

**BOLIVARIAN REPUBLIC of VENEZUELA
MINISTRY OF CULTURE
INSTITUTE of CULTURAL HERITAGE**

ADMINISTRATIVE PROVISION N° 012/05

**CARACAS, 30 JUNE, 2005
YEARS 195° y 146°**

The president of the Institute of Cultural Heritage in the capacity bestowed upon him pursuant to article 10, numerals 6 and 10 of the Cultural Heritage Defense and Protection Act, and pursuant to article 11, numerals 1 and 2 of the Partial Bylaws No. 1 of the said law,

WHEREAS

The Constitution of the Bolivarian Republic of Venezuela, article 99 guarantees the right to cultural heritage and mandates that the State safeguard its by establishing that “the State shall guarantee the protection and preservation, enrichment, conservation and restoration of the cultural heritage, tangible or intangible...”,

WHEREAS

The Cultural Administration must adopt the necessary means in order to make fully operative the content of constitutional article 99, which implies declaring properties with a cultural value –historical, artistic, environmental, archeological o social– part of cultural heritage pursuant to the Cultural Heritage Defense and Protection Act, and to constitute the General Registry of Venezuelan Cultural Heritage, the objective of which is to identify all along the national territory all that is characteristic and meaningful to the identity of all Venezuelans, and to that end the I Venezuelan Cultural Heritage Census will be undertaken.

WHEREAS

The Institute of Cultural Heritage, in its capacity as head body for the protection and defense of the Venezuelan cultural heritage, is responsible for outlining the course of the investigations, restoration, conservation, safeguard, preservation, defense, consolidation, reform and reparation, as well as promoting and demanding compliance with the Cultural Heritage Defense and Protection Act and all other provisions foreseen by the legal system which regulate all matters related to the protection of heritage properties.

WHEREAS

Upon undertaking the I Venezuelan Cultural Heritage Census by an interdisciplinary team integrated by representatives of all communities and representatives of the Institute of Cultural Heritage as well as municipal, regional and national bodies, within which the Ministry of Culture, the Ministry of Education and Sports, the National Experimental University Simón

Rodríguez, the National Library and governships and mayor's offices are specially acknowledged.

WHEREAS

Pursuant to Act N. ° 003/05, dated 20 February, 2005, the Institute of Cultural Heritage declared PROPERTIES OF CULTURAL INTEREST, each of the cultural manifestations, tangible and intangible registered in the I Venezuelan Cultural Heritage Census and reflected them in the catalogs created from it, with the exception of those properties declared National Monuments.

WHEREAS

In order to facilitate the administration and safeguard of the cultural manifestations present in the General Registry of Venezuelan Cultural Heritage it is necessary to establish technical parameters by which the national, state and municipal authorities should conduct their actions, as well as all other natural or legal entities.

Dictates the following:

PROVISIONS WHICH REGULATE THE GENERAL REGISTRY OF VENEZUELAN CULTURAL HERITAGE AND THE ADMINISTRATION OF THE PROPERTIES THAT INTEGRATE IT

CHAPTER I

Of the General Registry of Cultural Heritage

Article 1. The General Registry of Venezuelan Cultural Heritage is officially declared, and it will encompass:

1. All cultural manifestations, tangible and intangible, registered within the framework of the I Venezuelan Cultural Heritage Census, and reflected in the catalogs created therewith;
2. All cultural manifestations not registered by the I Venezuelan Cultural Heritage Census but that may otherwise be identified under Article 6 of the Cultural Heritage Defense and Protection Act.

Article 2. The objective of the General Registry of Venezuelan Cultural Heritage is to identify all that is characteristic or meaningful to the cultural identity of Venezuelans, in accordance with their artistic, historical, environmental, archeological, palaeontological and social values.

Article 3: The General Registry of Venezuelan Cultural Heritage will be undertaken by the Institute of Cultural Heritage.

Article 4: The Institute of Cultural Heritage is responsible for its creation and maintenance.

