

**LOCAL AND INTERNATIONAL DYNAMICS IN HISTORIC CITIES: Understanding the
Influence of UNESCO World Heritage Designation on Urban Development in Quito,
Ecuador**

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To my sister,

The one and only who can understand and share the happiness of making our mom and dad proud of the “adults” we have become.

I love you Hermana!

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CHAPTER 1. INTRODUCTION:

1. UNESCO World Heritage Designation: Influence or Suggestion

The United Nations Educational, Scientific, and Cultural Organization (hereafter referred to as UNESCO) was created in 1945 under the United Nations umbrella based on the “firm belief that – after two world wars in less than a generation – political and economic agreements are not enough to build a lasting peace. Peace must be established on the basis of humanity’s moral and intellectual solidarity.”¹ Under this principle, four key work-lines were established in order to build networks among nations, (1) education, (2) intellectual understanding, (3) scientific cooperation, and (4) freedom of expression, all of which were to guarantee equal access to intellectual resources, democracy, human dignity and cultural diversity.²

The World Heritage Convention (1972) was conceived along the lines of creating and strengthening intellectual understanding and promoting cultural diversity. The idea of recognizing and preserving heritage valuable for all mankind, whose protection is international responsibility, reinforced the concept of equality, democracy, and the ideal of intellectual solidarity and network cooperation characteristic of all United Nations projects. After more than 40 years, the World Heritage Convention has become not only the most successful and ratified international treaty for cultural and natural preservation, but its primary project, the World Heritage List, which began in 1978 inscribing 12 sites including Quito, currently includes 1007 sites from 161 different States

¹ UNESCO Organization Official Web Site, *Introducing UNESCO*, accessed through UNESCO’s Official Web: <http://en.unesco.org/about-us/introducing-unesco>

² Ibid.

Parties.³ Surely, “what makes the concept of World Heritage exceptional is its universal application. World Heritage sites belong to all the peoples of the world, irrespective of the territory on which they are located.”⁴

The Convention contemplated the establishment of a decision-making commission – The World Heritage Committee, a secretariat – The World Heritage Center in Paris, and a monetary reserve – the World Heritage Fund – to be used for the management and preservation of properties inscribed on the List. The Operational Guidelines were drafted as statutes with which to comply, and the Advisory Bodies were invited to provide expert opinion in both natural and cultural matters -- the International Union for Conservation of Nature (IUCN) for nature, and the International Council on Monuments and Sites (ICOMOS) and the International Center for the Study of Preservation and Restoration of Cultural Property (ICCROM) for cultural heritage. Moreover, the Convention set not only the rules for the inscription and management of inscribed sites, but also responsibilities, and implicitly the relationships to be established between nations signatory to the treaty (hereafter referred to as States Parties) and the World Heritage organization.

However, having a site inscribed on the World Heritage List represents not only an international rhetoric supported by a national practice, it raises questions about international dynamics, sovereignty, and differences in knowledge and communication processes, as they affect nomination, inscription, and monitoring, especially between

³ UNESCO World Heritage Official Web Site, *Celebrating 40 years of World Heritage 1972-2012*, 2012, accessed through UNESCO’s Official Web: <http://whc.unesco.org/en/40years/>

⁴ UNESCO World Heritage Official Web Site, *About World Heritage*, 2012, accessed through UNESCO’s Official Web: <http://whc.unesco.org/en/about/>

States Parties and the World Heritage system - Committee, Center, and Advisory Bodies.⁵ Such dynamics often go beyond having a site designated; they further influence the management and development of the properties, as preservation and conservation of sites of importance for humanity is the ultimate purpose of the List. An often proposed hypothesis suggests that the World Heritage Convention, through the Committee and Advisory Bodies, intervenes on decision-making processes within sovereign States. In fact, current failures of urban development in historic cities are often presented as World Heritage Designation outcomes.⁶ In the case of World Heritage cities, this hypothesis further suggests that the decisions made to protect such heritage can often be done at the expense of urban policies that might alternatively enhance the quality of life of residents in designated sites. As a result, many have associated World Heritage designated urban areas with abandonment, depopulation, slumming, insecurity, and decline in socio-economic conditions.

If correct, this hypothesis could be better understood by analyzing the national and international dynamics established between a State Party, like Ecuador, and the UNESCO World Heritage Organization. What is their relationship regarding development projects, management, and conservation of its designated sites i.e. Quito's Historic Center? What are the negotiations and dialogues taking place when a site is to be directly or indirectly impacted by an urban-scale project? What is the degree of influence that this international institution either implicitly or explicitly has on decision-

⁵ Bruno Frey and Lasse Steiner, World Heritage, Does it Make Sense? *International Journal of Cultural Policy*, Vol. 17, No. 5, 2011, pg. 560

⁶ Marco D'Eramo, *Urbanicide in all Good Faith*, Domus 982, Rome, July - August 2014, accessed through Domus Official Web: http://www.domusweb.it/en/op-ed/2014/08/20/urbanicide_in_allgoodfaith.html

making? And to what extent do States Parties have real responsibility for what projects are executed without violating the Convention principles and in accordance with the Committee and Advisory Bodies recommendations?

2. Background: Urban Development in World Heritage Sites

In 2009, the UNESCO World Heritage Committee decided to permanently remove Dresden Elbe Valley from the World Heritage List after four years of back and forth negotiations between the World Heritage Committee and the city's authorities about the construction of the Waldschloesschen Bridge, an infrastructure project first discussed in 2005, just one year after the city's inscription on the World Heritage List.⁷ At the time, the World Heritage Committee recommended looking into other alternatives as solutions for the city's mobility problems.⁸ They recommended substituting the bridge with a tunnel that would not have such visual impact on the historic cultural landscape, recognized as one of the city's outstanding universal values under criterion (iv) – among other criteria –.⁹ “The World Heritage Committee decided to remove Germany's Dresden Elbe Valley from UNESCO's World Heritage List due to

⁷ UNESCO World Heritage News, *Dresden is deleted from UNESCO's World Heritage List*, June 25th, 2009, accessed through UNESCO's Official Web: <http://whc.unesco.org/en/news/522/>

⁸ UNESCO World Heritage List, *Dresden Elbe Valley - Documentation*, Document 30 COM (WHC-06/30.COM/19, Paris, August 23rd, 2006, accessed through UNESCO's Official Web: <http://whc.unesco.org/archive/2006/whc06-30com-19e.pdf>

⁹ The bridge was considered to have both a visual and physical impact on the designated site for it was built within the designated area in contrast with other European case in Sevilla, Spain. UNESCO World Heritage News, *UNESCO Report Recommends the Construction of a Tunnel instead of a Bridge in Dresden World Heritage Site*, March 10th, 2008, accessed through UNESCO's Official Web: <http://whc.unesco.org/en/news/414/>

the building of a four-lane bridge in the heart of the cultural landscape, which meant that the property failed to keep its "outstanding universal value as inscribed."¹⁰

Other multiple recommendations made to the city's authorities over the years included working on design alternatives for the bridge and/or the complete removal of the proposal. The city, on the other hand, had already decided on the necessity of the bridge; thus, when the citizens were asked in a poll to choose between constructing the bridge or maintaining UNESCO's designation, most citizens voted in favor of the bridge.¹¹ Thereby, the bridge's construction ultimately led the city to lose the title along with the right to federal money allocated to German cities holding World Heritage status, and the potential money coming from tourism revenues associated with the World Heritage brand.¹²

Other designated cities around the world had also experienced UNESCO's close watch at times when major urban projects were proposed or executed, raising questions about the role of the UNESCO World Heritage position in holding back urban

¹⁰ UNESCO World Heritage News, *Dresden is deleted from UNESCO's World Heritage List*, June 25th, 2009, accessed through UNESCO's Official Web: <http://whc.unesco.org/en/news/522/>

¹¹ "[...] The City of Dresden, if necessary, would accept the loss of the title of World Heritage when the wish of the people to constrict a bridge over the Valley, as articulated in a local referendum, was to be respected."

Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 335

¹² Dresden's case raises the question of the influence of the time a city has held a designation and how that can be reflected on people's idea of its importance to the city.

Jennifer Abramsohn, *Dresden Loses UNESCO World Heritage Status*, DW (Deutsche Welle), June 2009, accessed through DW's Official Web: <http://www.dw.de/dresden-loses-unesco-world-heritage-status/a-4415238>,

development, either directly or indirectly.¹³ Furthermore, literature regarding both the positive and negative outcomes of World Heritage designation in historic cities often points to a possible incompatibility between holding on to the status and allowing major urban changes, which is eventually reflected in socio-economic conditions and material conservation.¹⁴ Research addressing this question has been inconclusive in making a direct connection between a designation and urban changes, or the lack thereof. Perceptions however, especially when looking into early-designated sites like Quito or other historic cities or centers in developing countries, seem to amplify the idea of the two conditions – designation and urban change -- being unable to coexist, the first compromising the second, and the World Heritage Committee directly influencing development.

However, understanding international participation in decision-making regarding major urban or infrastructural projects within designated sites is clearly not an easy task, for there is no set of rules within the World Heritage Convention that regulates such dynamics or that establishes levels of participation.¹⁵ “The listing is not a classical means or regulatory administration. Nor is it a unilateral infringement of the rights of

¹³ “The World Heritage Committee has asked that “reinforced monitoring” be applied to four properties on UNESCO’s World Heritage List in addition to the seven for which the surveillance mechanism is already in place.”

UNESCO World Heritage News, *World Heritage Committee Requests close Surveillance of Bordeaux, Machu Picchu, Timbuktu, and Samarkand*, June 25th, 2009, accessed through UNESCO’s Official Web: <http://whc.unesco.org/en/news/454/>

¹⁴ Marco D’Eramo, *Urbanicide in all Good Faith*, Domus 982, Rome, July - August 2014, accessed through Domus Official Web: http://www.domusweb.it/en/op-ed/2014/08/20/urbanicide_in_allgoodfaith.html

¹⁵ Based on the ideas explaining the protection system placed by the World Heritage Convention according to Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010

the State Party concerned, whereby the State Party occupies a subordinate position to that of the international institution. [...] The governance mechanism is a special type of cooperative regulatory administration.”¹⁶ Thus, the level of international participation in decision-making, and the execution or not of such projects, implies multiple dialogues between local (i.e. State Party) and international (i.e. UNESCO World Heritage Committee) that are mostly under control and responsibility of the locals, and that is more often a reflection of their interpretation of the responsibilities acquired after ratifying the World Heritage Convention.

A far more recent case of a World Heritage site illustrates the complex dynamics between local and international, and the flexible responsibilities of a State Party. The Archeological Site of Panamá Viejo and Historic District of Panamá is scheduled to be deleted from the World Heritage List at the committee’s 39th session in 2015, after 17 years of designation, due to the construction of a maritime viaduct (Cinta Costera - phase III) that “modifies in an irreversible manner the relation of the historic center with its wider setting.”¹⁷ The highway was constructed surrounding the perimeter of the peninsula, bordering the world heritage site buffer zone (established in 2007), and connecting two pre-existing highways that already flank the historic district.¹⁸ The State Party’s position regarding communication of the project to the international community

¹⁶ Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 310

¹⁷ UNESCO World Heritage List, *Archeological Site of Panamá Viejo and Historic District of Panamá - Documentation*, Document 37 COM 7B.100 (WHC-13/37.COM/20, Paris, July 5th, 2013, accessed through UNESCO’s Official Web: <http://whc.unesco.org/archive/2013/whc13-37com-20-en.pdf>

¹⁸ UNESCO World Heritage List, *Archeological Site of Panamá Viejo and Historic District of Panamá - Documentation*, SOC WHC-12/36.COM/7B.Add, Paris, June 1st, 2012, accessed through UNESCO’s Official Web: <http://whc.unesco.org/en/soc/151>

was mostly inclined towards silence and omission while the project was decided on local and national platforms.¹⁹ In fact, after the project was denounced to the committee in 2011, expert missions were recommended but cancelled twice by the State Party between September and November of 2012 thus limiting the international participation in decision-making regarding the project.²⁰

Clearly Panamá was not interested in allowing the international community to have an opinion on the characteristics of the project. The constructed viaduct was the only proposal submitted for evaluation in their 2012 State of Conservation Report, “The statement of the State Party requesting the assessment of only this proposal does not allow for dialogue about potential solutions,” (SOC WHC-12/36.COM/7B.Add) whereas national experts ultimately made the final decision in favor of the construction of the \$776-million project in December 2011.²¹ The international community’s opinion and political pressure, reflected by UNESCO World Heritage Committee’s recommendations starting in 2010, and even local citizens’ advocacy to stop the construction of the viaduct was not considered nor had an impact on the government’s final stand.²² By February 2014, 93 percent of the highway was built.

Thus, since the World Heritage Convention and Operational Guidelines are a nonbinding set of procedures and standards, the participatory capacities of the

¹⁹ Fred. A Bernstein, Panama City Highway Stirs Controversy: Opponents of a viaduct connecting Panama City to outlying suburbs say that it will destroy the atmosphere of a neighborhood protected by UNESCO World Heritage status, *Architectural Record*, October 2012, accessed through: <http://archrecord.construction.com/news/2012/10/121022-Panama-City-Highway-Stirs-Controversy.asp>

²⁰ UNESCO World Heritage List, *Archeological Site of Panamá Viejo and Historic District of Panamá - Documentation*, Document 37 COM 7B.100 (WHC-13/37.COM/20, Paris, July 5th, 2013, accessed through UNESCO’s Official Web: <http://whc.unesco.org/archive/2013/whc13-37com-20-en.pdf>

²¹ (Bernstein 2012)

²² *Ibid.*

committee and the international institution itself lie in the relation established with the State Parties working more as a “binding secondary law” that has limited means to be enforced.²³ Nonetheless, it holds the “power” of exercising a beyond-the-law kind of governance on listed properties using the possible de-listing of a site as means of naming and shaming on an international platform.²⁴ Furthermore, it seems that the relations established are more on the State Party playing field, meaning the State Party can choose to abide by the decision-making power of the international level or not.²⁵

3. Research Aims and Methodology

3.1. Aims

This research seeks to establish and understand the existing connection between urban development and historic preservation within a UNESCO World Heritage site (Quito) by looking into the dynamics between international (World Heritage Committee) and local stakeholders. It aims to determine the levels of participation and influence of the first on local decision-making in order to clarify the real impact a World Heritage designation has in urban development -- or the absence of it -- in historic cities like Quito. To study such relations and dynamics, this thesis will look into two urban development projects currently in execution and the World Heritage Committee responses through missions, recommendations, and decisions as means to evaluate the

²³ Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 320

²⁴ Ibid.

²⁵ Ibid.

influence the later has on whether or not such projects are approved, modified, and/or executed.²⁶ In addition it will look into general literature addressing historic cities' management and development after designations, and the study of the political influence of international institutions in designated sites in order to find repetitive dynamics and political patterns, if any.

The study aims to highlight both the shortcomings and strengths of international policies, i.e. World Heritage Convention and Operational Guidelines, and local policies, and regulatory processes, and to assess levels of responsibility and influence on infrastructural and urban development in World Heritage designated historic centers in within urban contexts using Quito as case study. Ultimately this research attempts to:

- Define efficient management methodologies and participatory limits in decision-making processes for World Heritage sites like Quito.
- Outline urban development concepts applicable in comprehensive urban development plans and general planning tools, as well as tools to incorporate historic preservation as a positive instrument rather than an obstacle to skirt.
- Determine recommendations for a successful association between both urban development and heritage preservation, and international and local stakeholders.

Thus, this thesis tries to establish through the study of political dynamics participation scopes. Eventually addressing the apparently ever-lasting question of whether or not having a World Heritage designation equals urban deterioration and

²⁶ ICOMOS *Advisory Mission Report on the City of Quito, Ecuador (C2)*, October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

development halt, and what in the particular case of Quito, are the costs of holding or losing the designation in the mist of urban growth.

3.2. Methodology

The methodology proposed is based on the selection of a case study in which the dynamics between national and international actors have appeared to influence urban-scale projects and decision-making processes.²⁷ A deep analysis of the roles each actor plays constitutes the first phase of this project. For that purpose an initial phase focused on data collection and analysis of all the available - as public documentation:

- a) Sources on the World Heritage Convention,
- b) The selected case study and two discussed urban or infrastructural projects – contested by recommendations from the World Heritage Committee and/or Advisory Bodies,
- c) and World Heritage Committee and Advisory Bodies’ reports talking about urban plans or other development proposals.

Furthermore, the analysis includes bibliographical documentation on the relationship established between the World Heritage organization and States Parties and information on the conceptual and practical basis of the studied urban and infrastructure projects.²⁸

²⁷ Quito was selected as case-study for the city has one of the longest designations (37 years) and so it has a dialogue history regarding World Heritage monitoring and national responses; and furthermore it is currently undergoing major urban and infrastructural development that would impact the designated site.

²⁸ Selection of projects and primary sources based on the 2013 ICOMOS Advisory Report

The information collected in the first phase was complemented by an analysis and research on similar case studies from which some comparisons could be derived.²⁹ The cases were selected considering variables such as designation time, geographical location, and the State Party's political stand though maintaining similarities in terms of kind of site or designation, site's scale, and project proposed. Meanwhile, a second phase included interviewing experts from both the national and international platforms that have intervened in either the development of urban proposals impacting on, the policy-making for, the regulation and control of, and the international monitoring of the selected designated site, in addition to experts on heritage preservation also involved in both the local and international arenas.³⁰

Therefore, the subsequent analysis builds upon the information obtained in the two research phases previously described and pays close attention to unwrapping and understanding the dynamics between all the involved stakeholders, setting a general context for the study to be applicable to other cases. Ultimately, it aims to support or dismiss the initial hypothesis whereby the UNESCO World Heritage Convention through the Committee and Advisory Bodies unduly influences decision-making regarding infrastructural and urban development, ultimately impacting city and social development as well.

ICOMOS *Advisory Mission Report on the City of Quito, Ecuador (C2)*, October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

²⁹ Selected cases: (1) Dresden-Germany delisted in 2009, and Panamá City – Panamá to be delisted in 2015.

³⁰ For a complete list of the experts consulted see acknowledgements.

4. Quito as Case Study

After 36 years of designation, Quito and its historic center have become a sample of the positive and negative effects a World Heritage designation of a site within an urban context might have on developing cities in South America.³¹ Demographic and socio-economic impacts have already been evaluated and documented providing data that reflects the results from heritage management programs and public policies implemented after the designation in 1978.³² In fact, demographic shifts, employment dynamics, poverty rates, conservation and rehabilitation scopes, among others can be traced back directly to local interpretations of the implications of a designation and the responsibilities acquired with it. However, are those isolated results or simply reflections of local authorities' actions and policies? Or are UNESCO and the World Heritage Convention playing a major role in limiting or defining development in designated urban sites?

Quito, like any other developing city, is constantly undergoing major urban growth and/or public infrastructure improvement.³³ Indeed, the infrastructure required to satisfy the needs of 2,239,191 citizens, according to the 2010 National Census, needs to be planned and executed regularly and comprehensively, hence leading local and national authorities to develop and implement a number of urban plans over the years

³¹ For a complete analysis of outcomes see: Pedro Jaramillo, *City Development - Experiences in the Preservation of Ten World Heritage Sites: Quito, Ecuador*, Inter-American Development Bank, Eduardo Rojas and Francesco Lanzafame, New York, 2011, pg. 59-86

³² Ibid, pg. 59-86

³³ Arch. Amanda Braun, representative for the Revitalization Plan HCQ - MIDUVI, Quito, 2015, interview by Diana Araujo, January 08, 2015

in order to satisfy those needs.³⁴ However, plans involving actions within the designated area in the historic center have always been evaluated in accordance with the World Heritage Convention and the responsibilities associated with it through reports made by both, the State Party and UNESCO and its advisory body, ICOMOS.³⁵ As a result, several infrastructure projects impacting the designated area have been reviewed and supervised by World Heritage experts before and during their execution in accordance with the World Heritage Operational Guidelines.³⁶ However, it is still unclear to what extent UNESCO and the World Heritage Convention exercise a direct influence on decision-making regarding urban development and infrastructure projects in designated urban sites and to what extent their reports influence local authorities and policies, and therefore, the approval, modification and/or execution of such urban plans.

A common hypothesis speaks of a relation between the poor execution of infrastructure and city-scale projects in designated cities in terms of time, delays, reviews, modifications, and scopes, and UNESCO's recommendations and levels of intervention.³⁷ If that were the case, UNESCO World Heritage involvement, although not violating the state's sovereignty, would almost exclusively be responsible for what

³⁴ Pedro Jaramillo, *City Development - Experiences in the Preservation of Ten World Heritage Sites: Quito, Ecuador*, Inter-American Development Bank, Eduardo Rojas and Francesco Lanzafame, New York, 2011, pg.61

³⁵ UNESCO World Heritage List, *City of Quito*, September 12th, 1978, accessed through UNESCO's Official Web: <http://whc.unesco.org/en/list/2>

³⁶ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO's Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>

³⁷ Marco D'Eramo, *Urbanicide in all Good Faith*, Domus 982, Rome, July - August 2014, accessed through Domus Official Web: http://www.domusweb.it/en/op-ed/2014/08/20/urbanicide_in_allgoodfaith.html

projects are approved based on the information supplied by local authorities.³⁸ After 1978, the relationship established between the World Heritage Committee and local authorities in Quito reinforces this theory for local identity, and urban development has always been connected to the World Heritage title forcing local authorities to prioritize its upholding.³⁹ However, new projects currently under execution in Quito, and furthermore, case studies in other designated sites –Dresden and Panamá City - contradict this hypothesis arguing for a more case-by-case-oriented approach, especially since the boundaries set to international participation and cooperation officially and exclusively rely on the State Party’s hands and hence on local political interests.⁴⁰ Thus, according to the World Heritage system both international and national stakeholders have a degree of participation that in some cases might fluctuate in favor of one or the other influencing protection policies and heritage management and in some cases comprehensive urban development.

