

CULTURAL HERITAGE FROM THE CITY'S PERSPECTIVE

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Abstract

The changes related to the occupation of Brazilian territory that took place in the 70's and 80's brought great transformations and challenges to cities, a fact that triggered the need for organization and management of these territories. From the Brazilian Federal Constitution of 1934, a movement emerged regarding the legal treatment of issues related to urbanism and its cultural heritage. The legal regulations' evolution process that permeate the cities continued to walk with the Constitution of 1988 and the City Statute (2001), which in turn, guides Brazilian municipalities regarding their public administrations through the Municipal Master Plans. In this way, the study in question is justified based on the issues that permeate cities, with their complex and constantly changing systems. The present research is directed to emphasize theoretical approach studies on cultural heritage through the vision of the city. This work is based on bibliographic research, of a basic nature, as well as presents a qualitative approach to the data collected, and treated from the analytical-synthetic approach method, initially presents the information with a macro view, reducing the analysis to understanding micro of the study object.

Keywords: Cultural heritage, urban legislation, memory, cultural identity, sustainable development.

1. Introduction

Currently, the urban population exceeds the rural population worldwide. The causes of this migratory flow are related to the 70s and 80s of the last century, when Brazil went through an intense process of rural exodus, resulting from the mechanization of agricultural production, causing the rural population to move to the cities in search of work. This migratory movement generated the metropolization of cities, bringing great challenges to their managers regarding the organization and management of Brazilian cities.

It is possible to say that the beginning of international discussions about cities, which materialized in consolidated documents presenting guidelines for solutions to urban problems, was the Athens Charter (1931). Prior to this document, proposals and actions were specifically aimed at the buildings' maintenance and conservation, leaving aside the context and surroundings in which they were inserted.

In Brazil, after the Federal Constitution of 1934, a movement of change began regarding the legal treatment of issues related to urbanism and its cultural heritage. In this context, emerges the Brazilian Federal Constitution of 1988, and the City Statute (2001), which in turn, guides the municipalities

regarding their public administrations through the Municipal Master Plans.

In order to analyze aspects related to the field of cultural heritage from the perspective of the city, it is necessary to understand some concepts such as memory, identity, as well as conceptual and historical issues and, mainly, the legal approach of these goods understood as of great importance for society in general.

In this way, the objectives that lead to the present research are directed to emphasize the theoretical approach studies on cultural heritage through the vision of the city, where it is necessary to contextualize concepts such as memory and identity. The study in question also intends to present the conceptual and historical issues around preservationist theories, letters and heritage recommendations from the 19th to the 21st century. Finally, it is also sought to relate the normative acts in the context of cultural heritage, as well as to describe a brief report on the relevance of the City Statute in the context of national urban policy.

Research is understood as a set of proposed actions to find the solution to a problem, which are based on rational and systematic procedures. The method to be adopted in the research, on the other hand, provides instruments to conduct the study based on its general objective. Thus, the present research is guided by scientific thinking, in order to be based on information and facts proven in analysis. The elaboration of this study was based on bibliographical research, from the reading, filing and analysis of books, articles, theses and dissertations on themes related to cities, memory, identity, culture and cultural heritage and its plurality. As well as, it discusses the normative acts related to cultural heritage.

Thus, research has a basic nature, as new knowledge will be produced, in order to contribute to scientific advancement. Likewise, it presents a qualitative approach, based on the description of information that cannot be mathematized. The method of analytical-synthetic approach is then adopted, considering that the information is presented through a macro view, reducing the analysis to the micro understanding of the object of study, in order to understand how the parts are articulated.

2. Memory and identity

To understand the concept of heritage, a previous approach to the aspects that permeate the memory and identity of a people is necessary, because for Candau (2012) they are indissoluble concepts that support each other, and in this research they are in line with the proposed narrative about cultural historical heritage. According to this author, memory is essentially linked to remembrance or recognition, that is, “autobiographical memories or memories belonging to an encyclopedic memory (knowledge, beliefs, sensations, feelings, etc.)” (CANDAU, 2012, p. 23).

In this sense, it is understood that each individual builds their own memory, through their individual and collective experiences. Collective memories are directed, according to the author, to representations that members of a group will produce about events supposedly common to all participants of that same group. This concept ends up relating to the issues that make up the field of local identity.

