

All these actions and goals can occur gradually, with different deadlines throughout the processes and can be established, started immediately to promote long-term transformation, setting goals for their progress.

Finally, we share the view that ‘governance of tangible, intangible and digital cultural heritage is an innovative approach, introducing a real change in how cultural heritage is managed and valued. It is also more sustainable in the long term than the approach used to date. It is a creative process that involves experimenting with, exploring and testing old and new ideas and options in different contexts. It is about being open-minded and not focusing on the end result or ways of measuring the outcome. It means being bold and daring, pushing the limits. It means being prepared to go beyond the passive acceptance of **‘popular will’** (European Union - OMC 2018).

**CHAPTER V UNESCO HERITAGE NORMATIVE BASE: A  
OVERVIEW FOCUS ON DEMOCRATIC PARTICIPATION  
AND GOVERNANCE**

'The rules as mechanisms to change the rules themselves' (World Bank  
- BANURI, et al. 2017)



Ce **Chapitre** présente un aperçu de la base normative du patrimoine de l'UNESCO, axée sur la participation et la gouvernance démocratiques. Il cherche à comprendre et à mettre en évidence les éléments et les mécanismes de participation sociale démocratique (critères qualitatifs et quantitatifs) et de gouvernance qui existent et à déterminer s'ils sont traités de la même manière dans tous les types de patrimoine culturel (matériel, immatériel et numérique). Nous illustrerons ces nuances par une "Brèves différences entre les formes de mise en œuvre entre l'Europe et l'Amérique latine sur l'approche de la participation".

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The overview on UNESCO heritage normative base focus on democratic participation and governance is the subject of this chapter. It seeks to understand and highlight the elements and mechanisms of democratic social participation (qualitative and quantitative criteria) and governance that exist and whether they are treated in the same way in all types of cultural heritage (material, immaterial and digital). We will illustrate these nuances through a 'Brief differences between the forms of implementation between Europe and Latin America on the participation approach'.



## 5.1. Purposes of the analysis of World Heritage UNESCO normative basis

The objective of this chapter is to analyze the normative basis of UNESCO regarding the cultural heritage, to identify these instruments and to present the themes related to the democratic participation to safeguard the heritage of world interest; finally, what is the best way to participate as principles and prescription of parameters and mechanisms to sustain the protection of the heritage.

We will also identify in the same framework elements of governance prescribed in the normative basis to be implemented by the Member States in the scope of their attributions and territories by means of indications of measures to be adopted, principles, instruments of management, planning and control and others. The governance of UNESCO as an organization and as a corporation and its relationship with member states and consultative bodies will not be subject to analysis.

The analysis brought here will not contemplate all UNESCO regulations, but will be limited to those related to tangible and intangible cultural heritage, diversity, and urban landscape in association with Industrial Heritage. Although our analysis is focused on UNESCO's normative basis, we have chosen to include some technical notes formulated TICCIH (The International Committee for the Conservation of the Industrial Heritage) due to its importance and the worldwide recognition of its performance in the protection of industrial heritage, becoming an ICOMOS partner. Cultural heritage of an industrial nature brings together aspects - material and immaterial and urban - that are unique and require our attention for the reasons already exposed and should be supported by technical norms that reinforce the importance of participation and governance.

## 5.2. World Heritage UNESCO Normative Basis: Role of the Law and the Multi-Scales Effect on Democratic Participation and Governance

**We know that the protection of cultural heritage is not conditional upon the existence of the law or the law is a remedy for all ills.** 'If, then, an issue were resolved in a purely legal matter, it might be easy to achieve or result from the safeguard. If, so to speak, there were a law that really "held" within the limits historically recommended, or complex built up of a city, but in such a way that really no more than simple maintenance is permitted; the unfortunate personalized items of the monumental building, the garden with potential building area, the unfortunate item that can be found, the fact of

finding the architectonic, cannot aspire to return - if based on a skyscraper, put it in the spirit in peace, like spouses who in vain deposit in a set of hopes in the institution of divorce (Rufinoni 2013).

**However, the norms guide the 'rule of the game' and the 'rules are like politics; the rules are like organizational forms and even the rules like mechanisms to change the laws themselves** (World Bank - Banuri, et al. 2017)<sup>85</sup> **and, therefore, the law takes a prominent place in the realization of democracy.** We have also seen that 'normative elements, such as the norms and procedures that govern the participatory process, can shape and determine the types and meaning of the deliberative and representative dynamics undertaken within participatory institutions and their functioning' (Claudia Feres Faria and Uriella Coelho Ribeiro apud et al Pires (org.) 2011, 88).

**Therefore, the law should be seen as one of the instruments that support governance and sustain the governance of organizations, territories, practices and interests; and, for this reason,** they become an allied of the public policies of patrimony in facing the positive and collateral effects with the new vocation brought by the process of patrimonialisation through the support of spaces, participatory mechanisms (democratic and collaborative - equalization of interests) and questioning.

Vargas & Restrep (2019) mention that **'one of the greatest contemporary challenges faced by governments is to reform their structures so that market, state and governance failures** (Jessop, 2002, p. 275) are corrected in such a way that the action of the State meets the various challenges it faces, such as: decentralization, decentralization, deregulation and reduction of the size of the bureaucratic apparatus, the direct supply of certain goods and services, the production of quality institutions that achieve the realization of rights, the redistribution of income and wealth, the reduction of poverty, etc. **Since the instruments of intervention are the mechanisms by which these challenges are faced, discussion of them is particularly relevant.** By virtue of the principle of legality, these forms of State action are contained in the various types of legal norms through which the voices of the law are expressed. That is, by means of laws, decrees, agreements, ordinances, regulations, contracts, resolutions, circulars, among others. **Thus, each form of intervention, each**

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<sup>85</sup> The law would have the key role of ensuring incentives that are key to enabling commitment in the public policy negotiation arena. The preferences and beliefs of decision makers and contestability. Who is included - or excluded - from the public policy negotiation arena is determined by the relative power of competing actors and entry barriers. When policy selection and implementation procedures are more questionable, these policies are perceived as fair and induce more effective cooperation, provided they are seen as the most legitimate. (World Bank - Banuri, et al. 2017)



**instrument of State action, is immersed in the formal institutional arrangement that contains it: the legal norm’.**

Therefore, **‘tools are created by the interaction of rules and regulations, constitutional and institutional provisions and the scale of local assets and opportunities in local and wider markets’** (OECD/Mountford 2009), with ‘such democratic institutions linked to territorial decisions and to the forms, roles and capacities related to access channels for such decisions’ (Vargas and Restrepo 2019, 104).

One of the major contemporary challenges faced by governments is to reform their structures so that market, state and governance failures (Jessop, 2002, p. 275) be corrected in such a way that state action meets the various challenges it faces, such as decentralizing, deconcentrating, deregulating, reducing the size of the bureaucratic apparatus, the direct supply of certain goods and services, the production of quality institutions that achieve the realization of rights, the redistribution of income and wealth, the reduction of poverty, etc. Since the instruments of intervention are the mechanisms through which these challenges are addressed, the discussion about them takes on special relevance. ‘By virtue of the principle of legality, these forms of State action are contained in the various types of legal norms through which the voices of law express themselves. That is, through laws, decrees, agreements, ordinances, regulations, contracts, resolutions, circulars, among others. Thus, each form of intervention, each instrument for State action, is immersed in the formal institutional arrangement that contains it: the legal norm (Vargas and Restrepo 2019, 103-104).

### **5.2.1. Pointers on the theme of democratic participation and governance**

UNESCO, as outlined above, has the purpose of promoting knowledge, valuing and disseminating world heritage, subsidizing its actions based on the right to culture and education mirrored in the principles of the Declaration of Human Rights and through technical collaboration. The Member States of UNESCO recognize that a heritage is of universal value to humanity and that, for its protection and conservation, the international community has the duty to cooperate and ensure the identification, protection, conservation, enhancement, restoration and transmission to future generations of cultural and natural heritage.

The norms are part of a system of international cooperation and assistance for the international protection of world, cultural and natural heritage that aims to assist States in optimizing efforts and achieving common objectives. The same norms make up the instruments that are part of the system of governance of cultural heritage in association, spreading similar content on the forms and functions of institutions, processes, capacity and scale.

The normative instruments that support UNESCO's action are:

**(a) International Conventions<sup>86</sup>:** define rules with which States undertake to comply, but are subject to ratification, acceptance or accession by Member States;

**(b) Recommendations:** they formulate principles and norms for the international regulation of any particular matter and invite Member States to take such other legislative or other measures as may be necessary in accordance with the constitutional practice of each State and the nature of the matter in consideration of the principles and norms mentioned in their respective territories. The recommendations are not subject to ratification. Member States are invited to implement them on the basis of their high authority and legitimacy. Recommendations are intended to influence the development of national laws and practices;

**(c) Declarations:** establish universal principles well accepted by the community of States, recognizing their importance and possible authority, and giving them the widest possible support, although they are not subject to ratification (UNESCO s.d.).

We have selected among the various UNESCO normative texts (convention and recommendation) those related to cultural heritage that encompasses its material, immaterial, urban landscape and diversity aspects. We gave preference to extract from the Conventions the principles of democratic participation to safeguard the heritage and democratic participation can manifest itself, either in the

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<sup>86</sup> The criteria are regularly reviewed by the Committee to reflect the evolution of the World Heritage concept itself. (UNESCO - Convention 2003) Art.7 - Functions of the Commission. Without prejudice to other prerogatives granted by this Convention, the functions of the Commission shall: a) promote the objectives of the Convention and encourage and monitor its implementation; b) provide guidance on best practices and make recommendations on measures to safeguard intangible cultural heritage; c) prepare and submit to the General Assembly for approval a draft plan for the use of Fund resources in accordance with Article 25; d) seek means of increasing its resources and take the necessary measures to this end in accordance with Article 25; e) Prepare and submit to the General Assembly for approval the operational guidelines for the implementation of this Convention; f) Examine, in accordance with article 29, the reports submitted by the Parties of the States and summarize them for the General Assembly; g) Examine the requests submitted by the Parties of the States and decide on them in accordance with objective selection criteria to be established by the Commission and approved by the General Assembly for (i) Registration on the lists and proposals mentioned in Articles 16, 17 and 18; (ii) The granting of international assistance in accordance with Article 22.

form of participatory principles or in the prescription of parameters or mechanisms of governance to sustain it. Our choice is based on the diverse 'coercive weight' between the Convention and the Recommendations that are distinguished by the need or not for ratification by the Member States. The treaties and the content approved by the Conventions require ratification. The Recommendations do not.

The normative basis cited comes from the following conventions:

- **(1954 Convention):** The Hague, 14 May 1954 : Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention. - First Protocol 1954 | - Second Protocol, 1999
- **(1972 Convention):** Paris, 16 November 1972: Convention concerning the Protection of the World Cultural and Natural Heritage
- **(1976 Recommendation)** 26 November 1976: Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It
- **(2003 Convention):** Paris, 17 October 2003: Convention for the Safeguarding of the Intangible Cultural Heritage
- **(2005 Convention):** Paris, 20 October 2005: Convention on the Protection and Promotion of the Diversity of Cultural Expressions
- **(2011 Recommendation)** 10 November 2011 - Recommendation on the Historic Urban Landscape, including a glossary of definitions

The technical and institutional guidelines issued by TICCIH will be taken from The Nizhny Tagil Charter For The Industrial Heritage, which: defines the key concepts and fundamental methods of industrial heritage and industrial archaeology. It is the first guidance issued on the subject, but later its revision in partnership with ICOMOS was called, 'The Dublin Principles: A further joint agreement between ICOMOS & TICCIH which defines principles for the Conservation of Industrial Heritage Sites, Structures, Areas and Landscapes(TICCIH - The Dublin Principles 2011).

**We move on to analysis:**

**(a) Multi-Scale of the normative basis** - This point refers to the multi-scale that is the normative basis of UNESCO interferes in States that have declared heritage of world interest and the preservation of the sovereignty of States in the face of this normative reception. We note that, from a legal perspective, the issue of territorial scale (district and jurisdiction) is fundamental to its organization, validation and implementation. However, we must not lose sight of the fact that 'when heritage sites are nominated for the UNESCO World Heritage List, the status conferred upon them gives the site meaning at different scales. The value of the site locally can be transformed by world heritage status, while it also gains exceptional global 'universal value'. The relationship between this status and national

states - especially with sites that have contested histories or heritage - can also lead to experiences of conflicts and transnational contestations (Lähdesmäki, Zhu and Thomas 2019).

Graham, Ashworth and Tunbridge (2000) observe that the same heritage artefact can function simultaneously at different territorial levels. However, the structure of these territorial levels is stable in this conception. This kind of scale approach prevents the perception of the complexity of a 'heritage-scale' relationship and prevents the visualization of scale as a relational social construction and an instrument of power (Lähdesmäki, Zhu and Thomas 2019) .

**(b) Sovereignty and autonomy of nation states** - The fact that the UNESCO normative base brings this multi-scale structure and the prescriptive one for State Party to incorporate into their legal base provided for in the norms does not compromise the sovereignty and autonomy of State Party, these principles being present and protected in all its norms, highlighting those emanating from the Conventions:

**(1972- Convention) Article 6- 1.** Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is, situated; **and without prejudice to property rights provided by national legislation**, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is duty of the international community as a whole to co-operate.

**(2003- Convention) Article 3 – Relationship to other international instruments** - Nothing in this Convention may be interpreted as: (a) altering the status or diminishing the level of protection under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage of World Heritage properties with which an item of the intangible cultural heritage is directly associated; (II. National protection and international protection of the cultural and natural heritage) (UNESCO - Convention 2003)

**(2003 Convention) Article 19 – Cooperation - 2. Without prejudice to the provisions of their national legislation and customary law and practices, the States Parties recognize** that the safeguarding of **intangible cultural heritage** is of general interest to humanity, and to that end undertake to cooperate at the bilateral, subregional, regional and international levels. (V. **International cooperation and assistance**) (UNESCO - Convention 2003)

**(2005 - Convention) Article 5 – General rule regarding rights and obligations:** 1. The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign **right to formulate and implement their cultural policies and to adopt measures to protect and promote** the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention. **2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory**, its policies and measures shall be consistent with the provisions of this Convention.

**(2005 Convention) Article 1 – Objectives (h) to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;** (I. Objectives and guiding principles) (UNESCO - Convention 2005)

**(2005 Convention) Article 2 – Guiding principles 2. Principle of sovereignty** - States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory. (I. Objectives and guiding principles) (UNESCO - Convention 2005)

**(2005 Convention) V. Relationship to other instruments - Article 20 – Relationship to other treaties: mutual supportiveness, complementarity and non-subordination.** 1. Parties recognize that they shall perform in good faith their obligations under this Convention and all other treaties to which they are parties. Accordingly, without subordinating this Convention to any other treaty, (a) they shall foster mutual supportiveness between this Convention and the other treaties to which they are parties; and (b) when interpreting and applying the other treaties to which they are parties or when entering into other international obligations, Parties shall take into account the relevant provisions of this Convention. 2. Nothing in this Convention shall be interpreted as modifying rights and obligations of the Parties under any other treaties to which they are parties.

**(2005 Convention) Article 21 – International consultation and coordination** - Parties undertake to promote the objectives and principles of this Convention in **other international forums**. For this purpose, Parties shall consult each other, as appropriate, bearing in mind these objectives and principles.(V. Relationship to other instruments) (UNESCO - Convention 2005).

Another impacting point in the normative base refers to the characteristics of the cultural heritage of an industrial nature that in some cases will bring an additional complexity of a technical and other legal nature in its management and governance, such as when the memory of the activities carried out (mining) puts the population at risk in relation to environmental and health conditions<sup>87</sup>.

**(2003 - TICCIH) ‘4. Legal protection** - I. The industrial heritage should be seen as an integral part of the cultural heritage in general. Nevertheless, **its legal protection** should take into account the special nature of the industrial heritage. It should be capable of protecting plant and machinery, below-ground elements, standing structures, complexes and ensembles of buildings, and industrial landscapes. **Areas of industrial waste should be considered for their potential archaeological as well as ecological value.**

**(2003 - TICCIH) ‘4. Legal protection** - III. The most important sites should be fully protected and no interventions allowed that compromise their historical integrity or the authenticity of their fabric. Sympathetic adaptation and re-use may be an appropriate and a cost-effective way of ensuring the survival of industrial buildings, and should be **encouraged by appropriate legal controls, technical advice, tax incentives and grants.** (Nizhny Tagil Charter for the Industrial Heritage (TICCIH-Charter for the Industrial Heritage 2003)

**(c) The Locale within the Multi-Scale Structure** - Still under the legal aspect, ‘the national frame functions as the most common scalar level in the promotion of a communal identity and the communal meanings of heritage (Graham, Ashworth and Tunbridge 2000). The promotion of a national identity has a more established tradition compared with, for example, the supranational scale of community building (Ashworth 1994), apud et al (Lähdesmäki, Zhu and Thomas 2019, 28-30).

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<sup>87</sup> Case identified during the technical visit to Cartagena Region - Spain.

However, the participative approach at the national level transposes the exclusive link with the State Party, as the central government, also bringing the scales - regional and local - a cut-out that shows the expansion of the concept of heritage and the link with the citizen as a form of preservation and conservation of its specificities (tangible and intangible), its authenticity and integrity.

The norms now bring the expressions: States-Member , Nations, Peoples and Communities. The attribution of the term community reinforces the root of the cultural diversity of the heritage in special association with the intangible heritage of the member states, their bond and condition with the citizens.

The multi-scale effect felt in the normative structures of the State Party and their developments - state, regional and local - should find legal support in other areas due to the new vocations, which also unfold in public policies and other normative not exclusive to cultural heritage. This normative harmony seeks to ensure the quality of life of its citizens and territory and access to rights<sup>88</sup>.