Article 5: Each cultural property registered in the General Registry of Venezuelan Cultural Heritage will have a technical record which will include the following data:

- a) Denomination.
- b) Localization: region, state, municipality, city or town area, parish and address.
- c) Proprietor, administrator, custodian or person responsible.
- d) Category.
- e) Description.
- f) Assessment by the proponent.
- g) Technical assessment.
- h) State of conservation.
- i) Photographic or audiovisual record.
- j) Date of inscription, declaration or publication in the Official Gazette or notice to the interested party, whatever the case may be.
- k) Transfer by *inter vivos* or *mortis causa* and all transferred. To this end, the owners, administrators, custodians or persons responsible will notify the Institute of Cultural Heritage of said transfer, providing a simple copy of all documents relevant to the same.
- l) The public contributions or administrative acts executed for the protection of the cultural property at stake.
- m) Revitalizations and other interventions made on account of the cultural property.

Article 6: Upon request by an interested party, a registration certificate will be provided for each property registered in the General Registry of Cultural Heritage, which will reflect all legal or artistic proceedings undertaken and recorded in the Registry.

Article 7: All state and municipal bodies may register specific cultural heritage properties, in which case they will notify the Institute of Cultural Heritage of its potential registration in the General Registry of Venezuelan Cultural Heritage. Likewise, they must notify the Institute of Cultural Heritage of all acts related to the registration of properties in the General Registry of Venezuelan Cultural Heritage, so that it may be recorded accordingly.

Article 8. All cultural manifestations will be recorded in the General Registry of Venezuelan Cultural Heritage according to the following categories:

1. - MATERIAL O TANGIBLE PROPERTIES:

- a. - Historic centers located within a specific polygon area.
- b. - Neighborhoods, suburbs or specific sectors within a city.
- c. - Streets, avenues, squares and parks.
- d. - Monuments, buildings, statues or urban landmarks.
- e. - Ruins and archeological or paleontological, historic or commemorative and ritual associated sites.
- f. - Subaquatic sites.
- g. - Objects, collections and other material properties created individually.

2. - INTANGIBLE GOODS

- a. - Collective manifestations.
- b. - Individual creations of intangible nature.
- c. - Oral Tradition.

CHAPTER II

Pursuant to intangible properties registered in the General Registry of Venezuelan Cultural Heritage

Article 9: Historic centers located within a given polygonal area. - Refers to historic areas located within cities, delimited by a polygonal fencing installed by the Institute of Cultural Heritage. Any action undertaken on the structures of any historic center, which may endanger its physical integrity, in general, and that of its different components, be it structural, modifications of floors, ornaments and coating, is possible only if authorized by the Institute of Cultural Heritage.

Any new construction activity in empty spaces within the polygonal area must comply with the regulations and proceedings established by the Institute of Cultural Heritage in conjunction with the municipal cultural heritage offices.

Article 10: Neighborhoods, suburbs or specific sectors in the city. - Refers to urban centers located outside given polygonal areas without prejudice of the area's global acknowledgement constituting the ensemble value. Any intervention must be previously authorized by the Institute of Cultural Heritage in order to safeguard the ensemble value of the property. The Institute of Cultural Heritage will set, for every case, in conjunction with the appropriate municipality, the specific criteria in order to safeguard the area. All interventions in neighborhoods, suburbs or specific sectors in the city inscribed in the General Registry of Venezuelan Cultural Heritage will require the authorization of the Institute of Cultural Heritage when the features that granted its ensemble value may be at risk.

Article 11: Streets, avenues, squares and parks.- These public areas, included in the General Registry of Venezuelan Cultural Heritage, encompass everything within them such as monuments, statues, urban facilities, gardens, trees and the buildings surrounding the space as well as the different components of the same be it structures, roofs, floors and ceilings, ornaments and coatings, all of which may not be intervened without prior consent from the Institute of Cultural Heritage when their integrity or visual is compromised. Any new work in the empty public areas afore described must comply with regulations and proceedings established by the Institute of Cultural Heritage in conjunction with the municipal heritage offices.

Article 12: Buildings, monuments, statues and urban landmarks.- Interventions in buildings, monuments, statues and urban landmarks included in the General Registry of Venezuelan Cultural Heritage which may endanger the general physical integrity of the property, its structural components, roofs, floors and ceilings, ornaments and coatings, as well as its environmental or scenic surroundings necessary for a visual or appropriate contemplation, require previous consent from the Institute of Cultural Heritage. Likewise, authorization from the Institute of Cultural Heritage must be obtained prior to intervention of any urban or rural space surrounding national monuments.

Article 13: Ruins and archeological or palaeontological, historic, commemorative and rite associated sites.- Refers to tall ground and underground areas with remains, evidence or material symbols or tangible manifestations of past and present culture, which present values which characterize and give meaning to a collective. Any intervention of the aforesaid sites requires prior consent from the Institute of Cultural Heritage.