Clearly, understanding and looking beyond outcome statistics as to whether or not UNESCO and the World Heritage Convention have any kind of “non-explicit power” over local authorities and policies regarding decision-making can be explained by analyzing the international dynamics supporting a World Heritage Designation and the role both UNESCO and State Parties play. Ultimately, these dynamics can help to explain how a designation, like the one placed on Quito in 1978, can have positive or

³⁸ UNESCO World Heritage List, *City of Quito*, September 12th, 1978, accessed through UNESCO’s Official Web: <http://whc.unesco.org/en/list/2>

³⁹ Arch. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

⁴⁰ ICOMOS *Advisory Mission Report on the City of Quito*, Ecuador (C2), October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

negative outcomes regarding the city's socio-economic and urban development and its citizens' quality of life, in addition to the degree of overall heritage preservation.

CHAPTER 2. INTERNATIONAL STAKEHOLDERS: DYNAMICS AND PROCESSES

Obtaining and maintaining a World Heritage designation status involves multiple stakeholders participating on different levels. An oversimplified version of the relations established before and after listing a site involves two major actors, local and international. However, it is within those two major actors that multiple stakeholders play a part and weight in decision-making processes on both sides. In the case of Quito, the local authority network includes national and city entities in charge of regulating and protecting the historic center, and the international agency represented by the World Heritage Committee and its Advisory Bodies. The following chapters look into the organizational system of the two major stakeholders – UNESCO World Heritage System and the City of Quito - and their relation to other actors involved in multiple instances, the World Heritage designation, the preservation, and the control of urban development within the site, especially looking at contemporary infrastructural projects.

UNESCO World Heritage Organization

1. The Organization's Origins and Goals

The first governmental efforts on cross-national heritage preservation date back to after World War I, The Roerich Pact (1914-1935), when nations agreed on the idea of preserving immovable monuments under imminent danger after witnessing post-war destruction. The period between the World Wars saw the establishment of multiple professional treaties on the protection and restoration of built heritage as well with the creation of the two Athens Charters during the 1930s. Nonetheless, the major

development in terms of both professional and governmental approaches on heritage preservation came after World War II when the League of Nations became the United Nations and UNESCO was founded (1945), the Hague Convention (1954) and Venice Charter (1964) established, and other non-governmental agencies supporting preservation efforts on both natural and cultural assets such as ICCROM (1956), IUCN (1948), and ICOMOS (1965) created.⁴¹

The World Heritage Convention was finally established under UNESCO's umbrella in 1972. By that time, UNESCO had already participated in international campaigns raising money and awareness for heritage conservation projects.⁴² The Nubian Campaign (1959) in Egypt marked a milestone in both achieving international cooperation and funds, and proving cross-border appreciation for world heritage.⁴³ The campaign was followed by other projects in Venice (1965), Indonesia (1972), and Pakistan (1974).⁴⁴ The creation of the convention responded to three major interests of UNESCO and the international community, "(1) an understanding that particular national treasures can have a value for, and require protection from, anyone around the world (not just local residents); (2) the notion that there is a common, universal heritage of creative human achievements to which all cultures or societies can potentially

⁴¹ Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 303 - 307

⁴² Ibid. Pg. 304

⁴³ "[...] Soon after, UNESCO launched its first international safeguarding campaign in 1959 to save Abu Simbel and Philae temples in the Nile Valley from flooding caused by the construction of the Aswan High Dam. The success of this effort inspired additional campaigns [...]"

Michael A. Elliot and Vaughn Schmutz, *World Heritage: Constructing a Universal Cultural Order*, Poetics, Vol. 40, 2012, pg. 265

⁴⁴ Ibid. Pg. 265 - 266

contribute;”⁴⁵ and (3) “provide poor countries with the funds necessary for the protection of their cultural properties, without ensuring the active participation of industrialized countries.”⁴⁶

Furthermore, the Convention’s multidimensional approach originated from different inputs coming from all the institutions involved in its drafting – the International Union for Conservation of Nature (IUCN), The United Nations Educational, Scientific and Cultural Organization (UNESCO), and U.S. National Park Services – and included the idea of an international listing process for the protection of both natural and cultural sites. In addition, the idea of creating a fund to be used for the protection and conservation of the sites listed – World Heritage Trust – gave origin to the term later used in the Convention.⁴⁷ Indeed, the idea of a World Heritage Trust influenced the efforts of multiple international associations in both combining natural and cultural assets, and the establishment of the fund. The Convention was ratified and put in full effect three years after, in December 1975, once 21 States Parties had signed including Ecuador (ratified in June, 1975).⁴⁸ Indeed, people involved in the establishment of the Convention took every opportunity to let States worldwide know that “[...] the convention awaited their ratification and that they could have benefited from the Convention’s provisions permitting the financing of preparatory technical missions” prior

⁴⁵ Michael A. Elliot and Vaughn Schmutz, *World Heritage: Constructing a Universal Cultural Order*, Poetics, Vol. 40, 2012, pg. 259

⁴⁶ Michael Batisse and Gerard Bolla, *The Invention of World Heritage, Paper 2: Episodes of a Painstaking Gestation*, Association of Former UNESCO Staff Members, 2005, pg. 69

⁴⁷ Ibid.

⁴⁸ Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 301 - 302

this date.⁴⁹ The first official inscription committee was held in September 1978 and listed a total of 12 sites both natural and cultural including the City of Quito. “The first requests, coming from Ecuador, were for a prestigious natural site, the Galapagos Islands, and at the same time for a no less remarkable cultural site, that of the historic city of Quito.”⁵⁰

Currently and more than 40 years after the creation of the World Heritage Convention, 191 States Parties have ratified the treaty, and more than 1000 properties have been listed as cultural, natural, and mixed heritage sites.⁵¹ In brief, the World Heritage institution constitutes the biggest international organization working on heritage conservation and, as such, it has become one of “the most universally supported conventions in international law and the most widely accepted UNESCO convention.”⁵²

2. The World Heritage Committee, States Parties, Center, and Advisory Bodies

The creation of the Convention called for the establishment of a set of bodies that would deal with both, executive and administrative duties.⁵³ The Committee represents the executive decision-making side of the organization and it is composed of 21 States Parties – each represented by a delegate - selected from all signatories to the

⁴⁹ Michael Batisse and Gerard Bolla, *The Invention of World Heritage, Paper 2: Episodes of a Painstaking Gestation*, Association of Former UNESCO Staff Members, 2005, pg. 86

⁵⁰ Ibid, pg. 89

⁵¹ UNESCO World Heritage Official Web Site, *The List*, 2012, accessed through UNESCO’s Official Web: <http://whc.unesco.org/en/list/>

⁵² Michael A. Elliot and Vaughn Schmutz, *World Heritage: Constructing a Universal Cultural Order*, Poetics, Vol. 40, 2012, pg. 267

⁵³ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO’s Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>

Convention.⁵⁴ They are elected for a time period of six years though recent Committees have decided to limit their time to a four-year period in order to allow other States Parties equal participation.⁵⁵ In fact, as part of UNESCO's Global Strategy (1994) the twenty-one spaces in the Committee were distributed by location in an effort to guarantee uniform global representation from all continents.⁵⁶ The result was the creation of seven groups representative of seven different geographic regions, which improve the Committee's balance yet still allowing for free election of six spaces.⁵⁷

Out of the Committee, a bureau or executive group is created with seven members.⁵⁸ This Bureau takes care of most of the decision-making and executive duties of the Committee meeting once a year to review and analyze World Heritage nominations, requests for assistance, and conservation reports coming from the States Parties from a preliminary report made by the advisory bodies.⁵⁹ However, under the Convention's structure and the World Heritage system the Committee, a 21-member unit, holds both the supranational supervision responsibility and the decision-making power even though its primary function was first and foremost established to guarantee

⁵⁴ UNESCO World Heritage Center, *Rules of Procedure: Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage*, Adopted in 1977 and Revised in 2013, accessed through: UNESCO's Official Web. <http://whc.unesco.org/en/committee/>

⁵⁵ Ibid. Rule 5: Delegations

⁵⁶ Lasse Steiner and Bruno Frey, *Imbalance of World Heritage List: Did the UNESCO Strategy Work?* University of Zurich, Dept. of Economics, Working Paper No. 14, 2011, pg. 3

⁵⁷ UNESCO World Heritage Center, *Revision of the Rules of Procedure of the General Assembly*, Adopted in the Nineteenth Session of the General Assembly of States Parties, WHC-13/19.GA/4, November 2013, accessed through: UNESCO's Official Web. <http://whc.unesco.org/archive/2013/whc13-19.GA-4-en.pdf>

⁵⁸ UNESCO World Heritage Center, *Rules of Procedure: Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage*, Adopted in 1977 and Revised in 2013, accessed through: UNESCO's Official Web. <http://whc.unesco.org/en/committee/>

⁵⁹ Carolina Castellanos, ICOMOS Expert, New York, 2015, interview by Diana Araujo, February 19, 2015

full compliance to the Convention.⁶⁰ The entire Committee meets once every two years along with the advisory bodies – ICOMOS, ICCROM, IUCN – and all the other States Parties to the Convention during the sessions of the General Conference of UNESCO in what is called the General Assembly.⁶¹

The General Assembly, namely representatives of the 191 States Parties that have ratified the Convention (as in 2014) meets and reviews reports, recommendations, and requests previously discussed by the Committee, sets the contribution percent to the fund, and also raises contested or conflicted situations within World Heritage Sites to the Assembly's consideration.⁶² However, as mentioned in literature about the Committee, "[...] the World Heritage Convention is different from many other international conventions, because all substantive powers are designated to the Committee and not the General Assembly."⁶³ Thus, the decisions are ultimately and exclusively made by the Committee and later registered and reported back to the States Parties and/or the General Assembly.

⁶⁰ "The main functions of the Committee are (in cooperation with States Parties), inter alia, to identify cultural and natural properties of outstanding universal value which are to be protected under the World Heritage Convention and to inscribe those properties on the World Heritage List. (art. 11 para. 2 of the Convention); to examine the state of conservation of properties inscribed on the World Heritage List through a process of reactive monitoring and periodic reporting (arts. 11 para. 7 and 29); to decide which properties [...] are to be inscribed on, or removed from, the List of World heritage in Danger (art. 11 paras. 4 and 5); to decide whether a property should be deleted from the World Heritage List (cf. art 11 para 2 of the Convention and para. 192 of the Operational Guidelines) [...]"

Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 314

⁶¹ UNESCO World Heritage Center, *Rules of Procedure: Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage*, Adopted in 1977 and Revised in 2013, accessed through: UNESCO's Official Web. <http://whc.unesco.org/en/committee/>

⁶² Ibid.

⁶³ Bruno Frey and Lasse Steiner, World Heritage, Does it Make Sense? *International Journal of Cultural Policy*, Vol. 17, No. 5, 2011, pg. 557

In addition to the Committee, each country becomes a participatory actor known as a State Party once it has ratified the Convention and paid an annual contribution to the World Heritage Fund.⁶⁴ Although paying the annual contribution to the Fund is not a requirement for the nomination process, it is required for member States to solicit assistance and to be eligible for the Committee. In this matter, it is interesting to see that such contributions were established on a voluntary basis, and as such each State Party contributes to the fund with a voluntary non-set amount that varies from country to country but that is never less than the percentage established by the General Assembly.⁶⁵ Nonetheless, States Parties are for the most part responsible agents for the World Heritage system processes for they are the ones in charge of nominations, reporting, and furthermore, the management and protection of designated sites.⁶⁶ In fact, both the World Heritage Convention and Operational Guidelines refer to the responsibilities States Parties have once they have ratified the Convention and/or designated a site as well as to the potential benefits of being designated, namely the eligibility for economic and/or technical assistance and worldwide recognition.⁶⁷

Moreover, in the World Heritage system, States Parties are recognized as the actors with whom dialogues are to be established even though on a local level multiple

⁶⁴ UNESCO World Heritage Official Web Site, *The States Parties*, 2012, accessed through UNESCO's Official Web: <http://whc.unesco.org/en/statesparties/>

⁶⁵ Michael Batisse and Gerard Bolla, *The Invention of World Heritage, Paper 2: Episodes of a Painstaking Gestation*, Association of Former UNESCO Staff Members, 2005, pg. 77, 84

See also: UNESCO World Heritage Center, *Rules of Procedure: Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage*, Adopted in 1977 and Revised in 2013, accessed through: UNESCO's Official Web. <http://whc.unesco.org/en/committee/>

⁶⁶ Bruno Frey and Lasse Steiner, *World Heritage, Does it Make Sense?* International Journal of Cultural Policy, Vol. 17, No. 5, 2011, pg. 559

⁶⁷ See UNESCO World Heritage Convention and Operational Guidelines

stakeholders participate in different processes. Each State Party is represented in the General Assembly by its delegate, an expert on either international affairs or historic preservation, although on a local level there might be also a national institution in charge of the nation's cultural heritage, and/or municipalities that regulate and control the designated sites. Additionally, compliance with the Convention in terms of responsibilities facilitates the allocation of both technical and financial assistance reinforcing the international dynamics established between the World Heritage organization and the local stakeholders.⁶⁸

Likewise, Advisory Bodies – IUCN, ICOMOS, and ICCROM – are also participants of the Assembly and general World Heritage organization.⁶⁹ Their opinions and recommendations in regard to designations, management, and protection of World Heritage Sites as well as assistance with distribution guide the Committee's decisions and the States Parties' actions.⁷⁰ In addition, they are in charge of reviewing Conservation State Reports (SOC) written by States Parties, and almost exclusively executing reactive monitoring missions for the World Heritage Committee and/or Expert Advisory Missions solicited by and for States Parties.⁷¹ Written recommendations and reports are then presented back to either the Committee or the involved States Parties

⁶⁸ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO's Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>

⁶⁹ UNESCO World Heritage Center, *Rules of Procedure: Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage*, Adopted in 1977 and Revised in 2013, accessed through: UNESCO's Official Web. <http://whc.unesco.org/en/committee/>

⁷⁰ “[...] They play an important role in the international institution's activities. Through evaluation and recommendation, they regularly predetermine the later decision of the World heritage Committee.”

Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 316

⁷¹ Carolina Castellanos, ICOMOS Expert, New York, 2015, interview by Diana Araujo, February 19, 2015

as stipulated by the Rules of Procedures yet “the Committee is not bound by the Advisory Bodies’ evaluations and recommendations.”⁷²

Lastly, the World Heritage Center works as the secretariat and coordination point for the organization and Committee. It was established in 1992 in Paris as part of the UNESCO’s headquarters becoming the physical point from which all matters related to World Heritage are to be managed, in particular in reference to the administrative and international affairs work.⁷³ “Ensuring the day-to-day management of the Convention, the Center organizes the annual sessions of the World Heritage Committee and its Bureau, provides advice to States Parties in the preparation of site nominations, organizes international assistance from the World Heritage Fund upon request, and coordinates both the reporting on the condition of sites and the emergency action undertaken when a site is threatened.”⁷⁴

In brief, the sum of all these parts consolidates the World Heritage system and the in-house structure dealing with natural, cultural, and mixed sites around the world for they are all participants on multiple degrees in decision-making and executive processes. Clearly, the Committee is seen as the visible face of the organization, and designations as its primary goal; however, other actors like the Center or the Advisory Bodies are equally important in shaping the work system. Similarly, they have influence in modeling dynamics for they have a more direct relation with States Parties and a

⁷² Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 324

⁷³ UNESCO World Heritage Official Web Site, *The Center*, 2012, accessed through UNESCO’s Official Web: <http://whc.unesco.org/en/world-heritage-center/>

⁷⁴ Ibid.

bigger responsibility by reviewing, mostly on a technical bases, the management and protection of the sites.

3. World Heritage Convention and Operational Guidelines

Along with the Convention, the World Heritage Committee was created and the Operational Guidelines were established originally stating two different sets of criteria, one for cultural and one for natural heritage designations (now consolidated into 10 criteria for all categories), as well as further standards for their protection, monitoring, and international assistance on World Heritage sites.⁷⁵ Literature on the World Heritage system recognizes that the convention “established a complex governance regime in the international level”.⁷⁶ As such, the convention has to be understood as a non-binding agreement, the operational guidelines as instruments or secondary criteria for inscription, monitoring and protection, and the committee as the leading authority and decision-maker of all World Heritage operations.

The Convention, as described by Elliot (2012), is based on cooperative international ideals of world polity and cultural excellence, world polity being described as “a highly diffuse authority structure that is boundary-less and lacks a strong administrative center where a wide range of entities can exercise legal sovereignty,” whereas cultural and natural excellence is understood, guaranteed, and enforced through the concept of Outstanding Universal Value, World Heritage criteria, and the

⁷⁵ See UNESCO World Heritage Convention and Operational Guidelines

⁷⁶ Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 302

Operational Guidelines for its conservation.⁷⁷ In fact, the guidelines play an “essential role in the implementation of the convention for they provide a clear and comprehensive statement of principles which are to guide the committee” and States Parties in their future work.⁷⁸

By and large, the Convention sees the protection of heritage as a local-based issue in which States Parties hold most of the responsibility on both nominations and protection of listed sites within their territories.⁷⁹ The international cooperation comes into play in collective decision-making regarding World Heritage listing and technical or financial assistance, which “although not absolving the state concerned of its responsibility, serves as an effective complement thereto.”⁸⁰ Hence for the purpose of protection of universally valuable heritage, the convention set instruments, such as the inscription of properties on the list, the list in danger, and periodic monitoring. Such instruments, when used in compliance with the general terms of the convention, can be seen as weak for the international governance structure instituted by it (as reads in art. 6 and 7) is defined as “a system of international cooperation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify” world heritage.⁸¹ However, the convention works more as a “special type of cooperative

⁷⁷ Michael A. Elliot and Vaughn Schmutz, *World Heritage: Constructing a Universal Cultural Order*, Poetics, Vol. 40, 2012, pg. 259

⁷⁸ Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 320

⁷⁹ Ibid, pg. 307 - 310

⁸⁰ Ibid, pg. 306

⁸¹ UNESCO *World Heritage Convention*, The General Conference of the United Nations Educational, Scientific and Cultural Organization 17th Session, Paris, October 17th – November 21st, 1972, accessed through UNESCO’s Official Web. <http://whc.unesco.org/en/conventiontext/>

regulatory administration that unilaterally determines the duties of the State Party,” acquiring a more paternalistic role rewarding or otherwise punishing States Parties for their participatory and compliant actions.⁸²

Complementarily, the World Heritage Operational Guidelines, as mentioned before, comprise standards, steps, and rules that are employed as “interpretative laws” for the multiple activities executed by the Committee, Center, and States Parties.⁸³ In fact, the Guidelines, as the major tool defines a work structure commonly interpreted as binding laws or “instruments capable of having a binding effect towards the states parties.”⁸⁴ Yet its original purpose was more along the line of setting principles, requirements, and standards, and furthermore, instructing and educating, both States Parties and the Committee, with clear and comprehensive directors that would provide for “more transparent, foreseeable, and calculable decisions at international level.”⁸⁵

The standards addressed in the Operational Guidelines include procedures for inscription, protection and conservation, granting international assistance, and reinforcing support for the convention.⁸⁶ In all of them States Parties are encouraged to ensure the participation of multiple stakeholders and the improvement of national legislation and procedures. Indeed, the Operational Guidelines work as a corporative

⁸² Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 310

⁸³ “[...] In fact, the Committee in its work treated the Operational Guidelines as if they were not merely a nonbinding commentary to the Conventional provisions but binding secondary law.”
Ibid, pg.320

⁸⁴ Ibid, pg. 303

⁸⁵ Ibid, pg.321

⁸⁶ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO’s Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>

agreement providing methods to deal with cultural and natural heritage as a non-transboundary issue.⁸⁷ However, the guidelines, especially when used for reports, are most likely to be followed as laws for they create an international standard to be held by both the Committee and States Parties, and that also help maintaining direct dialogue between local authorities in charge of listed sites and the Committee without using the central government as mediator.⁸⁸ In brief, the Operational Guidelines state concepts, procedures, principles, and methodologies to be followed, and are the written principles under which the Convention is enforced.

4. Setting Rules and Monitoring

So far, it can be said that the World Heritage Convention integrated international cooperation efforts and forged an international (supranational) platform from which a new political system was established through rewards and supervision in order to not only preserve universally valuable heritage but political ideals as well.⁸⁹ The same instruments that in practical terms seem weak in order to guarantee the conservation of sites -- i.e. the World Heritage List, the List of World Heritage in Danger, monitoring processes -- are also perceived as strong political tools. They are explicit enough to set a law-like framework while at the same time indulging multiple interpretations from both States Parties as well as the Committee and General Assembly. Hence, the rules

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Literature on the international perspectives influencing the creation of the Convention and its application is summarized in: Rodney Harrison, *Heritage: Critical Approaches, Prehistories of World Heritage: The Emergence of a Concept*, Routledge, New York, 2013

established in the Operational Guidelines and the monitoring process currently in action, though not infringing on sovereignty issues within nations and independent territories, are still influencing recommendations, and moreover, are tools that both local authorities and the Committee use more on a case by case approach.⁹⁰

On a more general scope, the rules that most likely will influence the actions and decisions of States Parties include nomination, monitoring state of conservation, and request of assistance, are all explained in the Operational Guidelines text.⁹¹ A connection between the international institution and the local decisions can be derived from these. For instance, when looking at the nomination requirements, the Convention through the Committee -- directly or/and indirectly -- has influenced States Parties in the selection of sites registered for their tentative lists using the previously designated sites and their description of outstanding universal value as a commonly approved implicit international standard.⁹² Although efforts to diversify the List have influenced designations since 1994 (The Global Strategy), the overall western preservation discourse that originated the convention has not been modified.⁹³

⁹⁰ “However, those obligations may not extend beyond a standard of good faith or best efforts, because the Convention restricts its commitments to an undefined level of possibility and appropriateness.” Daniel L. Gebert, *Sovereignty under the World Heritage Convention: A Questionable Basis for Limiting Federal Land Designation Pursuant to International Agreements*, Southern California Interdisciplinary Law Journal, 1998, pg. 4

⁹¹ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO’s Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>

⁹² UNESCO, *Report of the World Heritage Strategy Natural and Cultural Heritage Expert Meeting*, UNESCO World Heritage, Paris, Amsterdam, 1998

⁹³ Rodney Harrison, *Heritage: Critical Approaches*, Prehistories of World Heritage: The Emergence of a Concept, Routledge, New York, 2013, pg. 64

Additionally, the requirements include the necessity of a management plan for the nominated site that targets both conservation and development simultaneously.⁹⁴ However, in countries where national resources for general urban planning are limited, the models commonly suggested by either the Committee or the advisory bodies are not tailor made for each site but are more like adaptations of existing plans regulating sites previously listed, hence transplanting foreign models to new sites.⁹⁵ Similarly, the procedures regarding monitoring of the state of conservation of the listed properties apply the same cooperative model where although the responsibility lies on the nation's hands, the power to oversee conservation and development on the sites relies on the Committee which is advised by the advisory bodies' evaluations.⁹⁶ The degree to which the monitoring processes actually alter decision-making processes in listed sites is however more related to the specific relation each State Party has developed with the World Heritage system, and as such, is more a case-base pattern.⁹⁷ Nonetheless, the Convention's principles on international cooperation and allocation of either technical or economic assistance could more clearly explain the direct or indirect relation between local and international entities.