Bortolotto (2012) states that State Party translates the key terms of the UNESCO Conventions in different ways, resulting in the "domestication of global standards (apud Lähdesmäki, Zhu and Thomas 2019, 28-30) , corroborating our vision. It is the local authorities who in practice make the decisions on how to conduct property protection which, as we have seen, are 'particularly related to education, housing, health, the environment and public order, directly impacting on the implementation of human rights' (United Nations -Human Rights Council, 2018). It is difficult to imagine a human rights situation being realized where there are no local authorities to provide the necessary services, which may encounter political, economic and administrative barriers (United Nations -Human Rights Council, 2018).

In this sense, we reiterate the need from our point of view to strengthen local and community structures expressly in UNESCO's norms and not only in reference to member states, since the results and achievements of the new vocations arising from the heritage process are taking place locally, a challenge to protect the heritage in a sustainable way, and should be considered as a point of attention in the implementation of governance models from our perspective.

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<sup>88</sup> We reiterate the attention to the rights at the international level affection to human rights as: access to culture; right to the city and the access of citizens to a standard of living capable of assuring themselves and their families health and well-being (art. 25(1) and 21(2) - Universal Declaration of Human Rights - UDHR)

We noticed a more affirmative prescription in UNESCO's normative base when there is the mention of local participation related to intangible heritage, as already mentioned, and related to urban landscape in action to the theme of urban development: Further noting the evolution of the concepts of culture and heritage and of the approaches to their management, through the combined action of local initiatives and international meetings, which have been useful in guiding policies and practices worldwide (UNESCO - Recommendation 2011)

**(d) Internal and External Capacities - Developed and Developing Countries - Still on the internal and external capacities of each State Party we must highlight the difference that UNESCO's norms draw between the capacity for the development of policies and resources (financial, operational, human resources, technical ect) among Developed and Developing Countries for the administration of World Heritage under the tutelage of each State.**

**The regulations foresee actions and measures** that seek to reduce these inequalities among nations in the protection and conservation of heritage. This action is clearly associated with the capacity (internal and external) and power of member states in a correlation with the work of Neussubam.

**We highlight some parts of the normative basis that collaborate with our perception on the matter:**

**(1972- Convention) Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific and technical resources of the country where the property to be protected is situated, (preamble) (UNESCO - Convention 1972)**

**(2005 Convention) (preamble) Noting that while the processes of globalization, which have been facilitated by the rapid development of information and communication technologies, afford unprecedented conditions for enhanced interaction between cultures, they also represent a challenge for cultural diversity, namely in view of risks of imbalances between rich and poor countries,**

**(2005 Convention) Preamble - Emphasizing the need to incorporate culture as a strategic element in national and international development policies, as well as in international development cooperation, taking into account also the United Nations Millennium Declaration (2000) with its special emphasis on poverty eradication;**

**(2005 Convention) Article 1 – Objectives (f) to reaffirm the importance of the link between culture and development for all countries, particularly for developing countries, and to support actions undertaken nationally and internationally to secure recognition of the true value of this link; (I. Objectives and guiding principles) (UNESCO - Convention 2005)**

**(2005 Convention) Article 2 – Guiding principles- 4. Principle of international solidarity and cooperation - International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression,**

**including their cultural industries, whether nascent or established, at the local, national and international levels.** (I. Objectives and guiding principles) (UNESCO - Convention 2005)

**(2005 Convention) Article 16 – Preferential treatment for developing countries - Developed countries** shall facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries.

The concept of sustainable development and overcoming poverty through a culture associated with combining efforts and resources is also present at different levels of confronting capacity:

**(2005 Convention) Article 14 – Cooperation for development -** Parties shall endeavour to support **cooperation for sustainable development and poverty reduction**, especially in relation to the specific needs of developing countries, in order to foster the emergence of a dynamic cultural sector by, inter alia, the following means: **(a) the strengthening of the cultural industries in developing countries through:** (i) creating and strengthening cultural production and distribution capacities in developing countries; (ii) facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services; (iii) enabling the emergence of viable local and regional markets; (iv) adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the cultural activities, goods and services of developing countries; **(v) providing support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world; (vi) encouraging appropriate collaboration between developed and developing countries in the areas, inter alia, of music and film; (b) capacity-building** through the exchange of information, experience and expertise, as well as the training of human resources in developing countries, in the public and private sector relating to, inter alia, strategic and **management capacities, policy development and implementation, promotion and distribution of cultural expressions, small-, medium- and micro-enterprise development**, the use of technology, and skills development and transfer; **(c) technology transfer through** the introduction of appropriate incentive measures for the transfer of technology and know-how, especially in the areas of **cultural industries and enterprises; (d) financial support through:** (i) the establishment of an International Fund for Cultural Diversity as provided in Article 18; (ii) the provision of official development assistance, as appropriate, including technical assistance, to stimulate and support creativity; (iii) other forms of financial assistance such as low interest loans, grants and other funding mechanisms. (UNESCO - Convention 2005)

**(2011 Resolution) Preamble -** Also considering that the principle of sustainable development provides for the preservation of existing resources, the active protection of urban heritage and its sustainable management is a condition sine qua non of development,

**(2011 Resolution) Introduction. 3. Urban heritage**, including its tangible and intangible components, constitutes a key **resource in enhancing the liveability of urban areas, and fosters economic development and social cohesion in a changing global environment.** As the future of humanity hinges on the effective planning and management of resources, conservation has become a strategy to achieve a balance between urban growth and quality of life on a sustainable basis.

**(2011 Resolution) I. Definition. 10. This definition provides the basis for a comprehensive and integrated approach for the identification, assessment, conservation and management of historic urban landscapes within an overall sustainable development framework.**

**(2011 Resolution) I. Definition. 11.** The historic urban landscape approach is aimed at preserving the quality of the human environment, enhancing the productive and sustainable use of urban spaces, while recognizing their dynamic character, and promoting social and functional diversity. It integrates the goals of urban heritage conservation and those of social and economic development. It is rooted in a balanced and sustainable relationship between the urban and natural environment, between the needs of present and future generations and the legacy from the past.



**(2011 Resolution) Development. 18.** Many economic processes offer ways and means to alleviate urban poverty and to promote social and human development. The greater availability of innovations, such as information technology and sustainable planning, design and building practices, can improve urban areas, thus enhancing the quality of life. When properly managed through the historic urban landscape approach, new functions, such as services and tourism, are important economic initiatives that can contribute to the well-being of the communities and to the conservation of historic urban areas and their cultural heritage while ensuring economic and social diversity and the residential function. Failing to capture these opportunities leads to unsustainable and unviable cities, just as implementing them in an inadequate and inappropriate manner results in the destruction of heritage assets and irreplaceable losses for future generations.

**(e) International cooperation - International cooperation also emerges as a collaborative measure to diminish differences and gain strength on a scale between State Party.**

We highlight some parts of the normative basis that collaborate with our perception on the matter:

**(1972 Convention) Preamble** - Considering that, in view of the **magnitude and gravity of the new dangers threatening** them, it is **incumbent on the international community** as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by **the granting of collective assistance which**, although not taking the place of action by the State concerned, will serve as an effective complement thereto, (preamble) (UNESCO - Convention 1972)

**(1972- Convention) Preamble** - Considering that it is essential for this purpose to **adopt new provisions** in the form of a convention establishing an **effective system of collective protection of the cultural and natural heritage** of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods, (UNESCO - Convention 1972)

**(1972- Convention) Article 7** - For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international **cooperation and assistance designed to support States Parties** to the Convention in their efforts to conserve and identify that heritage. (UNESCO - Convention 1972)

**(1972 Convention) Article 10. 2.** The Committee may at **any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.** (UNESCO - Convention 1972)

**(2003 Convention) Preamble** - Considering that the **international community should contribute, together with the States Parties to this Convention,** to the safeguarding of such heritage in a spirit of cooperation and mutual assistance, (UNESCO - Convention 2003)

**(2003- Convention) Article 1 – Purposes of the Convention-** The purposes of this Convention are: (c) to raise awareness at **the local, national and international levels** of the importance of the intangible cultural heritage, and of **ensuring mutual appreciation thereof;** (UNESCO - Convention 2003)

**(2003- Convention) Article 1 – Purposes of the Convention-** (d) to provide for international cooperation and assistance. (UNESCO - Convention 2003)

**(2003 Convention) Article 19 – Cooperation** - 1. For the purposes of this Convention, **international cooperation includes, inter alia, the exchange of information and experience, joint initiatives, and the establishment of a mechanism of assistance to States Parties in their efforts to safeguard the intangible cultural heritage.** (V. International cooperation and assistance) (UNESCO - Convention 2003)

**(2003 Convention) Article 19 – Cooperation - 2.** Without prejudice to the provisions of their national legislation and customary law and practices, the States Parties recognize that the safeguarding of intangible cultural heritage is of general interest to humanity, and to that end undertake to cooperate at the bilateral, subregional, regional and international levels. (V. International cooperation and assistance) (UNESCO - Convention 2003)

**(2005 Convention) Article 1 – Objectives (i) to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions.** (I. Objectives and guiding principles) (UNESCO - Convention 2005)

**(2005 Convention) Article 12 – Promotion of international cooperation -** Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of the situations referred to in Articles 8 and 17, notably in order to: (a) facilitate dialogue among Parties on cultural policy; (b) enhance public sector strategic and management capacities in cultural public sector institutions, through professional and international cultural exchanges and sharing of best practices; (c) reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions; (d) promote the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions; (e) encourage the conclusion of co-production and co-distribution agreements.

**(2005 Convention) Article 17 – International cooperation in situations of serious threat to cultural expressions - Parties shall cooperate in providing assistance to each other, and, in particular to developing countries, in situations referred to under Article 8.**

**(f) Governance practices related to planning, management and control over asset management and public policies -** The normative basis also brings the prescription of governance practices related to the planning, management and control of asset management and public policies associated with culture and urbanization to be implemented by State Party within the scope of their attributions and territories and which constitute elements of governance.

**The governance practices proposed by the regulations are supported by the integration** between instruments and areas of competence, going through the structuring of public policies supported by legal, financial and management instruments. Standing out:

**(1972- Convention) Article 5 -** To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each States Party to this Convention shall endeavour, in so far as possible, and as appropriate for each country:

**(a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;**

**(d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage;** (II. National protection and international protection of the cultural and natural heritage) (UNESCO - Convention 1972)

**(2003- Convention) Preamble** - Considering that existing international agreements, recommendations and resolutions concerning the cultural and natural heritage **need to be effectively enriched and supplemented by means of new provisions relating to the intangible cultural heritage**, (UNESCO - Convention 2003)

**(2003- Convention) Article 11 – Role of States Parties** - Each State Party shall: (a) **take the necessary measures to ensure the safeguarding** of the intangible cultural heritage present in its territory; (UNESCO - Convention 2003)

**(2003- Convention) Article 13 – Other measures for safeguarding** - To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to: (a) adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such **heritage into planning programmes**; (d) **adopt appropriate legal, technical, administrative and financial measures** aimed at:

**(2005- Convention) Preamble 5. Principle of the complementarity of economic and cultural aspects** of development. Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, **which individuals and peoples have the fundamental right to participate in and enjoy.**

**(2005- Convention) Preamble 6. Principle of sustainable development** - Cultural diversity is a rich **asset for individuals and societies**. The protection, promotion and maintenance of cultural diversity **are an essential requirement for sustainable development for the benefit of present and future generations.**

**(2005- Convention) Article 4 – Definitions** - For the purposes of this Convention, it is understood that: **6. Cultural policies and measures-** “Cultural policies and measures” refers to those policies and measures relating to culture, whether at the local, national, regional or international level that are either focused on culture as such or are designed to have a direct effect on cultural expressions of individuals, groups or societies, **including on the creation, production, dissemination, distribution of and access to cultural activities, goods and services.**

**(2005- Convention) Article 6 – Rights of parties at the national level:** 1. **Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.** 2. **Such measures may include the following:** (a) **regulatory measures aimed at protecting and promoting diversity of cultural expressions;** (b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services; (c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services; (d) measures aimed at providing public financial assistance; (e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities; (f) measures aimed at establishing and supporting public institutions, as appropriate; (g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions; (h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

**(2005 Convention) Article 13 – Integration of culture in sustainable development** - Parties shall endeavour to integrate culture in their development policies at all levels for the creation of **conditions conducive to sustainable development** and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions. (UNESCO - Convention 2005)

**(2011 Resolution) Preamble** - Considering, therefore, that in order to support the protection of natural and cultural heritage, emphasis needs to be put on the **integration of historic urban area conservation, management and planning strategies into local development processes and urban planning**, such as, contemporary architecture and infrastructure development, for which the application of a landscape approach would help maintain urban identity,

**(2011 Resolution) Preamble** - Also noting, however, that under processes of demographic shifts, global market liberalization and decentralization, as well as **mass tourism, market exploitation of heritage, and climate change, conditions have changed and cities are** subject to development pressures and challenges not present at the time of adoption of the most recent **UNESCO recommendation on historic areas in 1976 (Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas)**,

**(2011 Resolution) Introduction. 4.** In the course of the past half century, urban heritage conservation has emerged as an important sector of public policy worldwide. It is a response to the need to preserve shared values and to benefit from the legacy of history. However, the shift from an emphasis on architectural monuments primarily towards a broader recognition of the importance of the social, cultural and economic processes in the conservation of urban values, should be matched by a drive to adapt the existing policies and to create new tools to address this vision.

**(2011 Resolution) Introduction. 5.** This Recommendation addresses the need to better integrate and frame urban heritage conservation strategies within the larger goals of overall sustainable development, in order to support public and private actions aimed at preserving and enhancing the quality of the human environment. It suggests a landscape approach for identifying, conserving and managing historic areas within their broader urban contexts, by considering the interrelationships of their physical forms, their spatial organization and connection, their natural features and settings, and their social, cultural and economic values.

**(2011 Resolution) IV. Tools. 24.** The approach based on the historic urban landscape implies the application of a range of traditional and innovative tools adapted to local contexts. Some of these tools, which need to be developed as part of the process involving the different stakeholders, might include: **(b) Knowledge and planning tools** should help protect the integrity and authenticity of the attributes of urban heritage. They should also allow for the recognition of cultural significance and diversity, and provide for the monitoring and management of change to improve the quality of life and of urban space. These tools would include documentation and mapping of cultural and natural characteristics. Heritage, social and environmental impact assessments should be used to support and facilitate decision-making processes within a framework of sustainable development. **(c) Regulatory systems should reflect local conditions**, and may include legislative and regulatory measures aimed at the conservation and management of the tangible and intangible attributes of the urban heritage, including their social, environmental and cultural values. Traditional and customary systems should be recognized and reinforced as necessary. **(d) Financial tools should be aimed at building capacities and supporting innovative income-generating development**, rooted in tradition. In addition to government and global funds from international agencies, financial tools should be effectively employed to foster private investment at the local level. Micro-credit and other flexible financing to support local enterprise, as well as a variety of models of partnerships, are also central to making the historic urban landscape approach financially sustainable.

**(2011 Resolution) V. Capacity-building, research, information and communication 27.** Encourage the use of information and communication technology to document, understand and present the complex layering of urban areas and their constituent components. The collection and analysis of this data is an essential part of the knowledge of urban areas. To communicate with all sectors of society, it is particularly important to reach out to youth and all under-represented groups in order to encourage their participation.

In the technical field there is also the prescription of the inclusion of the principles of integrated management among the various instruments of planning, management and control, as well as their reflection in the various areas of public policy, such as:

**(2003- TICCIH)** '4. Legal protection:

**II. Programmes for the conservation of the industrial heritage should be integrated into policies for economic development and into regional and national planning.**

**IV. Industrial communities** which are threatened by rapid structural change **should be supported by central and local government authorities.** Potential threats to the industrial heritage from such changes should be **anticipated and plans prepared to avoid the need for emergency actions.** (TICCIH-Charter for the Industrial Heritage, 2003)

**V. Procedures should be established** for responding quickly to the closure of important industrial sites to prevent the removal or destruction of significant elements. **The competent authorities should have statutory powers to intervene when necessary to protect important threatened sites.** (TICCIH-Charter for the Industrial Heritage, 2003)

**(2011- TICCIH) II - Ensure effective protection and conservation of the industrial heritage structures, sites, areas and landscapes: 6 Appropriate policies, legal and administrative measures need** to be adopted and adequately implemented to protect and ensure the conservation of industrial heritage sites and structures, including their machinery and records. **These measures have to address the close relation between the industrial heritage, industrial production and the economy,** in particular with respect to rules for corporations and investments, trades or intellectual property such as patents, and standards applicable to active industrial operations. (TICCIH - The Dublin Principles, 2011)

**(2011- TICCIH) IV - Present and communicate the heritage dimensions and values of industrial structures, sites, areas and landscapes to raise public and corporate awareness, and support training and research: 7 Integrated inventories and lists of structures,** sites, areas, landscapes their setting and associated objects, documents, drawings and archives or intangible heritage should be developed and used as part of these effective management and conservation policies and protection measures. **These should benefit from a legal recognition, adequate conservation and management to ensure that their significance, integrity and authenticity are maintained.** In the case of industrial heritage identified through fortuitous discovery, temporary protection should be granted to allow time necessary for proper heritage documentation and research (TICCIH - The Dublin Principles, 2011).