The Institute of Cultural Heritage has perpetual right of way through the areas aforementioned although it does not bear any influence over property rights and, thus, these may belong to public entities, private corporations or individuals.

The Institute of Cultural Heritage and the municipalities may adopt any necessary measures in order to safeguard the aforementioned sites and municipal authorities must appropriately identify them to that end.

Article 14: Sub-aquatic sites. - Refers to aquatic spaces and islands of the Republic which may contain properties of archeological value. The intervention, transfer or extraction of cultural properties found in these locations, either by public bodies or private corporations or individuals, require prior consent from the Institute of Cultural Heritage. The municipal authorities, Armed Force and the National Institute of Aquatic Spaces and Islands are responsible of monitoring, controlling and managing actions necessary in compliance with the herein provisions.

Article 15: The municipalities will exercise control over minor works which do not compromise the façade, the integrity of the property or the values that motivated its inscription, pursuant to articles 9, 10, 11, 12 and 13 or the herein regulations, in the General Registry of Venezuelan Cultural Heritage, which ever the case, except when the intervened property has been declared a national monument.

Article 16: In accordance with their capacities, the municipalities will regulate by means of an extraordinary ordinance the activities to be undertaken in the case of properties included in articles 9, 10, 11, 12 and 13 of the herein Regulations, which encompass the provisions of the Cultural Heritage Defense and Protection Act. Likewise, in order to consolidate national public policies on cultural heritage protection and the exercise of its capacities, the municipalities may create local offices with the proper authorities engaged in cultural heritage matters, which will have the support of the Institute of Cultural Heritage.

Article 17: Objects, collections and other material objects created individually. - It refers to all objects produced by an individual creator, the nature of which represents a given historic, aesthetic and symbolic value. Transfer in and out of the country of material objects individually created inscribed in the General Registry of Venezuelan Cultural Heritage must comply with the Cultural Heritage Defense and Protection Act, the Agreement on necessary measures in order to prohibit and impede imports, exports and transfer of Illegal Cultural Properties and all legal applicable regulations. The Committee on Illegal Trafficking of Cultural Properties will establish the guidelines, in order to exercise the necessary control to such end. The Institute of Cultural Heritage must be notified of any property transfer.

CHAPTER III INTANGIBLE PROPERTIES

Article 18: Collective manifestations. - Refers to all ceremonial and festive expressions or productive processes by groups or individuals, communities or societies, who share a history and common purpose. In order to protect the significance and originality these have for their social groups, which grant them coherence, cohesion and a sense of belonging, the municipal authorities, based on the framework provided by the Ministry of Culture, will procure the

pertinent budget allocation so that socio-economic projects that foster popular network organizations and cultural diversity may find continuance, permanence and dissemination.

Article 19: The individual intangible creation. - Refers to immaterial productions undertaken by a known author and associated to literature and interpretation –music, dance, lyrics and theatre–, films or any other type of audiovisual projection, that owing to its cultural value or collective significance it is acknowledged as heritage property. The creators and even the interpreters of these cultural productions become containers of the same, thus, too, becoming a cultural property. It deals with the piece in itself and not the means by which it is written, projected, filmed or recorded.

In order to protect these, the municipalities will seek to establish policies oriented at disseminating the work throughout media and transforming them into subject matter included in primary school and municipal secondary schools programs.

The municipal authorities will circulate throughout cultural networks established by the Ministry of Culture, in conjunction with the governor's offices, policies aimed at creating opportunities to express and publicly present the work of creators as part of their dissemination action and, also, as a means of livelihood which may represent the author some degree of economic security and stability.

Article 20: Oral tradition.- Refers to oral testimonies given on events or knowledge that holds significance for a specific collective group, transmitted from generation to generation by means of oral narration such as poems, stories, songs, prayers, legends and healing or culinary recipes. It is the responsibility of the municipalities, backed by the cultural network and framework provided by the Ministry of Culture, to establish a policy in order to record, in whatever storage means deemed best, the voices, images and sounds of the aforementioned testimonies and to guarantee their dissemination by different means and modalities, fostering the activity as a fundamental component of the cultural identity, self-esteem and self-determination of indigenous peoples, as well as acknowledging and giving value to stories, local and traditional culture and knowledge, the organization of popular networks and the encounter of cultural diversity. The cultural drivers will collaborate in the development of the sense of belonging, the love of the territory, the crafting of municipal stories and the diagnosis of potential productions which strengthen the locality or parish.