⁹⁴ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO's Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>

⁹⁵ UNESCO, *Report of the World Heritage Strategy Natural and Cultural Heritage Expert Meeting*, UNESCO World Heritage, Paris, Amsterdam, 1998

⁹⁶ Raechel Anglin, *The World Heritage List: Bridging the Cultural Property Nationalism-Internationalism Divide*, Yale Journal of Law and the Humanities, 2008

⁹⁷ See Chapter 1. Introduction for case studies (Dresden-Germany and Panamá City – Panamá)

CHAPTER 3. LOCAL STAKEHOLDERS: DYNAMICS AND PROCESSES

The City of Quito

1. Background Information: Quito's Authorities and Policy Structure

Though the Historic Center of Quito is a fairly recent historic area since its transformation from a residential into a commercial museum-like urban area within a developing city took place in the second half of the 20th century, it is along with Krakow in Poland, the oldest historic city to hold a World Heritage designation.⁹⁸ Nonetheless, its architectural and historical features and the preservation of them have not always been appreciated by local stakeholders or authorities nor regulated by either national or local policies and entities throughout its entire history.⁹⁹ In fact, it was mostly during the 1960s, as the city faced a modernization process and several historic buildings within the area were replaced by new construction, that professional and political awareness raised originating new preservation efforts that though associated to tourism interests ultimately led to the definition of governance and specific conservation policies.¹⁰⁰ Furthermore, after the World Heritage Convention was established and the city was designated, the legal and political efforts to preserve the area multiplied, eventually leading to the constitution of broader national heritage laws, heritage institutes, local

⁹⁸ Daniel Achig, *El Proceso Urbano de Quito*, Centro de Investigaciones CIUDAD – FLACSO Ecuador, Quito, 1983, pg.13

⁹⁹ See Chapter 4. Interacting: Role of Stakeholders in Decision-making.

¹⁰⁰ ICOMOS, *The Norms of Quito: Final Report of the Meeting on the Preservation and Utilization of Monuments and Sites of Artistic and Historical Value*, Quito, 1967, accessed through ICOMOS' Official Webpage: <http://www.icomos.org/en/charters-and-texts/179-articles-en-francais/ressources/charters-and-standards/168-the-norms-of-quito>

regulatory entities, and the designation of the area as National Cultural Heritage in 1984.¹⁰¹

Currently, the national framework is defined under the umbrella of the National Constitution, last reformed in 2008, followed by *El Plan del Buen Vivir* (Good Living Plan) also in effect since 2008 and last reformed in 2013, COOTAD (which grants city municipalities with autonomy to manage resources and urban development) last updated in 2010, and *Ley Nacional de Patrimonio* (National Heritage Law) revised in 2004, in addition to law No. 3501/78 in effect since 2004, and the executive decree No. 816/07, all conveying a great deal of interest in the conservation of built heritage for it represents cultural identity, history, and social enrichment.¹⁰² Also, nation-wise the governance system and coordination of legislation and responsibilities regarding cultural heritage is in the hands of the *Instituto Nacional de Patrimonio Cultural (INPC)* (National Institute of Cultural Heritage) which is an entity ascribed to the *Ministerio de Patrimonio y Cultura* (Ministry of Heritage and Culture), manages all sites and elements recognized as cultural heritage, and who is also in charge of reporting to the World Heritage Center.¹⁰³

In 1984, the INPC delegated the *Comisión de Áreas Históricas* (Historic Areas Commission) as responsible for the management of the designated area.¹⁰⁴ The

¹⁰¹ Declaratoria de Quito “Patrimonio Cultural del Estado”, December 6th, 1984, (art. 7 – Ley de Patrimonio Cultural)

¹⁰² ICOMOS Advisory Mission Report on the City of Quito, Ecuador (C2), October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

¹⁰³ Arq. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

¹⁰⁴ See Chapter 4. Interacting: Role of Stakeholders in Decision-making.

Commission is a municipal organism consisting of three city councilors (elected as city councilors by vote but appointed to the Commission by the Mayor), the General Director of Planning (Municipal authority), a delegate from the Association of Architects (professional with experience in preservation), the Director of the Metropolitan Institute of Patrimony, a citizen representative (appointed by the Mayor), a city historian, a representative from the Technical Sub-commission, and the Municipal Administrator of the Area.¹⁰⁵ All - conservation, rehabilitation, restoration, and substitutive - projects located within the designated area and its buffer zone are evaluated in three different levels (all municipal) the Department of Historic Areas, the technical Sub-commission, and the Commission.¹⁰⁶ Initially, all members in the Commission had a say in the projects reviewed and also had a vote in their final approval or denial. However, this model was updated in 2014 delegating the City Councils all the decision-making powers although still allowing the other members of the Commission (the more professionally trained) to make suggestions and give opinions prior voting.¹⁰⁷

The technical evaluation takes place in the first two regulatory levels previously mentioned. First, the Department of Historic Areas, which is part of the *Secretaria de Territorio, Habitat, y Vivienda* (Secretariat of Territory, Habitat, and Housing), the municipal entity in charge of urban development and planning for the Metropolitan

¹⁰⁵ The Commission was proposed as both technical and operative, for its members have a high professional training and it is the ultimate decision-maker for projects proposed within the designated area and its buffer zone, as well as other historic areas in the Metropolitan District.

Concejo Metropolitano de Quito, Ordenanza Metropolitana No. 017: "De la Comisión de Áreas Históricas," Registro Oficial, Quito, 1999

¹⁰⁶ Ibid.

¹⁰⁷ Arq. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

District of Quito, reviews all projects submitted for evaluation and reports back to both citizens and the Commission. Under the local regulatory legislation that regulates the actions taking place in the historic areas, the Metropolitan Ordinance No. 260, most projects are approved or denied in this instance; however, high-impact projects are sent for a more in-depth evaluation to the technical Sub-commission before being presented for approval in the Commission.¹⁰⁸ Thus, the Commission works based on technical recommendations and opinions.

This regulatory structure has been slightly modified over time with the inclusion of other members in the Commission of currently dissolved public entities like FONSAL *Fondo de Salvamento*, and the Ordinance in which regulatory processes and procedures are based has also been adapted and updated multiple times. Nonetheless, it is precisely this flexibility in both governance capacities and regulatory tools, which has been marked as a local shortcoming to the preservation of the site.¹⁰⁹

2. The City of Quito: “First Cultural Heritage of Humanity.”¹¹⁰

The city of Quito was designated and inscribed in the World Heritage List in 1978. It was one of the first twelve sites and one of the two historic cities along with

¹⁰⁸ ICOMOS Advisory Mission Report on the City of Quito, Ecuador (C2), October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

¹⁰⁹ Ibid.

¹¹⁰ Local Slogan used in tourism campaigns in both local and international arenas since 1978.

Ministerio de Turismo de Ecuador, accessed through: <https://www.turismo.gob.ec/quito-celebra-35-anos-de-la-declaracion-como-patrimonio-cultural-de-humanidad/>

Krakow to be inscribed on the list.¹¹¹ The full extent of the designated area includes 376 hectares comprising the designated center and its buffer zone, 5,000 properties, 130 monumental buildings (religious complexes), and 10.6 hectares of open public spaces including civic and historic squares and parks.¹¹² It is also home for 40,000 permanent inhabitants and it is daily visited by a floating population of more than double that amount who work or transit within its boundaries.¹¹³ The history of the city as we know it, however, began after its Spanish foundation in the 16th century on the ruins of an Inca city. Thus, the urban, architectural, and artistic values for which the historic city was nominated are inscribed within both, the pre-colonial indigenous and the post-colonial Spanish context, and the relation of the city physical fabric to its natural environment.¹¹⁴ Furthermore, according to the World Heritage Official Webpage “Quito, the capital of Ecuador, [...] has the best-preserved, least altered historic center in Latin America. The monasteries of San Francisco and Santo Domingo, and the Church and Jesuit College of La Compañía, with their rich interiors, are pure examples of the 'Baroque school of Quito', which is a fusion of Spanish, Italian, Moorish, Flemish and indigenous art.”¹¹⁵

¹¹¹ UNESCO World Heritage List, *City of Quito - Documentation*, Document CC-78/CONF.010/10 Rev, Washington, September 12th, 1978, accessed through UNESCO's Official Web: http://whc.unesco.org/archive/1978/cc-78-conf010-10rev_e.pdf

¹¹² Ministerio de Desarrollo Urbano y Vivienda, *Proyecto de Revitalización del Centro Histórico de Quito: Estudio de Impacto Patrimonial (EIP) – Propuesta Integral para el Eje de la Calle Jose Mejía*, Quito, June 2014

¹¹³ *Ibid.*

¹¹⁴ WHC Nomination Documentation, *City of Quito*, File 2, March 28th, 1978, accessed December 22nd, 2014, UNESCO Office, Quito – Ec.

¹¹⁵ UNESCO World Heritage List, *City of Quito*, September 12th, 1978, accessed through UNESCO's Official Web: <http://whc.unesco.org/en/list/2>

In general terms Quito is the Capital of Ecuador. Located at an average height of 2,800 meters above sea level, it is the highest official capital city of the world.¹¹⁶ Its geography has deeply influenced its size, shape, and growing patterns for the city is located in the northern highlands of the country in the Guayllabamba river basin and has been built on a long plateau lying on the eastern flanks of the Pichincha volcano (western side of the Andes).¹¹⁷ The city's dimensions reflect this reality in its 80 kilometers long and 5 kilometers wide "dragon" shape. The historic city including the designated area lies in the middle of this characteristically long city and its urban layout responds to the geographical conditions found by the Spanish colonizers in the 1500s.¹¹⁸ Built above indigenous ruins from Inca times, the application of a traditional grid system with respect towards the natural conditions and environmental challenges led to an organized occupation pattern rich in the adaptation of a pre-existing urban settlement in the colonizing scheme.¹¹⁹ However, given the fact that the plateau itself sets a limit to the city's capacity to grow in an east-west direction, the occupation of the plateau by the historic city supported a growth pattern towards north and south, thus, forever dividing the city in two but also becoming the ultimate urban nexus.

These urban features, in both the historic city and the city as a whole, constitute simultaneously a current urban development challenge, and part of the city's

¹¹⁶ Wikipedia contributors, *Quito*, *Wikipedia, The Free Encyclopedia*, accessed through: <http://en.wikipedia.org/w/index.php?title=Quito&oldid=645256403> (accessed February 5, 2015).

¹¹⁷ Wikipedia contributors, *Quito*, *Wikipedia, The Free Encyclopedia*, accessed through: <http://en.wikipedia.org/w/index.php?title=Quito&oldid=645256403> (accessed February 5, 2015).

¹¹⁸ Ministerio de Desarrollo Urbano y Vivienda, *Proyecto de Revitalización del Centro Histórico de Quito: Estudio de Impacto Patrimonial (EIP) – Propuesta Integral para el Eje de la Calle Jose Mejía*, Quito, June 2014

¹¹⁹ Ibid.

outstanding universal value. According to UNESCO's 2013 Retrospective Statement of Outstanding Universal Value the city complies with criteria (ii) and (iv) for "the Historic Center of Quito is characterized by maintaining unity and harmony in its urban, architectural, and landscape structure;" in addition it possesses a strong pre-colonial influence. Both architecture and art had "a great influence on other cities of the Royal Audience of Quito."¹²⁰ Nonetheless, adapting urban development in a continuously growing city while preserving the level of integrity associated with the designated area has been subject of local and international discussions.¹²¹

"Justification of criterion (ii): Submit an important interchange of human values, over a given period of time or within a cultural area of the world, determinate, in the fields of architecture or technology, monumental arts, town planning or landscape design:

The influence of the Baroque School of Quito (Escuela Quiteña) was felt in the cultural field, especially art - architecture, sculpture, and painting - in all the cities of the Royal Audience of Quito, and even in those of neighboring the Audience.

Justification of criterion (iv): To be an outstanding example for a type of building, an architectural or technological unit or a landscape that expose a significant stage in human history:

Quito forms a harmonious sui-generis whole where the actions of man and nature were amalgamated, creating a unique and transcendent work of its kind."¹²²

- 2013 Retrospective Statement of Outstanding Universal Value: City of Quito

¹²⁰ ICOMOS Advisory Mission Report on the City of Quito, Ecuador (C2), October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

¹²¹ See UNESCO World Heritage List – Quito, Documentation and Monitoring Trends (2009 – 2014), accessible at: <http://whc.unesco.org/en/list/2/>

¹²² UNESCO Adoption of Retrospective Statement of Outstanding Universal Value, Committee Decisions WHC-13/37.COM/20 and Documentation WHC-13/37.COM/8E, Paris, 2013, accessed October 2014, available at <http://whc.unesco.org/archive/2013/whc13-37com-8E-en.pdf>

3. Urban Development in Quito: History

The history of urban development of the city has always been associated with specific social manifestations of segregation and disparity that ultimately have influenced the use of the land, the access to public services and infrastructure, and in general all aspects associated with quality of life within the capital city.¹²³ Planning tools and urban plans have been drafted and implemented through the years looking to ease the deficiencies associated with the previously mentioned social framework. In addition, the aforementioned geographical characteristics of the city and its growth pattern have created profound urban challenges that need to be addressed.

A historical retrospective of the urban development in the city shows an increasing association between temporary increases in the city's financial resources and major urban development in terms of growth, infrastructure, and construction capacities.¹²⁴ During the Spanish colonization, the city was planned according to the "military colonizing system" which used the grid and division of land to impose the European social organization, and relegate indigenous settlements to the city's fringes.¹²⁵ The city layout was complemented by the development of religious complexes, open markets in front of such complexes, and infrastructure such as stone paving for the streets, and water supply given to the core and followed by street lighting and sewage.¹²⁶

¹²³ Daniel Achig, *El Proceso Urbano de Quito*, Centro de Investigaciones CIUDAD – FLACSO Ecuador, Quito, 1983, pg.16

¹²⁴ Ibid.

¹²⁵ Ibid, pg.33

¹²⁶ Ibid, pg.37

Other urban development peaks included first, the republican times (1869 – 1875) during Gabriel Garcia Moreno’s presidency when major urban projects like a panopticon prison, a polytechnic university, the train terminal, and city observatory were built.¹²⁷ During this time the growing pattern of the city changed from a regular radial scheme to a longitudinal plan along the north-south axis, with informal settlements forming on the outskirts of the city, housing those migrating from other parts of the country. Second, the celebratory year of the independence centenary (1922), when the major public and infrastructural projects were executed, included city paving, lighting, and sewerage intended to both improve the city, and set a limit to uncontrolled growth. The economic influx that allowed for these projects to take place came from cacao exportation and agricultural activities that created revenues for public investment.¹²⁸ Third, the 1960s Banana exportation boom, which allowed for private and public investment and marked a construction peak that led to the duplication of the urban area of the city, and uncontrolled urban growth on hills and borders. It is also during these years, and as a migratory consequence, that the historic city became a commercial core populated by peddlers linking the two extremes of the city: the residential (north) and the industrial (south).¹²⁹ Finally, another monetary inflow related to oil sales in the 1970’s boosted urban development and modernization of the city. Thus, it is during these high-income moments that urban development takes its highs,

¹²⁷ Daniel Achig, *El Proceso Urbano de Quito*, Centro de Investigaciones CIUDAD – FLACSO Ecuador, Quito, 1983, pg. 52

¹²⁸ *Ibid*, pg.66 - 68

¹²⁹ *Ibid*, pg. 70

infrastructure investment occurs, and situations that would ultimately become urban problems to be addressed sparked.

Quito's current situation can be understood as another high-income moment. The current national government has allocated resources for major urban projects to be built in multiple areas of the city, such as government platforms' buildings (new urban and architectonic complexes grouping governmental institutions according to their primary function), the construction of the subway, UNASUR's headquarters, and the revitalization of the Historic Center project, in addition to the financial resources normally earmarked for urban improvement and municipal priorities e.g. security and roads, among others.¹³⁰ Historically, most urban plans previously implemented and under current study focus strongly on the solution of historic conflicts, i.e. the previously mentioned social segregation, insufficient public resources in the outskirts of the city, deficient coverage of services and basic needs in localized areas, and uncontrolled urban growth. Furthermore and in addition to the multiple current challenges, a comprehensive management plan for the World Heritage designated area and its consideration within major urban and infrastructural projects add to the urban struggles seeking solution.

Indeed, urban development within the historic designated area includes the acknowledgement, in general terms, of the same urban and socio-demographic problems that started back in the 20th century.¹³¹ However, and despite of the multiple

¹³⁰ Municipio del Distrito Metropolitano de Quito, Plan de Desarrollo 2012 – 2022, December 2012, Quito

¹³¹ See Chapter 4. Interacting: Role of Stakeholders in Decision-making.

urban plans previously implemented, the general issues have proven to be recurrent, thus, leading the city towards its current planning methodology, i.e. punctual interventions for urban impact, in which planning and urban development is urged to have a more comprehensive approach. “Historic centers are intrinsically linked to surrounding urban, peri-urban and rural territories. All too often, fringe areas are disfigured by infrastructure servicing the safeguarded areas, rather than being integrated into the heritage-based development project. Partnerships with public and private entities to develop public infrastructure and determine land-use are crucial to ensuring that projects do not undermine a site’s heritage value.”¹³²

Thereby, current urban development and infrastructure projects address specific necessities of transportation, efficiency, security, socio-economics, and/or commerce, although they are mostly socially oriented projects with urban- and architecturally-oriented solutions.¹³³ For the purpose of this analysis, two specific projects – METRO Quito and the Revitalization of the Historic Center of Quito Project - are clearly exercising both socially-oriented purposes through physical large-scale interventions across the city and within the designated area but neglecting the comprehensive analysis of the city as a whole and the designated area as a particular element in it with specific considerations. Indeed, the historic center of the city cannot be either virtually

Municipio del Distrito Metropolitano de Quito, Centro Histórico de Quito: Plan Especial, Dirección Metropolitana de Territorio y Vivienda – Junta de Andalucía, April 2003, Quito

¹³² UNESCO *Recommendations related to Historic Cities*, Minja Yang & Jehanne Pharès, *Safeguarding and Development of World Heritage Cities*, Partnerships for World Heritage Cities: Culture as a Vector for Sustainable Urban Development, World Heritage 2002: Shared Legacy, Common Responsibility Associated Workshops, Urbino, Pesaro – Italy, November 11th -12th, 2002, Published in 2003 by UNESCO World Heritage Center

¹³³ Arch. Dora Arízaga, Director of the Metropolitan Institute of Heritage, Quito, 2015, interview by Diana Araujo, January 10, 2015

or physically isolated from the urban whole. Thus, citywide urban development and infrastructure projects will have an impact on the World Heritage site and will need to include urban analysis of the designated site on the part of all the interested stakeholders.