In the **field of control action**, part of the governance structure, the regulations relate to the obligation of the State Party to report on the conditions of the assets and to the implementation of the instruments previously guaranteeing support to the tutoring:

**(1972- Convention) VII. Reports - Article 29 - 1.** The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field. (UNESCO - Convention 1972)

**(2003- Convention) Article 12 – Inventories - 1.** To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. **These inventories shall be regularly updated. 2. When each State Party periodically submits its report to the Committee, in accordance with Article 29, it shall provide relevant information on such inventories** (UNESCO - Convention 2003)

**(2003- Convention) Article 29** – Reports by the States Parties- The States Parties shall submit to the Committee, observing the forms and periodicity to be defined by the **Committee, reports on the legislative, regulatory and other measures** taken for the implementation of this Convention. (UNESCO - Convention 2003)

**(2005- Convention) Article 9 – Information sharing and transparency** - Parties shall: (a) provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level; (b) designate a point of contact responsible for information sharing in relation to this Convention; (c) share and exchange information relating to the protection and promotion of the diversity of cultural expressions.

**(2005- Convention) Article 10** – Education and public awareness - Parties shall: **(b) cooperate with other Parties and international and regional organizations in achieving the purpose of this article;** (c) endeavour to encourage creativity and strengthen production capacities by setting up educational, training and exchange programmes in the field of cultural industries. These measures should be implemented in a manner which does not have a negative impact on traditional forms of production.

**Actions related to the:** set up within its territories, where such services do not exist, one or more services, a diffuse knowledge and Educational programmes, develop scientific and technical studies and research, foster the establishment or development of national or regional centers for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field., anting of collective assistance and inter-national assistance formulated by States Parties Fund for the Protection of the World Cultural and Natural Heritage and others'. It is also provided for and should be considered as integral mechanisms of cultural heritage governance.

**(g) Democratic participation of civil society within the Territorial Nations** - As for the democratic participation of civil society in the context of nation-states, the first impression is that the concept and value of democratic participation based on the selected normative reference follows the conceptual evolution of the meaning of cultural heritage, impacting on the value of the presence and democratic participation of citizens and civil society as part of the process and form of patrimonial protection.

We also believe that the inclusion of expressions - State Party, Nation, States, Peoples, communities, groups, individuals and peoples etc - portrays the attempt to encourage and sensitize the participation of other "partners" from other levels that are not restricted to member states, as it is deduced:

**(1954 Convention) Preamble** - Considering that the preservation of the cultural heritage is of great importance for all peoples of the world and that it is important that this heritage should receive international protection; (UNESCO -Convention 1954 )

**(1954 Convention) Article 1. Definition of cultural property. ... (a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest;**

**(1972 Convention) Preamble.** Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong,

**(1972 Convention) Article 3 - It is for each State Party to this Convention to identify and delineate the different properties** situated on its territory mentioned in Articles 1 and 2 above.

**(1972 Convention) Article 4 - Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. (II. National protection and international protection of the cultural and natural heritage)**

**(1972 Convention) Article 5 - To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each States Party to this Convention shall endeavour, in so far as possible, and as appropriate for each country: (a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;**

**(1976 Recommendation) Preamble – Considering that participation by the greatest possible number of people and associations in a wide variety of cultural activities of their own free choice is essential to the development of the basic human values and dignity of the individual, and that access by the people at large to cultural values can be assured only if social and economic conditions are created that will enable them not only to enjoy the benefits of culture, but also to take an active part in overall cultural life and in the process of cultural development,**

**(1976 Recommendation) Preamble – Considering that access to culture and participation in cultural life are two complementary aspects of the same thing, as is evident from the way in which one affects the other-access may promote participation in cultural life and participation may broaden access to culture by endowing it with its true meaning-and that without participation, mere access to culture necessarily falls short of the objectives of cultural development,**

**(1976 Recommendation) Preamble – Considering that access and participation, which should provide everyone with the opportunity not only to receive benefits but also to express himself in all the circumstances of social life, imply the greatest liberty and tolerance in the fields of cultural training and the creation and dissemination of culture,**

**(1976 Recommendation) Preamble – Considering that participation in cultural life presupposes an affirmation of the personality, its dignity and value, and also the implementation of the fun-damental rights and freedoms of man attested by the Charter of the United Nations and international legal instruments concerning human rights, and that the cultural development of the individual is hindered by such phenomena as the policy of aggression, colonialism, neo-colonialism, fascism and racism in all its forms and manifestations, as well as by other causes,**

**(1976 Recommendation) Preamble – Considering that participation in cultural life takes the form of an assertion of identity, authenticity and dignity; that the integrity of identity is threatened by numerous causes of erosion stemming, in particular, from the prevalence of inappropriate models or of techniques which have not been fully mastered,**

**(1976 Recommendation) Preamble – Considering that the assertion of cultural identity should not result in the formation of isolated groups** but should, on the contrary, go hand in hand with a mutual desire for wide and frequent contacts, and that such contacts are a fundamental requirement without which the objectives of the present recommendation would be unattainable,

**(1976 Recommendation) Preamble – Considering that the ultimate objective of access and participation is to raise the spiritual and cultural level of society as a whole on the basis of humanistic values and to endow culture with a humanistic and democratic content, and that this in turn implies taking measures against the harmful effect of ‘commercial mass culture’, which threatens national cultures and the cultural development of mankind, leads to debasement of the personality and exerts a particularly harmful influence on the young generation,**

**(2003 Convention) Preamble - Recognizing that the processes of globalization and social transformation, alongside the conditions they create for renewed dialogue among communities, also give rise, as does the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage, in particular owing to a lack of resources for safeguarding such heritage, (UNESCO - Convention 2003)**

**(2003 Convention) Preamble – Recognizing that communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity,**

**(2003 Convention) Article 1 – Purposes of the Convention - The purposes of this Convention are: (b) to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned;**

**(2003 Convention) Article 1 – Purposes of the Convention - (c) to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof;**

**(2003 Convention) Article 2 – Definitions - For the purposes of this Convention. 1. The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.**

**(2003 Convention) Article 11 – Role of States Parties - Each State Party shall: (b) among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations. (UNESCO - Convention 2003)**

**(2003 Convention) Article 15 – Participation of communities, groups and individuals - Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.**

**(2005 Convention) Preamble – Recalling that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels;**



**(2005- Convention) Preamble 5. Principle of the complementarity of economic and cultural aspects** of development. Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

**(2005 Convention) Article 11 – Participation of civil society** - Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.

**(2005 Convention) Article 15 – Collaborative arrangements** - Parties shall encourage the development of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural expressions. These innovative partnerships shall, according to the practical needs of developing countries, emphasize the further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.

**(2011 Resolution) Preamble 3.** Also recommends that Member States bring this Recommendation to the attention of the local, national and regional authorities, and of institutions, services or bodies and associations concerned with the safeguarding, conservation and management of historic urban areas and their wider geographical settings.

**(2011 Resolution) Introduction.** 6. This approach addresses the policy, governance and management concerns involving a variety of stakeholders, including local, national, regional, international, public and private actors in the urban development process.

**(2011 Resolution) IV. Tools.** 24. The approach based on the historic urban landscape implies the application of a range of traditional and innovative tools adapted to local contexts. Some of these tools, which need to be developed as part of the process involving the different stakeholders, might include: **(a) Civic engagement tools should involve a diverse cross-section of stakeholders, and empower them to identify key values in their urban areas, develop visions that reflect their diversity, set goals, and agree on actions to safeguard their heritage and promote sustainable development.** These tools, which constitute an integral part of urban governance dynamics, should facilitate intercultural dialogue by learning from communities about their histories, traditions, values, needs and aspirations, and by facilitating mediation and negotiation between groups with conflicting interests.

**(2011 Resolution) V. Capacity-building, research, information and communication.** 25. Capacity-building should involve the main stakeholders: communities, decision-makers, and professionals and managers, in order to foster understanding of the historic urban landscape approach and its implementation. Effective capacity-building hinges on an active collaboration of these main stakeholders, aimed at adapting the implementation of this Recommendation to regional contexts in order to define and refine the local strategies and objectives, action frameworks and resource mobilization schemes.

**(2011 Resolution) III. Policies.** 22. Conservation of the urban heritage should be integrated into general policy planning and practices and those related to the broader urban context. Policies should provide mechanisms for balancing conservation and sustainability in the short and long terms. Special emphasis should be placed on the harmonious, integration of contemporary interventions into the historic urban fabric. In particular, the responsibilities of the different stakeholders are the following: **(a) Member States should integrate urban heritage conservation strategies into national development policies and agendas according to the historic urban landscape approach. Within this framework, local authorities should prepare urban development plans taking into account the area's values, including the landscape and other heritage values, and features associated therewith; (b) Public and private stakeholders should cooperate, inter alia, through partnerships to ensure the successful application of the historic urban landscape approach; (c) International organizations dealing with sustainable development processes should integrate the historic urban landscape approach into their strategies, plans and operations; (d) National and international non-**

governmental organizations should participate in developing and disseminating tools and best practices for the implementation of the historic urban landscape approach.

**(2011 Resolution)** III. Policies. 23. All levels of government – local, regional, national/federal, – aware of their responsibility – should contribute to the definition, elaboration, implementation and assessment of urban heritage conservation policies. These policies should be based on a participatory approach by all stakeholders and coordinated from both the institutional and sectorial viewpoints.

We highlight the technical regulations related to the Industrial Heritage issued by TICCIH and the Burra Charter (ICOMOS, 1999 and 2013), which together allow us to broaden our understanding of social participation under the technical aspect:

**(2003 – TICCIH) 4. Legal protection:**

VII. Every effort should be made to ensure the **consultation and participation of local communities in the protection and conservation of their local industrial heritage.**

VIII. **Associations and societies of volunteers have an important role in identifying sites, promoting public participation in industrial conservation and disseminating information and research, and as such are indispensable actors in the theatre of industrial heritage.** (TICCIH-Charter for the Industrial Heritage, 2003)

**(2003 – TICCIH) 7. Presentation And Interpretation:**

**I. Public interest and affection for the industrial heritage and appreciation of its values are the surest ways to conserve it.** Public authorities should actively explain the meaning and value of industrial sites through publications, exhibitions, television, the Internet and other media, **by providing sustainable access to important sites and by promoting tourism in industrial areas.**

**II. Specialist industrial and technical museums and conserved industrial sites are both important means of protecting and interpreting the industrial heritage.** (TICCIH-Charter for the Industrial Heritage 2003)

**(1999 | 2013 ICOMOS) Article 12.** Participation Conservation, interpretation and management of a place should **provide for the participation of people for whom the place has significant associations and meanings, or who have social, spiritual or other cultural responsibilities for the place.** (ICOMOS 2013, 1999, 5)<sup>89</sup>

**(1999 | 2013 ICOMOS) Article 26.** Applying the Burra Charter Process: **26.3 Groups and individuals with associations with the place as well as those involved in its management should be provided with opportunities to contribute to and participate in identifying and understanding the cultural significance of the place. Where appropriate they should also have opportunities to participate in its conservation and management.** (ICOMOS 2013, 1999, 8)

**(2013 ICOMOS) Article 26.** Applying the Burra Charter Process: **26.4 Statements of cultural significance and policy for the place should be periodically reviewed, and actions and their consequences monitored to ensure continuing appropriateness and effectiveness.** (ICOMOS 2013, 1999, 8)

From the examination of this collection of normative passages, it is possible to conclude, besides the perception that participation gains strength with the evolution of the concept of patrimony, that there is a difference in degree in the intensity of citizen participation in the bond of preservation of tangible and intangible heritage.

The material heritage, based on the historical chronology of the norms, is treated as 'cultural property' and as much as there is an identity and cultural bond with society, it also represents something that has venal value, bringing the norms complementary rules regarding its commercial value. As for intangible heritage, no one can take it without the consent of the persons and institutions responsible. The vehicle 'bear' intangible heritage is the citizen, and without the citizen the heritage does not exist 'vividly', not perpetuating in time and space, only in the form of historical records. By ensuring the maximum possible participation of the communities, groups and individuals who represent its greatest diversity, it is they who create, maintain and transmit this heritage, and by actively involving them in its management, the 'materialization' of intangible assets is made possible. They should also seek to promote the function of this heritage in society and ensure recognition, respect and improvement of the cultural heritage that is intangible to society (Castriota 2009).

In the context of the implementation of public policies, 'the chronological nature of these models, the decision-making arenas are increasingly open, as a plurality of actors participate in the determination of these public policies. Therefore, all these considerations are inevitably linked to the need to observe a transformation in the actual decision-making process, from hierarchically structured forms to new forms of coordination, which coincide with the new forms of governance. Theoretical reflections and sociocultural empirical evidence are part of a specific public policy as well as of the analysis of both the institutional characteristics of the different stakeholders involved in the process and the types of public policies (Casula 2017, 1127-1128).

The urban landscape is intrinsically linked to the urbanization process and therefore to urban planning policies, environmental policies and other areas. It is for this reason that UNESCO's normative prescribes the inclusion of various stakeholders: **(a) State Party** should integrate urban heritage conservation strategies into national development policies and agendas according to the historic urban landscape approach. Within this framework, local authorities should prepare urban development plans taking into account the area's values, including the landscape and other heritage values, and features associated therewith; **(b) Public and private stakeholders** should cooperate, inter alia, through partnerships to ensure the successful application of the historic urban landscape approach; **(c) International organizations** dealing with sustainable development processes should integrate the historic urban landscape approach into their strategies, plans and operations; **(d) National and international non-governmental organizations** should participate in developing and disseminating

tools and best practices for the implementation of the historic urban landscape approach. (UNESCO - Report Historic Urban Landscape 2019).

The 1976 document, 'Recommendation on the Participation of People in Extensive Cultural Life and their Contribution to it'<sup>90</sup>, brought valuable collaborations to parameterize the actions of State Party, despite having a 'cohesive power' and more soft prescriptive of a Convention. This recommendation encompasses everything that should be done by 'Member States or authorities to democratize the means and instruments of cultural activity in order to enable all individuals to participate freely and fully in cultural creation and its benefits, in accordance with the requirements of social progress'.

The Recommendation's preamble warns 'that there is often a great discrepancy between reality and proclaimed ideals, declared intentions, programmes or expected results' and for these reasons immediate action should (and should) always be taken:

**(1976 Recommendation) Preamble – Considering that while it is essential and urgent to define objectives, contents and methods for a policy of participation by the people at large in cultural life, the solutions envisaged cannot be identical for all countries, in view of the current differences between the socio-economic and political situations in States,**

**(1976 Recommendation) Preamble – Considering that the problem of access and participation can be solved by collective approaches extending to many sectors and aspects of life; that such approaches should be diversified according to the special characteristics of each community, the whole forming a true design for living calling for basic policy options,**

**(1976 Recommendation) Preamble – Considering that access to culture and participation in cultural life are essential components of an overall social policy dealing with the condition of the working masses, the organization of labour, leisure time, family life, education and training, town-planning and the environment,**

**The emphasis on participation (in decision making, creative processes, building meaning) recognizes the public as an active interlocutor to be consulted - or at least involved - in the planning and creation of the cultural offer (European Union - OMC 2018)<sup>91iii</sup>.** Therefore, the actions of State Party in the form of public policies and the governance to be implemented for the management of Cultural Heritage must be observed and considered:

**(1976 Recommendation) (b) by participation in cultural life is meant the concrete opportunities guaranteed for all-groups or individuals-to express themselves freely, to communicate, act, and engage in creative activities with a view to the full development of their personalities, a harmonious life and the cultural progress of society;**

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<sup>90</sup> 'Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It'

<sup>91</sup> reference note number 37 (Open Method Of Coordination-OMC 2018)

(1976 Recommendation) 3. For the purposes of the Recommendation:

(a) the concept of culture has been broadened to include all forms of creativity and expression of groups or individuals, both in their ways of life and in their artistic activities;

(b) free democratic access to culture of the people at large presupposes the existence of appropriate economic and social policies;

(c) participation in cultural life presupposes involvement of the different social partners in decision-making related to cultural policy as well as in the conduct and evaluation of activities;

(d) free participation in cultural life is related to: (i) a development policy for economic growth and social justice; (ii) a policy of life-long education which is geared to the needs and aspirations of all people and makes them aware of their own intellectual potentialities and sensitivity, provides them with cultural education and artistic training, improves their powers of self-expression and stimulates their creativity, thus enabling them more successfully to master social changes and to participate more fully in the community life of society; (iii) a science and technology policy inspired by the resolve to safeguard the cultural identity of the peoples; (iv) a social policy directed towards progress and, more precisely, the attenuation-with a view to their elimination-of the inequalities handicapping certain groups and individuals, especially the least privileged, in regard to their living conditions, their opportunities and the fulfillment of their aspirations ; (v) an environment policy designed, through the planned use of space and the protection of nature, to create a background to living conducive to the full development of individuals and societies; (vi) a communication policy designed to strengthen the free exchange of information, ideas and knowledge, in order to promote mutual understanding, and encouraging to this end the use and extension of both modern and traditional media for cultural purposes; (vii) a policy for international co-operation based on the principle of equality of cultures, mutual respect, understanding and confidence and strengthening of peace. (UNESCO - Recommendation 1976)

### 5.3. Brief differences between the forms of implementation between Europe and Latin America on the participation approach (general picture)

It is worthwhile to better understand the aspects of participation and integration of other concepts of governance in the practical operational life of State Party, based on the literature and some reports produced by UNESCO for the monitoring of nation-states on the implementation and development of the protection of cultural heritage.

We have designed our object of analysis between Europe and Latin America and our choice is based on the polarity between the groups that historically are in different poles - developed countries and developing countries. In this situation, there are diverse characteristics of their historical processes of industrialization, which is reflected in the maturation of legislation affecting industrial heritage, the conceptual understanding of culture and cultural heritage including the geographical aspect and, finally, the personal aspect (because the two realities are close to the personal experience of this Author).

We began our analysis by sharing the conclusions reached in the study conducted by Campagna (2017) as a theoretical basis for sharing with her vision that the right to Culture is composed of the 'combined capacity' of the individual to participate (freedom), access and contribute to cultural life, called "tripartite typology of obligations".