The concept of identity is approached by Candau (2012), from the representation bias, when the individual has an idea and a concept of who he is and where he belongs, so that cultural or collective identity are certainly representations, which can be produced and modified as individuals interact and

relate to each other in a group. Thus, the author confirms that “collective memory, as the identity of which it is the fuel, does not exist if not differentially, in an always changing relationship maintained with the other” (CANDAU, 2012, p. 50).

For the author, through memory, the subject understands the world and produces manifestations in an order of time and space, so that these manifestations give meaning. In this sense, an individual without memory ends up living only in the present, and his identity tends to disappear. In this context, the manifestations of the past, and their memories transmitted over the centuries, from different perspectives, are materialized today by the oral and written language and by the way of living resulting from occupations and territorial organizations, as well as by all interaction forms of individuals with space.

According to Pelegrini (2007, p. 87) "we understand cultural heritage as a privileged locus where memories and identities acquire materiality." The author starts from the point of view of multiculturalism to interpret the socio-spatial relations that concern cultural heritage, put into practice since the colonial and post-colonial period, until the moment of globalization. She expands on this discussion by stating that “the notion of progress rooted in the history of the European continent from the ‘Industrial Revolution’ to the 20th century, as well as the adoption of the Nation-State as a universal political prototype, generated the construction of discourses about a symbolic identity among the population residing in a given territorial space, their histories, cultures and languages” (PELEGRINI, 2007, p. 88).

During the process and advance of industrialization, mainly from the point of view of mass communication, it culminated in a false hypothesis of cultural homogeneity, so the author emphasizes that these events, supposedly regarded as unifiers, ended up exacerbating the peoples’ cultural and identity pluralities. Pelegrini (2007), also informs that, probably, one of the biggest problems to be overcome by the current society is the understanding and the promotion of these pluralities.

3. Heritage: conceptual and historical issues

The word “heritage” has undergone an evolution over the years, due to the need to expand and adjust its meaning, and these were established by normative acts that will be addressed in the course of this research.

With regard to its classification, IPHAN (2014) highlights that, according to UNESCO:

Cultural Heritage is composed of monuments, groups of buildings or sites that have exceptional universal value from a historical, aesthetic, archaeological, scientific, ethnological or anthropological point of view. It is included works of architecture, sculpture and painting that are monumental or of an archaeological nature, as well as isolated or combined works of man and nature. Natural Heritage includes exceptional physical, biological and geological formations, habitats of endangered animal and plant species and areas that have exceptional and universal scientific, conservation or aesthetic value.

Intangible Heritage includes knowledge, practices, representations, expressions, knowledge and techniques - with the instruments, objects, artifacts and cultural places associated with them - that communities, groups and, in some cases, individuals recognize as an integral part of its cultural heritage. One of the ways of protecting this intangible portion of cultural

heritage is the Convention for the Safeguarding of Intangible Cultural Heritage, adopted by UNESCO in 2003.(IPHAN, 2014, s.p).

Regarding concepts, the literature is vast. For Villela (2017, p. 10), the word “heritage” comes from the Latin “pater”, which means “father”, and is related to patriarchy and family heritage, belonging to an individual or group. She explains that “the use of the word “Heritage” without any adjective always seems to refer to this economic and legal universe that in the field of Architecture and Arts is added by cultural meanings, memorial values and stories often hidden behind the heritage object” (VILLELA, 2017, p. 10).

The ideas presented by Villela (2017) are in line with the theories previously defended by Choay (2006, p. 11), when he stated that “this beautiful and ancient word was, in origin, linked to the family, economic and legal structures of a stable society, rooted in space and time”. When conceptualizing historical heritage, the author highlights that it “designates a good destined for the usufruct of a community that has expanded to planetary dimensions, constituted by the continuous accumulation of a diversity of objects that come together by their common past: works and masterpieces of the fine arts and the arts applied, works and products of all knowledge and savoir-faire of human beings” (CHOAY, 2006, p. 11).

It is thus reflected that the diversity in which heritage is manifested is extensive, and this study seeks to contextualize and analyze the issues that permeate the field of architecture and urbanism.

