

Legal Instruments for the Protection and Conservation of Monuments in Mexico

Mexico has an extraordinarily rich, vast and diverse cultural heritage. There are more than 200,000 archeological monuments and zones in the country. Despite the destruction that many have suffered there are still hundreds of historic monuments that have been conserved in various towns, zones and historic cities. Our public heritage also includes artistic monuments of which there are many magnificent examples.

Mexican Federal Law defines archeological monuments as those produced by cultures previous to the arrival of the Spaniards. Historic monuments are those related to the history of the nation from the 16th to 19th century. Artistic monuments are those produced during this century and having relevant esthetic value.

As we can see, the Mexican Federal Law is based on a chronological definition of the monuments belonging to our cultural heritage which is different from the criteria followed in other countries.

UNESCO has placed 506 sites on the World Heritage List; 16 of these are located in the Mexican Republic.

Archeological sites: Teotihuacan, Chichen Itza, Palenque, Uxmal-Ruta Puuc (Kabah, Sayil and Labna), Tajin, cave paintings of the Sierra de San Francisco, Baja California.

Historic zones: historic center of Mexico City-Xochimilco, historic center of Puebla-Cholula, historic center of Guanajuato, historic center of Morelia, historic center of Zacatecas, historic center of Oaxaca-Monte Alban, historic center of Queretaro.

Routes: monasteries along the Popocatepetl Volcano.

Natural sites: El Vizcaino-Whale Sanctuary-Baja California and the Sian Kaan-Biosphere Reserve of Can Cun.

Forms of protecting the cultural heritage have varied over the centuries. The people who inhabited the Mexican territory before the arrival of the Spanish conquistadors placed great importance on their traditions, knowledge and religious beliefs, preserving them through narrations, songs, poems, paintings and by inscriptions carved in different materials such as stone, leather and bark paper of the fig tree called amate. During the Spanish conquest and colonization a great part of the pre-Hispanic cultural heritage was destroyed. Laws issued by the Spanish Indian Council ordered the demolition of idols, tombs and temples; all valuable objects found in these places were considered to be treasures belonging to the crown of Spain.

The first legal dispositions regarding these matters can be found during the second half of the 18th century and refer to archive projects in Chapultepec Castle (1775), the creation of the Academy of History (1781) and the transferring of two archeological pieces from the Main Plaza to the University (1790). In the first half of the 19th century a great number of decrees were published founding academies, museums, archives and antiquity boards. At the same time the first laws appeared prohibiting the exportation of ancient

works of art and the excavation of monuments. In the second half of the 19th century certain laws appeared such as ones allowing the expropriation of property, concerning national treasures (both movable and immovable goods), establishing attributes and guidelines for the inspector of monuments and finally one declaring archeological monuments to be national property and regulating their protection.

Norms for the protection of the cultural heritage have continued to evolve. Since 1914 various laws have been issued for the conservation of historical monuments, artistic and beautiful natural settings, archeological monuments, typical towns and zones of monuments, until the arrival of the present Regulation Law published in May 1972. Since the 1970s both federal and state laws and regulations have been published concerning Human Settlements (1993), Urban Development (1976, 1996), and City Planning. We are constantly finding links between the protection of monuments and the planning of cities and towns.

The application of the actual Law of Monuments and Zones is under the jurisdiction of the President of the Republic along with the Ministry of Public Education in guiding the National Institutes of Anthropology and History, as well as Fine Arts. These two organizations with their own judicial procedures and characteristics are subordinate to but operationally independent of the aforementioned Ministry and follow their own organizational laws. This also applies to the Ministry of Social Development.

Safeguarding the architectural heritage is the responsibility of the federal powers. State and municipal authorities can only intervene by previously obtained permission and under the direction of the National Institutes of Anthropology and History or Fine Arts. The Federal Law defines a zone of monuments as a group of structures (isolated or united) of whatever architecture with a sense of unity or integration that gives a universal value from a historic, artistic or scientific point of view. The historical centers declared as zones of monuments are governed by different legal instruments. The special laws for certain cities have been the most effective and achieved best results whenever the boards or councils entrusted to guard over the applications have advisory and executive faculties.

The problems of the various historical centers of Mexico were exposed in a recent meeting in the city of Zacatecas entitled "Cities with Past, Historic Centers of the Future," in which 59 cities were represented. The problems can be summarized in the following points:

1. Isolation from the rest of the urban area.
2. Inadequate and inflexible norms, excessive bureaucratic paperwork within the three levels of government.
3. Resources unequally assigned to municipal levels by the federal government.
4. Lack of a specific line regarding rehabilitation of architectural heritage in the financial scheme.