4. Positive and Negative Outcomes of Quito's World Heritage Designation

In 2014, Quito celebrated 36 years of being a World Heritage Site. Urban processes and socio-demographic conditions have changed across the entire city and especially in the area during that time; however, the historic center has preserved its pristine architectural qualities and outstanding universal values.¹³⁴ However, socio-economic dynamics within the historic core and its buffer zone have been altered by the designation and the consequences it had on the management system of heritage in the city. Though the social deterioration that represents the biggest urban challenge for the city's authorities within the site began almost two decades before UNESCO's designation (1960's), the policies and legislations applied to the area relate directly to the concepts of monumental conservation, integrity, and authenticity found in the convention, and have had limited social impact due to the fact that they look more into specific interventions and short-term projects than whole comprehensive plans with social components and with a "long-term vision."¹³⁵

¹³⁴ ICOMOS *Advisory Mission Report on the City of Quito, Ecuador (C2)*, October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

¹³⁵ Pedro Jaramillo, *City Development - Experiences in the Preservation of Ten World Heritage Sites: Quito, Ecuador*, Inter-American Development Bank, Eduardo Rojas and Francesco Lanzafame, New York, 2011, pg. 60

Studies have shown that in the last three decades both urban and social changes have taken place in the area.¹³⁶ Whether or not those changes are in direct connection to the UNESCO World Heritage Status and, if so, to what extent, is more complicated to establish given that the State Party (Ecuador) and its responsible authorities have played an important role on the decisions that have been made over the years. Nonetheless, the World Heritage status has indeed had repercussions on the resources used for the maintenance and rehabilitation of the Historic Center since 1978.¹³⁷ World Heritage Funds allocated for technical and physical assistance, Inter-American Development Bank (IDB) loans for monumental heritage rehabilitation, and tourism revenues originated under the UNESCO brand to mention a few, represent financial support used during this time for multiple projects addressing urban and social problems within the site.¹³⁸

Post-designation effects are currently visible in the city's urban challenges, socio-demographics, and conservation administration. On the one hand, positive outcomes are more likely associated with political and economic profits and as conservation and rehabilitation engines. They include regional and worldwide recognition of the country's cultural heritage, increase of tourism and economic revenues, construction of local

¹³⁶ "Over the past 30 years, [...] the rehabilitation of churches and squares; restructuring of streets and sidewalks; relocation of street vendors; construction of parking lots and cultural centers; housing development; increased commerce; and hotel development, albeit with moderate participation from private investors. The implementation of the Master Plan required the creation of several entities, including investment funds and urban development corporation—the Cultural Heritage of Quito Recovery Fund (Fondo de Salvamento del Patrimonio Cultural de Quito) and the Historic Center Mixed Capital Company (Empresa de Economía Mixta del Centro Histórico)—and management and control bodies— the Historical and Heritage Areas Commission (Comisión de Áreas Históricas y Patrimoniales) and the Central Zone Administration (Administración de la Zona Centro)." Pedro Jaramillo, *City Development - Experiences in the Preservation of Ten World Heritage Sites: Quito, Ecuador*, Inter-American Development Bank, Eduardo Rojas and Francesco Lanzafame, New York, 2011, pg. 62

¹³⁷ *Ibid.*, pg. 64

¹³⁸ *Ibid.*

identity, financial and technical assistance from the international community, and cultural and educational investments made by local authorities.¹³⁹ On the other hand, negative outcomes are more commonly related to socio-demographic and quality of life conditions originated on local regulatory policies and inefficient processes.¹⁴⁰ The most concerning social issue being the depopulation of the area due to inefficient regulatory processes, real estate speculation, high rental revenues coming from commerce, and unbalanced distribution of resources for rehabilitation projects, which are transforming the historic center into a single-function area.¹⁴¹

In addition, there is an easily-found correlation between the local authorities' role and the inadequacy of the projects executed on the area, insofar as they are not truly addressing the social deterioration that is jeopardizing the conservation of the area and causing abandonment, insecurity and a "museum phenomena."¹⁴² The fact that for over 20 years a sustained public investment financed in many cases by international cooperation or loans has had a poor distribution, with 79 percent of it allocated to monumental public buildings and open public spaces that account for less than half of the total physical fabric in the area, helps to explain the increasing abandonment of housing units and an overall depopulation annual rate of 3.4 percent. Moreover, the previously mentioned long and complicated procedures to regulate interventions and

¹³⁹ Sra. Alcira Sandoval Ruiz, UNESCO Cultural Heritage Coordinator for Ecuador, Quito, 2014, interview by Diana Araujo, December 22nd, 2014

¹⁴⁰ Pedro Jaramillo, *City Development - Experiences in the Preservation of Ten World Heritage Sites: Quito, Ecuador*, Inter-American Development Bank, Eduardo Rojas and Francesco Lanzafame, New York, 2011, pg.78

¹⁴¹ *Ibid*, pg.73 - 75

¹⁴² *Ibid*, pg. 82

allow rehabilitation or development have limited the interest of private investment to balance public efforts.¹⁴³ Owners and residents do not receive any incentive for improving their properties, and lack of control on land-use tendencies facilitates the replacement of inadequate housing for commerce and storage use thus deteriorating the properties. In fact, “81 percent of the inhabitants of the HCQ cannot afford a decent quality of life based on their income” and therefore cannot properly retrofit their own homes choosing to move out instead even though the area has a high coverage of basic need services in comparison to new developments on the city’s edges.¹⁴⁴

However, the most intriguing outcome associated with the designation of the area is directly related to the perception that both authorities and citizens have when questioned about the area’s problems and possible solutions, and what the benefits of having a World Heritage title might be.¹⁴⁵ Indeed, public perceptions have been guiding the efforts taken during the last 30 years especially in terms of public investment, which is still a major source of funding for the preservation of the site but that seems to be in need of a conceptual diversification of goals, programs, and types of investment especially addressing socio-demographical conflicts instead of material-conservation challenges.¹⁴⁶ Additionally, private interests need to be raised and aimed at the reinforcement of identity and a sense of belonging through investment that can

¹⁴³ Arch. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

¹⁴⁴ Pedro Jaramillo, *City Development - Experiences in the Preservation of Ten World Heritage Sites: Quito, Ecuador*, Inter-American Development Bank, Eduardo Rojas and Francesco Lanzafame, New York, 2011, pg. 77

¹⁴⁵ Fernando Carrion Mena, *Los Desafios Actuales en los Centros Historicos*, Seminario Permanente “Centro Historico de la Ciudad de Mexico,” Universidad Nacional Autonoma de Mexico, Mexico, DF, 2014

¹⁴⁶ Arch. Dora Arízaga, Director of the Metropolitan Institute of Heritage, Quito, 2015, interview by Diana Araujo, January 10, 2015

stimulate the area's currently uncompetitive economy and quality of life for which the perception of social degradation needs to be overcome.¹⁴⁷

Clearly, a World Heritage designation cannot be considered the only source for either the positive or the negative outcomes previously mentioned. In fact, studies have proven the direct responsibility local policies, processes, and preservation methodologies have on such outcomes.¹⁴⁸ Nonetheless, it is undeniable that along with a designation comes a link with the international community monitoring the site.¹⁴⁹ This link is commonly understood as a diplomatic relation that can and should account for the level of influence UNESCO World Heritage has on decision-making in designated sites.¹⁵⁰ In the case of Quito, both local and international stakeholders seem to share the responsibility of both positive and negative results for it is the interpretation of the Convention and operational guidelines, and the monitoring and recommendations of the Committee that has shaped the conservation policies enforced in the special plans and projects within the designated area.

¹⁴⁷ "It is particularly important to reinforce the use of the HCQ for living, increasing the sense of belonging, improving the living standards of the inhabitants, and reducing poverty levels. It is necessary to develop medium- and long-term policies that incorporate actions discussed herein to guarantee the efficiency and sustainability of the process."

Pedro Jaramillo, *City Development - Experiences in the Preservation of Ten World Heritage Sites: Quito, Ecuador*, Inter-American Development Bank, Eduardo Rojas and Francesco Lanzafame, New York, 2011, pg. 85

¹⁴⁸ See study by Pedro Jaramillo in: Eduardo Rojas and Francesco Lanzafame, *City Development - Experiences in the Preservation of Ten World Heritage Sites*, Inter-American Development Bank, New York, 2011, pg. 59 - 85

¹⁴⁹ UNESCO Charter on the Rights and Obligations related to Towns inscribed on the World Heritage List (Krakow and Quito), Committee Decisions CONF 003 XVIII C.61, Cairo and Luxor, 1979, accessed October 2014, available at <http://whc.unesco.org/archive/1979/cc-79-conf003-13e.pdf>

¹⁵⁰ Sra. Alcira Sandoval Ruiz, UNESCO Cultural Heritage Coordinator for Ecuador, Quito, 2014, interview by Diana Araujo, December 22nd, 2014

CHAPTER 4. INTERACTING: ROLE OF STAKEHOLDERS IN DECISION-MAKING:

Countless articles and reports have been written about positive and negative results derived from UNESCO World Heritage designations of urban landscapes and historic centers. Even though the convention and the rules applied to the designated areas are on principle the same, each site has developed its own management plan and conservation policies. Quito was inscribed in the World Heritage List in September of 1978 becoming one of the first two historic centers to be designated. Ever since the city authorities have implemented regulatory measures and preservation policies that are still on use. However, as the city grows, the urban landscape changes and the citizens' lifestyles evolve; major changes are needed within the city, all across the existing fabric including the historic center. Currently two urban projects, the subway's San Francisco station and the revitalization project led by MIDUVI, are endangering the designation due to the strong impact and intervention their execution imply, and how they would affect the existing physical heritage and its Outstanding Universal Value.

The following literature review summarizes the information available from UNESCO and its recommendations on the management of properties inscribed in the World Heritage List, the governance faculties, policies, and regulatory measures applied to the designated area in Quito, the evaluated projects and their current execution, and general theory on the management of historic cities and their adaptation and evolution towards modernity.

1. World Heritage Management and Outstanding Universal Value

In 1972, after the World Heritage Convention was established, it was determined that a national-level protection of monuments of Outstanding Universal Value often remained incomplete and needed to be upgraded to a world-scale protection.¹⁵¹ Each nation member of the convention or State Party was to identify and limit the monument or area nominated, and once the nomination was evaluated and accepted, World Heritage Convention and Operational Guidelines were used as basis for the protection and control of the site.¹⁵² These documents have been updated since to reflect on the times and urban evolution processes, but are limited by what the interpretation, conservation policy, and preservation approach is on each site.¹⁵³

The World Heritage Convention, to which each State Party subscribes once they have a designated site, established in general terms the relationship between the state authorities and the World Heritage Center; and thus, the range of control both sides have upon the site after its designation.¹⁵⁴ Even though the convention respects the sovereignty of a site, the state party has to acknowledge the fact that once the site has

¹⁵¹ UNESCO *World Heritage Convention*, The General Conference of the United Nations Educational, Scientific and Cultural Organization 17th Session, Paris, October 17th – November 21st, 1972, accessed through UNESCO's Official Web. <http://whc.unesco.org/en/conventiontext/>

¹⁵² Ibid.

¹⁵³ The Recommendation concerning the Safeguarding of the Beauty and Character of Landscapes and Sites, adopted on 11 December 1962 by UNESCO refers to the need for "special provisions...to ensure the safeguarding of certain urban landscapes and sites which are, in general, most threatened by building operations and land speculations." It calls for "measures to be taken for construction of all types of public and private buildings...to be designed...to meet certain aesthetic requirements, (and) while avoiding facile imitation of...traditional and picturesque forms, should be in harmony with the general atmosphere which it desired to safeguard."

UNESCO *Recommendations related to Historic Cities*, Minja Yang & Jehanne Pharès, *Safeguarding and Development of World Heritage Cities*, Partnerships for World Heritage Cities: Culture as a Vector for Sustainable Urban Development, World Heritage 2002: Shared Legacy, Common Responsibility Associated Workshops, Urbino, Pesaro – Italy, November 11th -12th, 2002, Published in 2003 by UNESCO World Heritage Center

¹⁵⁴ Sra. Alcira Sandoval Ruiz, UNESCO Cultural Heritage Coordinator for Ecuador, Quito, 2014, interview by Diana Araujo, December 22nd, 2014

been designated it becomes World Heritage and it is the international community's responsibility to take care and cooperate to protect it (*UNESCO World Heritage Convention - Article 6*).¹⁵⁵ Therefore, each state party signs, along with the convention, an agreement in which international cooperation and intervention is agreed upon.¹⁵⁶ Such agreement includes operational guidelines established to regulate and control the changes and protection policies applied to the designated sites.¹⁵⁷

Among the responsibilities that each state party acquires after subscribing to the convention is the obligation of not taking any action or decision that may put at risk the sites and their Outstanding Universal Value (*UNESCO World Heritage Convention - Article 6 - P.3*).¹⁵⁸ These actions include arbitrary changes and projects without full justification of action or enough heritage impact studies. In addition, UNESCO has issued recommendations for interventions in World Heritage Cities focused on supporting States Parties in “improving the quality of life in historic cities while respecting their character” by emphasizing on the skills of local authorities in managing heritage assets as part of socio-economic development strategies.¹⁵⁹ In 2011, *UNESCO's*

¹⁵⁵ *UNESCO World Heritage Convention*, The General Conference of the United Nations Educational, Scientific and Cultural Organization 17th Session, Paris, October 17th – November 21st, 1972, accessed through UNESCO's Official Web. <http://whc.unesco.org/en/conventiontext/>

¹⁵⁶ Sra. Alcira Sandoval Ruiz, UNESCO Cultural Heritage Coordinator for Ecuador, Quito, 2014, interview by Diana Araujo, December 22nd, 2014

¹⁵⁷ *UNESCO Charter on the Rights and Obligations related to Towns inscribed on the World Heritage List (Krakow and Quito)*, Committee Decisions CONF 003 XVIII C.61, Cairo and Luxor, 1979, accessed October 2014, available at <http://whc.unesco.org/archive/1979/cc-79-conf003-13e.pdf>

¹⁵⁸ *UNESCO World Heritage Convention*, The General Conference of the United Nations Educational, Scientific and Cultural Organization 17th Session, Paris, October 17th – November 21st, 1972, accessed through UNESCO's Official Web. <http://whc.unesco.org/en/conventiontext/>

¹⁵⁹ “This implies an appropriate policy framework, laws and regulations to guide all interventions in historic areas and a comprehensive vision of how a historic district interacts with the city and the region at large. As such, pilot projects embrace a wide range of activities, from recording and mapping heritage, offering advice on legal protection, environmental issues, transport, financing, setting up micro-credit

Recommendations on Historic Urban Landscapes (HUL) issued concepts for proper interventions on urban-scale that include designated areas due to the growing disengagement between conservation practices and urban development.¹⁶⁰ In cities like Quito, whose designation has become part of its identity, the efforts to balance the imperative urban development and its conservation policies have only intensified governance issues and local policies' shortcomings.¹⁶¹

Despite the fact that most operational guidelines, conventions, recommendations, and charters issued by UNESCO could be considered conservation-oriented, neither the convention nor the operational guidelines limit the capacities of each city or State to adapt the property to overall urban development plans.¹⁶² The operational guidelines do, however, indicate the procedures and recommendations under which the State should plan and approve each project that might have an impact on a World Heritage site.¹⁶³ In addition, the World Heritage Convention makes an

schemes for the rehabilitation of privately-owned historic houses, workshops on specific conservation skills and more broadly, the development of conservation policies and plans. These activities reach out to stakeholders at different levels, from ordinary citizens to city authorities."

UNESCO *Recommendations related to Historic Cities*, Minja Yang & Jehanne Pharès, *Safeguarding and Development of World Heritage Cities*, Partnerships for World Heritage Cities: Culture as a Vector for Sustainable Urban Development, World Heritage 2002: Shared Legacy, Common Responsibility Associated Workshops, Urbino, Pesaro – Italy, November 11th -12th, 2002, Published in 2003 by UNESCO World Heritage Center

¹⁶⁰ UNESCO 36 C/23 *Recommendation on the Historic Urban Landscape*, Paris, 2011, accessed November 2014, available at <http://unesdoc.unesco.org/images/0021/002110/211094e.pdf>

¹⁶¹ Arq. Dora Arizaga, Director of the Metropolitan Institute of Heritage, Quito, 2015, interview by Diana Araujo, January 10, 2015

¹⁶² UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO's Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>

¹⁶³ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO's Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>

emphasis on heritage having a function in the life of the community and being part of comprehensive planning programs.¹⁶⁴

“In 1976, UNESCO adopted a further Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas, which advances a comprehensive approach that has been refined over the years. “Every historic area and their surroundings should be considered as a coherent whole... whose balance... depends on the fusion of various parts... including human activities as much as the buildings, spatial organization and the surroundings. All valid elements... have a significance in relation to the whole... bringing the question of integrity in addition to that of authenticity.”¹⁶⁵

On *UNESCO’s Recommendations on the Historic Urban Landscape (HUL)*, it is stated that both the tangible and intangible heritage associated to a site constitute key elements in enhancing the livability of urban areas, and encouraging economic development and social cohesion.¹⁶⁶ The conservation of historic resources in the “hinge of urban development” can become a strategy to achieve balance between urban growth and quality of life, including preservation, on a sustainable basis. These recommendations identify a number of specific threats and provide general principles, policies, and guidelines to meet such challenges. Furthermore, they seek an approach that would include all stakeholders associated to a site i.e. local, regional, and national authorities and policies, international representatives, and even private investors.

¹⁶⁴ Ibid.

¹⁶⁵ UNESCO *Recommendations related to Historic Cities*, Minja Yang & Jehanne Pharès, *Safeguarding and Development of World Heritage Cities*, Partnerships for World Heritage Cities: Culture as a Vector for Sustainable Urban Development, World Heritage 2002: Shared Legacy, Common Responsibility Associated Workshops, Urbino, Pesaro – Italy, November 11th -12th, 2002, Published in 2003 by UNESCO World Heritage Center

¹⁶⁶ UNESCO 36 C/23 *Recommendation on the Historic Urban Landscape*, Paris, 2011, accessed November 2014, available at <http://unesdoc.unesco.org/images/0021/002110/211094e.pdf>

Nonetheless, it is up to each country to implement these recommendations within their own policies.¹⁶⁷

According to L. Veldpaus from the Eindhoven University of Technology, the implementation of processes and recommendations into a Historic Urban Landscape as proposed by UNESCO in 2011 would allow for the clear identification of cultural significance and possible change agents, the proposal of alternatives, and the capacity to monitor impact of urban development on such cultural significance or universal value; and thus, such recommendations and their implementation strongly depend on an integrated environmental assessment.¹⁶⁸ However, even after supporting nongovernmental agencies such as ICOMOS have accepted and valued this approach, the recommendations done after assessment missions for the evaluation of major infrastructural projects in historic cities are still traditionally-oriented and based on the categorization of the universal values under which properties are inscribed.

Although the concept of Outstanding Universal Value is fairly recent (2005), it has been used as key reference for protection and management plans and strategies after a property gets inscribed or nominated. Moreover, properties inscribed before 2005 went through revision in order to adopt the statement.¹⁶⁹ The criteria used are representative of all the universal yet unique qualities a site might possess in order to be registered in the World Heritage List. They represent the characteristics under which a

¹⁶⁷ Veldpaus, L., Ana R. Pereira Roders, *Historic Urban Landscapes: An Assessment Framework*, Eindhoven University of Technology, accessed November 2014.

¹⁶⁸ Ibid.

¹⁶⁹ Ministerio de Desarrollo Urbano y Vivienda, *Proyecto de Revitalización del Centro Histórico de Quito: Estudio de Impacto Patrimonial (EIP) – Propuesta Integral para el Eje de la Calle Jose Mejía*, Quito, June 2014

property will be assessed from its nomination and forward.¹⁷⁰ For instance, if a property gets inscribed under a specific criterion, the values represented in such criterion are the ones that would be protected and that would need to be managed accordingly through time and changes. This approach has been implemented all around the world, and it seems to be more appropriate for heritage understood on a monument-basis or single elements; nonetheless, in the case of areas and historic centers, it does not state any procedure or guidance for the management of the site as a whole and in connection with the urban fabric around it. In addition, the criteria are evaluated and managed based on two concepts, integrity and authenticity, both ideas set up the parameters for the evaluation of not only a site and its outstanding universal value but also future projects that might have an impact on it.¹⁷¹

2. Quito's Historic Center Management

Even though the first heritage law applied in Ecuador (*Ley de Patrimonio Artístico*) was approved in the 1930's, it was only after Quito was designated World Heritage, in 1978, that a comprehensive law and administrative organization to protect the overall cultural and physical heritage was established, becoming the first legal tool applicable for the protection of such heritage.¹⁷² The first urban plan used to regulate

¹⁷⁰ UNESCO *Adoption of Retrospective Statements of Outstanding Universal Value*, Committee Decisions 37 COM 8E, Cambodia, 2013, accessed October 2014, available at <http://whc.unesco.org/archive/2013/whc13-37com-20-en.pdf>

¹⁷¹ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO's Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>

¹⁷² Sonia Maria Merizalde Aguirre, *Ley de Patrimonio Cultural: Revisión y Aplicación de la Ley de Descentralización*, Universidad Tecnológica Equinoccial, Quito, 2006, accessed December 2014, available at http://repositorio.ute.edu.ec/bitstream/123456789/5205/1/27925_1.pdf

urban development and control the existing fabric in the city was conceived in 1941. The “*Odriozola Plan*” divided the existing city into nine functional centers, including the historic city, and promoted the conservation of the monumental elements representative of the Spanish legacy –the colonial city-.¹⁷³ This plan and the gaps it left on the continuous development of the city served as base, in 1964, for the first specific plan for the historic area (*Plan del Centro Histórico de Quito*) inspired on the Venice Charter.¹⁷⁴ The latter was implemented for five years before it was officially complemented, in 1969, by a new development and preservation plan (*Plan Piloto de Preservación Monumental de Quito*) focused on the rehabilitation of monumental assets of historic and artistic value in order to improve the touristic resources of the city.

In 1973, a new urban development plan was proposed. “*Quito y su Área Metropolitana – Plan Director*” reinforced the touristic approach previously established in the historic city and complemented it with the inclusion of services and other commercial activities, which were meant to intensify the touristic use of the area.¹⁷⁵ It also included the development of new connecting roads surrounding the historic center in order to reduce the congested circulation within. Thus, focusing urban infrastructure on the periphery and isolating the historic center for the first time.

In 1978, with the World Heritage designation, the National Institute of Cultural Heritage (Instituto Nacional de Patrimonio Cultural - INPC) was created and along with it

¹⁷³ Municipio del Distrito Metropolitano de Quito, *Centro Histórico de Quito: Plan Especial*, Dirección Metropolitana de Territorio y Vivienda – Junta de Andalucía, April 2003, Quito

¹⁷⁴ Ibid.