Extends this concept of heritage, Villela (2017) by stating that the first meanings of heritage emerged in the mid-nineteenth century, linked to preservationist theories. However, the author emphasizes that, even before the use of the term “heritage”, the interest of scholars dates from the 15th century and was already directed to ancient monuments. This period, according to the author, is linked to the grandeur of architectural works, especially in Rome.

In the following centuries, Villela (2017, p.11) considers that “the hegemony of Italian art and architecture began to be questioned, turning attention to new categories of monuments, such as churches, cathedrals and medieval castles”. In this regard, in the 16th century, these monuments were seen from a new perspective, and ended up acquiring a historical dimension in the following years.

The 18th century crowned new intellectual forces that defended the power of reason and science, to the detriment of religious dogmas, for the formation of modern man's knowledge.

The fascination with classical ruins as something sublime and unattainable would be replaced by the scientific approach to studies on Antiquity (VILLELA, 2017, p. 12).

During this period, the nobles began to collect fragments of monuments, giving rise to the first antiquaries. At first, these pieces had only commercial purposes, however, with the expansion of the volume of these fragments and the emergence of collections, it made possible studies that guided the understanding of these antiquities and their relationship with the history of humanity (VILLELA, 2017).

These fragments were seen not as historical records to be preserved, but as a desire to master the riches of other civilizations. Inserted in this context of matter, works of art and architectural fragments, Villela (2017) exemplifies the German Johann Joachim Winckelmann, who published the first objective study on the History of Ancient Art. “A supporter of Winckelmann's theories was Quatremère de Quincy (1755-1849), a historian and art critic, enraged by the spoliation of works of art from archaeological sites, on which he published, in 1825, a kind of manifesto known as Letters to Miranda” (VILLELA, 2017, p.

12).

For the author, based on Quatremère's theories, there is a movement in relation to the preservation of monuments, even though, at this moment, this concern was manifested through criticism of predatory collecting. Villela (2017, p. 12) also highlights that Quatremère presented “the age of the monuments as one of its main attributes, precisely the one that gave it respect and reason for veneration”. In this way, he warned about the possible impacts of the restoration, later explored by John Ruskin.

In addition, the author points out that between the 17th and 18th centuries, archeology gained prominence, with field research, aiming at the study of ruins, which ended up bringing the fields of arts, architecture and sciences closer together (VILLELA, 2017). The author also emphasizes that due to the French Revolution and the emergence of a concern about the preservation of monuments, the idea of “heritage” was born, considered as a national heritage. From then on, paths were opened for thoughts understood as preservationist theories. The doctrines presented by restorers of the time defended different aspects, from support for non-intervention in the monument, to the aesthetic valorization of the historical meanings of the heritage property.

Below, Table 1 demonstrates some of the main preservationist theories, which stood out from the mid-nineteenth century onwards. In the 20th century, it is worth mentioning Cesare Brandi, who in the post-war period, with the massive destruction of cities, pointed to the need for large-scale reconstruction and the concern with the way of recovering heritage assets, gained prominence in the face of critical restoration.

Table 1. Preservation Theories - 19th-20th Century

Date	Period	Restorers	Place	Characteristics
1814 - 1879	Stylistic Restoration: mimetic interventions	Viollet-Le-Duc	France	<ul style="list-style-type: none"> ● Interventionist doctrine. Medieval theory. Present prevails over the past. ● Aesthetic value prevails over history.
1819 - 1900	Romantic Restoration	John Ruskin	England	<ul style="list-style-type: none"> ● Archaeologist thesis. ● Anti-interventionist doctrine. ● Past prevails over the present. ● Historical value prevails over the aesthetic.
1836 - 1914	Modern/Positivist Restoration	Camillo Boito	Italy	<ul style="list-style-type: none"> ● Restoration seen as a necessary evil. ● Conservation based on authenticity. ● Monuments as documents. ● Preservation of changes over time. ● Historical value over the aesthetic.
1848 - 1903		Camillo Sitte	Austria	<ul style="list-style-type: none"> ● Preservation of historic buildings along with their surroundings. ● Search for principles of the past based on rationalism.