**The research base of the Author was composed by eighteen state reports presented in the last sessions of the Committee on Economic, Social and Cultural Rights (55, 56, 57 and 58), taking into consideration that the analysis outlines the emergence of national, continental and global trends specific to the understanding and implementation of this right. The choice of these eighteen countries, six for each of the three continents considered (Africa, America and Europe) aims to ensure a geographic coverage appropriate to the study, taking into account the different meanings that could be attributed to culture and cultural heritage in different regions of the world (Campagna 2017, 170,172).**

**Campagna(2017) reports that some individualized national trends for the implementation of dimensions – the “access” and the “contribution” – to the right to participate in cultural life, are more present in certain continents than in others, providing light on the emergence of continental trends, both in terms of understanding and implementation of this right.**

We highlight more important passages:

‘Regarding the ‘heritage-centred’ sub-dimension of the ‘access’ dimension, the comparative analysis reveals that while ‘Pro-tangible heritage’ States are present in all the three continents (Africa, America and Europe), the ‘Pro-intangible heritage’ ones are African or South American. (2017, 186)’.

‘The European and North American conception of cultural heritage has been recognized as being mainly tangible, showing a greater attention to artefacts and monumental goods. On the contrary, heritage in Africa and South America has been seen as being primarily intangible, including forms of traditional and popular culture such as dance, rituals and folklore (Bouchenaki, 2003). Far from explaining this tangible-intangible dichotomy in heritage as a simplistic eastwest or north-south division (Graham, 2002), the present analysis considers these geographical differences in the understanding of culture and

cultural heritage as factors to be included while addressing the implementation of the right to take part in cultural life. (apud et al (Campagna 2017, 179).

This result only partially reflects the theorized different understanding of cultural heritage in various regions of the world. The protection of tangible heritage is widely implemented in national cultural policies regardless the continent, showing the emergence of a global consensus on this dimension of the right. On the contrary, the safeguard of intangible cultural expressions is more addressed, as expected, in Africa and South America (Campagna 2017, 186)'.

Concerning the implementation of the 'contribution' dimension of the right, a clear distinction among continents emerges. According to the analysis, European States tend to be more 'Intercultural' than States in other continents. Indeed, in their reports, these States highlight the measures taken for the promotion of mutual understanding and intercultural dialogue between different cultural groups. However, none of the European States included in the study could be defined, according to the model of analysis, as being 'Participatory'. The 'participation culture' in cultural decision-making processes seems to be much more present in African and South American countries that, in their reports, illustrate concrete measures for promoting the active involvement of people in the implementation of cultural programmes and initiatives'(2017, pp. 186-187).

**Despite the result pointed out in her research to confirm 'some individualized national trends for the implementation of these dimensions, Campagna calls our attention to the fragility of having a unique model (recipe) for this evaluation:**

The fact that African and South American states are more "Pro-intangible heritage" and more "Participatory" while European states are more "Intercultural" underlines that the proposed model of analysis could not be applied as a "one-fits-all" recipe to assess the successful implementation of this right. The concentration of some trends on certain continents and not on others bears witness to the fact that cultural policies - as a concept and manifestation of culture itself - are the dynamic product of a rigorous interrelationship between the cultural heritage inherited from a place and social habits that include traditions, behaviours and ways of life. These material and immaterial factors determine

the typology of the actors involved in the elaboration of cultural policies, their objectives and the measures adopted to pursue them(2017, p. 188).

It also concludes that 'the right to participate in cultural life is not yet understood as a "combined capacity," as defined by Nussbaum (1997), since a low number of state reports emphasize the adoption of positive measures that address both the "internal capacities" of the individual and the "appropriate external conditions" for exercising them in the social context. It states that there are only 'a small number of "empowering states" although efforts are made at the national level to provide people with the necessary cultural skills and competencies, they are not given sufficient space to fully express these capabilities in the community by participating in cultural decision-making processes or in intercultural projects (Campagna 2017)'.

The analysis of the eighteen State reports underlines that, despite a high number of States illustrate a broad range of policies implemented for realizing the 'access' and the 'contribution' dimensions of cultural participation, few of them – only two out of eighteen – combine these two dimensions in their national cultural policies (2017, 187)'

The small quantity of 'empowering' States indicates that, while efforts are made at national level for providing people with the necessary cultural skills and competencies, not enough space is given to them to fully express these capabilities in the community, taking part in cultural decision-making processes or in intercultural projects. This missed realization of the 'inclusive cultural empowerment' in national cultural policies is endangering the role of cultural participation as both enabler and driver of developmental processes. Indeed, without being given the opportunity to actively contribute to creation of the spiritual, material, intellectual and emotional expressions of the community, people will not be enabled to live and be what they choose, as auspicated by recent international policy documents (UNESCO 2013, UN General Assembly 2013) (Campagna 2017, 188)'.

**Finally, the Campagna promotes the following suggestion:** 'On the one hand, in order to unlock the potential of cultural participation through the 'inclusive cultural empowerment', a more structured coordination within the United Nations system is necessary. Indeed, while the link between culture and development is increasingly recognized by the UNESCO and the UN General Assembly, this



aspect is not clearly addressed neither in the Guidelines set by the CESCR for the preparation of the State reports (2009) nor in the concluding observations formulated by the Committee on these reports. An updated version of the Guidelines, with a stronger reference to the contents of the General Comment No. 21 (CESCR, 2009b) and to the notion of 'inclusive cultural empowerment' would certainly encourage State parties to realise positive measures able to link cultural policies with developmental strategies at national level (Campagna 2017, 188).

**Others corroborate the results of the analysis and the suggestion made by Campagna like the authors Lähdesmäki, Čeginskas, Kaasik- Krogerus, & Turunen (2020) which they highlight:**

'Several policy documents indicate that participation is at the top of the EU heritage policy agenda as well as the importance of adopting a multiple, democratic and participatory perspective on the past, always focusing on adopting a local, people-centred approach to cultural heritage and participatory approaches are central to several EU actions. In the context of the European Union, the 'existing legislative codes relating specifically to cultural heritage have shown that, to a greater or lesser extent, they all included public participation mechanisms and that these mechanisms were used in practice; and the general conclusion was that in most Member States there are no formal impediments and that in many or even most Member States the prerequisites for participatory governance of cultural heritage already exist (European Union - OMC 2018)<sup>92</sup>.

The prescription in the normative basis is one of the elements to ensure democratic participation, but 'it is therefore necessary to look closely at the empirical realities to see how and to what extent the participatory approach is present, because despite the affirmation of necessity, curiously, questions about participation are hardly visible in policy documents', citing as an example the case of the European Heritage Label- EHL<sup>93</sup>, as stated by Lähdesmäki, Čeginskas, Kaasik- Krogerus, & Turunen.

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<sup>92</sup> A curiosity is that the OMC group has therefore decided not to explore these issues any further, but to concentrate on developing innovative approaches to increase public participation (European Union - OMC 2018). The same Group also highlighted related participation and decisions adopted that: "There is generally public confidence in decisions concerning cultural heritage, but there is still potential for improvement. The same goes for consistency between the actions of different levels of government. This can cause problems if, say, different levels of government do not have the same interest, knowledge or capacity to care for cultural heritage. OMC.

<sup>93</sup> For example: the action decision in 2011, the European Panel reports of 2013, 2014, 2015 and 2017 and the European Panel report on monitoring the EHL 2016.

The challenge between empirical and ideal realities regarding democratic participation also finds fruitful ground in the universe of industrial heritage, urban landscape and urban processes, which are also connected with the right to the city.

Another point we would like to draw attention to is the results obtained by UNESCO - Report Historic Urban Landscape. The Industrial Heritage profile has a close relationship with urban landscape and More than 70% of cultural heritage properties inscribed on the World Heritage List are either located in urban areas or have urban areas within their nominated areas or have these areas among the nominated (UNESCO - Report Historic Urban Landscape 2019, 5<sup>94</sup>). This characteristic reflects the complexity of reconciling urban development with heritage conservation and the main recurrent factors affecting real estate, as well as inadequate management, housing needs and non-recommended legal structures (UNESCO - Report Historic Urban Landscape 2019, 5). These conditions are very present in the heritage reality of industrial sites, such as the company towns we use to illustrate our work.

We highlight some excerpts from reports published by UNESCO on the Historic Urban Landscape Recommendation, under the Latin America and Europe section, related to themes, participation and elements of governance. The countries were grouped as follows: Group I - Western European and North American States; Group II-Eastern European States; and Group III - Latin American and Caribbean States(UNESCO - Report Historic Urban Landscape 2019) <sup>95</sup>.

We anticipate that one of the conclusions of the report is that the participation of local communities is still seen as generally limited for both Europe and Latin America, also pointing to the need to develop tools and methodologies for the systematic involvement of local communities in decision-making

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<sup>94</sup> The 1,092 properties on the World Heritage List today include more than 2,700 cities/towns in 624 cultural and mixed heritage properties. **Historical cities and urban areas are among the cases most frequently examined by the World Heritage Committee, as they are often the most challenging in terms of management and protection.** More than 50% of all State of Conservation reports filed for listed properties relate to heritage in urban areas, reflecting the complexities of reconciling urban development with heritage conservation. The main recurring factors affecting the properties are inadequate management plans, need for housing, and inadequate legal frameworks. (UNESCO - Report Historic Urban Landscape 2019, 5)

<sup>95</sup> We take note of the Recommendation on Historical Urban Landscape (36 C/ Resolution 41) adopted by UNESCO General Conference at its 36th session, on November 10, 2011) that invites Member States to integrate the conservation and management of cultural heritage in cities and settlements with policies and practices for sustainable urban development. This instrument was innovative in establishing standards covers the power of cultural heritage to make cities and settlements culturally vibrant, economically prosperous, socially inclusive and environmentally sustainable. (UNESCO - Report Historic Urban Landscape 2019, 5),

processes and the empowerment of existing ones (UNESCO - Report Historic Urban Landscape 2019, 27, subitem 92 of the conclusion).

For this, we highlight:

**Item 13 - Participatory processes and community engagement:**

**Subitem 51.** Participatory processes and community engagement are significant dimensions of the HUL approach. **Overall, the report indicates that the participation of local communities in decision-making processes needs to be considerably strengthened for increased participation.**

**Subitem 52.** Involvement of a broad range of stakeholders. Effective management of historic urban areas demand the involvement of local communities and a wide range of stakeholders, empowering them to identify and manage key values in their urban areas. The percentage of all respondents that have involved a broad range of stakeholders and empowered them to identify key values in their urban areas is 76.36%.

**The highest percentage of positive replies are from Group Va (African States), while the lowest percentage is from Group III (Latin American and Caribbean States). The positive replies are regionally dispersed as:**

- Group I (Western European and North American States): 12 out of 15, 80%
- Group II (Eastern European States): 10 out of 12, 83.33%
- Group III (Latin American and Caribbean States): 5 out of 10, 50%. (UNESCO - Report Historic Urban Landscape 2019, 18)

**Subitem 54. Models of stakeholder participation. The most common model of stakeholder participation is “Open to public” model followed by “Elected members”, “By invitation only” and “Accredited NGOs”.**

Preferences by regional Electoral Groups is as follows:

- Group I (Western European and North American States): “Open to public”
- Group II (Eastern European States): “Open to public” and Accredited NGOs”
- Group III (Latin American and Caribbean States): “Elected Members”

Another item, which forms the conclusion of the report, indicates the need to explore innovative partnerships between local, national, international agencies, **ONU** programmes, development cooperation agencies, communities and the private sector, as well as the need to explore innovative financial mechanisms, including partnerships to better implement the 2030 **ONU** Sustainable Development Agenda and the New Urban Agenda.

We draw attention to two items related to the conclusion part:

**Item 11 - Partnerships with stakeholders of urban heritage:**

**Subitem 38.** Partnerships between a variety of public and private stakeholders is an important aspect of the HUL approach to ensure the successful management of urban heritage.

**Subitem 39.** Cooperation of public and private stakeholders. This may be through partnerships to ensure the successful application of the HUL approach.

The percentage of all respondents that have public and private stakeholders cooperate, inter alia, through partnerships to ensure the successful application of the HUL approach is 60%.

- Group I (Western European and North American States): 9 out of 15, 60%
- Group II (Eastern European States): 6 out of 12, 50%
- Group III (Latin American and Caribbean States): 5 out of 10, 50%.

**Subitem 40. Formal status of national and international (NGOs) in planning processes and participation. NGOs play a valuable role in developing and disseminating tools and good practices for the implementation of the HUL approach.**

The percentage of all respondents that have given NGOs a formal status in planning processes and participate in developing and disseminating tools and good practices for the implementation of the HUL approach is 60%.

The highest percentage of positive replies is from Group II (Eastern European States), while the lowest percentage of positive replies is from Group III (Latin American and Caribbean States).

The positive replies are regionally dispersed as:

- Group I (Western European and North American States): 7 out of 15, 46.66%
- Group II (Eastern European States): 10 of 12, 83.33%
- Group III (Latin American and Caribbean States): 3 out of 10, 30%

(UNESCO - Report Historic Urban Landscape 2019, 15)

The report also highlights some items related to the internal and external capacity of citizens and the contexts faced:

**Item 16 - Capacity building, research, information technology and communications:**

**Subitem 63.** The Recommendation calls for capacity building for **the main stakeholders**, communities, decision-makers, professionals, and managers to collaboratively adapt and define local strategies and actions. The respondents reported capacity-building activities aimed at professionals and managers but much fewer initiatives aimed at local communities.

**Subitem 64. Measures to promote capacity-building activities involving main stakeholders.** The most common group involved as the main stakeholders to receive capacity-building activities to foster understanding of the HUL approach are professionals and managers. The regional distribution of most common groups involved who received capacity-building activities to foster understanding of the HUL approach are: • In Group I (Western European and North American States): “Professionals and managers” • In Group II (Eastern European States): “Local communities” and “Professionals and managers” • In Group III (Latin American and Caribbean States): “Decision makers” and “Professionals and managers”

**Subitem 65.** Percentage of Electoral Groups that have measures for local communities to promote capacity-building activities to foster understanding of the HUL approach are: • Group I (Western European and North American States): 5 out of 15, 33.33% • Group II (Eastern European States): 8 out of 12, 66.66% • Group III (Latin American and Caribbean States): 4 out of 10, 40%

As for the analysis of the relationship between tangible and intangible cultural heritage, the report portrayed the experiences of the legislative perspective of countries and educational actions:

○ **Item 10 - The relationship between tangible heritage and intangible heritage:**

**Subitem 36.** Legislative and regulatory measures to safeguard intangible values of urban heritage.

**Subitem 35.** The HUL approach **calls for the integration and safeguarding of the intangible cultural heritage of the local communities in and around historic urban areas.**

- Group I (Western European and North American States): 5 out of 15, 33.33%
- Group II (Eastern European States): 10 out of 12, 83.33%
- Group III (Latin American and Caribbean States): 7 out of 10, 70%.

**Subitem 37. Promoting intercultural dialogue.** This is facilitated by learning from communities about their histories, traditions, values, needs and aspirations. The most common modes for facilitating intercultural dialogue by learning from communities about their histories, traditions, values, needs and aspirations is through “Regular meetings”. However, three Member States reported to have no communication mechanisms in place. The regional dispersion of preferences are as follows:

- In Group I (Western European and North American States): “Regular meetings”
- In Group II (Eastern European States): “Occasional contact”
- In Group III (Latin American and Caribbean States): “Regular meetings” (UNESCO - Report Historic Urban Landscape 2019, 14)

Research shows some trends in certain continents confirming that each State incorporates the key terms of the UNESCO Conventions in different ways, resulting in the ‘domestication of global standards’ (Bortolotto (2012) apud Lähdesmäki, Zhu and Thomas 2019, 28-30). For this reason, one of the challenges between empirical realities and the ideal must be constantly on the agenda of UNESCO's analysis and the issuing of norms for the implementation of effective actions for the recognition and guarantee of the combined capacities of democratic participation and access to the right to culture.



## **CHAPTER VI      CONCLUSION**

The inclusive cultural empowerment is a 'combined capability' ... a proper indicator for evaluating the successful implementation of the right to take part in cultural life in all fullness aspect participation (freedom), Access and contribution (adapted from Nussbaum)





We have seen that heritage as a cultural legacy gives man the ability to reflect on himself (individual and collective), his values, beliefs, knowledge and traditions attributes that are constantly changing and that qualify him as a 'living element'. Industrial heritage reflects contemporary and mature concepts of cultural heritage, an impacting result of the Industrial Revolution.

Heritage, as a 'good of value', projects forces and power, attributes that express its non-neutrality and place it in a process that transforms beliefs into rules of social conduct, bringing resignificance and the institutionalization of values for society in our case from the cultural heritage.

The choice of patrimonializing is not a condition for the recognition of the identity and cultural value of the heritage, but being a path, it represents the institutionalization of a practice 'in a given context, which becomes part of the life of that community, taking on its own body and passing to the status of rule in social thought and action (Meyer and Rowan, 1983, apud (Ferreira, 2005). We must not lose sight of the fact that, by institutionalizing certain practices that 'function', we are also institutionalizing 'practices necessary and useful to power relations' (Peci, 2005, p.197, apud (Ferreira, 2005)); and, 'once an institution becomes an institution, social practice becomes part of that reality' (Berger and Luckmann, 2001, apud (Ferreira, 2005)). These effects are more strongly felt with the process of patrimonialisation .

The declaration of a heritage as heritage of humanity and its institutionalization as common good become part of world social practice and change the reality where the heritage is inserted. The new vocation, socially created as a result of the process of patrimonialisation , generates effects (predicted, projected and intended) and side effects (not predicted, not projected and unwanted) and impact the life of the resident citizen and the territory. Public policy emerges as a means to sustain and maintain the new vocation, its positive effects and, also, to act, correct and confront negative side effects.