¹⁷⁵ Municipio del Distrito Metropolitano de Quito, *Quito y su Area Metropolitana: Plan Director 1973-1993*, Unidad Ejecutiva de Planificación, 1973, Quito

the first national law regulating the existing cultural heritage.¹⁷⁶ This law was later complemented by a special plan that included heritage preservation and housing rehabilitation as part of urban development in the city. It was the first time that the historic center was approached as a complex of monuments and small-scale housing units.¹⁷⁷ “*Plan Quito*” – *Directional Scheme*, in 1981, once again highlighted the conservation of the historic center based on a “monument-oriented vision”, the fortification of the buffer areas around the designation limits, urban development, infrastructure investment in the periphery, and the unification of the new developments around the historic downtown under a single regulatory policy.¹⁷⁸

In 1984, with the declaration of the Historic Center of Quito as National Cultural Heritage of Ecuador, the INPC –entity in charge of the communication and dialogue with the World Heritage Center- delegated the regulation, protection, and control of the designated area to the city’s municipality forcing the strengthening of municipal entities and policies, the creation of the Historic Areas Commission, and ultimately originating the division of the territory into administrative zones.¹⁷⁹ Nonetheless, it was only until 2003 that a specific urban -not just conservation-oriented- plan for the designated area

¹⁷⁶ Sonia Maria Merizalde Aguirre, *Ley de Patrimonio Cultural: Revisión y Aplicación de la Ley de Descentralización*, Universidad Tecnológica Equinoccial, Quito, 2006, accessed December 2014, available at http://repositorio.ute.edu.ec/bitstream/123456789/5205/1/27925_1.pdf

¹⁷⁷ Municipio del Distrito Metropolitano de Quito, *Centro Histórico de Quito: Plan Especial*, Dirección Metropolitana de Territorio y Vivienda – Junta de Andalucía, April 2003, Quito

¹⁷⁸ Municipio del Distrito Metropolitano de Quito, *Plan Quito: Esquema Director*, Dirección de Planificación – Subdirección de Diseño Urbano, 1981, Quito

¹⁷⁹ Arq. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

Directorio del Instituto Metropolitano de Patrimonio Cultural – INPC -, *Declaratoria de Quito “Patrimonio Cultural del Estado”*, December 6th, 1984, (art. 7 – Ley de Patrimonio Cultural)

and the buffer zone around it was developed and implemented.¹⁸⁰ This plan not only anticipated the current problems and challenges within the historic center limits, but also proposed preservation policies and regulatory norms, as well as the concepts later reflected in a special ordinance for the regulation and control of any intervention within the historic center limits, Ordinance 260 – which is still in use.¹⁸¹

The “*Plan Especial Centro Histórico de Quito*” was the last specific planning tool established for the overall urban, economic, and social development of the designated area and its buffer zone. The principal objectives of the plan –still in force- include the protection of the heritage and cultural identity, the economic development, and the social equilibrium of the area planned under the concept of multi-functionality of the existing resources.¹⁸² Although the plan was first limited to a ten-year applicability span, it is still the biggest directional tool for the rehabilitation processes currently implemented for it presents an integral approach towards the social and territorial issues identified within the designated area. Curiously, the general diagnosis of the historic city and its periphery reflected in 2003 the same issues addressed by the rehabilitation plans recently introduced by the Ministry of Urban Development and

¹⁸⁰ Municipio del Distrito Metropolitano de Quito, *Centro Histórico de Quito: Plan Especial*, Dirección Metropolitana de Territorio y Vivienda – Junta de Andalucía, April 2003, Quito

¹⁸¹ “In 2008, Quito’s Municipality issued the Ordinance N. 260 “De las Areas y Bienes Patrimoniales”, which covers all regulations that relate to the protection of built heritage, and the necessary instrument to ensure the proper management of it.”
Ministerio de Desarrollo Urbano y Vivienda, *Proyecto de Revitalización del Centro Histórico de Quito: Estudio de Impacto Patrimonial (EIP) – Propuesta Integral para el Eje de la Calle Jose Mejía*, Quito, June 2014

¹⁸² Municipio del Distrito Metropolitano de Quito, *Centro Histórico de Quito: Plan Especial*, Dirección Metropolitana de Territorio y Vivienda – Junta de Andalucía, April 2003, Quito

Housing (MIDUVI) and the Municipal proposal “*Plan Metropolitano de Desarrollo 2012-2022*”.¹⁸³

The current municipality is working to re-develop the policies and ordinances regulating the designated area; however, the limitations implicit in both, the special plan for the HCQ and the existing ordinance, have originated further problems with the management capacities of the municipality and the national government, who is contributing large amounts of financial resources to the revitalization of the HCQ and the overall urban development of the city.¹⁸⁴ Governance discrepancies have led to a less than cooperative environment between municipal and local authorities, national entities, and international stakeholders, such as ICOMOS and UNESCO, endangering the terms under which the site has held its designation for almost 37 years.¹⁸⁵

In conversations with local authorities from both the municipal regulatory entity and the executive unit –Metropolitan Heritage Institute (*Instituto Metropolitano de Patrimonio - IMP*)- the insufficient clarity in governance limits reflected in policies and ordinances have created disputes between national and local stakeholders, which has become the primary problem the city is currently facing. The lack of clear legislation has allowed for the national authorities represented by MIDUVI to intervene within the designated area assuming that the municipal scope is limited to the supervision and

¹⁸³ Municipio del Distrito Metropolitano de Quito, *Plan de Desarrollo 2012 – 2022*, December 2012, Quito

¹⁸⁴ Arq. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

¹⁸⁵ Arq. Amanda Braun, representative for the Revitalization Plan HCQ - MIDUVI, Quito, 2015, interview by Diana Araujo, January 08, 2015

control of the proposed projects.¹⁸⁶ However, as mentioned, since 1984 it became municipal responsibility not only to regulate changes in the area but also to execute various public investment projects. The unsettled jurisdictions have not only allowed for interventions within the historic fabric through a clearly unjustified project, but has also led to political conflicts that have jeopardized the municipal authority as the entity in charge of the management of the designated area.¹⁸⁷

3. Quito's Preservation Model and Private Stakeholders

“En un medio urbano deteriorado, los esfuerzos de preservación de los magníficos monumentos de la ciudad tundra siempre un resultado efímero [...] no atacaban las causas del deterioro del entorno edilicio privado que enmarca los monumentos y contribuye significativamente a la condición patrimonial del Centro Histórico.”¹⁸⁸

In 1987, on March 6th, multiple earthquakes struck the city for over a six-hour period. The sequence of shocks was measured between 6.7 and 7.1 degrees on the Richter scale with aftershocks of 6.0. Although the epicenters were located on the eastern slopes of the Andes, about 75 km northern of Quito, the resulting damages in

¹⁸⁶ Arq. Dora Arízaga, Director of the Metropolitan Institute of Heritage, Quito, 2015, interview by Diana Araujo, January 10, 2015

¹⁸⁷ Arq. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

¹⁸⁸ “In a deteriorating urban environment, efforts to preserve the magnificent monuments will always have an ephemeral result [...] if they do not attack the causes of deterioration of the private built environment that frames the monuments and significantly contributes to the financial condition of the Historic Center.”

Eduardo Rojas, *Volver al Centro: La Recuperación de Áreas Urbanas Centrales*, Inter-American Development Bank, Washington D.C. 2004, pg: 144

the city and its historic area were estimated in over USD 1 billion.¹⁸⁹ Even though preservation efforts and laws had been in place for more than 40 years, the post-earthquake destruction boosted efforts to restore and preserve the historic area with a new investment plan (public and private cooperation) that was considered pioneer in Latin America.¹⁹⁰ The authorities' and residents' commitment, partly driven by the 1978 designation, led to the creation of two special agencies under the Municipality umbrella to deal with restoration efforts while seeking in the long-term to attract private investment. The *Fondo de Salvamento del Centro Histórico de Quito (FONSAL)* and the *Empresa Mixta de Desarrollo del Centro Histórico (ECH)* were allocated a budget of USD 3.3 million per year for the restoration of monuments in the historic area and for the creation connections between public and private investment in the area.¹⁹¹

Indeed, although the deterioration process of the area began in the 1950s, it was only after the earthquake that public awareness and interest rose as to allow local-private stakeholders and bottom-up organizations to participate fully in municipal preservation programs.¹⁹² Moreover, early preservation efforts had been, up to that point, led mainly by private organizations interested in cultural and aesthetic matters and public entities. "Socio-cultural values were the dominant drivers of action, and the only economic value of heritage placed acknowledge in some instances was the direct

¹⁸⁹ Wikipedia contributors, *1987 Ecuador Earthquakes*, *Wikipedia, The Free Encyclopedia*, accessed through: http://en.wikipedia.org/wiki/1987_Ecuador_earthquakes (accessed May 1, 2015).

¹⁹⁰ Eduardo Rojas, *Volver al Centro: La Recuperacion de Areas Urbanas Centrales*, Inter-American Development Bank, Washington D.C. 2004, pgs: 144-161

¹⁹¹ Ibid.

¹⁹² Ibid.

consumption use by tourists.”¹⁹³ In fact, the first public interventions in conservation and restoration date from the late 1970s (in alignment to the creation of laws, the establishment of the Convention, and the designation of Quito).¹⁹⁴ However, with the creation of the aforementioned programs, the municipality set up communication channels for private investment and multiple stakeholders’ participation in the area.

FONSAL took care of the restoration of monumental and public buildings whereas ECH worked on the promotion of private investment by shrinking economic risks and investment amounts by being a silent party in associations with private capital.¹⁹⁵ The ECH worked with private investment in three different ways, (i) bringing to the project capital and technical capacity, (ii) owning and leasing a property to a private investor, and (iii) working as a real state operator.¹⁹⁶ The greatest success the two entities had in terms of rehabilitation, preservation, and attraction of private actors (local stakeholders) was tied to social justice programs and the promotion of residents’ participation. For Quito’s authorities, to enhance social participation became a priority.

In this matter, the authorities worked in association with UNESCO to set up parameters of social sustainability in the historic area.¹⁹⁷ Focusing in more than just creating a touristic attraction, the social commitment included the enhancement of low-

¹⁹³ Eduardo Rojas, *Governance in Historic City Core Regeneration Projects*, The Economics of Uniqueness, International Bank, Washington D.C, 2012, pg. 153

¹⁹⁴ Eduardo Rojas, *Volver al Centro: La Recuperacion de Areas Urbanas Centrales*, Inter-American Development Bank, Washington D.C. 2004, pg. 146

¹⁹⁵ The ultimate goal of the ECH was to slowly let the private sector take over investments in private properties in the historic area and hence promote the revitalization of the site.

Eduardo Rojas, *Volver al Centro: La Recuperacion de Areas Urbanas Centrales*, Inter-American Development Bank, Washington D.C. 2004, pg. 151

¹⁹⁶ Ibid, pg. 151-152

¹⁹⁷ Ibid, pg. 156

income housing stock, the organization of informal commerce, and the promotion of microenterprises in order to work with the residents of the area as major actors involved in the rehabilitation process. However, “the local authority, as the only actor with a long-term commitment is, in principle, the only one capable of launching a regeneration process by investing in the rehabilitation of infrastructure and public spaces, and in the conservation and development of heritage buildings.”¹⁹⁸ Hence, the social portion of the plan made a strict emphasis on increasing the commitment and participation of residents mainly through communication workshops and institutional coordination.

In terms of overall success, the rehabilitation and conservation projects launched by both FONSAL and ECH achieved interesting results. Most, if not all, of the publicly owned buildings were fully rehabilitated and many opened their doors to the public thanks to the funds and technical capacity of FONSAL, whereas the ECH successfully managed housing and commercial projects with a constant and full economic return. However, the economic crisis of 1999 interrupted the public-private associations and generated a lack of private investment funds and financial distrust.¹⁹⁹ The subsequent recovery took more than a decade, however, in 2010 both entities were dissolved and

¹⁹⁸ Eduardo Rojas, *Governance in Historic City Core Regeneration Projects*, The Economics of Uniqueness, International Bank, Washington D.C, 2012, pg. 152

¹⁹⁹ “In 1999, Ecuador suffered a deep economic crisis that affected economic and social sectors and that led to the suspension of international debt payments. The crisis was exacerbated by an untenable monetary policy that led to a sharp devaluation of the currency and the raise of the prices level with inflationary trends. The GDP fell by 7.3%, consumption decreased by 10%, the level of investments dropped by 34%, inflation exceeded 60%, devaluation reached 196%, capital flight went over an amount of US \$ 1,278 million, and the debt / GDP exceeded 130%, a level unprecedented for Ecuador and generally for all emerging economies.”

Eduardo Rojas, *Volver al Centro: La Recuperacion de Areas Urbanas Centrales*, Inter-American Development Bank, Washington D.C. 2004, pg. 160

the Metropolitan Institute of Patrimony was legally created to continue with the work of FONSAL exclusively. No further official efforts to engage private investment have taken place since.

Meanwhile, in relation to the preservation practices that have taken place in the city and their outreach to other local stakeholders (besides public authorities and entities), the 23-year social focus of both agencies remained short in comparison to the physical results. This has been often related to the preservation principles leading public and private efforts and investment. Eduardo Rojas explains this phenomenon in his essay about urban heritage conservation in Latin America.

“The conservation decision-making process focuses mostly on the physical qualities of the buildings and less on the uses and the potential partners that may contribute to sustaining the preserved heritage asset. The typical steps of the traditional conservation decision-making sequence focuses mostly on the socio-cultural value of the assets and the authenticity of the conservation interventions. Consequently the buildings are mostly devoted to public uses and are often underutilized. [...] This outcome is the result of a misalignment, or asymmetry, in the relations among the actors involved in the process. At this point, most of the funding for conservation activities is provided by private philanthropists or by the taxpayers’ contributions to the central government. These actors, in turn, are not the main beneficiaries of the conservation efforts; rather conservation may help just the local communities, tour operators, or other specific groups, depending on the particular case. This approach leads to inconsistent interventions, cannot mobilize all possible funding, and does not guarantee the long-term sustainability of the conserved assets.”²⁰⁰

²⁰⁰ Eduardo Rojas, *Governance in Historic City Core Regeneration Projects*, The Economics of Uniqueness, International Bank, Washington D.C, 2012, pg. 153 - 156

Clearly such conservation efforts, historically managed from a top-down perspective, forced disengagement among communities and residents, as local stakeholders, in terms of decision-making for they focus exclusively on the monument. Oddly enough, the same communities and residents are the ones that are more directly affected by any conservation and rehabilitation project. Evidently, stakeholders' involvement at all levels becomes critical for the success of any adaptive regeneration project and, therefore, for any urban development project as well.

4. Current Projects intervening in HCQ and ICOMOS+UNESCO Recommendations

In 2013, the latest ICOMOS advisory mission visited Quito and reported on several projects currently in execution. The State Party solicited the mission's visit after the World Heritage Committee recommended it in Decision 37 COM 7B.97 in order to evaluate the state of conservation of the property.

"The Advisory Mission was derived from the request made by the State Party to assess the following aspects of Decision 37 COM 7B.97, adopted by the World Heritage Committee at its 37th session (Phnom Penh, 2013):

- Assess the current state of conservation of the property and the development progress of the comprehensive conservation plan for the different sectors of cultural heritage, on guidelines and criteria established for the interventions in terms of changes of use.
- Assess management and property protection mechanisms, including review of various planning tools thereof, and the analysis of decision-making and approval processes for new development projects [...]
- Assess current and planned projects for the property to determine if the proposed project may

have adverse effects on the attributes that express the Outstanding Universal Value of the property or their conditions of authenticity and integrity.

- Assess on-going initiatives and projects for the whole recovery of the Historical Center, in particular proposals involving demolition to enhance public spaces.”²⁰¹

The projects assessed included the undergoing studies and initial works on the METRO Quito – the first subway line- and the Revitalization of the Historic Center Project proposed by MIDUVI, among others. The report issued recommendations for a total of five projects making strong remarks on three of them, the management plan for the Historic Center, or the lack of a comprehensive version of it, the San Francisco subway Station in the designated core, and the creation of new public spaces along Mejia street after the demolition of modern architecture.²⁰²

In terms of the absence of a Comprehensive Management Plan for the City of Quito, ICOMOS emphasizes on the dispersion of all management tools currently in effect i.e. ordinances, policies, laws, and administrative procedures, among others.²⁰³ They urge the responsible authorities to consolidate governance limits; as for it will allow for a better control and will set up clear protection and control boundaries. In addition, the

²⁰¹ ICOMOS *Advisory Mission Report on the City of Quito, Ecuador (C2)*, October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

²⁰² ICOMOS *Advisory Mission Report on the City of Quito, Ecuador (C2)*, October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

²⁰³ Previous reports on the state of conservation of the World Heritage property reiterated the request to integrate the various tools implemented in safeguarding the cultural heritage of Quito, creating a comprehensive management system to ensure the governance of the Historic Center in the long term, updating the national and municipal legal frameworks to conclusively define the responsibilities of management protocols and intervention processes. The State of Conservation report discussed by the World Heritage Committee in 2013 reiterates the permanence of the same shortcomings. Ibid.

report strongly recommends updating the current legislation, both national and municipal, as well as the city inventory, especially the part which includes the designated area, aiming for a comprehensive kit of preservation tools.²⁰⁴ Indeed, the lack of proper and specific legal tools, a clear preservation framework, an updated inventory, and governance delimitations has become a persistent issue that can be found at the core of other projects jeopardizing the city's built heritage.²⁰⁵

Otherwise, the two urban projects analyzed in the ICOMOS report and agreed upon in the following World Heritage Committees, -San Francisco's Subway Station and Revitalization of Historic Center of Quito: Creation of New Public Spaces- raised a debate on how the absence of governance limitations and authorities' power scopes was actually influencing the level of control and protection placed on the site.

On the one hand, the studies for the first subway line in the city began in 2011 with almost 80,000 surveys on the subject of mobility, destination, and traveling time for public transportation users in the entire Metropolitan District, including the historic center.²⁰⁶ The analysis done on the current urban conditions in association to the transportation systems in the city highlighted the rupture between the urban growth tendency of the city and the transportation services, in terms of overall capacities and quality. The problems encountered included disequilibrium between areas well served with public transportation and areas isolated, saturation of the principal road network,

²⁰⁴ ICOMOS *Advisory Mission Report on the City of Quito, Ecuador (C2)*, October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

²⁰⁵ Arq. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

²⁰⁶ Edgar Jácome, *A Line in the Andes*, University of Harvard Graduate School of Design, Boston, 2012, pg. 20-22

poor quality systems and units, among other issues that have transformed the public transportation system in Quito in a constant problem instead of a solution.²⁰⁷

Based on this analysis, in 2012, the conceptual model of a new integrated transportation system was proposed.²⁰⁸ In this new project, the first line of the Subway System is to become the linchpin to which the existing systems will connect.²⁰⁹ The conceptual proposal included the acknowledgement of the territory and its characteristics in the entire process, the understanding of the current transportation system, its failures and potential, integrity between all the elements, transit, infrastructure, and urban development, and priority to the more socially inclusive proposals that would have the lowest environmental impact and the best economic efficiency.²¹⁰

Further development of the proposal included feasibility studies, engineering and environmental assessments, and heritage impact studies. The first stage focused on the route and the technical challenges of its perforation, the vibration resistance, and overall ground capacities while other stages looked into urban capacities and optimal location of stations.²¹¹ However, in both cases the heritage impact studies were embedded in other technical studies and technical feasibility conclusions. Even though

²⁰⁷ METRO QUITO Secretaria de Movilidad del Distrito Metropolitano de Quito, *Bases del Nuevo Modelo de Movilidad para el DMQ*, Quito, April 16th, 2012

²⁰⁸ Edgar Jácome, *A Line in the Andes*, University of Harvard Graduate School of Design, Boston, 2012, pg. 20-22

²⁰⁹ METRO QUITO, *Sistema Integrado de Transporte Masivo (SITM) – Integración Física del SITM*, Quito, April 2011

²¹⁰ METRO QUITO Secretaria de Movilidad del Distrito Metropolitano de Quito, *Bases del Nuevo Modelo de Movilidad para el DMQ*, Quito, April 16th, 2012

²¹¹ METRO QUITO, *Sistema Integrado de Transporte Masivo, Proyecto Primera Línea del Metro de Quito: Estudios Técnicos de Soporte*, Quito, 2012

an archeology and paleontology research took place in the early months of 2013, ICOMOS recognized the absence of specific studies regarding intervention within the historic fabric.²¹²

The final project –currently under a financial review process- included a 22-kilometer route running from north to south, 15 primary stations, and 5 complementary stations proposed for a second phase.²¹³ The major concern in the ICOMOS report is specific to the impacts of San Francisco Station, which is to be built underneath one of the most representative squares and public spaces in the historic center. The report states the lack of heritage impact studies in regard to the constant use and growing densification of the site with an anticipated flow of over 24.000 passengers per day.²¹⁴ The station's location review is recommended in order to prioritize the significance of the site over other technical advantages as well as the permanent monitoring of the project before and during the construction.²¹⁵

After the mission's reported to the State Party and UNESCO, in the first half of 2014, an evaluation process regarding the location of the station and the possibility of multiple stations that would divide the amount of impact within the territory began. As

²¹² METRO QUITO, *Sistema Integrado de Transporte Masivo, Proyecto Primera Línea del Metro de Quito: Estudios Técnicos de Soporte*, Quito, 2012

²¹³ Edgar Jácome, *A Line in the Andes*, University of Harvard Graduate School of Design, Boston, 2012, pg. 20-22

²¹⁴ ICOMOS *Advisory Mission Report on the City of Quito, Ecuador (C2)*, October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

²¹⁵ Ibid.

recommended, two other location were studied and the heritage impact report was finished and submitted for ICOMOS and UNESCO's evaluation.²¹⁶

On the other hand, a national entity, the Ministry of Urban Development and Housing (MIDUVI) launched in 2013 the Revitalization of the Historic Center of Quito project. The project is an initiative originated after local and national authorities collaborated on a workshop in 2012.²¹⁷ It includes the execution of several emblematic architectural projects within a 5-year time period that would lead to the revitalization of the historic center, and the repopulation of the area.²¹⁸ In terms of urban policy, the project's primary proposals are the creation of a balance between open-public spaces with green areas and built environment, while administrative-wise it includes financial support for heritage conservation policies, and social programs teaching about cities as sustainable ecosystems.²¹⁹

The project's legal framework not only takes into account the World Heritage Convention but also on the national policy, specifically on the COOTAD, Article N.3 in which, under the premise that the local authority i.e. Quito's municipality is deficient on the proper exercise of its functions, other authorities are allowed to exercise temporal

²¹⁶ Arq. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

²¹⁷ Ministerio de Desarrollo Urbano y Vivienda, *Proyecto de Revitalización del Centro Histórico de Quito: Estudio de Impacto Patrimonial (EIP) – Propuesta Integral para el Eje de la Calle Jose Mejía*, Quito, June 2014

²¹⁸ "It is estimated that by 2022 the HCQ will contain half the population it currently has; from 40,587 inhabitants to 26727 inhabitants (INEC, 1999, 2001, 2010). Consequently, reinforcing properties abandonment, lack of a degree of ownership and ongoing maintenance processes, and creating physical and functional impairment."

Ibid.

²¹⁹ Ibid.

governance instead.²²⁰ This legal breach has allowed for the national government to take over the jurisdiction of the historic center to force the implementation of its urban proposal for the recuperation and change of the Mejia Street axis through the demolition of two modern-architecture buildings and their substitution with urban public open spaces.²²¹

The documentation prepared by MIDUVI in response to the 2013 ICOMOS report explains the theoretical concept behind these interventions. The 2014 Heritage Impact Report sent to UNESCO explains the problems identified within the entire urban area – degraded social dynamics such as delinquency, poverty, and urban dislocation visible in architectural neglect, absence of public spaces, deficient public facilities, and inadequate accessibility- in addition to the primary goals behind the reinforcement of the Mejia axis as a pedestrian-friendly path where open public spaces i.e. squares are expected to encourage citizen participation in the area all day-round and eventually help the repopulation of the HCQ.²²²

Regardless of the urban approach taken in this proposal, the heritage impact assessment and heritage theory used in support of the interventions do not include any

²²⁰ According to the current legislation, COOTAD favors the management of services, skills, and public policy by the closest governmental levels, which are "allowed the extension and temporal exercise of powers in case of failures, omission, natural disasters or strikes detected on the management, according to the procedure established in this code."