1858 - 1905		Alois Riegl	Austria	<ul style="list-style-type: none"> ● Lack of a universally accepted stance on the issue of destruction/conservation. ● Several workarounds.
1906 - 1988	Critical Restoration	Cesare Brandi	Italy	<ul style="list-style-type: none"> ● Restoration as a method of recognition of the work of art. ● Restoration of the potential unity of the work of art, without forgery. ● Restoration as a critical-cultural act of the present. ● Aesthetic value over history.

Source: Unes and Cavalcante (2008). Authors' adaptation.

From the studies on preservationist theories, measures were adopted to safeguard the historical heritage, in an organized way, aiming at the protection of buildings considered important for society. Such measures materialized from the Athens Charter, in 1931. It is worth mentioning that the Heritage Charters are documents that cover and synthesize the points of consensus around the heritage, that is, they are not framed as laws or regulations, and must be analyzed within a historical, cultural and temporal context in relation to its elaboration (Table 2).

Table 2. Letters and Heritage Recommendations - 20th century

Date	Assigned Name	Description
1931	Charter of Athens – League of Nations	General Conclusions and deliberations of the League of Nations, International Office of Museums.
1933	Charter of Athens – CIAM	Generalities, diagnoses and conclusions about the urban problems of the main and big cities of the world, determined by the International Congress of Modern Architecture, in Athens.
1956	New Delhi Recommendation	9th Session of the United Nations General Conference.
1962	Paris Recommendation	12th Session of the United Nations General Conference.
1964	Venice Charter	II International Congress of Architects and Technicians of Historic Monuments.
1964	Paris Recommendation	13th Session of the United Nations General Conference.
1967	The Norms of Quito	Meeting on Conservation and Use of Monuments and Places of Historic and Artistic Interest.
1968	Paris Recommendation	15th Session of the United Nations General Conference.
1970	Brasilia	I Meeting of State Governors, State Secretaries of the Cultural Area,

	Commitment	Mayors of Interested Municipalities and Presidents and Representatives of Cultural Institutions.
1971	Proceedings of the II Meeting of Governors	Preservation of the Historical, Artistic, Archeological and Natural Heritage of Brazil, in Salvador.
1971	Salvador Commitment	II Meeting of Governors for the Preservation of the Historical, Artistic, Archaeological and Natural Heritage of Brazil.
1972	Restoration Chart	Chart of Restoration, from the Ministry of Public Instruction of the Government of Italy.
1972	Stockholm Declaration	United Nations General Assembly.
1972	Paris Recommendation	Convention Concerning the Protection of the World, Cultural and Natural Heritage.
1974	Resolution of Santo Domingo	I Inter-American Seminar on Experiences in the Conservation and Restoration of Monumental Heritage from the Colonial and Republican Periods, by the OAS.
1975	Amsterdam Declaration	European Architectural Heritage Congress.
1976	Cultural Tourism Charter	International Tourism Seminar.
1976	Nairobi Recommendations	19th Session of UNESCO.
1977	The Charter of Machu Picchu	International Meeting of Architects.
1981	The Florence Charter	International Council on Monuments and Sites.
1982	Nairobi Declaration	World Assembly of States in Kenya.
1982	Tlaxcala Declaration	3rd Inter-American Colloquium on the Conservation of Monumental Heritage.
1985	Mexico Declaration	World Conference on Cultural Policies.
1986	Washington Charter	International Charter for the Safeguarding of Historic Cities.
1987	Petrópolis Charter	1st Brazilian Seminar for Preservation and Revitalization of Historic Centers.
1987	Washington Charter	International Charter for the Safeguarding of Historic Cities.
1989	Cabo Frio Charter	Meeting of Civilizations in the Americas.