CHAPTER IV OF THE PERFORMANCE OF THE INSTITUTE OF CULTURAL HERITAGE

Article 21: The Institute of Cultural Heritage must previously authorize any intervention of cultural properties registered in the General Registry of Venezuelan Cultural Heritage, which may affect the values which motivated its registration in the said registry. The request to the Institute of Cultural Heritage must include the intervention project drafted by a professional appropriately trained for such task. The said request may be presented before the relevant municipal office on cultural heritage, which may include recommendations and deliver the petition to the Institute of Cultural Heritage for appropriate consent.

Article 22: The museum authorities, proprietors and custodians of registered goods in the General Registry of Venezuelan Cultural Heritage must notify the Institute of Cultural Heritage of any transfer or act that may affect the said goods.

Article 23: The Institute of Cultural Heritage will notify the jurisdiction's Subordinate Registrar where each registered facility is located, so that a marginal note be stamped in the pertinent protocols.

Article 24: In order to safeguard the properties inscribed in the General Registry of Venezuelan Cultural Heritage, the Institute of Cultural Heritage may perform the administrative proceedings that will establish the administrative responsibility of any violation to the Cultural Heritage Defense and Protection Act. In the course of the same, anticipatory measures may be adopted in order to avoid potential irreparable damage of the registered property.

CHAPTER V OF THE PUBLICATION OF THE GENERAL REGISTRY OF VENEZUELAN CULTURAL HERITAGE

Article 25: The General Registry of Venezuelan Cultural Heritage is to be published, in print and digitally, in the catalog of Venezuelan cultural heritage organized by the municipalities according to the following heritage categories:

- a) Objects.
- b) Buildings.
- c) Individual creation.
- d) Oral Tradition.
- e) Collective manifestations.

Article 26: The catalog of Venezuelan cultural heritage shall be printed in no less than a thousand (1.000) copies for each municipality, to be sold to interested parties or for free distribution among public educational or cultural institutes and facilities located within the municipalities. Likewise, an administrative document shall be drafted with the list of registered cultural manifestations so that it may be published in the Official Gazette of the Bolivarian Republic of Venezuela.

Article 27: The Institute of Cultural Heritage may subscribe agreements with other institutions of the Republic, states, municipalities and individuals in order to facilitate the publication and distribution of the aforementioned catalogs.

CHAPTER VI OF PROCEEDINGS TO REGISTER A CULTURAL PROPERTY IN THE GENERAL REGISTRY OF VENEZUELAN CULTURAL HERITAGE

Article 28: The Institute of Cultural Heritage, out of its own initiative or upon request by individuals, communities, neighbor associations or administrative authorities, shall begin

proceedings for the registration of a cultural property by commending a technical study to verify that the property in question bears artistic, historic, plastic, environmental, archeological, palaentological or social value for our national identity.

Article 29: The individual or administrative authority requesting the registration of a cultural property in the General Registry of Venezuelan Cultural Heritage must accompany the said request with the data indicated in article 5 of herein regulations.

Article 30: Once values and conditions supporting the request have been confirmed, registration in the General Registry of Venezuelan Cultural Heritage will proceed.

Article 31: Once the registration in the General Registry of Venezuelan Cultural Heritage has been officially made, the proprietor, custodian, administrator or person responsible will be notified of said act, as well as the pertinent municipality.

Article 32: The list of cultural properties included in the General Registry of Venezuelan Cultural Heritage shall be published every six months in the Official Gazette of the Bolivarian Republic of Venezuela and mentioned will be made of its identification and location data. The said publication is to be annexed to the catalogs.

CHAPTER VII FINAL PROVISIONS

Article 33: For the purpose of the herein Instructions polygonal terrain refers to the planimetric survey that delimits the portion of terrain characteristic and meaningful to the cultural identity of Venezuelans pursuant to artistic, historic, plastic, environmental, archeological, palaentological and social values.

Article 34: Said instructions shall be in effect immediately after publication in the Official Gazette of the Bolivarian Republic of Venezuela.

Be it noted and published. The herein Instructions were published in the Official Gazette No. 38.237, dated 27 Julio, 2005.

**JOSÉ MANUEL RODRÍGUEZ
PRESIDENT
INSTITUTE OF CULTURAL HERITAGE**

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