5. Ignorance and lack of sensibility or interest in the value of the cultural heritage on the part of the community and the authorities, a lack of political decision by the latter, a general incomprehension concerning the importance of historical centers.
6. Lack of freedom of action on the part of committees depending on the government.
7. No effective stimulation on the part of fiscal policies.
8. Lack of coordination between the application of the Federal Law of Monuments and the state and local laws of urban development, leading to contradictions in the process of application.
9. Deterioration of the urban image caused by street vendors, political and labor rallies.
10. Abandonment little by little of the buildings on the part of their occupants who then move to the outskirts of the cities, leaving those vacated spaces under-utilized and unproductive.

The general problems of historical centers were discussed and analyzed by the participants from which came several proposals and alternatives:

1. Program for the protection and integral conservation of the historical centers intertwining the technical aspects of restoration with that of urban planning.
2. The federal government and the states should support and encourage the independent development by the municipalities and help them become financially self-sufficient.
3. Assist the state and municipal administrations to establish sponsors and independent trusts.
4. Establish preventive measures in order to avoid dislodging or evicting people still living in the historical centers and with the support of fiscal incentives and conscientious campaigns to foster programs for the homeless.

We will now analyze the particular situation of Mexico City's historical center: Mexico City was founded by the Aztecs in 1325 and later rebuilt in 1521 by the Spaniards. Plans were made by the architect and surveyor Alonso Garcia Bravo following the Renaissance use of an urban network, based partly on their experience and inspired by the Roman military planning scheme of the camp of Santa Fe in Granada of 1491. This scheme involved a structure of squares similar to a checker or chess board. The rest of the plan centered around some remaining elements of the Aztec city: mainly four major roads used as axes, the two palaces of Moctezuma, and the canals which could not be eliminated but served as the outer limits of the new city.

Mexico City's historic center has gone through successive stages of destruction and reconstruction, which were already operating during the Nahuatl Culture with the periodic renovation of the temple-pyramids. The destruction of Tenochtitlan came with the Spanish conquest and in its ruins came the rebuilding of Mexico City. Floods devastated it in the 17th century and in the 18th century there was a high point of construction which was once again destroyed in the middle of the 19th century. Big convents, like San Francisco covering more than 32,000 square meters, were demolished as consequence of laws on the nationalization of church goods and properties (1859).

The 16th century witnessed the devastation of the indigenous city; the 17th saw the destruction of the conquered city and the 19th century observed the ruin of the baroque city



Mexico City, the Azulejo House

of the 17th and 18th centuries. During the government of President Porfirio Diaz (1876-1911) new styles emerged producing notable expressions of neoclassic, romantic and eclectic architecture. At the beginning of the 20th century the whole of Mexico City (with approximately 400,000 inhabitants) occupied what is now known as the historic center; the old city continued evolving.

In the decade of the 1950s the population accelerated to almost 4,000,000 inhabitants that saturated the city causing it to overflow and to undergo with great force the pressures of modern urban development, resulting in deterioration and a loss in quality of life. The University abandoned its old buildings and this set off and opened a process of deconcentration to other zones. The original city stopped being the center of political, economic, social, and cultural activity, which in turn started a process of physical deterioration that rebounded later into insecurity, leading to the detriment of the urban image and the decrease of tourism.

In subsequent years the center fell into degradation and families continued to leave because they could no longer reside in a zone without suitable living services. The higher floors of buildings remained abandoned or became warehouses. Maintenance of properties was non-existent resulting from frozen rent ordinances (1942-1992). Public spaces were taken over by peddlers. The monuments suffered the same fate of abandonment and deterioration. Only isolated actions were carried out to rescue some important buildings. The historical center of Mexico City was declared a monument zone by Presidential Decree on April 11, 1980 and in December of 1987 it was placed on the World Heritage List by UNESCO. In spite of institutional protection the zone suffered its worst phase of deterioration. This was aggravated and intensified by a major earthquake in 1985 that destroyed living quarters, hotels and office buildings in the historic center and in neighboring districts of great economic vitality.

Nevertheless, the historic center of the city continues to preserve its magnificence and importance, for the historic and artistic value of its buildings, its 70 temples, streets, plans, plazas, and all of its cultural heritage, both tangible and intangible. The historic center of the capital city encompasses an area of 9.1 square kilometers where there exist more than 2,000 relevant buildings of which approximately 1,500 have been declared historic monuments by the National Institute of Anthropology and History.

The center zone is divided by two perimeters: "A" with a surface of 3.2 square kilometers, which is the area occupied by the pre-Hispanic city and its colonial growth until the War of Independence. It is here that we have a major concentration of monuments. In December of 1990 the Patronage of the Historic Center was established as an autonomous organization that along with the support of the government forms the Historical Center Trust Fund of Mexico City. It is a mechanism operating the program which promotes, negotiates and coordinates between the private sector and the authorities the execution of actions, works and services that will lead to the rescue, protection and conservation of the historic center.