1989	São Paulo Declaration	Approved during the Commemorative Day of the 25th Anniversary of the Venice Charter.
1989	Paris Recommendation	25th Session of the General Conference of UNESCO – Recommendation on the Safeguarding of Traditional and Popular Culture.
1990	Lausanne Charter	Charter for the Management and Protection of Archaeological Heritage.
1992	Rio Charter	United Nations General Conference on Environment and Development.
1994	Nara Conference	Conference on authenticity in relation to the World Heritage Convention.
1995	Brasília Charter	Southern Cone Regional Document on Authenticity.
1995	Europe Recommendation	Europe Recommendation on the integrated conservation of cultural landscapes with landscape policies, adopted by the Committee of Ministers on the occasion of the 543rd meeting of deputy ministers.
1996	Sofia Declaration	Declaration of Sofia of October 9, 1996, prepared during the XI General Assembly of ICOMOS.
1996	São Paulo Declaration II	Brazilian recommendations to the XI General Assembly of ICOMOS.
1997	Fortaleza Charter	Seminar: Intangible Heritage – Strategies and Ways of Protection.
1997	Mar Del Plata Charter	Mercosur Document on Intangible Heritage.
1999	Cartagena de Índias, Colômbia	Decision No. 460 on the protection and recovery of cultural assets from the archaeological, historical, ethnological, paleontological and artistic heritage of the Andean Community.

Source: Instituto do Patrimônio Histórico e Artístico Nacional (IPHAN), 2014.

After 45 years of the Athens Charter's (1933) elaboration, several events in this period alerted to the need for complementation and worldwide scope. In this context, in 1977 the Charter of Machu Picchu emerges, from the International Meeting of Architects, taking up issues previously addressed in the Charter of Athens (1933) and highlighting the new challenges to be faced by cities and regions regarding urban growth, sectorization of cities, housing, transport, availability of land, natural and environmental resources, preservation and defense of cultural and heritage values, technology, implementation of processes and maintenance of cities and urban and architectural projects (IPHAN, 2014).

The Heritage Charters and Conferences not only systematize the studies, but also guide decision-making on the heritage property, and in a way, become part of this good as a record of the actions that have been taken over the centuries, enabling the future generations can understand not only the heritage itself, but also all the paths traced for its conservation and maintenance until then.

In table 3, the most recent letters and recommendations, elaborated in the 21st century, are highlighted:

Table 3. Heritage Letters and Recommendations - 21st Century

Date	Assigned Name	Description
2003	Paris Recommendation	32nd Session of the United Nations General Conference, 17 October 2003 - Convention for the Safeguarding of Intangible Cultural Heritage.
2009	Nova Olinda Charter	Final document of the 1st Seminar on the Evaluation and Planning of Heritage Houses.
2009	I National Forum of Cultural Heritage	Preliminary synthesis of the discussions held during the I National Forum on Cultural Heritage, and document subsidy for the II CNC of the National System of Cultural Heritage.
2010	Brasília Charter	Results and conclusions presented by the World Heritage Youth Forum group on the protection and promotion of World Heritage.
2010	Brazilian Historic Gardens Charter (Juiz de Fora Charter)	Establishes definitions, guidelines and criteria for the defense and safeguarding of Brazilian historic gardens.

Source: Instituto do Patrimônio Histórico e Artístico Nacional (IPHAN), 2014. Authors' adaptation.

Considering that IPHAN (2014) includes the letters and recommendations prepared until 2010, further research was carried out in order to identify whether over the following years there was an evolution in the discussions on the maintenance and conservation of world historic heritage. Thus, through the official page of the Portuguese Republic – Directorate-General for Cultural Heritage (DGPC, 2021), the following information was identified (table 4).

Table 4. Heritage Letters and Recommendations - 21st Century, after 2010

Date	Assigned Name	Description
2011	XVII ICOMOS General Assembly	La Valeta principles for the safeguarding and management of populations and historic urban areas.
2012	31st UNESCO General Conference in Paris	Republication with the Portuguese translation of the Convention for the Protection of Underwater Cultural Heritage.
2015	Namur Declaration	Cultural Heritage in the 21st century; a common strategy for Europe.
2015	38th session of General Conference	UNESCO recommendation for the protection and promotion of museums and collections.
2017	Tunes Declaration	Western Mediterranean, dialogues and bridges: Cultural Heritage and the new generations as engines of dialogue between peoples and

		cultures.
2017	Cracóvia Declaration	Cultural Heritage in the face of contemporary threats and challenges. Programs and action plans.
2018	Davos Declaration	Towards a high-quality “Baukultur” (building culture) for Europe.
2021	Porto Santo Charter	Culture and the promotion of democracy: towards European cultural citizenship.