Código Orgánico de Ordenamiento Territorial (COOTAD), Article 3. Principles.

Ministerio de Desarrollo Urbano y Vivienda, *Proyecto de Revitalización del Centro Histórico de Quito: Estudio de Impacto Patrimonial (EIP) – Propuesta Integral para el Eje de la Calle Jose Mejía*, Quito, June 2014

²²¹ Ibid.

²²² Ibid.

theory on historic cities' evolution, adaptation, intervention, or even management.²²³ It is based on a monumental-conservation approach and the power of symbolism instead of a comprehensive understanding of urban environments constantly mutating and adding historical layers to its geography. There is a clear contradiction between the contemporary urban and social approach included in the architectural projects and the heritage conceptualization used as support.²²⁴

Nonetheless, the 2013 ICOMOS recommendations manifested concerns on a more technical-level urging the State Party to reconsider the creation of openings – subway station accesses and breathers -- into a characteristically consolidated urban environment for it represents an alteration of the historic center urban form, to deepen the historical analysis of the trace, surface, and urban fabric so as to include the possibility of the rehabilitation of existing urban spaces that would fulfill the same purpose of new ones, to include modern architecture in the inventory of architectural heritage, and moreover, to apply and promote the use of *Administrative and Statuary*

²²³ The project is based on Gustavo Giovannoni's texts on Scientific Restoration, the and the 1931 Athens Charter on monuments and its immediate surroundings.

Ministerio de Desarrollo Urbano y Vivienda, *Proyecto de Revitalización del Centro Histórico de Quito: Estudio de Impacto Patrimonial (EIP) – Propuesta Integral para el Eje de la Calle Jose Mejía*, Quito, June 2014

²²⁴ The heritage impact report talks about how policies and strategies implemented in the city so far have privileged monumentality and museum-like principles strongly focused on touristic goals, which indeed can be seen in most XX century policies. However, the idea of recuperating monumental facades and increasing monuments significance to the detriment of urban qualities of the area while creating small-scale public spaces in place of built elements is a clear contradiction that not only jeopardize UNESCO's designation but that is the origin of conflicting local policies.

*Processes Established by the World Heritage Convention and Operational Guidelines (paragraph 172).*²²⁵

“The World Heritage Committee invites the States Parties to the Convention to inform the Committee, through the Secretariat, of their intention to undertake or to authorize in an area protected under the Convention major restorations or new constructions which may affect the Outstanding Universal Value of the property. Notice should be given as soon as possible (for instance, before drafting basic documents for specific projects) and before making any decisions that would be difficult to reverse, so that the Committee may assist in seeking appropriate solutions to ensure that the Outstanding Universal Value of the property is fully preserved.”

- 2013 Operational Guidelines for the Implementation of the World Heritage Convention

- UNESCO

Sadly, in response to ICOMOS recommendations, the Heritage Impact Report sent in 2014 does not address three of the four items. The study focuses on theoretical, historical, and physical arguments for why the openings to the urban form are not only necessary but also harmless to the city’s heritage and its Outstanding Universal Value. The report emphasizes the value of monuments and representative elements but fails to look at the historic center as an urban complex directly affecting the criteria under which it is designated and the conditions of integrity and authenticity linked to the

²²⁵ ICOMOS *Advisory Mission Report on the City of Quito, Ecuador (C2)*, October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

existing fabric.²²⁶ It also fails in recognizing modern architecture and modern interventions as another historical layer, part of both the tangible and intangible heritage of the site. Thus, it does not fully justify – neither locally nor to the UNESCO World Heritage Committee and Advisory Bodies -- the current interventions and the modifications done to the urban trace and built form.²²⁷ Moreover, this approach further widens the gap between urban and socio-economic development and conservation of the Outstanding Universal Value of the site.

²²⁶ Ministerio de Desarrollo Urbano y Vivienda, *Proyecto de Revitalización del Centro Histórico de Quito: Estudio de Impacto Patrimonial (EIP) – Propuesta Integral para el Eje de la Calle Jose Mejía*, Quito, June 2014

²²⁷ Arq. Dora Arízaga, Director of the Metropolitan Institute of Heritage, Quito, 2015, interview by Diana Araujo, January 10, 2015

CHAPTER 5. DYNAMICS ANALYSIS:

Understanding the dynamics that develop after a World Heritage designation requires revisiting all the instances in which dialogues and interchanges take place between international and local stakeholders. To comprehensively assess the way in which such dynamics might have been influential in decision-making in the case of Quito, it is necessary to look into both explicit and implicit responsibilities and how they are interrelated, and ultimately into the benefits and shortcomings of holding a World Heritage designation. The following chapter seeks to explain the processes through which an interchange of ideas, resources, and/or recommendations happen and how these are taken into account prior to a projects' execution, specifically looking at the way in which both international and national actors approach responsibility and interpret the guides set by the Convention and Operational Guidelines. Likewise, this chapter focuses on discovering the moments in which responsibilities and participation scopes are misunderstood, or over considered, in local instances and the reasons why these results vary from site-to-site and country-to-country.²²⁸

1. Policy Engagement between Local and International

As already mentioned in other chapters, the dynamics between States Parties and the World Heritage system are ultimately constrained and regulated by policies and legislation in both international and local levels.²²⁹ The World Heritage Convention and

²²⁸ See Chapter 1 for a summary on the cases of Dresden in Germany and Panamá City in Panamá.

²²⁹ The Convention, Operational Guidelines, and Rules of Procedure in the case of the World Heritage organization and national and local laws in the case of States Parties.

Operational Guidelines first provide clear guidelines for both the roles and interaction levels between these two major stakeholders in comparison to National and local laws and ordinances.²³⁰ The type of relation that local policies have with the Convention, either when they are based on the same conceptual practices and ideals like in the case of Quito, or when they differ from it on values and practices like in the case of some Eastern nations (usually more concerned with cultural legacy and traditions rather than the one with built elements), creates a powerful influential instance in which the World Heritage international cooperation system has implicitly exercised a degree of control over what regulates a designated site.²³¹

On urban development decision-making, international Legislation namely the Convention and its Operational Guidelines, on the one hand, encounter some shortcomings when addressing such projects in sites like Quito for they do not address reconciliation strategies to link urban development and heritage conservation. This limitation gets translated into Advisory Bodies' and Committee's recommendations, suggestions, reports, and finally decisions. As suggested by Diana Zacharias, in cases like

²³⁰ In the Case of Ecuador and Quito, neither the *Ley de Patrimonio Cultural* (national) nor the local Ordinance No.260 provides guidelines for the dynamics with the international institutions like UNESCO World Heritage although the mention the necessity to comply to international Conventions and have a delegate in the matter. See Chapter 4. Interacting: Role of Stakeholders in Decision-making. *Ley de Patrimonio Cultural del Ecuador*, Codificación 27, Registro Oficial Suplemento 465, November 19th, 2004, (1978 – Rev. 2004), Quito, Ecuador, Art. 3 and Art. 26

²³¹ The national law in Ecuador, *Ley de Patrimonio Cultural*, refers to the Athens Charter (1931), the Venice Charter (1964), the Norms of Quito (1967), and furthermore the Convention itself (1972) among other international agreements and charters as theoretical framework for the drafting of the 1978 Law and further revisions.

Ibid.

this “[...] the maintenance of the World Heritage has priority even over achieving a balance with the economic development.”²³²

On the other hand, neither local planning nor local preservation policies fully address all the elements within a site or establish politics and practices to regulate modernization and urban development in alliance with conservation. In fact, the specific projects presented in this study use either a “monumental-heritage” approach, or a purely technical advantage study instead of a more comprehensive “historic urban landscape” approach to propose actions in the territory and to measure their impact. In Quito, adding to the absence of an updated version of the main regulatory tool (Ordinance No. 260), these conditions have allowed for multiple interpretations on what is significant and what can be sacrificed.²³³ Hence, since local policies do not fully protect the site, local authorities have been forced to rely on the international statutes to protect the site particularly from other local stakeholders.²³⁴ For municipal authorities the Convention and the recommendations drafted by ICOMOS in 2013 are key elements to support actions that prevent execution of projects without full justification of action and complete heritage impact assessment.²³⁵

The role that these two major stakeholders, both international and local, play in decision-making is, however, instrumental to define the degree of influence an

²³² Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 331

²³³ ICOMOS *Advisory Mission Report on the City of Quito, Ecuador (C2)*, October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

²³⁴ Arch. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

²³⁵ Ibid.

international institution such as UNESCO World Heritage has over the sites designated and inscribed in the World Heritage List. In the case of Quito, the international representatives' -- ICOMOS and the World Heritage Committee -- level of influence is simultaneously involuntarily enforced for it is a result of historically established political dynamics between Ecuador as State Party and UNESCO World Heritage. That influence is further reinforced by the continuous communication the municipality (as managing entity) has with the international entity, and at the same time voluntarily since the same municipality utilizes these international treaties i.e. Convention, Operational Guidelines, and World Heritage designation as protection tools to manage the impact of urban projects within the area. Hence, the role international actors and compliance tools (list in Danger and de-listing) play in local dynamics has a more intrinsic relationship to the role local authorities allow the convention to play.

For the international community and the World Heritage system, simply de-listing a site is not appealing for it goes against its original purpose of protecting universally valuable sites and monuments. Moreover, de-listing a site does not reflect positively on the success of the work done by the Convention since 1972 in recognizing outstanding heritage through its main tool, listing sites.²³⁶ Thus, for both the Advisory Bodies and the Committee creating dynamics and setting dialogue channels that allow for their full participation in evaluating projects prior to their execution is vital in order

²³⁶ From its debut in 1978 with 12 sites, the List has increased dramatically to a total of 1007 sites from the list just two have been deleted and a third one will be removed in 2015 (Panama) yet with the possibility of nominate the site after altering its boundaries. UNESCO World Heritage Official Web Site, *The List*, 2012, accessed through UNESCO's Official Web: <http://whc.unesco.org/en/list/>

to actually supervise and protect listed sites.²³⁷ Complementing such actions, building bridges through other World Heritage instruments such as the World Heritage Fund or even the Committee are implicit means to achieve a more direct participation in decision-making without disrupting States Parties sovereignty.²³⁸ Clearly, the system works better in some cases than others; however, both the Convention and the World Heritage organization as an international platform for cooperation work as tools that framed States Parties strong inclination to follow a lead and comply with international agreements as non-binding laws yet exemplary statutes to be followed in order to guarantee political and cultural recognition and all the associated benefits.²³⁹

2. Compulsory versus Voluntary

As discussed in previous chapters, there are no explicit rules or agreements in either the World Heritage Convention or Operational Guidelines that bind States Parties

²³⁷ “The role and competences of those bodies at the international level as well as their relationship and responsibilities towards each other are not precisely defined in the Convention and leave room for discussion.”

Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 311

²³⁸ “Art. 13 of the World Heritage Convention reads that the [...] Committee shall receive and study requests for international assistance formulated by States Parties [...] The Committee shall decide on the action to be taken with regard to these requests and determine, where appropriate, the nature and extent of its assistance. (art. 11 para. 3) Furthermore, it shall determine in that context the order of priorities for its operations. [...] These prescriptions of actions remain vague and allow to the Committee a broad margin for evaluation and appreciation. [...] After all, the World Heritage Convention comprises fundamental notions that need to be delineated.”

Ibid, pg. 317-318

²³⁹ “Inscription is, and must be seen to be, part of a process, not an isolated event, preceded and followed by steps in an evolving continuum conceptualized as a very long-term commitment.”

UNESCO, *Report of the World Heritage Strategy Natural and Cultural Heritage Expert Meeting*, UNESCO World Heritage, Paris, Amsterdam, 1998, pg. 17

to follow the Committee or Advisory Bodies' recommendations.²⁴⁰ Moreover, the preservation principles guiding such recommendations are by no means oriented to prevent sites' urban development or evolution as long as their Outstanding Universal Value is not jeopardized.²⁴¹ However, based on the literature review (Chapter 4) and the case study, it is also clear that the World Heritage system and the Convention implicitly require actions and responses from States Parties in relation to recommendations made for the protection of designated sites.²⁴² This implicit "binding" relationship is established between international and local stakeholders on a political platform – United Nations and UNESCO - and it is explicitly reinforced each time a State Party becomes signatory to the World Heritage Convention and complies with the rules established by the Operational Guidelines especially in terms of nomination procedures. Indeed, nominations, requests for assistance, reporting (SOCs), and further expert or monitoring missions are un-written binding instruments that push States Parties to take into account the World Heritage organization's opinions when solicited.²⁴³ These dynamics ultimately influence decision-making in designated sites when keeping a balance between international cooperation and national interests becomes an

²⁴⁰ See Chapter 2 and 4 for a Review on the Convention and Operational Guidelines.

²⁴¹ States Parties are requested to define the Outstanding Universal Value criteria under which a site is to be inscribed on the list, thus States Parties are in principle the ones setting urban and architectural limits to what can be changed within the site or in its buffer zone.

Carolina Castellanos, ICOMOS Expert, New York, 2015, interview by Diana Araujo, February 19, 2015

²⁴² "[...] The governance mechanism is a special type of cooperative regulatory administration because it unilaterally determines the duties of the State Party (although a request is regularly necessary)."

Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 310

²⁴³ "The relationship between the international and national level is hierarchical. The World Heritage Committee is the central decision-making body at the international level. It makes decisions that legally bind the States Parties who have subjected themselves to its power."

Ibid, pg. 333

important part of local policies regarding both preservation and development of a designated site. Clearly, as noted by Diana Zacharias, the Convention is open enough to let States Parties freely participate on whatever level they chose to although after nominating and inscribing a site such openness can lead to more tight control.²⁴⁴

In addition, according to the Convention and its Operational Guidelines (section V para. 199, pg. 55 on the Operational Guidelines), States Parties have an affirmative obligation to report any project impacting the designated sites before execution begins.²⁴⁵ This “mandatory” dialogue system seeks not only to enable the international community to know about projects and about all possible changes to a World Heritage site before their implementation but it also stimulates recommendations and requests coming from the Advisory Bodies and the Committee itself.²⁴⁶ Interestingly enough, a great number of the projects executed in the Historic Center of Quito during these 37 years of designation have been of minimal physical impact, or tourism-related instead of major urban transformations.²⁴⁷ This is not strange in World Heritage sites, especially in Latin America since “many world heritage sites are major attractions for cultural tourism

²⁴⁴ Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 333

²⁴⁵ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO’s Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>

²⁴⁶ “When reporting or monitoring reveals a breach of Convention duties and obligations on behalf of the States Parties, [...] the Committee can, as measure of compliance, either inscribe it on the List of World Heritage in Danger or threaten to delete it completely from the World Heritage List. [...] As means of naming and shaming.” (Zacharias, 2010), pg. 327

²⁴⁷ UNESCO World Heritage List, *City of Quito – Documents and SOC Reports*, accessed through UNESCO’s Official Web: <http://whc.unesco.org/en/list/2/documents/>

and are icons of national identity,” like in the case of Quito.²⁴⁸ Thus, previous dialogues have discussed the execution of projects focused on the improvement of tourism infrastructure, conservation of monumental architecture, and social or demographic proposals that had no direct impact on the site’s physical fabric.²⁴⁹ Conversely, the current infrastructure projects - Quito’s Subway Station in San Francisco and the Revitalization Project - are not, in principle, oriented to satisfy foreign necessities but instead to address the city’s current urban challenges at the expense of some physical impact. Nonetheless, current negotiations and dialogues addressing these projects are not anymore or less strict or complicated, although the projects are bigger and more likely to impact directly on the physical fabric of the site. In Quito, at least, this illustrates that independent from the project being addressed, there has been a consistent precedent of recommendations followed more as mandatory than as just advisory.²⁵⁰

These dynamics become more interesting once the language used in recommendations and reports is evaluated. In international politics, any multinational agreement calls for the use of a very specific language and/or set of expressions, for no international institution or convention has the power to violate sovereignty by telling

²⁴⁸ Bruno Frey and Lasse Steiner, *World Heritage, Does it Make Sense? International Journal of Cultural Policy*, Vol. 17, No. 5, 2011, pg. 555

²⁴⁹ This tendency seems to follow the interests and concepts presented by the Norms of Quito in 1967, after which multiple legislations in Latin America regarding cultural heritage preservation were updated including Ecuador’s (1978).

ICOMOS, *The Norms of Quito: Final Report of the Meeting on the Preservation and Utilization of Monuments and Sites of Artistic and Historical Value*, Quito, 1967, accessed through ICOMOS’ Official Webpage: <http://www.icomos.org/en/charters-and-texts/179-articles-en-francais/ressources/charters-and-standards/168-the-norms-of-quito>

²⁵⁰ See summary of the recommendations in Chapter 4. Interacting: Role of Stakeholders in Decision-making.

Nations what to do or not, or what they can do or not to a site within their frontiers.²⁵¹

Hence, a “diplomatic” language is used, reflecting a political code for proper communication and good behavior within an international community context, for how to appropriately comply with the Convention and manage a World Heritage property, and what a good world citizen ought to represent in this framework.²⁵²

The impact the use of such language has on decision-making varies from site to site. Some countries - like in Dresden, Germany - more straightforwardly understood recommendations as options or suggestions to be followed if aligned with local development plans,²⁵³ whereas other countries like Ecuador have a dual yet not equal understanding of the binding level of the recommendations. In Quito, a World Heritage recommendation can and is most likely to be addressed as such on a State level.²⁵⁴ National authorities might feel that the experts’ recommendations are not entirely aligned with the proposed project for the site, or with real local needs, priorities, and/or challenges. Meanwhile, local authorities, usually in more direct contact with regulatory processes and legislation, might understand the same recommendations as mandatory steps to be considered and addressed before executing a project, thus leading to a re-

²⁵¹ Carolina Castellanos, ICOMOS Expert, New York, 2015, interview by Diana Araujo, February 19, 2015

²⁵² On the World Heritage system Michael A. Elliot and Vaughn Schmutz explain this political dialogue in terms of World Polity and the rationalization of Virtue and Virtuosity.

Michael A. Elliot and Vaughn Schmutz, *World Heritage: Constructing a Universal Cultural Order*, Poetics, Vol. 40, 2012, pg. 259-261

²⁵³ UNESCO World Heritage List, *Dresden Elbe Valley - Documentation*, 2004 – 2009, accessed through UNESCO’s Official Web: <http://whc.unesco.org/en/list/1156/documents/>

²⁵⁴ Arq. Amanda Braun, representative for the Revitalization Plan HCQ - MIDUVI, Quito, 2015, interview by Diana Araujo, January 08, 2015

evaluation of original proposals.²⁵⁵ In addition, in Quito, the governance problems in the city make it difficult to build a unique understanding and to establish a national cohesive interpretation.²⁵⁶

Furthermore, analyzing the way drafted recommendations are understood by the international stakeholder, i.e. the World Heritage Committee and Advisory Bodies, becomes indispensable to assess these dynamics and misinterpretations. In the case of Quito, the international interpretation coming from the entity with the capacity to inscribe the site in the World Heritage List in Danger or even permanently delist it focuses on recommendations as mandatory consideration.²⁵⁷ One could argue for a moment that these regulatory tools (World Heritage in Danger List and de-listing) are enough to get States Parties to comply with the Convention and the recommendations; however, that is not always the case.²⁵⁸ Being listed as World Heritage in Danger does not always mean that the site has been impacted by other projects or development strategies.²⁵⁹ It can also be associated to local interests playing on an international

²⁵⁵ Arq. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

²⁵⁶ See projects' description in Chapter 4. Interacting: Role of Stakeholders in Decision-making

²⁵⁷ Sra. Alcira Sandoval Ruiz, UNESCO Cultural Heritage Coordinator for Ecuador, Quito, 2014, interview by Diana Araujo, December 22nd, 2014

²⁵⁸ " [...] Protection of World Heritage is seemingly afforded with weak instruments, such as the inscription of properties on the World Heritage List in Danger."

Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 302

²⁵⁹ Chan Chan Archeological Site in Peru, was inscribed in the List of World Heritage in Danger in 1986 since representatives of the site and Peruvian authorities since it is in their interest to keep the site listed as in Danger for it improves the resources the Federal government in Peru allocates for conservation of the site and increases the opportunity to request for international assistance.

"On the recommendation of the Bureau and following a request from the Peruvian authorities, the Committee also decided to inscribe Chan Chan archaeological zone on the List of World Heritage in Danger. In so doing, the Committee recommended that appropriate measures be taken for the

platform in order to get both local and international attention and/or financial resources. Nonetheless, independently from the threat and local interest of authorities to have continuous evaluation systems placed on a site, the “diplomatic” card plays a role in the way reports are written and further actions – local and international - get translated.

According to Alcira Sandoval, UNESCO representative in Quito, signing the Convention is enough of a binding agreement for States Parties to listen to recommendations as if they were requirements.²⁶⁰ In fact, the terminology used such as “recommends,” “suggests,” “requests,” “urges” and others has an implicit degree or level of compulsion in itself. For instance, when as part of a report or recommendation the word “urges” is used to suggest the State Party to take a certain action, in the World Heritage system this is “international diplomatic terminology” for a mandatory action.²⁶¹ Hence, when looking at the recommendations in both Dresden and Panamá cases, it is common to see the use of such terms along with references to the threat that the site will be listed as in Danger or de-listed if actions persist.²⁶²

Additionally, in Quito, the multiple interpretations given to terminology used in the Advisory Bodies and Committee recommendations have created a conflicting

conservation, restoration and management of the site and specifically that the excavation work on the site be halted unless it was accompanied by appropriate conservation measures and that all possible steps be taken to control the plundering of the site.”

UNESCO World Heritage List, *Chan Chan Archeological Site - Documentation*, Document CC-86/CONF. 003/10, Paris, December 5th, 1986, accessed through UNESCO’s Official Web: <http://whc.unesco.org/archive/repcom86.htm#chan>

²⁶⁰ Sra. Alcira Sandoval Ruiz, UNESCO Cultural Heritage Coordinator for Ecuador, Quito, 2014, interview by Diana Araujo, December 22nd, 2014

²⁶¹ Ibid.