During the six years that the trust fund has been operating, it has been able to detain the process of deterioration and improve the urban image of some of the important streets. The program "Lend us a Hand" has participated in 1146 projects.

| Restoration works in the historic center | | | | | | | |
|--|------|------|------|------|------|------|-------------------------|
| | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | Accumulate to Dec. 1996 |
| Finished works | 19 | 166 | 271 | 266 | 243 | 221 | 1,146 |
| Works in progress | 36 | 158 | 185 | 154 | 179 | 163 | 163 |
| Total | | | | | | | 1,309 |

| | Works | Investment in USD |
|---|--------------|----------------------|
| Finished works-perimeter "A" | 917 | \$ 12,708,750 |
| Finished works-perimeter "B" | 229 | \$ 7,167,500 |
| Total | 1,146 | \$ 19,876,250 |
| Works in progress perimeter "A" | 127 | \$ 6,416,250 |
| Works in progress perimeter "B" | 36 | \$ 2,492,500 |
| Total | 163 | \$ 7,908,750 |
| Total works | 1309 | |
| Buildings declared historic and artistic monuments | 699 | |
| Private investment | 1244 | \$ 19,967,500 |
| Public investment | 65 | \$ 7,817,500 |
| Use of restored buildings in percentage of square meters | | |
| Housing | 10.16 % | |
| Office | 37.90 % | |
| Services | 12.40 % | |
| Hotels | 3.38 % | |
| Restaurants and bars | 3.48 % | |
| Commercial | 20.82 % | |
| Cultural | 6.92 % | |
| Others | 4.94 % | |

The Trust Fund gives to property owners technical help for the development of projects and works, use of property, advice and steps for obtaining licenses and permits. Fiscal incentives that have been decreed are:

- tax deductions for contributions given for the conservation of the historic center,
- subsidies equivalent to 100 %,
- land tax,
- property acquisition tax,
- right to expedite construction licenses,
- right to inscribe in the public registry of property.

Although it is true that an important number of monuments have been restored and that the historic center has re-

covered spaces for new museums, cultural centers, offices, stores, restaurants and bars which have generated activity in the center again, it is also true that many of the buildings have in the lower floors commercial stores, and the upper floors continue to be vacant, under-utilized and unproductive and continue to deteriorate. Furthermore, few people live in the center and most must travel back and forth daily from the outskirts of the city in order to work.

The Historic Center Trust Fund has initiated a program called "Live in the Center" with the purpose of improving living conditions there and encouraging people to return. To achieve this, the Trust is trying to convince property owners to participate in the plan to rehabilitate the upper floors of their buildings and convert them into housing.

In order to operate this program, a Real Estate Investment Fund has been established with the following objectives:

- to create a climate of business in the historic center,
 - to rehabilitate and give the highest market value to upper floors with good quality apartments,
 - to develop projects of revitalization in certain blocks and parallel streets in previously marked areas.
- Participants in this Investment Fund are investors, sponsors and companies having an economic interest in the historical center, the City Government and the future apartment users.

| Market studies show the following data: | | | |
|---|-------------------|---------------------------------|--------------|
| Apartment type proposed for the zone | Surface | Price per m ² in USD | total price |
| Sale | 65 m ² | \$ 440.00 | \$ 28,600.00 |
| Monthly rental | 65 m ² | \$ 40.00 | \$ 286.00 |

The scheme of the Investment Fund includes the following elements:

- The sponsors and investors supply the seed capital to initiate the operations.
- The designated committee by the Trust Fund selects and evaluates each project, administers the sources and executes the approved projects in the preferred rehabilitation areas.
- This initiates the capture of rent that sets off a cyclic process of reinvestment in other projects which increase the volume of captured rents.

The financial sources of the Fund are seed capital and budgets for approved projects. Fees are at the rate of 3.5 % of the commercial value for 10 years (designated use of the fee), 2.5 % for fund turn-over and administration and 1.0 % for the government maintenance and improvement of the zone.

So far there have been 31 agreements with owners in the zone ready to participate in the program. 38 projects are being prepared, consisting of 640 apartments in seven areas of preferred rehabilitation. We are working on this program, although our country has passed through a serious economic crisis which has begun to rise. This year will be unique and particularly difficult since we will elect a Governor for the City of Mexico for the first time. Nevertheless we hope to obtain positive results and succeed with a complete restoration that has life and can conserve for future generations the historic center of the City of Mexico, the most important in America.