Source: República Portuguesa. Direção Geral do Patrimônio Cultural (DGPC, 2021). Authors' adaptation.

The Heritage Charters and Conferences highlighted in table 2, 3 and 4 guide decision-making, so that within a specific context, it is possible to safeguard the heritage assets of humanity. In this regard, the Nara Conference, held on November 6, 1994, in Japan, stands out.

Considering the period in which the Athens Charter (1931) was drawn up, the Nara Conference is a recent document that addresses more current issues in the face of conservation needs, rooted in traditional thinking, respecting the diversity of cultural heritage. The document resulting from the Nara Conference, based on the spirit of the Venice Charter (1964), extending this document, facing the expansion of the concepts of cultural heritage (NARA CONFERENCE, 1994). The Conference in question brought to light the literature, the importance of cultural appreciation of minorities, often hidden by the globalized and homogenized world. Cultural diversity, respect for traditions in space and time, are contemplated in this document, so that all cultures and societies, with their particular meanings and expressions, are respected, valued and protected.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) was founded in 1945. According to UNESCO, the first records concerning the preservation of world heritage took place in 1959, when an international campaign was launched, based on a request of the governments of Egypt and Sudan, due to the decision to build the great dam of Aswan, in Egypt, which would flood the valley where the temples of Abu Simbel were located.

The campaign was successful, as at the time archaeological research was carried out in the areas that would be flooded, especially the temples of Abu Simbel and Filae, which were dismantled in their entirety and transported to another location, being safe from the flood (UNESCO, 2020). This campaign was a precursor to other rescue campaigns. Subsequently, UNESCO started, with the help of the International Council on Monuments and Sites (ICOMOS), the elaboration of a draft convention on the protection of cultural heritage.

UNESCO is driven by the Convention for the Protection of the World Cultural and Natural Heritage (1972), which recognizes some places on earth of outstanding universal value and are part of the common heritage of humanity. In Brazil, UNESCO has stood out since 1977, for the implementation of the World Heritage Convention, collaborating with governments in the three spheres and also together with civil society.

The preservation of the Brazilian Cultural Heritage is protected by the National Institute of Historical and Artistic Heritage – IPHAN. Created in 1937 by Law nº 378, in the then government of President Getúlio Vargas. In the country, IPHAN is responsible for the conservation, safeguarding and monitoring of

Brazilian cultural assets inscribed on the World Heritage List and the List of Intangible Cultural Heritage of Humanity, in accordance with the World Heritage Convention (1972) and the Intangible Cultural Heritage Convention (2003), respectively. As the agency itself points out, its operations take place throughout the national territory and are linked to the Ministry of Tourism, which is responsible for preserving the Brazilian Cultural Heritage, with the main objective of protecting and promoting the country's cultural assets, ensuring their permanence and enjoyment for present and future generations.

4. Normative acts from the perspective of cultural heritage

The national policy for the preservation of cultural heritage has as its starting point the Federal Constitution of 1934, with Articles 10 and 148 addressing the competences for the protection and favoring of the National Historic Heritage. The legal framework in Brazil around cultural heritage refers to Decree-Law No. 25, of November 30, 1937, which organizes the protection of the national historical and artistic heritage, and in its Article 1 it defines: “the national historical and artistic heritage is the set of movable and immovable assets existing in the country and whose conservation is of public interest, either because of their link to memorable events in the history of Brazil, or because of their exceptional archaeological or ethnographic, bibliographic or artistic value” (BRAZIL, 1937).

More than two decades after the promulgation of the Federal Constitution of 1937, Law No. 3,924, of July 26, 1961, was published, specifically addressing the policies aimed at archaeological and prehistoric monuments, defining that they should be under the custody and protection of the Public Power. Decades after the publication of Decree-Law No. 25, through the Federal Constitution of 1988, there has been a change of view, from the legal scope, on cultural issues in Brazil. Articles 215 and 216 of the Federal Constitution of 1988, bring in their texts issues related to the safeguarding and valorization of Brazilian heritage assets.

Article 215. The State shall guarantee to all the full exercise of cultural rights and access to sources of national culture, and shall support and encourage the appreciation and dissemination of cultural manifestations.