The complexity involved in the public interest (heritage as common good) brings an interdisciplinary approach and requires 'a conscious process both in its objective and subjective aspects (Fontana, 2013) and often treated separately.

The fear of the threat of the disappearance of the legacy cannot make us succumb to the pressures of a globalized society, of the market pressures of an economic order oriented towards cultural, tourist and urban consumption, nor disregard the social role of the city as a public space and at the service of the well-being of the citizen and sustainable development.

The common good also causes the feeling in the citizen of belonging (to belong) - a subjective aspect. The heritage exists because people exist and treat it as part of their identity, as something of value that deserves to be protected.

The participation of civil society is not a novelty in the practices of protecting the heritage, but it is also not a priority, even though it is a 'sine qua non' condition for the existence of the heritage itself<sup>96</sup>.

Democratic participation as a guarantee of the right to culture (human right) occurs through the exercise of a 'combined capability' which relates to both 'internal capabilities' – the competences the individual needs for understanding and creating culture – and 'suitable external conditions', that make the person able to exercise these functions in the social context' in the three dimensions of law: Participation (freedom), Access and Contribution (Nussbaum 1997, apud Campagna, 2017):

The limitations to participation, internal and external capacities, strongly influence the unequal development of conditions present at different times or contextual aspects of participation based on 'the structural relationship between institutions and the resources of power, capital and information that social actors use to produce the scale at which they act or seek to act, as a reality extended to the Member States (Smith 1990, apud Lähdesmäki, Zhu, & Thomas, 2019).

It is crucial, therefore, to question, on a recurring basis, whether current heritage practices, the structure of existing spaces and the instruments available within a logical time frame, are participatory practices: in which media and still ensure space and instruments for dissent, debate and, therefore, for democratic participation. The 'debate on the effectiveness of participatory institutions' has its origin in the question of the effects and impacts of deliberative processes on public policy **decisions; effectiveness, defined**

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<sup>96</sup> Sine qua non or *conditio sine qua non* is an indispensable and essential action, condition, or ingredient. It was originally a Latin legal term for "without which it could not be" ([en.wikipedia.org/wiki/Sine\\_qua\\_non](https://en.wikipedia.org/wiki/Sine_qua_non), in: 17.08.2020)

**as follows, is: 'capacity of institutions to influence, control or decide on a particular policy** (Cunha, 2010, apud Avritzer, 2011, p. 17).

Poor coordination between the different actors should be combated (Akukwe, 1999; Cooper, 1997 apud et al Vargas & Restrepo, 2019, pp. 103-104), as well as practices aimed at devaluing democratic participation, or making it secondary in relation to the desired effect, as well as combating: the distortions of 'participation for participation', 'participation' as a strategic bargain, 'the value of participation for its usefulness, an excessive tendency for inclusion', little participation or non-participation. Quantitative criteria are important, but as long as they are associated with the quality of the exercise of participation leading to its effectiveness and realization.

In this context, the organizations responsible for the protection of heritage must be prepared for organizational change. For this reason, it is must be cultural organizations must be prepared to cede authority, create support mechanisms for independent initiatives and empower the stakeholders (European Union - OMC, 2018). Or, ensure spaces where 'heritage, memory and commemoration have become politicized in a new way, allowing different actors not only to influence the politics of the past, but to propose a new one.

Society is one of the pillars of heritage sustainability and the protection of the common good involves multi-stakeholders. For this reason, new forms of democratic participation and the capacity to contest must be fostered and ensured institutionally and legally. Solutions may have different initiatives, 'some will be established bottom-up by local actors and others top-down by governments and donors; third may be sponsored by the private sector and finally others with a bilateral focus allow neighbouring entities to work together'(Mountford, 2009 ).

Governance is also an allied to democratic participation through the balance of powers, resources and also as "mechanisms of convergence of the interests of its actors, directly and indirectly impacted by the activities of organizations (Shleifer; Vishny, 1997 apud et al TCU, 2013, p. 21), generating committed, coordinated and cooperative actions.

We have seen that the success of governance may also depend on affective relationships (Parliament.NZ, 2016) and dialogue. Dialogue fosters intercultural learning and relationship building promotes the sharing of ideas, stories and perspectives on issues within a community. This focus on

dialogue, unlike deliberation, creates an opportunity for participants to reach a meta-consensus, as opposed to an agreement to act on a specific issue (Dryzek & Niemeyer, 2006, apud Zapata, 2009, pp. 204-205).

Governance assumes a role as a methodology in the deliberation on the allocation, protection, promotion, improvement and sustainable management of industrial heritage; in the governability of new vocations associated with social and economic promotion; and, in the consolidation of a "new" cultural and social identity with the resignificance of the patrimonial value with the formal declaration. And this set is reflected in the normative basis. Governance is built differently and continuously rebuilt so that there is no single set of tools"(European Union - OMC, 2018).

The law, as an instrument to support governance, collaborates with the security of spaces, processes and instruments for democratic participation always supported by the principles as the guiding principles of the greater good, because 'the principles have a dimension that the rules do not have the same dimension of weight or importance' (Dworkin, 2002, apud Martins de Sá, Carvalho, Barbosa, Barsch, & Araújo Filho, 2017).

We note that declaration alone is not capable of guaranteeing the protection and sustainability of the heritage and equal and equitable conditions among nations to make it; even if they share the common element of having their heritage recognized as heritage of humanity.

The diversity of cultural, economic, democratic and legislative environments among nations take on weight and impact on the future of cultural heritage even if it shares the attribute of singular value for humanity. Unequal development results in a process of hierarchization and re-hierarchization (Swyngedouw 1997). This changes the geometry of social power, strengthening the control of some and discouraging others (Lähdesmäki, Zhu, & Thomas, 2019). The challenge is how to overcome it in a sustainable way and with quality of life for the people concerned, giving special attention to the local scale.

Therefore, the simple truth is that there is no equal solution for all situations of heritage protection even if they share the characteristic of being a heritage of humanity and 'each State translates the key terms of the UNESCO Conventions in different ways, resulting in the "domestication of global standards(Bortolotto 2012, apud Lähdesmäki, Zhu, & Thomas, 2019, 28-30). Heritage, as an element

of culture, is an integrated system that demands great capacity for adaptation, new actions, instruments of intervention and methodologies of heritage preservation, also following the evolution of the heritage concept.

There is a consensus regarding 'participation (which) is valuable in itself because it achieves self-determination and inclusion, regardless of the specific contents it may assume (Lavalle, 2011, p. 38). It is the 'result of the very effectiveness of participatory institutions' (Fung; Wright, 2003) and a precondition for successful deliberative design (Avritzer, 2009), (apud et al Avritzer, 2011, p. 13).

Inclusive cultural empowerment is a 'combined capacity', which guarantees the citizen the implementation of the right to participate in cultural life in the fullness of the meaning of democratic participation: participation (freedom), access and contribution.

In this way, if we aim for a sustainable future for Cultural Heritage, it is conditioned to integrated and synergistic action among citizens, heritage and territory through democratic participation supported by governance, strengthened and empowered on a local scale.



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## UNIVERSITÀ DEGLI STUDI DI PADOVA

DIPARTIMENTO DI SCIENZE STORICHE, GEOGRAFICHE E DELL'ANTICHITÀ

### PROJET TUTORÉ: COMPANY TOWNS & 'BIRIBIRI – A TEXTILE AND RELIGIOUS COMPANY TOWN'

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“These are times of new synthesis between heritage and territory, between memory and innovation, in which industrial heritage is interpreted in dynamic and active terms, as a set of legacies from the past that constitute both the territorial foundation of a specific collective identity and the set of endogenous potential for development (Fontana, 2013)’.

‘Ce sont des temps de nouvelle synthèse entre patrimoine et territoire, entre mémoire et innovation, dans lesquels le patrimoine industriel est interprété en termes dynamiques et actifs, comme un ensemble d'héritages du passé qui constituent à la fois le fondement territorial d'une identité collective spécifique et l'ensemble des potentiels endogènes de développement (Fontana, 2013)’.



## SUMMARY

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## **ABSTRACT**

Company Town is one of the emblematic icons of the legacy of the Industrial Revolution constituting an industrial heritage, one of the themes of the TPTI Erasmus master's degree (Techniques, Heritage, Industrial Territories). Our objective is to delineate the concept of Company Town, going through the elements and characteristics of its nature, its historical, economic, political and social contextualization. The chronological limits of our theme cover essentially the nineteenth to mid twentieth centuries and refer to three cities in Europe and one in Latin America: Portugal - São Domingos (1858), France - Noissel (1882) and Italy - Dalmine (1907) and finally the last, Brazil - Biribiri (1876).

**KEYWORDS:** Industrial heritage, Company town, industrialization, Industrial revolution, history

## **RÉSUMÉ**

Company Town est l'une des icônes emblématiques de l'héritage de la révolution industrielle constituant un patrimoine industriel, l'un des thèmes des Masters Erasmus TPTI (Techniques, Patrimoine, Territoires Industriels). Notre objectif est de délimiter le concept de Company Town, en passant par les éléments et les caractéristiques de sa nature, sa contextualisation historique, économique, politique et sociale. Les limites chronologiques de notre thème couvrent essentiellement la période du XIXe au milieu du XXe siècle et concernent trois villes en Europe et une en Amérique latine : Portugal - São Domingos (1858), France - Noissel (1882) et Italie - Dalmine (1907) et enfin la dernière, le Brésil - Biribiri (1876).

**MOTS CLÉS :** Patrimoine industriel, Ville d'entreprise, Industrialisation, Révolution industrielle, Histoire



## INTRODUCTION

The Tutoré Project is an activity that takes place during the two years of the Master's program and contemplates doing research on a certain subject; in the case of our team, the subject is the "enterprise cities", that is, Company Town. The other members of the 'Projet Tutoré' team are Pardis Zamannejad, Mactar Sidy Mbaye and Francisco Corona Flores, and our tutor is Mrs. Anna Karla Almeida.

The theme of our tutored project is 'Company Town', emblematic places of industrial heritage. This topic meets the needs of the tutored project, which is part of the mastery of the TPTI Erasmus (Techniques, Heritage, Industrial Territories), because it links the study of industrial history in the 19th and 20th centuries in Europe (and also outside Europe), resulting from the industrial revolution. A company town is a "set of working, usually single-family, concerted habitat" according to the definition of the Cultural Heritage Inventory services. A business city is, in my opinion, the result of planning by the company authorities (factory) to control its workforce, allowing the latter to live close to the workplace (production site). and, most of the time, proposing collective structures

It is important to note that the city of the company is closely linked to the production site and has often conditioned the profitability of the latter. A 'Company Town' is therefore presented as a complex linked to a unique heritage (tangible and intangible) that we can understand in the context of the tutored TPTI project.

The chronological limits of our theme essentially cover the nineteenth to mid twentieth centuries. Our field of study concerns three cities in Europe and one in Latin America: Portugal - São Domingos (1858), France - Noissel (1882) and Italy - Dalmine (1907) and finally the last one, Brazil - Biribiri (1876), we point out that besides being located in different countries, each one of these Company towns had its constitution and economic activities developed in different periods of industrial and economic history.

The scientific interest is, therefore, to highlight this characteristic industrial heritage of the industrial era, to find the similarities and differences between the different case studies in order to provide an additional definition of this phenomenon; and, finally, to be able to better understand the process

of implementing the value of such sites. The question is as follows: how the study of the company's cities through different scenarios can provide a better understanding of the extent and complexity of this phenomenon, which is the result of a specific reflection of the industrial era and constitutes the current industrial heritage.

## **1. THE PROJECT COLECTIVE**

### **1.1. Teamwork and Results expected**

The team chose as a methodology to divide the various thematic focus among its members for further junction of the content produced and made available through the site, in order to allow open access to it to those interested in studying it.

We will try to delineate the concept of "Company Town" and clarify which elements characterize this type of organization, and the elements that differentiate the chosen cases: Portugal - São Domingos (1858), Brazil - Biribiri (1876), France - Noissel (1882) and Italy - Dalmine (1907). We emphasize that each one of these Company towns has diverse economic activities and that the period of their constitutions also happened in different moments of industrial history.

### **1.2. Organization of work**

To delineate the concept of what Company Town is, going through the elements and characteristics of its nature, its historical, economic, political, social contextualization from a bibliographic survey fell to all members of the group. And from the perspective of the case studies, each member would approach its thematic focus, after a historical and current cut of each city. We will address the following thematic axes for our analysis:

- Architecture and archetypal aspects: concept; graphic elements; facade; plans and plans photos films, symbolic analysis, comfort, economic cost of construction,
- Industrial Landscape: concept; efficient distribution of the industrial landscape concept; location-where and why the landscape transformation; transportation and mobility - capital and connection to other cities; accessibility, infrastructure; infrastructure facilities (comparison).
- Social, Cultural and Political: concepts, objectives; social demands, actors: owners, workers, women and children; religion, union (infrastructure and government facilities); participation in the chosen city;
- Management: concept; objectives; actors: owners, workers, women and children, religion, labor union; infrastructure and facilities - education, existence of school and access to it, library, health ect., transportation and others

The work was developed during the two years of the TPTI and each member is responsible for developing the designated theme for each case study. I was in charge of developing the case located in Brazil, in all its aspects, this being my final work, and also collaborating with the collection of information to compose the website related to the political-social aspects of the other companies.

The work developed throughout the semesters:

**(a) 1st. Semester - France:**

- Content and Methodology: Division of the content and delivery of the same; Bibliographical research and elaboration of the content to subsidize the work of conceptualization of what is a Company Town and the content on historical introduction of Noisel and Biribiri. And design of the first version of the site,
- Technical view: We visited Noisel, guided by the local administration technician contacted by the group, who was of very high level and relevance to the work. We collected several printed materials used by the local administration to divulge the history, the site and heritage education. We made photographic record.

**(b) 2nd Semester - Italy:**

- Content and Methodology: Bibliographical research and elaboration of the content on Delineation of the concept of Politics to subsidize the collective work; development of the content on historical introduction of Dalmine, development of the architectural aspects and management of the Biribiri Village.
- Technical view: We visited Dalmine as an activity supported by the University, which was of very high level and relevance to the work. We made photographic record.

**(c) 3th Semester - Portugal:**

- Content and Methodology: - Bibliographical research and elaboration of the content on historical introduction of São Domingo and dates of main events associated with the company; - Development of the landscape part of Biribiri village.
- Technical view: We visited São Domingo as an activity supported by the University, which was of very high level and relevance to the work. We made photographic record.



**(d) 4th Semester: Conclusion:**

- Content and Methodology: conclusion of individual work on Biribiri; and Development of the site collectively including: design of the site, insertion of content, improvement and homogenization of writing style, for final presentation.

**1.3. The organization of the site part o result of the work**

The project was conceived to make the content related to the "company towns" easily accessible in a practical and illustrative way, as we have already said, to students, researchers, professionals in the historical, heritage and archaeological fields and even those who wanted to learn more about the history of the industrialization process. To achieve this goal, three sections will be presented at the beginning of the site, where information about the nature of the site and the project will be given: these are the guides that talk about "who we are", the "project" and the "frequently asked questions". Then there will be a part on which an overview of the subject will be presented and then the structure will be developed taking into account and following the case studies and thematic axes.

The structure of the site will also have tools that were designed to facilitate user navigation and learning about the theme and project: General concept: City of the company; "Axes of analysis": Architectural, Industrial Landscape, Sociocultural, Political and Management; Case Studies - Location and justification of choice: France, Italy and Portugal and Brazil.



## **2. WORK DONE INDIVIDUALLY**

### **2.1. Definition of the Research Topic**

We seek to delineate from the general concept of Company Town, its characteristic elements, as well as to present and analyze the case study of Company Town 'Vila do Biribiri', dated from the 19th century, located in Brazil, in the municipality of Diamantina in the State of Minas Gerais.

Company Town Biribiri's main economic activity was the Fábrica de Tecidos Fábrica Santos & Cia, which was inaugurated in 1876. The Company Town chosen called our attention for presenting, besides the usual elements, the CT and some peculiarities: the first one, of having its workforce composed predominantly by women and the strong presence of the Catholic religion, motivator of its foundation by the Bishop of Diamantina, Dom João Antônio Felício dos Santos and his brothers. The religious character has a strong impact on the form of social and cultural organization of the village's daily life, and today it is located in the middle of a world and regional protection park.

Through the thematic axes chosen by the group, which are socio-cultural, political, architectural and landscaping, and managerial we will tell a little of Biribiri's history and its peculiarities.

### **2.2. Methodology, Sources and Bibliography**

The methodology of the work is based on a bibliographic, theoretical survey on company towns to cover the multidisciplinary that make up the theme of the work. The use of electronic sources was essential for the development of the study due to their multilocation in different countries. This methodological set allowed to delineate and outline the key concepts related to Company Town, industrial heritage and its interrelationship with other areas of cultural heritage and the elements that make up the CT.

We also had the grateful opportunity to visit all the CT located in Europe, and in the case of the CT located in Brazil, the author of this work has already had the opportunity to visit it, having the physical experience collaborated a lot with the development of impressions on the subject.

### **2.3. Organization of the work**

The work is organized in two parts. The first will briefly introduce the concept of company town, its characteristics and historical elements. And the second part will address the case study Vila do Biribiri, located in the municipality of Diamantina, State of Minas Gerais, Brazil.

We will initially discuss the case study on how the company town was established, the reasons that led to its foundation and its founders, issues that directly connect with the social aspects and social life that was developed in the village. We will bring a chronological line about the business organization of this company town. And how was the relationship between the family owners and the workers, predominantly composed of women and some children. Later we will deal with the architectural and spatial organization aspects of the town with the introduction of the industrial system, which also reflects the social structure and values of the company. At the end we will make a brief presentation about the current situation of the Village and its future.