²⁶² See Chapter 1 for the case of Casco Viejo Panamá.

dynamic between local and national authorities. Conversations with the two local actors responsible for the projects analyzed in this study – Quito’s municipality and MIDIVI – were indicators of the fact that the degree to which an appropriate response is prepared relates directly to the level of importance seen on recommendations and, as mentioned before, the level on which such recommendations align with the project’s objectives and conceptual proposal. The fact that municipal authorities interpret recommendations as requests with which to comply, whereas other stakeholders see them as merely suggestions or possibilities, reflects the close relation the municipality has had with ICOMOS since 1984, when it was delegated as the responsible entity for the management of the site, and the importance the city places on its World Heritage designation.²⁶³ Yet it raises the question of whether or not losing the title can be compensated by the urban and socio-economic improvement promised in the two evaluated projects.

In brief, the fact that multiple actors, at both international and local levels – national authorities, municipality, and international organizations - interpret recommendations as having different levels of binding capacity often leads to misunderstandings and different -- mostly unsatisfactory -- responses. On the one hand, they can be interpreted as mandatory actions while on the other hand they can be seen as simple suggestions that may or may not be considered under the ongoing circumstances. The misinterpretation problem is intensified on the international level since, for the Advisory Bodies and the World Heritage Committee, States Parties have an

²⁶³ Carolina Castellanos, ICOMOS Expert, New York, 2015, interview by Diana Araujo, February 19, 2015

implicit degree of responsibility to comply with their recommendations given that they have signed the Convention and nominated the site. The fact that the language used has a “diplomatic” format in order to prevent any political apprehension or international conflicts does not excuse States Parties from the responsibility to protect the designated site by preserving at least the criteria under which they were inscribed.²⁶⁴ Specifically referring to the case of Quito, nothing in either the expert mission recommendations or the World Heritage Committee subsequent decisions truly aims to prevent change, urban development, or infrastructure projects as long as the site’s Outstanding Universal Value (indicated as the inscription criteria) is fully protected.²⁶⁵

Furthermore, as mentioned in previous chapters, neither the convention nor the Operational Guidelines have any explicit tool to prevent or force actions on listed sites for they work on a more broad approach and implicit form of “control.”²⁶⁶ Yet, when local authorities voluntarily consent for the international community’s participation and opinion on what happens to a site and how it is managed, they ultimately allow for participatory dynamics that in association with other circumstances, in the case of Quito, have created a context on which international actors influence decision-making

²⁶⁴ UNESCO *World Heritage Convention*, The General Conference of the United Nations Educational, Scientific and Cultural Organization 17th Session, Paris, October 17th – November 21st, 1972, accessed through UNESCO’s Official Web. <http://whc.unesco.org/en/conventiontext/>, Art. 5, 6 and 7

²⁶⁵ This information was furthermore corroborated after talking to Carolina Castellanos, ICOMOS advisor. ICOMOS *Advisory Mission Report on the City of Quito*, Ecuador (C2), October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

²⁶⁶ “It is (precisely) this point which undermines its (the Convention) acceptance by administrative authorities of the States Parties, which must implement the World Heritage Convention into their national legal systems. The institutional distance strengthens the impression of national bureaucracies that the international level does not sufficiently acknowledge regional and local interests, that it is too technocratic and, to say it in one word, remote.”

Ibid, pg. 336

by having local authorities discussing projects' changes and possibilities as consequence of the 2013 ICOMOS Mission report.²⁶⁷ The demonstrated interest of the State Party to listen to recommendations reflects not only the compromise to the previously agreed responsibility but also the common interpretation given to recommendations.

3. Seeking to Meet International Standards

On the local level, regulatory policies and measures are commonly drafted around the conservation principles originating from the World Heritage Convention ideology. For instance, in compliance with the Operational Guidelines, the creation of buffer zones around a designated monument or area is an important element for both management and protection of a site and as such most sites regulate on equal basis both the site and the buffer area.²⁶⁸ However, the level of control applied to such areas is more dependent on local regulations. In Quito the same ordinance and processes regulate both, the designated area as well its buffer zone, and therefore, respond on equal conditions to the ideals and guides presented in the Convention and Operational Guidelines.²⁶⁹ Hence, by using the World Heritage system's tools – conceptually: the Convention and executively: the Operational Guidelines – States Parties modify their legislature and regulatory processes, adopting a supranational ideal and voluntarily

²⁶⁷ Arch. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015a

²⁶⁸ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO's Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>, Section II-F: Protection and Management, paragraphs 103-107

²⁶⁹ The level of protection each property has in Quito corresponds to an individual assessment done as part of the historic areas' inventory. Hence it has no direct relation to location. Moreover, the Ordinance No.260 applies equally to both areas.

adjusting their own regulatory capacities and allowing for a first level of international intervention.²⁷⁰ However, it is important to remember that such exercise is built on a voluntary basis, and therefore works without violating sovereignty while establishing a playing field for a supranational system of “control” based on the idea of what is universal heritage and what is the proper understanding, management, protection, and recognition of it on an international platform.

Quito’s major regulatory policy, Ordinance No.260, which talks about the management and control of historic areas, and the Special Plan for the Historic Center in effect since 2003, have become the direct regulatory instruments used to protect and administer the designated site and its buffer area, and clearly those are largely based on international practices and the Convention concepts. Furthermore, the national legislation (*Ley de Patrimonio Cultural, 1978 rev. 2004*) and COOTAD (2010) provide municipalities a high degree of autonomy to manage and control the heritage assets listed in their territories by approaching heritage conservation and protection on broad terms much like the Convention does as a general international statement and the Operational Guidelines as actual tools. Sadly, on a local level, the World Heritage Convention is not widely known by professionals -- architects and urban developers as well as administrative staff -- working on the designated site nor are the Operational Guidelines. Hence, projects like the Revitalization Project launched by MIDUVI do not

²⁷⁰ “The Guidelines aim at educating the States Parties how to improve their national administrative procedures; they function as State-directed codes of conduct.”
Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 321

fully meet the parameters established for the assessment of heritage impact, triggering further international participation and involvement.²⁷¹

In fact, when analyzing both the national heritage law and the local ordinance currently in effect in Quito, a conceptual connection between international principles, practices, and ideals is undeniable. The “monumental heritage” concept leading conservation and restoration efforts, definitions of integrity and authenticity, and the protection of buffer zones as equally important as designated sites are a few examples of the way in which local policies comply with the international framework.²⁷² This original idea of cultural heritage limited to monuments and the lack of a more comprehensive urban approach towards the site as a whole have not only limited development and the scope of projects, but has also narrowed preservation public resources and efforts to representative buildings and the connections between those.²⁷³

Nonetheless, local authorities are also free to choose between supporting an independent preservation regime and aligning their policies and actions with an international convention exclusively on a conceptual level. The United States, for example, has its own heritage system working on three different levels (federal, state,

²⁷¹ The Expert mission that evaluated this project in 2013 was suggested by the Committee and requested by the State Party. Ultimately, it happening as recommended demonstrates the State Party’s openness to international participation and recommendations.

ICOMOS *Advisory Mission Report on the City of Quito, Ecuador (C2)*, October 21st-26th, 2013, accessed September 2014, available at <http://whc.unesco.org/en/list/2/documents/>

²⁷² Consejo Metropolitano de Quito, *Ordenanza Metropolitana No.260*, Quito, Ecuador, June 10th, 2008

²⁷³ “About 79 percent of consolidated investment between 1996 and 2008 was concentrated in heritage buildings that are public, with only 14 percent directed to housing and 7 percent going toward resolving the issue of street vendors by creating public commercial areas.”

Pedro Jaramillo, *City Development - Experiences in the Preservation of Ten World Heritage Sites: Quito, Ecuador*, Inter-American Development Bank, Eduardo Rojas and Francesco Lanzafame, New York, 2011, pg. 63

and local), which ultimately follows the rules internally established for the purpose of historic and natural heritage preservation.²⁷⁴ Conversely, local authorities might also prefer to use an international agreement as successful as the World Heritage Convention to model their policies and regulatory processes on its basis, as previously explained. In the case of Ecuador, the national policy and regulatory authorities reflect the procedures and systems proposed in the Convention and Operational Guidelines.²⁷⁵ This can be understood as a result of the preservation practices and concepts of the time during which both the Convention and Ecuador's national heritage law were drafted, which also explains the early participation of Ecuador in the Convention. It can also be understood as a local response to and adaptation of an international system already established from which to take ideas, concepts, and examples of practice as models to be followed.

In addition, management plans, which are currently required for a World Heritage nomination, are commonly drafted by States Parties - sometimes with the assistance of experts from the corresponding Advisory Body - and evaluated by Advisory Bodies and the Committee in accordance with the Convention and its conceptual principles, the Operational Guidelines and its practices, and in overall accordance with the Western-oriented preservation practices intrinsic to the World Heritage system.²⁷⁶

²⁷⁴ See for reference the *National Historic Preservation Act* (1966) in the United States, accessed through NCSHPO Web Site: <http://www.ncshpo.org/nhpa1966.shtml>

²⁷⁵ *Ley de Patrimonio Cultural del Ecuador*, Codificación 27, Registro Oficial Suplemento 465, November 19th, 2004, (1978 – Rev. 2004), Quito, Ecuador

²⁷⁶ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO's Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>, Section II-F, paragraph. 97

Interestingly enough and in addition to the conservation movement led by western countries, legislation and management plans modified around the 1960s and 1970s in Latin America, including Ecuador's, consider the use of heritage as a tourism and economic asset creating a special interest in having a site designated for its potential economic benefit.²⁷⁷ In fact, nationwide tourism revenues (including heritage tourism mostly localized in Quito) represented 1,086.5 million dollars of income, becoming the third largest non-oil based source of gross income.²⁷⁸ Such revenues come from tourism expenditures from the 1,557,006 foreign visitors reported in 2014.²⁷⁹

Additionally, in Quito, the nomination process and original dossier, as for most of the early-inscribed sites, did not include a specific management plan or comparative studies of the site's Outstanding Universal Value.²⁸⁰ In fact, for years the information was incomplete in terms of setting boundaries for both the site and its buffer zone.²⁸¹ However, the fact that a detailed and comprehensive management plan was missing allowed for the multiple plans placed on the area to be more or less easily executed and changed over time since a fixed framework was not initially established along with the

²⁷⁷ ICOMOS, *The Norms of Quito: Final Report of the Meeting on the Preservation and Utilization of Monuments and Sites of Artistic and Historical Value*, Quito, 1967, accessed through ICOMOS' Official Webpage: <http://www.icomos.org/en/charters-and-texts/179-articles-en-francais/ressources/charters-and-standards/168-the-norms-of-quito>

²⁷⁸ Ministerio de Turismo del Ecuador, *Principales Indicadores de Turismo – Diciembre 2014*, Boletín No. 2, Quito, December 2014, accessed through: http://www.captur.travel/web2011/estadisticas_turisticas/documents/2014Diciembre.pdf, pg. 14-15

²⁷⁹ Ibid, pg. 7

²⁸⁰ The lack of information has no direct relation to a site's Outstanding Universal Value. Quito is ultimately the largest and best-preserved historic center in Latin America as manifested in the OUV Retrospective of 2012.

Carolina Castellanos, ICOMOS Expert, New York, 2015, interview by Diana Araujo, February 19, 2015

²⁸¹ This information was reviewed and solicited after the Advisory Bodies periodic report of Latin America in 2006, and completed as part of the adoption of the Outstanding Universal Value retrospective in 2012. Ibid.

designation. Most importantly it favored the construction of a communicative dynamic of back and forth dialogue and idea sharing since local authorities were able to use State of Conservation Reports and recommendations as tools to modify or improve local regulatory processes and legislation more according to international practices.²⁸² Indeed, as mentioned before and according to Carolina Castellanos, ICOMOS advisor, Ecuador as a State Party throughout history has willingly collaborated and complied with the Committee and ICOMOS' recommendations when requested.²⁸³ Hence, a precedent of dialogue has influenced local decision-making since recommendations have always been taken into account as best possible, even leveling international opinions with local interests.

4. Incentives for Compliance

At this point in the case of Quito, a level of influence in decision-making regarding major projects and urban development proposals impacting the World Heritage Site is undeniable. This can be related to the State Party's "dependence" on the World Heritage system, its interpretation of the binding statutes of the Convention, and/or its international position as a Nation. Clearly, holding a 37-year long designation has also deeply influenced the city's and the citizenry's identity. However, such a long designation has more effectively created a more or less regular reliance on either technical or financial assistance in moments of need. Meanwhile, the international

²⁸² Arq. Angélica Arias, Director of the Department of the Metropolitan Urban Development, Quito, 2015, interview by Diana Araujo, January 06, 2015

²⁸³ Carolina Castellanos, ICOMOS Expert, New York, 2015, interview by Diana Araujo, February 19, 2015

recognition associated with the fact that it was one of the first sites to be designated - mostly reflected in tourism revenues and marketing campaigns – has helped to establish a dependent relationship between the city and its World Heritage title, which consequently determines the level of international participation allowed in decision-making processes, and as such the State Party’s openness for dialogue.²⁸⁴

Furthermore, this established dialogue between Quito’s authorities and ICOMOS, as World Heritage representative, also relates to Ecuador’s political and economic position in the global international platform. As with many lesser-developed countries, Ecuador depends on international commercial relationships and tourism revenues coming from foreign countries, both elements intrinsically related to the State Party’s participation and cooperation with international institutions and treaties like the United Nations, and thus UNESCO and the World Heritage Convention.²⁸⁵ Full compliance with the Convention and Operational Guidelines, Advisory Bodies’ recommendations, and the World Heritage Committee’s decisions allows Ecuador and the City of Quito to unquestionably keep its designation, which has repercussions on the aforementioned tourism revenues, local identity, the site’s conservation, and local

²⁸⁴ “Being put in the List is accompanied by considerable media resonance. [...] Indeed, inclusion in the List is considered to be a great honor for the respective nation, and gets accordingly much attention by the press, radio, and TV. [...] Sites are widely used in marketing campaigns to promote tourism. A higher number of visitors increase the revenue from tourism of the respective site or city. There is a positive relationship between the number of world heritage sites and the number of tourist arrivals per country.” Bruno Frey and Lasse Steiner, *World Heritage, Does it Make Sense?* International Journal of Cultural Policy, Vol. 17, No. 5, 2011, pg. 558

²⁸⁵ According to UNData Official Reports, in 2013, Ecuador had a total of foreign visitors of 1,364,000 million people for a total of 1,251 USD millions on tourism expenditure in the Country. The World Tourism Organization's Compendium of Tourism Statistics and Yearbook of Tourism Statistics, *Last update in UNdata: data as of 21 Jan 2015*, accessed March 10th, 2015 through UNData Official Web: <http://data.un.org/DocumentData.aspx?id=370>

regulatory polices hence becoming key for the State Party to be a “compliant” member of the Convention. In addition, current dynamics also relate to the State Party’s early years dependence on international cooperation and assistance for conservation purposes as well as other incentives and means of persuasion.

In general terms, the access to international cooperation and the international recognition associated with a World Heritage designation have become tools for the Convention and World Heritage system to earn a place in decision-making and for their experts’ opinion to be taken into account regarding projects impacting World Heritage sites. For States Parties relying heavily on the possible allocation of international assistance, either technical and/or financial, for the protection and management of sites, it is important to keep a fluent dialogue with the Advisory Bodies and the Committee, which means following up on their recommendations and taking them into account in decision-making instances.²⁸⁶ Since its designation, the City of Quito has received international assistance, either technical and/or financial resources, from the World Heritage Fund on 16 occasions representing a total amount of USD 391,800.²⁸⁷ Likewise, Ecuador has placed 56 requests for assistance for a total of USD 1,145,685, mostly used for conservation projects in both the country’s World Heritage listed sites

²⁸⁶ “[...] International assistance is the defining characteristic governing the protection of World Heritage.” And as such, “the protection of World Heritage is governed primarily through the distribution of funds.” Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 309-310

²⁸⁷ The first request was approved in 1981, only 3 years after Quito’s designation and the last was approved in 1999. Interestingly enough, in July 1st, 1989 a request for an expert mission to elaborate a Conservation Plan for the Historic Center of Quito was approved for a total of 15,000 USD. UNESCO World Heritage List, *City of Quito - Assistance*, accessed through UNESCO’s Official Web: <http://whc.unesco.org/en/list/2/assistance/>

as well as in the ones on its Tentative List (5 and 6 sites respectively as in 2015).²⁸⁸ This tendency reflects the relation between the State Party, bound by its temporary inability to meet the need for resources for the conservation of its listed sites, and the dynamics established with the Advisory Bodies and Committee, thus reflecting the level of influence the World Heritage system has in decision-making at least in the inscribed sites.²⁸⁹

Another important factor influencing the dynamics between the World Heritage organization and States Parties, in this case Ecuador and specifically the City of Quito (the Historic Center), is the value placed on international and local restraints reflected in the concepts of sovereignty and supranational colonialism.²⁹⁰ According to the Convention, a State Party is the primary keeper of a designated site, thus in spite of all the responsibilities previously described – protection, monitoring, and reporting – States Parties are completely sovereign in decision-making processes regarding their sites and the territory around them.²⁹¹ However, such definition of sovereignty can be altered

²⁸⁸ UNESCO World Heritage Official Web Site, *FUNDING: International Assistance request*, Ecuador since 1978 until 2015, accessed January 31st, 2015, through UNESCO's Official Web: http://whc.unesco.org/en/intassistance/?action=stats&approval_start=1978&approval_end=2015&search_state=49

²⁸⁹ In relation to the number of international requests and approved assists, it is interesting to see that Ecuador's contribution to the World Heritage Fund, as in February 2015, was 1,437 USD in contrast to the last the United States' last contribution (October, 2011) of 718,300 USD. The first being compulsory whereas the second was voluntary.

UNESCO World Heritage Fund, *Statement of Compulsory and Voluntary Contributions as at 28th February 2015*, accessed March 10th, 2015 through UNESCO's Official Web: <http://whc.unesco.org/en/world-heritage-fund/>

²⁹⁰ Rodney Harrison, *Heritage: Critical Approaches, Prehistories of World Heritage: The Emergence of a Concept*, Routledge, New York, 2013, pg. 43

²⁹¹ UNESCO *World Heritage Convention*, The General Conference of the United Nations Educational, Scientific and Cultural Organization 17th Session, Paris, October 17th – November 21st, 1972, accessed through UNESCO's Official Web. <http://whc.unesco.org/en/conventiontext/>, Art. 6 and UNESCO

once a State Party has decided to participate in the Convention and therefore comply with its statutes for it is part of the World Heritage structure to have both the Advisory Bodies and the Committee supervising and monitoring the protection of all designated sites.²⁹²

It is important to note that the herein described influence is not universally applicable for all designated sites. As noted before, it is also related to the existing political relationship between the State Party and the international organization, in this case UNESCO World Heritage. States Parties' willingness to comply depends on the responsibilities acquired when signing the Convention; yet it should be noted once again that having explicit rules for procedures does not mean that the international community has explicit powers on the site, or that the sovereignty of the States Parties concerned is violated.²⁹³ In fact, implicit participation of international entities in protecting the sites through the review of SOCs and recommendations represent the instruments the World Heritage system have to persuade States Parties to comply and to let them weight-in on local level decisions. Once a state party has ratified the Convention, both actors – international and local - somehow agree upon both these

Operational Guidelines for the Implementation of the World Heritage Convention, July 2013, accessed through UNESCO's Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>, Section I-C, paragr. 15

²⁹² The World Heritage organization nonetheless is provided with "instruments capable of having binding effect towards States Parties and it maintains a dialogue with local authorities without utilizing the central government as mediator."

Diana Zacharias, *The UNESCO Regime for the Protection of World Heritage as Prototype of an Autonomy-Gaining International Institution, The Exercise of Public Authority by International Institutions*, A. von Bogdandy et al. (eds.). Berlin, 2010, pg. 303

²⁹³ "Any cession of sovereignty under an international treaty or cooperation agreement is defined by and limited to the terms of the agreement and is therefore consensual."

Daniel L. Gebert, *Sovereignty under the World Heritage Convention: A Questionable Basis for Limiting Federal Land Designation Pursuant to International Agreements*, Southern California Interdisciplinary Law Journal, 1998, pg. 3

explicit and implicit participation scopes.²⁹⁴ Ultimately, based on the original concept of the World Heritage System and the fact that inscribed sites are listed as “World Heritage” meaning they belong to the world independently from their geopolitical location for they have Outstanding Universal Value for all mankind, then the Convention itself allows for the participation of the international institution after a site is designated.²⁹⁵

Furthermore, the regime established once an international institution holds any kind of “control system” over what may or may not happen on a site - even if such control is limited to the international recognition and/or shame of having a site listed as in Danger or de-listed from the World Heritage List – in effect enforces a neo-colonialist system ruled by the western-oriented concepts that gave rise to the Convention in the first place.²⁹⁶ These concepts are also the ones leading the ideals of conservation practices and authenticity, and as such are also in part responsible for the unbalanced representation of diverse cultures on the List.²⁹⁷ Likewise, the designation time and overall political positions of States Parties in the international sphere have influence on

²⁹⁴ “One could argue, in this context, voluntary subjection to the decision-making power of the international level with regard to specific properties.”

(Zacharias, 2010), pg. 332

²⁹⁵ As explained by Raechel Anglin, “the World Heritage List bridges cultural property nationalism” (for it is ultimately the nation who has the power to nominate and protect a site and thus allow other stakeholders participation) “and cultural property internationalism.” (For it “views cultural property as belonging to the world’s people and not limited to the citizens of the state where it is located.”)

Raechel Anglin, *The World Heritage List: Bridging the Cultural Property Nationalism-Internationalism Divide*, Yale Journal of Law and the Humanities, 2008, pg. 14

²⁹⁶ “[...] The Convention text represents itself as a totalizing discourse representing a global hierarchy of value. [...] (some) have criticized the Convention as hegemonic, and as forcing what are essentially Western notions of heritage onto countries that might not otherwise hold such interest in heritage.”

Rodney Harrison, *Heritage: Critical Approaches, Prehistories of World Heritage: The Emergence of a Concept*, Routledge, New York, 2013, pg. 64

²⁹⁷ Lasse Steiner and Bruno Frey, *Imbalance of World Heritage List: Did the UNESCO Strategy Work?* University of Zurich, Dept. of Economics, Working Paper No. 14, 2011, pg. 7-8

the way these dynamics are addressed.²⁹⁸ Clearly, States Parties are free to select and manage their sites under their own principles and policies yet they are subject to the supervision from a supranational entity based on a well-behaved award system that ultimately uses listing as price or de-listing punishment.