§ 1 The State will protect the manifestations of popular, indigenous and Afro-Brazilian cultures, and those of other groups participating in the national civilizing process.

§ 2 The law will provide for the establishment of commemorative dates of high significance for the different national ethnic segments (BRASIL, 1988).

Only 17 years after the enactment of the Federal Constitution of 1988, it was included by Constitutional Amendment n° 48, of 2005, the 3rd paragraph in the mentioned law, which dictates: “the law will establish the National Culture Plan, of multiannual duration, aiming at the cultural development of the Country and the integration of the actions of the public power that lead to: I defense and enhancement of Brazilian cultural heritage; II production, promotion and dissemination of cultural goods; III training qualified personnel for the management of culture in its multiple dimensions; IV democratization of access to cultural goods; V appreciation of ethnic and regional diversity” (BRASIL, 1988).

On the other hand, Article 216 of the Federal Constitution of 1988, ended up expanding the definition previously brought by Decree-Law No. 25, of November 30, 1937, changing the nomination of Historical

and Artistic Heritage to Brazilian Cultural Heritage.

Article 216. The goods of a material and immaterial nature, taken individually or together, constitute Brazilian cultural heritage, bearers of reference to the identity, to the action, to the memory of the different groups that make up Brazilian society, which include:

I – the forms of expression;

II – the ways of creating, doing and living;

III – scientific, artistic and technological creations;

IV – works, objects, documents, buildings and other spaces intended for artistic and cultural manifestations;

V – urban areas and sites of historical, scenic, artistic, archaeological, paleontological, ecological and scientific value (BRASIL, 1988).

Paragraph 1 of the aforementioned law establishes that the government, in partnership with the community, must provide and protect Brazilian cultural heritage, through inventories, records, surveillance, tipping, expropriation and other forms of precaution and preservation. Paragraphs 2 to 5 address issues related, respectively, to public administration and management, incentives for the production and knowledge of cultural goods and values, punishment for damages and threats to cultural heritage, in addition to instituting the tipping of documents and historical sites of former quilombos.

Included in Constitutional Amendment No. 42, of December 19, 2003, paragraph 6 determines that the States and the Federal District are optional to link up to five tenths percent of their net tax revenue to the state culture promotion fund, for the financing of programs and cultural projects, revenue that is prohibited for payment of personnel and social charges, debt and any other expenses not directly linked to investments or actions.

Constitutional Amendment No. 71, of November 29, 2012, includes Art. 216-A to the present law: “the National Culture System, organized in a collaborative, decentralized and participatory manner, institutes a process of joint management and promotion of public, democratic and permanent cultural policies, agreed between the entities of the Federation and society, with the objective of promoting human, social and economic development with full exercise of cultural rights” (BRASIL, 1988).

The article in question also shows that “the National System of Culture is based on the national culture policy and its guidelines, established in the National Culture Plan” (BRASIL, 1988). It highlights as basic principles cultural diversity, universal access to cultural goods and services and incentive to production, dissemination and circulation of knowledge and cultural goods, in addition to nine more items that address various issues related to cultural heritage, as well as paragraphs 2, 3 and 4 that deal with the structure of the National System of Culture, its regulation and organization of the States and Municipalities, regarding the culture system.

According to Porta (2012), in the early 1990s, there was a dismantling of management structures, resulting in the near interruption of activities, however, more recently, according to the author, after this long period of stagnation, there was a rebirth of the policy of preservation of heritage as a State policy. The following decade presents a very different picture: “the increase in investments and the concern to strengthen management provided an intense activity and conceptual formulation, especially in its last years, when new parameters of action were established and the process that aims to insert cultural

heritage into the agenda of policies aimed at the development of the country” (PORTA, 2012, p. 7).

In the 2000s, new milestones in heritage policy were launched. The aforementioned author cites Decree no. 3,551, of August 4, 2000, which institutes the Registry of Cultural Assets of Intangible Nature that constitute Brazilian cultural heritage, creates the National Intangible Heritage Program, among other measures, initiating, according to the author, the first actions of inventory and registration in 2002.