### **2.4. General objective - The Importance of studying about Company Town**

The scientific interest is, therefore, to highlight this characteristic industrial heritage of the industrial era, to find the similarities and differences between the different case studies in order to provide an additional definition of this phenomenon; and, finally, to be able to better understand the process of implementing the value of such sites. The question is as follows: how can the study of the Company Town through different scenarios allow a better understanding of the extent and complexity of this phenomenon, which is the result of a specific reflection of the industrial era, and which constitutes the current industrial heritage, its impacts on society and the understanding of itself.

### **3. COMPANY TOWN – BRIEF HISTORICAL CONTEXTUALIZATION, CONCEPT AND CHARACTERISTICS**

The Industrial Revolution has fostered the economic development of the contemporary world, qualitatively transforming the productive processes and, among other things, provoking the appearance of big industry, the expansion of world trade, the emergence of the industrial bourgeoisie, of new social and economic doctrines, of deeper rivalries among nations. From it, economic and social power ceased to belong only to the circle of mercantile capitalism and passed to other segments, that is, to all those who produced and made fortune (Bassalo). It is evident that this new form of organization of labor, economic forces, capital and labor, of the productive system has provoked changes in social relations among the various actors within industries, in family nuclei and other existing social and cultural environments, and in the form of interaction between individuals-industry-society. It was in this environment that the Company Towns developed and assumed a historical representative.

The movement of constitution of these Company Towns occurred in three distinct periods of the process of industrialization, the period of industrial revolution in the nineteenth century, beginning in Europe and extending to North America in the second period of the industrial revolution and Latin America, later consolidating after the great wars:

‘While the cramped terraces of the Industrial Revolutions tended to inhibit the expression of this feeling of individuality and territoriality, the company town was able to reduce it to almost negligible proportions. Whereas elsewhere the social segregation of housing has developed through a variety of socio-economic pressures, in the company town it was possible to impose ready-made ghettos from the beginning. That this must have had a profound effect on the under-privileged of the company towns is expressed in their desire to leave them as soon as economically possible (J.B.Allen 1966).’

In this sense, Thiesen states that 'this diverse material culture carries within itself the narrative of different facets of the same drama: strategies of survival, domination or resistance; labor, gender or ethnic relations; economic, religious or spatial divisions, and so many other Thiesen (2008) issues'.

An important cutout to situate the political reality in which these Company Town faced must consider some aspects, the first of which are located in different countries, soon with economic, social and political processes with different structures and that impact on relationships and the political perspectives of their interaction.

### 3.1. Company Town: Definition and Features and General Aspects

Company Town is an English term and as its name already indicates it is a city belonging to a company represented by an individual, a family or an economic group. An entire city developed, physically, socially (lifestyle of its inhabitants) and politically coordinated by this company and around its economic, manufacturing or exploratory activity.

This initiative, characteristic to the company town, of establishing itself in territories sometimes inhospitable, in search of resources (raw material) and waters for success of economic activity, demands a pioneering of economic, territorial (colonization<sup>97</sup>) and social nature. It is noteworthy that "In general, the cities of extractive companies have been the product of the economic pioneering and transforming cities of socio-economic forces. As a method of social pioneering, it is a means of raising and shaping the worker through the socio-religious ideals of the philanthropic industrialist. In both cases, however, the city's *raison d'être* is the lack of initiative on the part of private non-business enterprise or local government in providing a total infrastructure for the new community" (free translation and adapted by the author of the text by Porteous(1970<sup>98</sup>)).

In the same context Preite<sup>99</sup>, when quoting the Bergeron study, states that 2 elements are essential to characterize a Company Town being: 'the company town is born "This is the result of an initiative

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<sup>97</sup> As a method of opening – up possibly unexplored, usually unexploited territory, the CT was widely used in areas of white colonial settlement.

<sup>98</sup> In general, extractive company towns have been the product of economic pioneering, and manufacturing towns of socio-economic forces. As a method of social pioneering it is a means of uplifting and moulding the worker through the socio-religious ideals of the philanthropic industrialist. Urban form and planning are considered in detail; the deliberate company policy of residential segregation by class In both cases, however, the town's *raison d'être* is the lack of initiative on the part of non-company private enterprise or local government in providing a total infrastructure for the new community (Porteous, 1970).

<sup>99</sup> Preite, LE company towns nella lista unesco del patrimonio mondiale. - le company town nascono à l'initiative d'un patron em symbiose direct eave les lieux de travail; esse quindi si distinguono da tutti gli insediamenti operai che sono frutto di speculazioni fondiarie e immobiliari condotte da soggetti economici distinti dagli imprenditori industriali; - la dipendenza (nella prima fase della rivoluzione industriale) degli stabolamenti industriali dalla localizzazione delle fonti naturali di energia (acqua) spiega come molte company towns abbiano come : caractéristique commune ... la séparation physique, l'éloignement des agglomération urbaines voisines".

of a boss in direct symbiosis with the workplace'; they are thus distinguished from all the settlements of workers that are the result of land and real estate speculation conducted by economic entities other than industrial entrepreneurs; - the dependence (in the first phase of the industrial revolution) of industrial establishments on the location of natural sources of energy (water) explains how many company towns have as: common characteristic. ... the physical separation and distance from neighboring urban areas'.

### **3.1.1. Typology of Company Towns**

We have the following typology of the company towns Based on Porteous (1970<sup>1</sup>):

- A CT was controlled by a single entrepreneur (company or family) - single purpose organization;
- The whole organization of the economic, social and urban plan was defined by a single entrepreneur and in relation to the good functioning of the productive system;
- The workers were treated as elements of the infrastructure of the CT;
- Social isolation by employees of other cities or the silk of the City that the territory of the company town is installed and Cost of Transport high in order to maintain the bond with the Company town soon, adopted strategically to control the city;
- Paternalism - work linked to work and housing provided by the company;
- Private property - difficulty in distinguishing between company property and the city itself;
- Workers are independent but have no active and strong voice;
- Productive activities of the company town were associated with (a) City of the extractivist enterprise. - such as mills, miners (mining company), wood field or (b) city of the productive company: such as textile, chocolate, transport base and others.

### **3.1.2. Socio-spatial organization**

The socio-spatial organization of these cities reflects the interests of the companies that own them and have revolved around their economic activity that 'naturally' extends its social life of its residents - workers and their families.

The physical planning, urban, its landscapes and even the aesthetic of uniformity of style, contemporaneous character applied to the buildings and facilities of the cities companies were defined according to the vision of their entrepreneurs and aligned with a paternalistic ideology which represents a mix between protection and social control of workers and monopolistic trading advantage<sup>100</sup>, therefore, a portrait of existing social stratification.

The movement which brought into being a whole wave of model company town “according to S. Pollard (1946) the majority of such model- communities were brought into being through the dictates of simple economic necessity. This does not deny, however, the philanthropism of certain nineteenth-century industrialists, even if their social concern was a second thought or only a subsidiary motive. The movement had much influence on the development of modern concepts of government intervention in the form of welfare state, while the low-density arrangement of utopian communities and builders’ concern for the social implications of design and layout laid the foundations for the garden city movement (w. Ashworth, 1954), which in turn led to the new town concept (Porteous, 1970).

### **3.1.3. Common Structures, Facilities and Service**

Still on the urban planning, it is usual to identify common structures, facilities and service determinations existing in Company Town, with some variations according to the period of constitution and evolution of the same: • physical structure related to productive activity (manufacturing or extractive, such as factory, mines, mills ect; • Houses, lodgings, 'convents' • offered by companies or with low rental cost; these houses and lodgings were organized considering a social division between the married and single rooms or lodgings, • Company shop; • Church, • cafeteria; • school, • hotel<sup>101</sup>, • lounge, • water, sewage and garbage disposal, light, - welfare and medical services, - policing was provided and many facilities generally associated with the independent urban settlement. It is easy to say that the entire service structure and facilities created

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<sup>100</sup> “The basic | no-basic ratio of the typical company town stood high in the favor of the entrepreneur, and most non-basic inhabitants were service workers dependent upon of the company is on way or another. Economic differentials between basic (company workers) and non basic (independent) workers were often marked’. Independent workers “in many towns, especially in the last century, such activity was either impossible, or was strictly regulated by the company’.

<sup>101</sup> The hotel was the first building to be erected. The hotel, a multi-purpose structure designed to house initial port employees, bachelor workers, visiting officials and occasional board meetings, was matched by a large house, set in a strategic, if not always salubrious position, for the town manager. Porteous (1970):



by the workers of these companies and their families was a mechanism of domination exercised by the paternalism of the employers.

It is also noticeable that there is no ideal layout or size (proportion) for these cities, having as already mentioned common structural, social and economic elements that qualify them as a company town, in the absence of this set of elements we could easily have, what the bibliography refers to as, a 'pseudo company town'<sup>102</sup>:

'It is probable, however, that the pseudo-company town is a more common phenomenon than the true form. It exists in cases where a politically independent town is subtly influenced or controlled, not necessarily for the worse, by a single corporation which usually provides, directly or indirectly, the bulk of local employment. The idea as the pseudo-company town has passed into common parlance; Poughkeepsie, New York, for example, is know to both residents and others as an IBM town, ICI employs directly' (Porteous, 1970)

#### **3.1.4. Business paternalism**

Another essential characteristic to describe these corporate cities (CT) is business paternalism, whose concept relates to "a subtle form of social engineering, referring to the control of workers by their employers who sought to force the ideals of the middle class over their working class employees. Paternalism was considered by many 19th century businessmen as a moral responsibility, or often a religious obligation, that would advance society while promoting their own commercial interests<sup>103</sup>. This was a tenuous line between control and protection that existed among the actors of the company town.

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<sup>102</sup> "It is probable, however, that the pseudo-company town is a more common phenomenon than the true form. It exists in cases where a politically independent town is subtly influenced or controlled, not necessarily for the worse, by a single corporation which usually provides, directly or indirectly, the bulk of local employment. The idea as the pseudo-company town has passed into common parlance; Poughkeepsie, New York, for example, is know to both residents and others as an IBM town, ICI employs directly." Porteous (1970)

<sup>103</sup> paternalism was considered by many nineteenth-century businessmen as a moral responsibility, or often a religious obligation, which would advance society whilst furthering their own business interests, how company towns change the landscap; (<https://socialwelfare.library.vcu.edu/programs/housing/company-towns-1890s-to-1935/>)

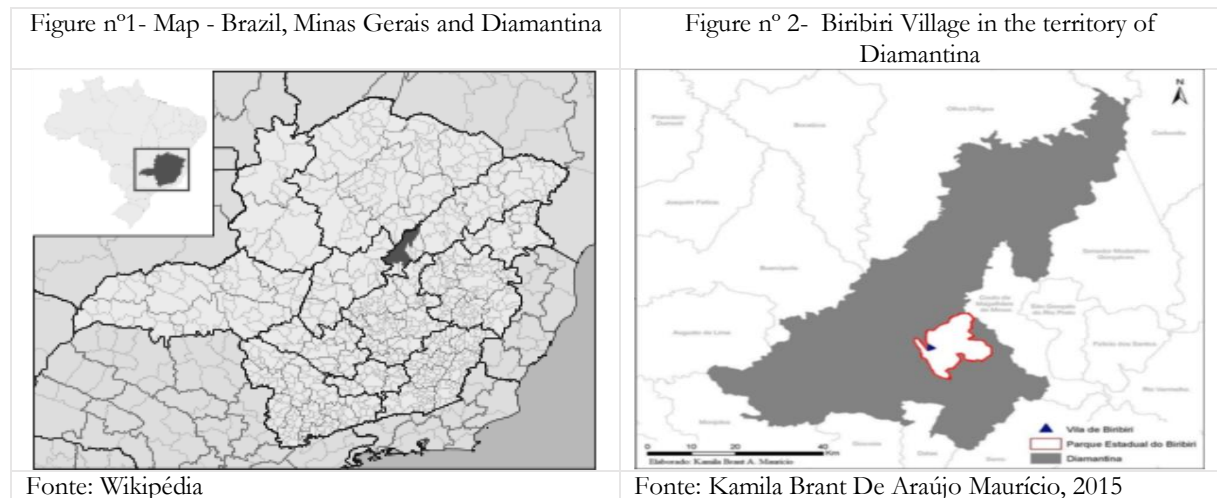
For Girolletti 'with the association - factory and workers' village - in the way described, the disciplining of entrepreneurs has extended to the private, family and social life of workers and residents'(Giroletti, 1991, apud Borges, 2013), reflecting on the identity and culture of these actors. Many characteristics of company estates, including tied labor and housing, the former often alien to the locality, a more or less paternalistic attitude on the part of the group controlling the means of production, and a feeling on the part of the employees of social isolations, are common also to the company town(Giroletti, 1991, apud Borges, 2013).

Thus any production of dependence between Lord and subordinate must be seen as paternalism because it is central to the sense of masking horizontal interests and solidarities between the 'dominated', 'subordinated', where the world in which these relations take place is idealized by you (Chalhoub, 2003). Paternalism - employer and worker relations refers to protection and control, the condition that ownership and development of the citizenry are determined by and to serve the CT, which leads us to the difficulty in distinguishing the existing images between State and Company Town when these 'cities' are responsible for social and infrastructure services; the use of power and political structures for the benefits of companies and families at the head of their management and strong presence in the territories.

#### 4. CASE OF STUDY: 'BIRIBIRI – A TEXTILE AND RELIGIOUS COMPANY TOWN'

##### 4.1. Introduction- The Town of Biribiri a Textile and Religious Town

The object of our study is the Vila do Biribiri, a textile and religious town of the 19th century, located in Brazil, in the municipality of Diamantina in the north of the state of Minas Gerais, region of Jequitinhonha, about 300 km from its capital Belo Horizonte. Biribiri, as it is popularly called, is a name of indigenous origin, the Tupi-guaranis Indians who inhabited the region, and means 'hole hole' or 'deep hole' or also be associated with a very small type of fish, the 'piaba'.



The colonial city of Diamantina, installed in the middle of arid and rocky mountains, was founded in 1713 as Arraial do Tejuco or Tijuco - indigenous denomination of origin, which represents a combination of meanings between rotten water, mud and cold mountain. Diamantina was born as a result of the exploitation of gold and precious stones by the Portuguese crown - 'Capitania Geral das Minas'. It had strong growth when the diamonds were discovered in 1729, becoming the third largest settlement of the 'Capitanias' and the largest diamond mining centre in the world in the 18th century - motivation of its current denomination.

The baroque architecture of the Historic Centre of Diamantina presents a structure and style different from other Brazilian cities, distinguished by its geometry, details that indicate Portuguese architectural characteristics, according to UNESCO. This architectural ensemble was nationally declared in 1938 by the National Institute of Historical and Artistic Heritage (IPHAN) and in the

State scope by the State Institute of Historical and Artistic Heritage (IEPHA) of Minas Gerais and local, by the City of Diamantina, respecting the constitutional autonomy assured to each entity of the Brazilian federation. In December 1999, Diamantina obtained world recognition as a World Heritage Site by UNESCO.

As part of the city of Diamantina and its historical, natural and landscape heritage, we have the Biribiri State Park of Environmental Preservation, where Company Town - Biribiri is located. The Biribiri State Park stands out for its great natural beauty, several waterfalls, rivers of stone beds, ecological relevance and numerous cave inscriptions. It has approximately 16,998.66 (sixteen thousand nine hundred and ninety-eight hectares and sixty-six ares) hectares and is integrating the Serra do Espinhaço complex. The Espinhaço Mountain, declared by UNESCO in 2005 as a World Heritage Site, is considered one of the richest and most diverse regions in the world, with more than three million hectares, with Brazilian biomes of Caatinga, Cerrado and Atlantic Forest; a link of integration between the historic cities of Minas Gerais - Ouro Preto and Diamantina.

The architectural and landscaping complex of Biribiri, declared in 1998, represents an industrial heritage, a company town, inserted in a rich and unique scenario of environmental and heritage preservation (material and immaterial) that combines several dimensions: historical, cultural, natural and landscape. The Biribiri Village is inserted in a biome of environmental preservation composed by - Biribiri State Park and Espinhaço Mountain in the city of Diamantina, in the northeast state of Minas Gerais, Brazil. And as far as this author is aware, this heritage is the only one in Brazil - a company town installed in an environmental preservation park.

Biribiri's declaration as an industrial heritage expresses in its landscape the relationship between man and nature, which makes it even more peculiar. We clearly identify the presence of the elements of industrial archaeology, when they are considered in the conservation and management of these historical areas within their broader urban contexts: the interrelationships of their physical forms, their organization and spatial connection, their characteristics and natural spaces, and their social, cultural and economic values associated with the mode of production (know-how); and the industrial heritage present by the set of elements that form and give significance to this landscape (Moss and Almeida, 2014).

There is a special highlight that refers to the religious motivation that drove its foundation, the origin of our title, and later, its stimulus to its preservation as industrial and archaeological heritage, due to its economic importance and textile industrial development in Minas Gerais and Brazil.

It is in this diverse patrimonial and archaeological context that our Company Town - Vila do Biribiri is inserted, one of the first industrial communities of great historical importance for the city of Diamantina and the State of Minas Gerais in Brazil.

#### **4.2. Industrialization in Brazil and the State of Minas Gerais**

In Brazil it was not authorized the installation of industries during the colonial period. This situation only changed with the arrival of the Court in 1808. The Prince Regent Dom João, after the installation of the Royal Government in Rio de Janeiro, released the creation of industries in Brazil, adopting a series of measures relating to the industrial sector of the region (Dulci, 2013<sup>104</sup>). The industrialization process aimed to relieve the pressure on the economic structure with the production of wealth and with the attraction of capital that until then were focused on the agricultural or commercial sector, in order to generate new jobs for a new segment of the population of free men, especially after the abolition of slavery in 1888, remaining marginalized from the productive process (Vaz<sup>105</sup>).

