

**PARTIAL REGULATION N° 1
OF THE PROTECTION AND DEFENSE OF THE CULTURAL HERITAGE ACT
IN REFERENCE TO ITS ORGANIC STRUCTURE AND OPERATIVE MODALITIES**

INSTITUTE OF CULTURAL HERITAGE

PRESIDENCY OF THE REPUBLIC

Decree N° 384.

12 October, 1994

RAFAEL CALDERA
President of the Republic

In the capacities bestowed upon me pursuant to article 190, numeral 10 of the Constitution and pursuant to article 7 of the Protection and Defense of Cultural Heritage Act, in Council of Ministries

I DECREE:

The following

Partial Regulation N° 1 of the Protection and Defense of Cultural Heritage Act regarding the establishment of the organic structure and operative modalities of the Institute of Cultural Heritage

**CHAPTER I
General Provisions**

Article 1° The Institute of Cultural Heritage constitutes and autonomous public service with no legal capacity, created by law and under the supervision of the National Culture Council.

Article 2° The objective of the Institute of Cultural Heritage is to defend the Culture Heritage of the Republic, as well as the identification, preservation, rehabilitation, defense, safeguard and consolidation of the cultural interest properties so declared and located within or having entered the National Territory, whoever the proprietor may be.

Article 3° The Institute of Cultural Heritage is seated in the city of Caracas, without prejudice of other offices which may be opened in other jurisdictions or parts of the nation, on behalf of the National Culture Council, in accordance to the country's needs, as well as to urge the state governors, the Federal District and all municipalities to create similar bodies at regional level so that the Institute of Cultural Heritage may be jointly approached the work at hand.

Article 4° The Institute of Cultural Heritage has administrative autonomy in the exercise of its capacities.

Article 5° The Institute of Cultural Heritage pursuant to the Act from which it originates, will act as a consultation body to the President's Office and to state and municipal bodies, in accordance with Article 10, numerals 7 and 8 of the Law.

Article 6° The Institute of Cultural Heritage pursuant to the Act from which it originated, is also an inspection and surveillance body.

Article 7° By Law, the Institute of Cultural Heritage is bestowed with the authority to exercise its capacities and as a Directive body in areas regarding cultural interest, which entitles mandatory intervention and authorization on the subject.

Article 8° The Institute of Cultural Heritage will operate with an annual budget allocated by the National Congress as per the Budget Act for each fiscal year.

CHAPTER II HOW THE INSTITUTE OF CULTURAL HERITAGE IS ORGANIZED

Article 9° The Institute of Cultural Heritage will have a freely appointed and dismissible President by the National Culture Council, an Advisory Council, a Superior Direction Committee, a Operative Coordination Committee and a Contracts and Bids Committee.

Section I Of the Presidency

Article 10° The Presidency is the Institute's highest authority and will preside over the Institute.

Partial or total absence of the president will be covered by the person appointed by the President of the CONAC (National Culture Council by its Spanish acronym).

Article 11° The Presidency has the following capacities and obligations:

- 1.- To comply and ensure compliance of the laws, regulations and other provision related to the Institution, as well as legal decision and relevant norms.
- 2.- To comply and ensure compliance with institutional policies implemented by the National Culture Council as per established in Article 10 of the Protection and Defense of Cultural Heritage Act.
- 3.- Direct, coordinate and supervise the Institute's activities.
- 4.- Represent the Institute and become liaison body with the Ministry of the Presidential Secretariat and the National Culture Council.
- 5.- To draft and approve the Annual Activity Plan for the Institute of Cultural Heritage and evaluate the progress of established objectives and goals.
- 6.- Define and approve changes in the organizational structure of the Institute.
- 7.- To prepare the annual Draft Budget Project of the Institute and submit it for approval before the National Culture Council.
- 8.- Draft the budget and the annual programming of the Institution.
- 9.- To manage and execute the institution's budget and report results to the National Culture Council.
- 10.- To authorized the works related to properties of cultural interest.
- 11.- Respond to consultations established by Law.
- 12.- To instruct relevant inspection and surveillance in order to protect and preserve the relevant facilities.
- 13.- To initiate all proceedings established by Law.
- 14.- To inform the President of the National Culture Council of agreements, resolutions and activities undertaken.
- 15.- To appoint and dismiss the institute's personnel.
- 16.- To draft agreement projects in a simple manner of an international nature and to submit the same to the consideration of the National Culture Council for its later remittance to the Ministry of the Secretariat of the Presidency of the Republic.
- 17.- To perform as a research, consultation and advisory body to the Institute.
- 18.- To manager and control budget allocation approved on behalf of the Institute.

Section II

Of the Consultation Council

Article 12° The Consultation Council is a collective body presided by the President of the Institute of Cultural Heritage and seven (7) other representatives from public and private bodies appointed in accordance to Law.

Article 13° The Consultation Council shall hold ordinary meetings once every six (6) months. Likewise, it will convene extraordinarily each time the President of the

Institute of Cultural Heritage deems it necessary and within a forty eight (48) hour period prior to the date of meeting.

Article 14° Quorum for the Consultation Council is the whole number greater than the half of its members.

Article 15° Decisions will require absolute majority of all session attending members. In case of a draw, the proposition in question will be postponed until the next session. Should the draw persist, the President's vote will decide the results.

Article 16° The Consultation Council, as advisory body, will advise the Institute of Cultural Heritage on instruments, proceedings and mechanisms deemed necessary to accomplish the complete achievement of programs and activities.

Section III Of the Standing Committees

Article 17° The High Direction Committee consists of the President and the executive and administrative Managers.

Article 18° The Coordination Committee consists of the President, the Executive Manager, the Administrative Manager and those responsible for areas relevant to an operative level.