In 2004, the National Intangible Heritage Program was launched. The Immigration Legacies Program is also started, 2007; in 2008, Casa Chico Mendes was listed as a landmark; in 2009, the decree creating the seal of Cultural Landscape is published; In 2010, the first listing related to indigenous culture took place, in the sacred places of the Xingu peoples and in the same year, the first listing related to naval heritage took place, protecting four traditional vessels and the collection of the National Sea Museum (PORTA, 2012).

The formulations of this period are already implemented in the form of actions to register and safeguard the assets. For the effectiveness of preservation policies, other tools were developed, such as the National System of Cultural Heritage, the Action Plans for Historic Cities (PAC Historic Cities) and the Integrated System of Knowledge and Management (SICG) (PORTA, 2012, p. 8).

It is important to affirm the concern with Brazilian specimens through the tools of safeguarding heritage, especially at the end of the 20th century (1990s) and beginning of the 2000s. However, it will not be only the normative acts that will carry out the protection of history and of the identity that composes the national wealth, social participation is necessary, as a fostering agent of these safeguard actions.

5. The City Statute

Among the various preservation policies mentioned so far, the City Statute, established by Law 10,257, of July 10, 2001, which defines “norms of public order and social interest that regulate the use of urban property for the collective good, the safety and well-being of citizens, as well as environmental balance”, is considered an advance in recent years.

During the process of consolidation of the 1988 Constitution, a multisensory movement of national scope fought to include in the constitutional text instruments that would lead to the establishment of the social function of the city and of property in the process of construction of cities. Taking up the banner of Urban reform, this movement re-updated, for the conditions of an urbanized Brazil, a platform built since the 60s in the country. Attempts to build a regulatory framework at the federal level for Urban policy date back to the urban development law proposals prepared by the then National Council for urban development in the 1970s, which resulted in PL 775/83 (ROLNIK, 2002, p. 21).

As a realization of these actions in the face of Brazilian urban policy, a specific chapter was included in the Constitution (Articles 182 and 183), which provided for a series of instruments to guarantee, for each municipality, the right to the city, defense and social function of the city, property and the democratization of urban management (ROLNIK, 2002).

The author states that the constitutional text called for specific legislation of national scope, so that the principles and instruments encompassed by the Constitution could be implemented. Complementary

legislation was needed to regulate the instruments and mandatory municipal master plans that incorporated constitutional principles.

Then, at the federal level, a long period of elaboration began, materialized through the Law Project nº 5.788/90, known as the City Statute, which was approved in July 2001, “[...] the urban policy chapter of the 1988 Constitution, in combination with the City Statute and the text of Provisional Measure No. 2,220/01, provide guidelines for the country's urban policy, at the federal, state and municipal levels” (ROLNIK, 2002, p. 21).

The City Statute supports the development of practices for a more equitable, sustainable and democratic city. Rolnik (2002) highlights that the Statute embraces a set of guiding principles for the design of cities and their planning, in addition to urban management, and a series of instruments that can be used as a means of achieving the desired ends.

It is worth noting that the City Statute, as a guiding instrument for a local urban policy, must be based on a public and democratic process. In this contribution, the municipal Master Plans are developed through a broad political process, with the participation of civil society, which will guide the interventions, directing the local development beneficial to all sectors and to civil society itself.

6. Conclusion

The present study emerged from the need to create an interrelationship between cities and their cultural heritage, making a brief presentation of the concepts that permeate the theme, such as memory and identity, in addition to historical issues, especially with an emphasis on their evolution, going to the meeting legal issues.

It was observed that over the centuries there has been an important movement in relation to heritage issues, both in terms of cities and their buildings. The evolution of legal regulations over the years was decisive for the construction of solid concepts and actions regarding the preservation of cities and their heritage. As well, it is understood that social participation in the elaboration of legal regulations reinforces the feeling of recognition and belonging to the place, meeting the social function of the city.

Actions that involve heritage education, as well as the full participation of society in public decisions in relation to cities, allow legal regulations to increasingly translate the reality and true needs of the population of cities, and that this population in turn time, root in your history and in your community the belonging for the space and place where they inhabit and produce their representations, transforming this production into heritage, which will be perpetuated for future generations, following more sustainable paths for our cities and communities.

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