In the second half of the 19th century the textile sector was definitively implanted in Minas Gerais and Brazil, supported by the changes in the Brazilian economy and taking advantage of a favorable international<sup>106</sup> climate caused by the crisis in the textile sector in England and the War of Secession in the United States. At the end of the 19th century, the textile industry occupied an extremely important position in the Minas Gerais economy and, due to its profitability, it was 'the general opinion that cotton fabric factories were, at the time, the "real gold mines of Minas Gerais" (Arthur Thiré, 1894<sup>107</sup>). Despite the scenario of progress, designed after the proclamation of the Republic

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<sup>104</sup> Citada por Kátia Franciele Corrêa Borges, A Fábrica De Tecidos Do Biribiri: Empresa E Fé No Interior De Uma Vila Operária Em Diamantina/MG. The Tissue Factory Of Biribiri: Company And Faith Inside A Working Village In Diamantina/Mg.

<sup>105</sup> Alisson Mascarenhas Vaz. A Indústria Têxtil Em Minas Gerais. Universidade De Brasília From: In 20.04.2019

<sup>106</sup> Para Morse (1970, p. 298-302), a industrialização brasileira teria se beneficiado também de "fatores externos e internacionais": as guerras e as depressões internacionais, além da constatação da desvantagem de exportar produtos agrícolas e importar industrializados. Citado por Lessa, Ana Lara Barbosa. Patrimônio como campo de conflitos: o processo de preservação das indústrias Matarazzo na Água Branca. Dissertação de mestrado – instituto de arquitetura e urbanismo. Universidade de São Paulo. São Carlos. 2017.

<sup>107</sup> Arthur Thiré, L'état De Minas Gerais et Sa Situation Économique Actuelle. In: Revista Industrial De Minas Gerais, 15-7-1894, N9 10, Pp. 241-243. Tradução Do Autor Deste Artigo. Citado Por Alisson Mascarenhas Vaz A Indústria Têxtil Em Minas Gerais. Universidade De Brasília From: In 20.04.2019

in 1889 with the opening of the country's economy and with policies to encourage domestic industry, the textile industry of Minas Gerais faced challenges of different kinds that restricted a more lasting development.

It is worth mentioning that between 1872 and after the inauguration of the sector by 'Fábrica do Cedro' at the end of the 19th century, another 29 (twenty nine) textile factories were founded in Minas Gerais, among them, 'Fábrica de Tecidos do Biribiri'.

#### 4.3. Biribiri Village - Factory and Management

The Biribiri Fabrics Factory was inaugurated in 1876, 9 (nine) years after its idealization, motivated by the natural and economic adversities faced respectively due to its location and the historical Brazilian period with the economic crisis combined with the mining crisis and the beginning of industrialization.

Founded as a family enterprise by the Bishop of Diamantina, Dom João Antonio Felício dos Santos and his brothers, the Santos & Cia Factory, the factory and the company town were located on the family's land at Fazenda da Ponte, 18 hectares long and 13 km from the headquarters of the Municipality of Diamantina.

The location of the factory and the town was a region of difficult access, but considered strategic due to the abundance of raw material and the Biribiri Waterfall, used as hydraulic power, generating energy for the factory<sup>108</sup>. These two elements - abundance of resources and location - became a market differential and competitive in favor of the enterprise and its economic settlement, because the first element ensured competitiveness at the prices of the products produced, obtained due to

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<sup>108</sup>The hydraulic potential was essential for the progress of industrialisation in Minas Gerais, "coal was very expensive and the high expenditure on this energy source ultimately impaired competition with imported fabric". (IEPHA - Dossiê, 1998). the hydroelectric plant, which maintained the energy of the residences and the functioning of the machinery - Kamila Brant de Araújo Maurício - 2015, Desafiando o Tempo: Estudo do Conjunto Tombado da Vila do Biribiri em Diamantina, Belo Horizonte School of Architecture of UFMG | O **potencial hidráulico** foi essencial para o progresso da industrialização em Minas Gerais, "o carvão era muito caro e as altas despesas com essa fonte energética acabava, por prejudicar a concorrência com o tecido importado". (IEPHA - Dossiê, 1998). a usina hidrelétrica, que mantinha a energia das residências e o funcionamento do maquinário- Kamila Brant de Araújo Maurício – 2015, Desafiando o Tempo: Estudo do Conjunto Tombado da Vila do Biribiri em Diamantina, Belo Horizonte Escola de Arquitetura da UFMG

lower costs of raw material and production resources; and the second, ensured a share of the market, facilitated by the distribution of products at the regional level and by difficult access to goods from outside due to lack of infrastructure and transport.

The Biribiri Fabrics factory was well equipped with modern machinery for the time purchased in Massachusetts, USA. Borges(2013) says that the equipment was landed in Rio de Janeiro and reached Juiz de Fora by rail. They reached the mouth of the 'Rio das Velhas' in donkey loins and carts. The cargo descended on rafts to the 'Paraúna River' and, again driven by animal traction, arrived in Biribiri after almost six months and 17 leagues of roads built for this specific purpose. The American mechanic Richard, who accompanied the caravan, began to assemble the machines in adverse working conditions.

Production began with 20 (twenty) looms and over the years reached 110 (one hundred and ten), including some Jacard with corresponding spinning, cotton machinery and baling (Fernandes, 2005<sup>109</sup>), the energy to power the machinery was produced by the turbine powered by a large waterfall of the Biribiri River. The economic productive structure of CT also consisted of a dyeing plant. The dye was extracted from vegetables in the region and from chemical products by diamond cutting wheels.

The factory operations began in 1876 with 63 (sixty-three) workers, 36 (thirty-six) girls, 18 (eighteen) boys and 9 (new) men (Lemos, 1991), but in a short time this number increased to 210 (two hundred and ten) workers, 180 (one hundred and eighty) female. The female presence is a differential that has marked the history of Biribiri, caused in part by the religious work that motivated its foundation, as will be highlighted below.

The enterprise operated between 1876 and 1975, having five different management periods, highlighting a sixth moment in the village, when it is dismembered and sold to individuals (individual units), keeping the factory under the dominion of Mascarenhas (company).

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<sup>109</sup> "The data presented by Fernandes (2005) are based on information requested by J. C. Brunir, professor at Stanford University (USA) who was in Diamantina visited Biribiri and was very impressed" which was extracted from the Antonio Torres Library. BAT. José Teixeira Neves Archive. Biribiri Factory. Caderneta 11 pp.83 to 86 Cx. 2. (quoted by FERNANDES, 2005, p.13) and quoted in Borges, Kátia Franciele Corrêa. Paternalism Relations at the Biribiri Tissue Factory - The Management of the Duarte Family (1922-1941).

The management periods are divided into:

**(a) 1876 to 1904** - Santos & Cia. Led by the Felício dos Santos family and Bishop Dom João Antônio dos Santos, founders of the enterprise;

**(b) 1904 to 1922** - Banco Hipotecário do Brasil. The mortgage bank together with the Felício dos Santos family was in charge of the management of the plant, maintaining its precarious operation;

**(c) 1922 to 1941** - Social Duarte & Irmão. The Duarte Family, João Gerundino Duarte and Algemiro Pompoloni acquired the plant from the said bank;

**(d) After 1941** - Irmãos Duarte Sociedade Anônima e Comercial (S/A). After 1941 the capital of the company was opened and it adopted the corporate name "Irmãos Duarte Sociedade Anônima e Comercial", allowing the Mascarenhas family to enter the business, considered pioneers in the textile industry in Minas Gerais. In 1954, Alexandre Mascarenhas associated with Irmãos Duarte, founding the Antonina Duarte Factory, set up in the district of Rio Grande in Diamantina, in whose negotiation the incorporation of the Biribiri Factory took place (Araújo Maurício, 2015);

**(e) From the 1960s** - Companhia Industrial de Estamparia (Cia de Estamparia S.A.). The Mascarenhas family, represented by Alexandre Mascarenhas, took control of both plants, including them in the "Companhia Industrial de Estamparia" network, thus constituted: Biribiri Fabrics Factory, Antonina Duarte Factory in Diamantina, São Roberto Factory in Gouveia and Estamparia S/A in Contagem (Tibães, 2001<sup>110</sup>). In the last years of operation the Biribiri factory has undergone transformations, both physical and technological, which were demands of the modern market, the type of product, practicality and exacerbation of modern life and transforming mentality. The factory in industrial terms was no longer viable and had no possibility of expansion due to its location. All these factors culminated with the deactivation of the factory in 1973, which resulted in the evacuation of the town and its stagnation (IEPHA, Dossiê, 1998, p.239 apud Araújo Maurício, 2015).

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<sup>110</sup>Tibães, 2001; Armormino, 2007; IEPHA Dossiê, 1998, citado por Araújo Maurício, 2015



**In the 70's**, the factory activities came to an end and the village remained stagnant in time, with only a few employees to maintain the site (Araújo Maurício, 2015) maintained by the Mascarenhas family, owner of the estate (factory and village).

**(f) in 2013** - the Mascarenhas family sold part of the enterprise to private individuals, fractioning the set of assets fallen in 1998 by the State of Minas Gerais, maintaining the factory and some buildings. Currently, for the generation of local income, the service sector predominates, subdivided into the areas of education, health and tourism (Araújo Maurício, 2015).

#### **4.4. Paternalism - Reliable, Moral and Economic Motivations to Institute Biribiri (Social and Cultural Aspects)**

The initial motivation to found the Factory and CT by the Bishop of Diamantina, Dom João Antonio dos Santos, was to generate income to support his works and new jobs, especially for women, for the orphans of the College of Our Lady of Sorrows and the young daughters of the local farms (Borges 2013) and for the descendants of slaves and/or poor white men. And, finally, to give moral direction to the underprivileged of fortune.

The strong religious, welfare and 'moral' character present in the constitution and management of the Biribiri Factory and Village is undeniable. Biribiri is characterized by a mix between business and Catholic religion (Borges, 2013), imprinting a paternalistic character characteristic of the company's towns and accentuated by the religion present and imposed on the daily life of the village and its residents. Paternalism emerges as a world idealized by the lords (...), a lordly view in which the will of the lord is inviolable, where workers and subordinates in general can only position themselves as dependents in relation to this sovereign will (Chalhoub, 2003). In this context Giroletti makes it clear that with the association - factory and workers' village - in the form described, the domination of entrepreneurs has extended to the private, family and social life of workers and residents. These villages represented spaces for indoctrination, discipline and domination of the workers (Giroletti, 1991<sup>111</sup>).

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<sup>111</sup> GIROLETTI, Domingos. *Fábrica, convento e disciplina*. Belo Horizonte: Imprensa Oficial, 1991. Citado em Borges, Kátia Franciele Corrêa. *Relações De Paternalismo Na Fábrica De Tecidos Do Biribiri – A Gestão Da Família Duarte (1922-1941)*. From: [http://www.abphe.org.br/uploads/Textos%20Encontro%20P%C3%B3s%20ABPHE%202016/Katia\\_borges.pdf](http://www.abphe.org.br/uploads/Textos%20Encontro%20P%C3%B3s%20ABPHE%202016/Katia_borges.pdf) em 23.04.2019

The Company town Vila Biribiri after its inauguration became a symbol of economic dynamism (Martins, 2000<sup>112</sup>) for the city and the region of Diamantina at a time of mining crisis since the end of the 18th century. The Vila de Biribiri represents the transition from the figure of the 'lord of the big house' to the 'owners of the factory' present in the period of industrialization of Brazil during the slave system.

#### **4.5. Architecture and Landscape - New Identity from the Industrial Elements**

The use and forms presented by the company town of the industrial centers in Minas Gerais and Brazil, between 1811 and 1880, did not obey a rigid pattern in terms of program, size and shape, but referred to the shape and language of colonial architecture and recovered much of the scenario of mills and farms of the colonial period and the nineteenth century (Barros Correia, 2006).

Barros Correia also explains that until 1880, no formal elements could be identified in these places that refer to a clearly industrial aesthetic, with rare exceptions. But only after this period, these nuclei took on their own feature, marked, above all, by the high chimneys, by the alteration of the form of the buildings linked to production that increase the scale and take on specific aspects influenced by European and American models, by a more complex program in terms of collective equipment and services and by new architectural forms, frequently incorporating elements of neoclassical or eclectic language, materials such as apparent brick and collective or private garden spaces.

It is undeniable that the spatial organization of the company town of Biribiri portrays the conditions under which relations between entrepreneurs and workers took place and their effects on the social behavior of both represent broader historical transformations, as well as the logistics of the industrial economic activity developed, still incipient, since it represented only the beginning of the industrialization of Brazil.

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<sup>112</sup> Kátia Franciele Correa Borges *Relações De Gênero, Poder, Disciplina e Trabalho: Uma Análise Das Fábricas De Biribiri (Diamantina/MG) E São Roberto (Gouveia/MG) – 1920/1930*, ANPU, 2013

If we compare the organizational and architectural aspects (organization of the social and productive space) present in the modern factory with the company town of the beginning of the period of industrialization of Minas Gerais and Brazil with the colonial structures, the sugar mills and coffee farms, we find structures and elements that signal continuity and others that indicate the rupture of the agricultural production system with the industrial one. As a rupture we can mention all the aspects related to the new productive organization that modern industry has brought in terms of process, functions, technical and disciplinary training, new skills and other social and economic changes (Giroletti, 2002). Continuity would be marked by the social and economic paternalism exercised in the agricultural system by the dominance of the 'lords' over the slaves and in the industrial system by the power of the industrial businessmen exercised over the workers in the factories with workers' villages (from the 'lord of the big house' to the 'factory owners'). In industry, previous forms of domination remain present with the new living and working conditions in factories and symbolic-cultural characteristics that mark the social relations underlying them, and which, by attenuating the rupture, function as elements of consolidation of the individual and social identities of the actors involved in this historical process (Mello 1981<sup>113</sup>).

In terms of the form assumed by the nuclei, it can be observed that it was common to arrange the buildings or part of them around a rectangular courtyard that was generally dominated by the house of the owner or director of the establishment. This was a common arrangement in Pernambuco's sugar mills in the 18th century and in the coffee farms of the Southeast and the permanence of the patio prevents the adoption of a more flexible spatial arrangement of the buildings, differentiated from the mills and farms of the first centuries of colonization (Barros Correia, 2006)<sup>114</sup>.

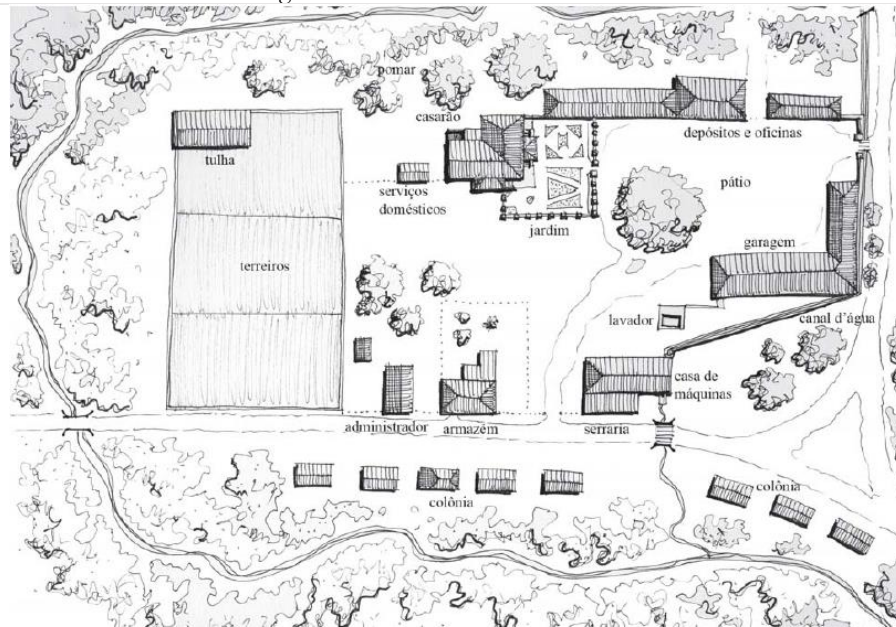
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<sup>113</sup> However, while it is true that strength and coercion have marked social relations in this society, it is not possible to dispense with the idea that there were other elements at stake. By considering all the complexity present in the process of tessitura of these social relations, the actions and contradictions of historical subjects acting in concrete situations, it becomes possible to understand how the cultural hegemony of the dominant class was, at the same time, constituting itself and exercising considerable weight in the maintenance of its power. Colonialism, as defined by Vitor Nunes Leal, can represent a good example of the maintenance of ancient forms of power and authority, favored by the cultural hegemony of individuals, members of an agrarian aristocracy of decadent political powers. (Juçara da Silva Barbosa de Mello, *Labour Relations, Colonialism, Patriarchalism and Paternalism in Pernambuco Textile Factories (1920-1930)*, 1 Pontifícia Universidade Católica do Rio de Janeiro, *Revista de História Comparada - Programa de Pós-Graduação em História Comparada/UFRJ* - <https://revistas.ufrj.br/index.php/RevistaHistoriaComparada> - ISSN: 1981-3) (Mello 1981))

<sup>114</sup> The coffee and sugar farms are composed of Tanks to wash and yards to dry the coffee; Processing buildings, such as *tulhas* and machinery houses, where the beans were stored and processed; Warehouse, workshop, sawmill; Colonies for the workers, in the oldest *senzalas*; in some of them, Chapel and School; Manor house; 8. Warehouse; Orchard, vegetable garden, henhouse, stables.