Article 19° The Standing Committees:

- 1.- Perform as communication and information channels.
- 2.- Allows the integration of different perspectives when analyzing problems and drafting proposals.
- 3.- Facilitates the coordination, programming and work designation.
- 4.- Promotes the use of shared resources.

CHAPTER III Operative modality of the Institute of Cultural Heritage

Article 20° The Institute of Cultural Heritage performs in accordance to the following decision making levels:

- 1.- POLITICAL-INSTITUTIONAL LEVEL: Represented by the Presidency and the Consultation Council, which have the authority to consider the different modalities of participation and political-institutional intervention within the framework established by the Protection and Defense of Cultural Heritage Act.

2.- MANAGEMENT APPROVAL LEVEL: Represented by the Presidency, with authority to approve or disapprove plans and development actions of the Institute of Cultural Heritage.

3.- STRATEGIC LEVEL: Represented by the High Direction Committee, which has the authority to establish policies, strategic outlines, general objectives and the development plans for the Institute of Cultural Heritage.

4.- TECHNICAL-OPERATIVE LEVEL: Represented by the Operative Coordination Committee with authority to develop and execute programs, projects and interventions, managing and coordinating mechanisms for the technical, operative, socio-cultural and administrative processes.

Section I

Functional Processes

Article 21° The Institute of Cultural Heritage, in order to ensure its functions will develop and use:

- 1.- Technical-Operative Processes, which include assessment and registry, authorizations for interventions, the intervention of a heritage property, legal protection, physical protection and value and maintenance.
- 2.- Socio-Cultural Processes, made up of the institutional technical assistance, promotion, dissemination, school training, research, documentation and information, regulation (regulations and agreements) and institutional relations.
- 3.- Managing-Administrative Processes, which comprehend planning, programming, projects, budgets, contracts, bids, inspections, supervision, personnel administration, and resources and managerial-administrative controls.

Section II

Of the managing functions

Article 22° The Executive Manager Office is the unit responsible for assisting the Directive Level of the Institute in:

- 1.- Formulating and maintaining the Institute's Planning and Development System.
- 2.- Formulating and assessing the budget application.
- 3.- Formulating and maintaining the Institute's Technical-Operative Processes and Systems.
- 4.- Establishing and maintaining the institutional relation processes.

- 5.- Developing, organizing and maintaining the Institute's Managerial-Technical Information System in order to preserve the appropriate managerial control over the Institute.

Article 23° The Administrative Managing Office is the unit in charge of assisting the Institute's Directive Level in:

- 1.- Efficiently administering the institute's resources.
- 2.- Organizing and applying the budget.
- 3.- Organizing and maintaining the structure, systems and procedures necessary to achieve established objectives and goals.
- 4.- Developing, organizing and maintaining the Manager-Administrative information system necessary to hold adequate control of managing activities.

Section III the Units

Article 24° The Institute will be equipped with support units in areas such as legal matters, dissemination and Public Relations, personnel administration, Planning and Development and institutional actions, which will be created prior consultation to the competent public administration advising bodies. Likewise, the Institute will create any other unit deemed necessary in order to achieve all its objectives.

Section IV Internal Controlling

Article 25° The objective of Internal Controlling is to advise the Presidency of the Institute in all matters pertaining to policy design in administrative, financial and accounting areas, to control activities and the institute's managing performance, and to keep control of the budget execution.

Section V Operative Level

Article 26° The Operative Level corresponds to the following areas: National Registry of Cultural Properties, Conservation of Personal Property, Conservation of Real State, Conservation of Anthropological Properties and Conservation of Testimonies and Cultural Processes. In this same manner, the Institute will create other necessary instances in order to achieve all its objectives.

CHAPTER V Final Provision

Article 27° Pursuant to the characteristics forsought in the law by which the Institute of Cultural Heritage was created, the Institute will prepare the special regulations draft for the consideration of the National Culture Council.

Caracas, twelfth day of the month of October of nineteen hundred ninety four.
Year 184 of Independence and 135 of the Federation.

(L.S.) RAFAEL CALDERA

Minister of Internal Affairs	: RAMÓN ESCOVAR SALÓM.
Minister de External Affairs	: MIGUEL ÁNGEL BURELLI RIVAS.
Minister in Charge of Treasury	: LUIS XAVIER CRISANTI.
Minister of Defense	: RAFAEL A. MONTERO REVETTE.
Minister of Development	: ALBERTO POLETO POMENTA.
Acting Minister of Education	: CÉSAR AUGUSTO BRICEÑO.
Minister of Health and Social Assistance:	CARLOS WALTER.
Minister of Labor	: JUAN NEPOMUCEMO GARRIDO M.
Minister of Energy and Mining	: ERWIN JOSÉ ARRIETA VALERA.
Minister of Environment and Renewable Natural Resources:	ROBERTO PÉREZ LECUNA.
Acting Minister of Urban Development:	FRANCISCO GONZALEZ.
Minister of Transportation and Communications:	CIRO ZAA ÁLVAREZ.
Minister of Justice	: RUBÉN CREIXEMS SAVIGNON.
Minister of Family Affair	: MERCEDES PULIDO DE BRICEÑO.
Minister of the Secretary to the Presidency:	ANDRÉS CALDERA PIETRI.
Minister of State	: POMPEYO MÁRQUEZ MILLÁN.
Minister of State	: GUILLERMO ÁLVAREZ BAJARES
Minister of State	: HERNÁN LUIS SORIANO VALERY.
Minister of State	: JOSÉ GUILLERMO ANDUEZA ACUÑA.
Minister of State	: GUIDO ARNAL ARROYO.
Minister of State	: MARÍA DEL PILAR IRIBARREN DE ROMERO.
Minister of State	: LUIS RAÚL MATOS AZOCAR.