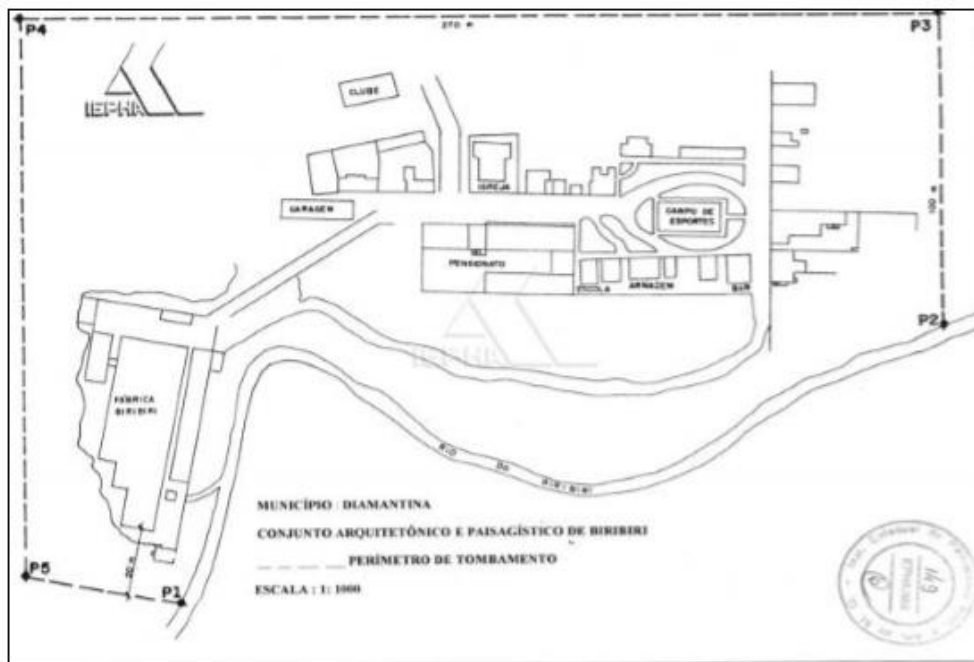
The colony was the grouping of houses where the workers, the peasants, lived. According to Benincasa: They are houses, in general, twinned, or forming branches with a greater number of houses, roofs with two waters falling to the front and the back of the building. Sometimes a room is added at the back, occupied by kitchens, almost always without internal bathrooms. The origin of this configuration is obscure; we can think of adaptation of the African cottage" (v.1, pg.166) " ... small and simple houses, without lining, with dirt floors that were gradually being covered with bricks or a thin layer of cement, containing the basics of a daily life that was much more given outdoors than indoors. "The colony house was, first of all, a shelter, not a place to enjoy spaces, and the activities of food preparation and rest were its main attributions" (v.1) adapted from the blog by Ana Castelhana, from: [http://ecomoveiogente.blogspot.com/2015\\_08\\_01\\_archive.html](http://ecomoveiogente.blogspot.com/2015_08_01_archive.html), at 06.05.2019.

Figure nº3 - Plants of a Colonial Farm



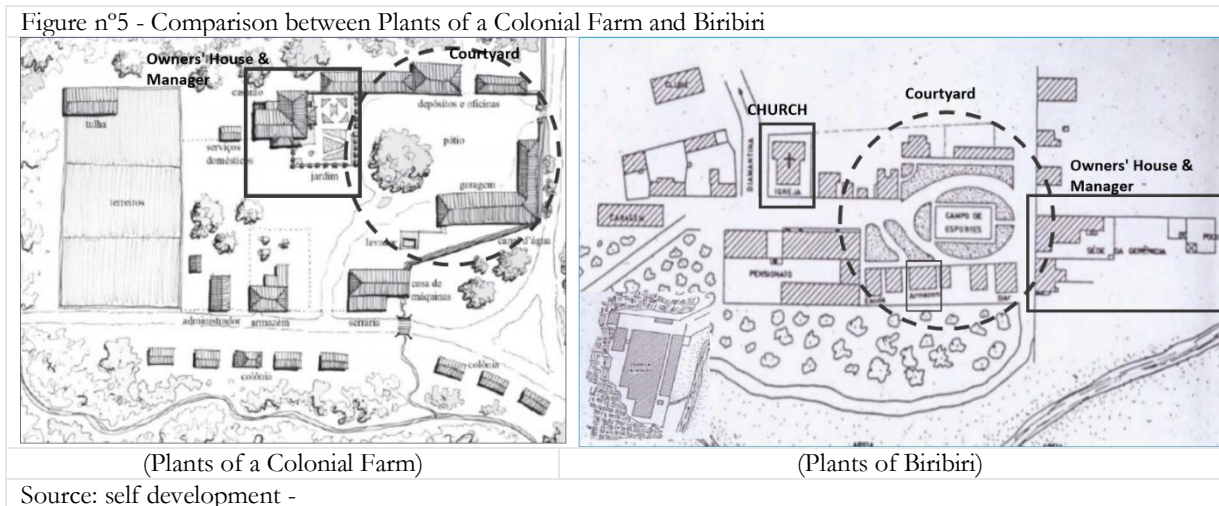
Source: (Castelhana, 2015)

Figure nº4 - Plants of a Biribiri Compay Town



Source: Dossier of Tombamento, IEPHA, MG, 1998.

The plants represent rupture of productive systems and social structure - agricultural to industrial. In both case its landscape connected by a single road ending in a square courtyard (patio) around which the houses are arranged and other houses are distributed around this central core. Patio was generally dominated by the house of the owner or director of the establishment. The Church in Biribiri plays a prominent role in the spatial organization of this company town.



Still on the landscape of this Company Town, religious and textile, we identified common elements found in other structures of the same period of industrialization in Brazil that portray the organization of workers' villages. The following characteristics are also worth mentioning:

#### 4.5.1. Type of buildings and facilities

Type of buildings and facilities found in these CT gather diverse size and nature. The architectural complex of the village was composed of 33 constructions, including the fabric factory that was close to the waterfall, allowing the generation of strength through the hydroelectric plant. The single-family and collective dwellings stand out two lodgings - one for single girls (the convent) and the other for boys and there is the presence of the collective and religious equipment, the Church.

The colonial architecture common at the time is present in the style of the buildings, of 'taipa'<sup>115</sup>, covered by roofs in cover and spout (i.e. of two waters), with ridges parallel to the street, covered with canal tile and endowed with guillotine windows with smooth glass frames, in adobe and brick masonry and roofing with French tiles, and frames of wood painted with blue oil paint (IEPHA, Dossiê, 1998<sup>116</sup>). The buildings are divided into the main groups:

**(a) Production facilities:** Plant core, plant administrative structure, hydroelectric plant, pottery, stables, dyeing, stonework, etc.;

**(b) The Church:** The Church of the Sacred Heart of Jesus, dated 1876, was surrounded by imperial palm trees and had characteristics of the Rococo and eclectic styles, with a bell, built in 1888. The clock was donated by the royal family at the end of the 18th century. The religion and the work of the Bishop are represented by the Church which occupies a prominent role, a central element in the spatial and social organization of this company town and its landscape, being connected by a single road which ends in a square patio around which the houses are arranged and the other houses are distributed around this central nucleus.

**(c) Collective facilities:** dining rooms, food storage, schools, lodging and chapel dining room, school, warehouse, barbershop; and

**(d) Single-family and collective residential units:** The constructions present in these spaces mirror the existing social hierarchy. We find houses for the boss, married bosses, residences to house the families of their director, craftsmen and contracted service providers and free workers, as well as collective lodgings (senzals or dormitories for single workers) for single working girls and single men.

**The use of the name, convent, applied to the accommodation of single female workers in Biribiri and in other state structures that had the same characteristics, is noteworthy. The name, convent, as Girolletti gives due to the fact that almost all the women workers were virgins**

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<sup>115</sup> Wall made of punched or soft clay, which can be mixed with other materials, giving it greater plasticity and resistance, such as lime, sand, gravel, vegetable fibers, animal manure, etc. <https://www.ecivilnet.com/dicionario/o-que-e-taipa.html> Copyright © E-Civil

<sup>116</sup><http://www.iepha.mg.gov.br/index.php/noticias-menu/371-vila-de-biribiri-tera-iluminacao-eletrica> and Araújo Maurício, 2015

(...) there was a chapel in the convent (...) the presence of images and the altered light maintained a strange environment that instilled respect. The Convento, according to Giroletti, was a controlled social space where the coexistence with the outside world was the object of its own regulation, the girls lived in a cloistered regime and when they left the Convento they entered other closed social spaces. Also, the first factories, to produce the discipline created several closed spaces overlapped to which the workers (and sometimes their families) were simultaneously and permanently submitted. The first, more generally, was made up of workers' villages. These, governed by their own regulations, formed the first closed environment, distinguishing workers from non-workers, residents from non-residents. Family members were obliged to follow the same rules while living there. Entering and staying in the village meant adhering to the established rules of coexistence. Default for one reason or another would be punished by dismissal from the factory and expulsion from the workers' village so that the "demoralization" of the place would not occur (Giroletti, 1991 apud Borges 2013).

#### **4.6. The Present and Future: Post-Industrialisation and Heritage of Vila do Biribiri**

In 1973, the Biribiri plant was shut down. At that time, it was recognized as an industrial heritage (factory and company town) and its declaration of state public interest heritage <sup>117</sup> was concluded in 1998 by the State Institute of Historical and Artistic Heritage (IEPHA) of the State of Minas Gerais, in the category, "Landscape Set - 19th Century".

Biribiri's particularity, besides being an industrial heritage of recognized value, comes from its geographical location, part of 'Serra do Espinhaço', another site of cultural, artistic and natural protection recognized by the State Institute of Historical and Artistic Heritage (IEPHA) of the State of Minas Gerais, the body responsible for heritage. The topography recognized the architectural and landscape complex, highlighting as a particular element the fact that this complex is inserted in an environmental conservation unit of international recognition as a heritage of humanity by UNESCO.

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<sup>117</sup>The Architectural and Landscape Complex of Biribiri, the subject of this study, was approved on November 11, 1998, in the category "Landscape Complex - XIX Century", by the State Institute of Historical and Artistic Heritage, IEPH, created by State Law 5.775, of September 30, 1971. (Araújo Maurício 2015)

In 2013, the company that owns the factory and Company town decided to sell several Biribiri units, causing a process of dismemberment of this industrial architectural heritage. The decision to sell increased the concern of IEPHA<sup>118</sup> in preserving the identity of this industrial heritage that could run the risk of disfigurement of the set and loss of intrinsic values and the characteristics of the organization of its manufacturing and social process. Risk of loss of its 'scientific, technological and cognitive values and the memory of daily life, work and the worker'(Figueiredo, 2014 apud Araújo Maurício, 2015). Or the unity of identity that characterizes this group as industrial heritage (industrial archaeology), our Company Town. One of the immediate effects of this dismemberment is the possible loss of identity cohesion, integrity, as its industrial symbol avoiding the disfigurement of its history and the evolution of the productive processes that the set represents and which values its relevance as industrial heritage for the urban landscape.

Company Town de Biribiri's heritage and its landscape represent, like other industrial assets, 'the spatial expression of the industrialization process, a characteristic of the aggregation of several manufacturing functions and the search for productive self-sufficiency, a technological, cultural and social result represented by the complex' - all focused on the notion of a system of buildings that enables a certain mode of production, bringing the idea of the whole (LESSA, 2017). Therefore, it is necessary to apprehend and live with it.

In cases like Biribiri's, the degree of importance and uniqueness of this 19th century<sup>119</sup> heritage ensemble is undeniable, 'because local beauty can be perceived in the harmony of the ensemble and not only in the individuality of each residence. In the dossier of patrimonialisation the sense of preserving the wealth of this nucleus of exceptional value in its urban planning, in the harmony of its elements with formal characteristics and typologies that identify it as representative urban set of the early industrialization in Minas (IEPHA. Dossier, 1998 apud Araújo Maurício, 2015).

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<sup>118</sup> As a preventive measure to the architectural complex, a 'Plan of Guidelines for Preservation - architectural and landscape complex of Biribiri' was prepared by the state agency - IEPHA in 2013, in order to inform the importance of the policy of preservation and conservation of the whole village of Biribiri.as an industrial heritage, very recent in Brazil (Araújo Maurício, 2015) in order to guide new owners on the importance of this heritage and its conservation considering its constitutive elements.

<sup>119</sup> At the time when Minas Gerais was still a province, the Vila do Biribiri was founded and is one of the only villages that preserves, almost intact, its workers' village structure, "it can be attributed a historical and architectural value more for its whole than for its buildings in particular, which would not culminate with the delegation, in the background, of its importance". (IEPHA, DOSSIE, 1998, quoted by Araújo Maurício, 2015)



The question thus posed is how to find a common denominator that allows to absorb 'the dynamics of landscapes and with the transformations that it imposes on the territory, because this is not only a sum of parts, but a dynamic relationship between all (Santos, 2008 apud Fernandes, 2014), without disfiguring the 'set of forms that, at a given moment, They express the inheritances that represent the successive localized relationships between man and nature (Santos, 2008 apud Fernandes, 2014) and also to achieve a balance between the needs of present and future generations, preserving the legacy of the past expressed by cultural diversity, natural attributes, identity, authenticity and the guidelines of sustainable development (UNESCO, 2011).



## CONCLUSION

It is undeniable that the Industrial Revolution, the capitalist organization of industry, the productive system, social and spatial arrangements brought about by the industrial revolution were responsible 'for a fierce and intense reordering of society that reached the most different levels (Andrade Lima, 2002; apud (Thiesen 2006)) around the world.

The Industrial Revolution has fostered the development of the contemporary world, qualitatively transforming the productive processes, the social, cultural and economic relations. the Company Town - business cities fruit of the Industrial Revolution. The Company Town has a great role and representation in contemporary history and its presence has conditioned the local development of the territory, of its citizens of the specificities for the preservation of its own heritage.

The diverse material culture promoted by the Industrial Revolution 'carries within itself the narrative of different facets of the same drama: strategies of survival, domination or resistance; labour, gender or ethnic relations; economic, religious or spatial divisions, and so many other issues (Thiesen 2006)'. And knowing this history, consolidating the industrial heritage as an important part of the history and culture of humanity, gives us the chance to recognize ourselves, to understand ourselves as individuals and society.

The 'Tutoré Project' challenges us to organize, disseminate and publicize the important legacy of company towns, their prominent role, the richness of their multidisciplinary, as a way to support their protection with the importance and possibilities of the future.



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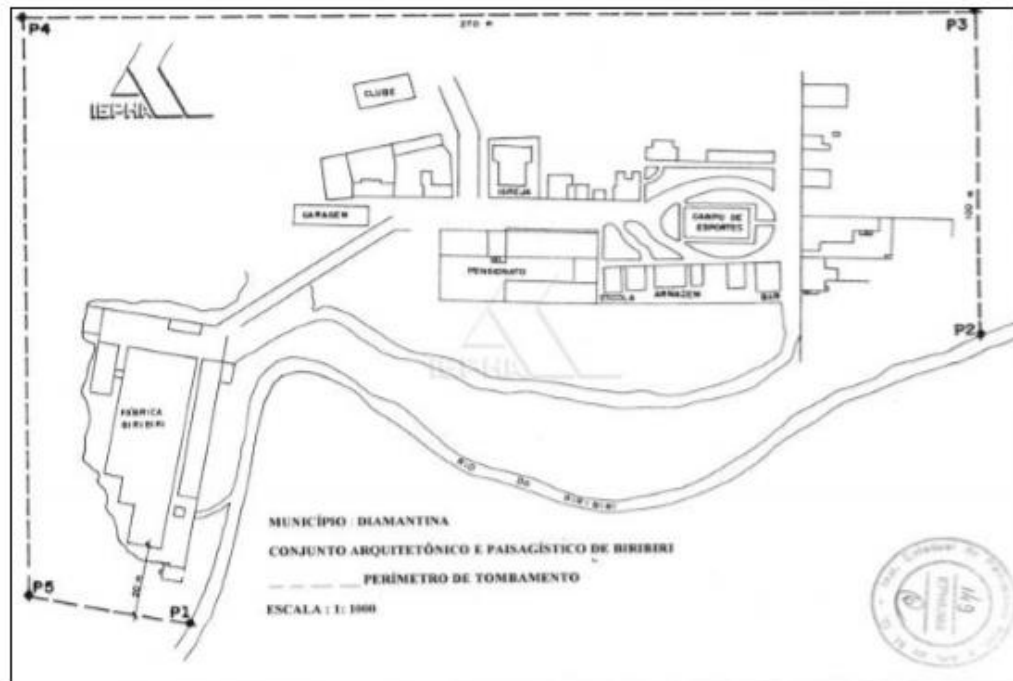
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## ANNEX I

The perimeter of the patrimonialisation process ('Tombamento') defined for the Biribiri Village is a total area equivalent to 926,3390 hectares (nine hundred and twenty-six hectares, thirty-three ares and ninety centimeters), in a perimeter equal to 14,941,606 meters (fourteen thousand nine hundred and forty-one thousand meters and six hundred and six millimeters). The following is the description of the Dossier:

Figura nº6 - Perimeter established in the Dossier - patrimonialisation process ('Tombamento')



Fonte: Dossiê de Tombamento, IEPHA, MG, 1998.

Polygonal line at point P1, meeting the direct bank of the Biribiri River with the parallel one passing 20 meters from the rear facade of the plant. It continues bordering the Biribiri River until P2, located at the meeting of this bank with the extension of a parallel passing 60 meters from the main facade of the management headquarters, towards the back of the lot. Follow this parallel for 100 meters until P3. It follows by a perpendicular to this parallel, towards the village, for 270 meters, until P4. Follow this parallel, perpendicular to the previous one, towards the factory, until you find the parallel to the rear facade of the factory. Follow this parallel until you find the bank of the Biribiri River, closing the polygonal line (IEPHA, Dossier, 1998).

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