5. UNESCO World Heritage Influence in Decision-making

In brief, the World Heritage system ultimately has influence in decision-making processes regarding projects that can possibly impact designated sites. The degree of such influence, however, depends on more than just the relationship established between the World Heritage organization and the States Parties after ratifying the Convention. The openness to dialogues and recommendations reflects the historic legacy of nations on the international political platform. Nations historically dependent on international recognition, assistance (technical or financial), and overall political approval may be more likely to allow the participation of the international actors in decision-making. Furthermore, the World Heritage organization implicitly utilizes the instruments of the Convention and Operational Guidelines to exercise a degree of control over the protection and management of sites without interfering on sovereignty issues. Indeed, ratification of the Convention and nomination of sites are sovereign decisions made by States Parties on a voluntary basis, yet it means willingness to comply with the Operational Guidelines and overall international procedures including monitoring, reporting, and recommendations.

²⁹⁸ See for comparison the cases of Panama and Dresden. Chapter 1

Moreover, the establishment of an international conceptual ideal and practice of heritage preservation has undoubtedly influenced local policies and regulatory processes. In such cases, the Convention has been used as model upon which to base local laws and policies, and therefore the Convention has already influenced decision-making in the sites regarding all projects independent of their scale. Though the explicit tools the Convention has, i.e. World Heritage List, World Heritage List in Danger, and de-listing, are not enough to force a degree of participation in local decisions, the way in which the organization uses them on a political platform represents the success of the Convention, as it is broad enough to ensure sovereignty yet punctual enough to exercise control.

The last circumstance adding to the degree of influence the organization has on local projects is the role local stakeholders and the international community play. The interests of both major actors reflect their commitment to the ideas of the Convention versus the ideals of development or urban growth. Nonetheless, when the second is much needed, the fact that local actors are still willing to compromise with the international interest of preserving the site as authentically as possible is most likely to be the result of all the previously mentioned circumstances. Clearly the projects analyzed in Quito fall into the aforementioned description.

CHAPTER 6. LEVERAGING WORLD HERITAGE DESIGNATIONS

Understanding the dynamics that develop between the UNESCO World Heritage system and a State Party after a site is designated is valuable for a number of reasons. First and foremost, it provides insight into the potential associated socio-economic changes and impacts - positive and negative - such designation has in terms of urban development, local identity, and socio-economic progress. Early designations of cultural sites located within an evolving urban context, like Quito, demonstrate (in the context of this study) the way in which top-down regulatory dynamics can influence decision-making and thus have an impact on socio-economic conditions in a site. The projects analyzed in this thesis are informative in that they examine local urban challenges and consider the designated site as both an integral part of the city and simultaneously an independent area that is facing specific socio-demographic and urban problems. Moreover, urban-scale and infrastructure projects, like these, test the World Heritage Convention's flexibility to endorse change and to balance multiple elements in the heritage discourse beyond physical fabric conservation.

This chapter will present through the analysis of existing initiatives the applicability of the Convention to local policies in connection with urban and socio-economic development. It seeks to acknowledge strategies used to "localize" international heritage conservation principles i.e. the World Heritage Convention without limiting communities' and stakeholders' participation in policy implementation to fit local realities and city development goals.

1. UNESCO World Heritage Policy on Local Regulations

Forty-three years after the adoption of the World Heritage Convention, more than a thousand sites worldwide have been listed and are currently managed and protected by national and local laws that in many cases are influenced by UNESCO's original text. The previous chapter explained in more detail the influence this international document and agreement has on local policies and ordinances of the States Parties within the World Heritage system.²⁹⁹ In the particular case of historic centers like Quito however, the reconciliation of preservation and conservation efforts - based not only on the Convention but also on other "universalized" documents like the Athens and Venice Charters – with the transformation of the urban environment surrounding the sites has proven to be difficult. Furthermore, the unbalanced relationship between top-down policies and local community-driven efforts reinforce the perception of the Convention as a regulatory mechanism voluntarily self-imposed.³⁰⁰ Nonetheless, the holistic discourse of the Convention in terms of capacity-building and cooperation systems between multiple stakeholders can be used in favor of urban development and socio-demographic changes.

The World Heritage Center and Committee through ICOMOS has already drafted recommendations and initiatives to complement the authenticity and integrity criteria in order to facilitate change in historic urban sites. For instance, one approach towards this idea was the 2011 *Recommendations on Historic Urban Landscapes (HUL)* which

²⁹⁹ See Chapter 5: International and Local Restrains.

³⁰⁰ Naomi Deegan, *The Local-Global Nexus in the Politics of World Heritage: Space for Community Development?* UNESCO World Heritage Community Development Through World Heritage, UNESCO World Heritage Papers, 2012, Vol.31, pg.77

presented a new dimension to the ideals represented by the Convention for they addressed change within historic urban context in acknowledgment of the constant evolution of cities.³⁰¹ Likewise, local and national proposals trying to combine heritage preservation and urban development should aim for a balance between community and locally based plans that can be informed by international standards, taking from the international cannons a reference in terms of outstanding universal value protection yet adapting it to their contextual reality.

Per UNESCO's examination of the contribution of World Heritage to community development, there are four forms of positive relationships between stakeholders, (a) cooperation, (b) coordination, (c) collaboration, and (d) partnership, with each representing a different kind of relationship.³⁰² Under these criteria, the Convention is mostly defined as a cooperation agreement that promotes coordination and collaboration in the international community and that encourages partnership especially on a local level through capacity-building (one of its four strategic goals).³⁰³ This is important because after listing sites the necessity for a more locally based approach to achieve the Convention's objective of protecting humankind heritage has become indispensable. Each region, nation, and site faces different challenges that can no longer be successfully addressed by following the initial Eurocentric vision of heritage

³⁰¹ UNESCO 36 C/23 *Recommendation on the Historic Urban Landscape*, Paris, 2011, accessed November 2014, available at <http://unesdoc.unesco.org/images/0021/002110/211094e.pdf>

³⁰² Naomi Deegan, *The Local-Global Nexus in the Politics of World Heritage: Space for Community Development?* UNESCO *World Heritage Community Development Through World Heritage*, UNESCO World Heritage Papers, 2012, Vol.31, pg.79

³⁰³ UNESCO *Operational Guidelines for the Implementation of the World Heritage Convention*, July 2013, accessed through UNESCO's Official Web. <http://whc.unesco.org/archive/opguide13-en.pdf>, Section I-E, paragraph 26

conservation for it deals exclusively with some values but leaves aside many more (commonly related to communities and development) ultimately leading to a conflict between culture and heritage.³⁰⁴

Long-time listed sites more drastically face the challenge of leveling global values and local interests especially since the historically applied management scheme has generally been a “top-down” rational planning system led by the State or authorities that have ultimately disenfranchised the inhabitants of the area and led to more complex socio-demographic problems:

“The requirement for World Heritage sites to be protected by a documented management system has often been interpreted by the state to mean priority for adequate legal and regulatory measures. This has resulted, in the main, in top-down management approaches, generally expressed in the form of a government-driven management plan. The tendency to adopt top-down rational planning procedures has been shown to disenfranchise local communities from the heritage that they have lived beside and interacted with for generations, displacing local activity and depriving local community of economic and cultural interactions which they see as their birthright.”³⁰⁵

For instance, heritage conservation projects proposed and executed in the Historic Center of Quito have normally been oriented to halt or reduce abandonment of the site by depopulation tendencies. However, while intended to increase local interest, they have been implemented without actually launching social programs to reach out to

³⁰⁴ “Adding difficulty to this process is the fact that the criteria for assessing the outstanding universal value of sites for nomination to the World Heritage List, as well as the concept of authenticity, have been conceptualized, explained and understood from a European viewpoint and thus come into conflict with non-European conceptualizations of authenticity, aesthetics, and social values. This European bias was recognized early in the life of the World Heritage List.”

(Deegan 2012), pg.79

³⁰⁵ Ibid, pg.79

the community to enable empowerment, self-sufficiency, and control of the site surroundings. Instead, they have primarily focused on the conservation and restoration of monuments identified as icons. Hence, the influence the Convention has in some ways contributed to the exclusion of the local community and groups and ultimately their needs.³⁰⁶

On the other hand, efforts to establish a “localized approach to the World Heritage Convention” have allowed for the creation of regional initiatives such as the African World Heritage Fund (2006) oriented to incentivize African cooperation in the conservation and protection of Africa’s cultural and natural heritage from a regional perspective that works within the framework of the World Heritage Convention.³⁰⁷ The strength in this approach is the possibility of having direct work on the specific needs and challenges of a locality, yet keeping in mind the broad meaning of the Convention.³⁰⁸ Furthermore, the “World Heritage Committee acknowledges that there must be a link between universal and local values for a World Heritage site to have a sustainable future,” thus the Committee and the World Heritage system as a whole entity, i.e. Committee, Advisory Bodies, and Center, allows for a multi-level approach

³⁰⁶ “While the concept of a ‘heritage of humanity’, that is, of a shared responsibility to safeguard the world’s cultural and natural treasures, is a commendable one, it is often at odds with deep local connections to place, and can thereby reduce a site to its aesthetic or architectural qualities.”

“Furthermore, the requirement of outstanding universal value for inscription on the World Heritage List tends to focus the principal attention on those attributes in a site that are referred to in the justification of the nomination. This can mean that issues or elements not considered critical for the justification are sometimes left aside.”

(Deegan 2012), pg.80

³⁰⁷ Ibid pg.81-82

³⁰⁸ “The existence of various scales of ownership and values that can be attributed to World Heritage sites, whether at the local, regional, national or global scale, was clearly recognized at the time of the invention of the World Heritage, that is, the design, drafting and negotiating process that led to the adoption of the World Heritage Convention in 1972.”

Ibid, pg. 79

and regulatory policies that can be tailored as cooperative to the ones established by the system yet directly related to each site.³⁰⁹

Lastly, making the most of a World Heritage designation, namely international prestige, tourism marketing and revenues, and cultural validity, means also negotiating the influence the World Heritage system has on decision-making processes. Ultimately, the two most powerful tools the Convention has to control changes to a site, as mentioned before, are listing it as in danger or de-listing it. Either way, foregoing a World Heritage designation has an undisputed link to the possible loss of the benefits the site receives from the international community. Thus, the participation of an international institution like UNESCO can serve as a bargaining chip, facilitating the retention of the title while motivating global standards of protection as part of an integrative approach (of both international, though still western-oriented, and local interest) to the management of a site. This relationship is described by Naomi Deegan as the “local-global nexus; a twofold process involving the interpretation of the universalization of particularism and the particularization of universalism” based on the 1992 theory of Roland Robertson on globalization of culture.³¹⁰

“In the case of World Heritage, the particular concept of ‘outstanding universal value’ has become promulgated on a global (universalist) level and implements a particular framework for assessing, nominating and managing sites. However, variations in cultural contexts mean

³⁰⁹ Sue Millar, *Stakeholders and Community Participation*, Managing World Heritage Sites, Chapter 3, Oxford, 2006, Elsevier Ltd. pg. 39

³¹⁰ Naomi Deegan, *The Local-Global Nexus in the Politics of World Heritage: Space for Community Development?* UNESCO World Heritage Community Development Through World Heritage, UNESCO World Heritage Papers, 2012, Vol.31, pg.81

*that this universalistic framework can be interpreted in different ways and adapted to fit the particularized context and thus 'glocalized'. This 'glocalized' space is the local-global nexus in the politics of World Heritage; a space where global ideas about World Heritage and the management of sites can be adapted to fit the particular cultural context, taking local values, local ways of knowing and local ways of looking after sites into much greater account than heretofore. The recognition of the specific qualities and local values that are associated with World Heritage sites can also form a counterpoint to globalization."*³¹¹

2. International – Local Preservation as Socio-economic Development Tool

The idea of preserving cultural heritage, although commonly associated exclusively with "monuments," is a crucial element of urban development and sustainability for "such [an] asset is not only limited to cultural perspectives, but could become an economic asset with good potential for economic exploitation [tourism], for culturally-based image building of local economic development, or the promotion of corporate enterprises."³¹² Moreover, the need for cross-fertilization between preservation of heritage sites and socio-economic development challenges World Heritage sites that most likely feel compelled to freeze in time out of fear of jeopardizing such designation. Yet, it is imperative for them to negotiate strict control and permissions in order to encourage socio-economic appropriation and development.³¹³

³¹¹ Naomi Deegan, *The Local-Global Nexus in the Politics of World Heritage: Space for Community Development?* UNESCO World Heritage Community Development Through World Heritage, UNESCO World Heritage Papers, 2012, Vol.31, pg.81

³¹² Florian Steinber, *Conservation and Rehabilitation of Urban Heritage in Developing Countries*, Institute for Housing and Urban Development Studies, HABITAT INTL. Vol.20 No. 3, Rotterdam, 1996, pg. 464

³¹³ See as case study La Antigua in Guatemala. The permissiveness within the regulatory code in Antigua is a reflection of the negotiation between locals and residents, their needs and lifestyles and the necessity to regulate and control the architectural fabric of the site.

Urban heritage rehabilitation does not exclusively mean passive protection of individual buildings of historic significance; it aims for the comprehensive and creative use of the existing assets in the historic city taken as a whole.³¹⁴ The fundamental intention is to modernize the existing physical fabric, meet the community needs, and minimize the displacement of residents by allowing the life of the community to go on, or by improving their living conditions. The goal here is to overcome the historic tendency of setting legal and administrative instances that work mostly as prohibitory rather than constructive. Whether this is to be accomplished by adopting market-based incentives, or social participatory programs in order to incentivize responsible development, is still a matter of understanding and studying each local context and cultural biases in designated sites. Indeed, “the focus of revitalization and rehabilitation of historic centers, [...] has to be on whole areas, not just individual buildings, and on social communities, not just the physical environment.”³¹⁵ Special emphasis has to be paid to the importance of a comprehensive management plan that integrates protection and development as part of a multi-dimensional approach on the urban area and not just individual buildings.³¹⁶

Walter E. Little, *Façade to Street to Façade: Negotiating Public Spatial Legality in a World Heritage City*, City & Society, Vol. 26, Issue 2, August 2014, pg. 196-216

³¹⁴ “[...] Protection and conservation of the historic urban landscape comprises the individual monuments to be found in protection registers, as well as ensembles and their significant connections, physical, functional and visual, material and associative, with the historic typologies and morphologies.”

UNESCO World Heritage Center, *World Heritage and Contemporary Architecture – Managing the Historic Urban Landscape*, Vienna Memorandum, Vienna, May 2005, accessed through UNESCO World Heritage Official Website: <http://whc.unesco.org/archive/2005/whc05-15ga-inf7e.pdf>, pg. 2

³¹⁵ Florian Steinber, *Conservation and Rehabilitation of Urban Heritage in Developing Countries*, Institute for Housing and Urban Development Studies, HABITAT INTL. Vol.20 No. 3, Rotterdam, 1996, pg. 467

³¹⁶ The Vienna Memorandum focuses on the impact of contemporary development on the overall urban landscape of heritage significance, whereby the notion of historic urban landscape goes beyond

A comprehensive plan to articulate preservation as a tool for socio-economic development in a World Heritage Urban site like Quito needs to include all beneficial outcomes resulting from such designation as intrinsic planning resources such as, international prestige, tourism revenues, cultural identity and local empowerment, to achieve a holistic development of the site as a whole, as well as the negative pressures associated as elements to modify so as to obtain the best possible results. Florian Steinber mentions in his article the case of Singapore, another historic city quite dependent on tourism revenues that began losing appeal as its urban physical heritage was vanishing, setting in motion a complete turn in policies that transformed heritage conservation into an important element of the city's development and image building scheme.³¹⁷ Likewise, other historic centers could incorporate benefits linked to the World Heritage title and use them to boost city development instead of separating the two elements with either too broad or extremely prohibitive policies.³¹⁸

Social conflicts visible and accountable in historic centers like Quito's, although somewhat related to the control and regulatory policies enforced after the designation, are not entirely an outcome caused by World Heritage designation. Socio-demographic

traditional terms of "historic centers", "ensembles" or "surroundings", often used in charters and protection laws, to include the broader territorial and landscape context.

UNESCO World Heritage Center, *World Heritage and Contemporary Architecture – Managing the Historic Urban Landscape*, Vienna Memorandum, Vienna, May 2005, accessed through UNESCO World Heritage Official Website: <http://whc.unesco.org/archive/2005/whc05-15ga-inf7e.pdf>

³¹⁷ Florian Steinber, *Conservation and Rehabilitation of Urban Heritage in Developing Countries*, Institute for Housing and Urban Development Studies, HABITAT INTL. Vol.20 No. 3, Rotterdam, 1996, pg. 469

³¹⁸ "Culture is no longer a pure end in itself, but a means for local economic promotion (or as the critiques of this approach brandish for a sell-out of culture). Singapore, after it awoke to the claims of the local conservationists' campaign for a cultural city, has come out very prominently in this respect, and is now marketing conservation areas in the city for tourism. Bhaktapur, as one of the most traditional cities in Nepal, as well as the Medina of Tunis, or historic Quito are presented (and marketed) as attractions due to their cultural values."

Ibid, pg. 469

changes in the area manifest a repetitive pattern of landowners moving out of historic properties and low-income tenants paying low-rents and moving in – none of whom are really concerned with the upkeep or modernization of the property. Moreover, residents' disinterest represents a key issue in need of immediate attention.³¹⁹ Improving living conditions and residents' appropriation of the site is crucial to promote protection and development simultaneously. However, as explained before, only by drafting regional or locally based strategies "tailor-made" for each case within the broad framework of the Convention can these goals be met more adequately; thus, this balance can more straightforwardly establish parameters for the influence of international institutions on both policy and decision-making.

Indeed, "few examples of integrated area concepts which strive from revitalization of whole historic city centers, include (i) the revitalization and modernization of local economic activities and the requisite infrastructure, (ii) the restoration of monuments, and (iii) the rehabilitation of old housing stock, which apply an integrated financing policy that pools together private individual, private commercial as well as public-sector efforts and funds."³²⁰ Albeit urban historic centers are

³¹⁹ Continuous changes in functional use, social structure, political context and economic development that manifest themselves in the form of structural interventions in the inherited historic urban landscape may be acknowledged as part of the city's tradition, and require a vision on the city as a whole with forward-looking action on the part of decision-makers, and a dialogue with the other actors and stakeholders involved.

UNESCO World Heritage Center, *World Heritage and Contemporary Architecture – Managing the Historic Urban Landscape*, Vienna Memorandum, Vienna, May 2005, accessed through UNESCO World Heritage Official Website: <http://whc.unesco.org/archive/2005/whc05-15ga-inf7e.pdf>

³²⁰ "To some extent this has been tried to Bhaktapur (though the private sector's contribution may be low in this particular case) and in Tunis, but it has been proposed in quite a number of cities, such as Cairo, Quito, Sana'a and Penang."

constrained by the need to preserve the historic urban fabric even at the expense of infrastructure and development, a unified approach “is an urgent need which can maintain -- or better ‘sustain’ -- the typical and essential qualities of the historic city areas, and of the life of the resident communities, but which can also adapt these physical structures and economic activities in accordance with the needs of the present.”³²¹

3. Influence and Participatory Scope on Historic Cities Management

“The central challenge of contemporary architecture in the historic urban landscape is to respond to development dynamics in order to facilitate socio-economic changes and growth on the one hand, while simultaneously respecting the inherited townscape and its landscape setting on the other. Living historic cities, especially World Heritage cities, require a policy of city planning and management that takes conservation as one key point for conservation. In this process, the historic city’s authenticity and integrity, which are determined by various factors, must not be compromised.”³²²

The Vienna Memorandum, adopted by the World Heritage Committee in 2005 after an international conference on the subject of “World Heritage and Contemporary Architecture” (requested by the World Heritage Committee, Decision 27COM 7B.108) clearly talks about the necessity for “mutual understanding between policy-makers, urban planners, city developers, architects, conservationists, property owners, investors

Florian Steinber, *Conservation and Rehabilitation of Urban Heritage in Developing Countries*, Institute for Housing and Urban Development Studies, HABITAT INTL. Vol.20 No. 3, Rotterdam, 1996, pg. 471

³²¹ Florian Steinber, *Conservation and Rehabilitation of Urban Heritage in Developing Countries*, Institute for Housing and Urban Development Studies, HABITAT INTL. Vol.20 No. 3, Rotterdam, 1996, pg. 472-473

³²² UNESCO World Heritage Center, *World Heritage and Contemporary Architecture – Managing the Historic Urban Landscape*, Vienna Memorandum, Vienna, May 2005, accessed through UNESCO World Heritage Official Website: <http://whc.unesco.org/archive/2005/whc05-15ga-inf7e.pdf>, pg. 3 – PRINCIPLES and AIMS

and concerned citizens in order to preserve the urban heritage while considering the modernization and development of society in a culturally and historically sensitive manner.”³²³ Moreover, it directs the World Heritage Committee and UNESCO that “with regard to historic urban areas already inscribed on the World Heritage List, the concept of the historic urban landscape and the recommendations expressed [...] be taken into account when reviewing any potential or ascertained impact on the integrity of a World Heritage property” hence encouraging both multiple stakeholder participation and a urban development in historic cities approach in decision-making instances.³²⁴

The fact that the World Heritage Committee and organization in general have requested or supported initiatives like the Vienna Memorandum demonstrates the evident challenge in combining physical and functional interventions planned to improve quality of life and economic efficiency of residents and historic sites respectively, and adapting these changes without compromising the character and historic value of the site. Interestingly enough, even in new initiatives a constant reference to the procedures and methodologies stated in the Operational Guidelines for the implementation of the Convention is relevant. In the case analyzed here, the Vienna Memorandum makes a reference to such in the way it states a “ways and means” section prioritizing in some sense the basic principles, policies, and tools established by

³²³ UNESCO World Heritage Center, *World Heritage and Contemporary Architecture – Managing the Historic Urban Landscape*, Vienna Memorandum, Vienna, May 2005, accessed through UNESCO World Heritage Official Website: <http://whc.unesco.org/archive/2005/whc05-15ga-inf7e.pdf>, pg. 3 – PRINCIPLES and AIMS

³²⁴ *Ibid*, pg. 5 - RECOMMENDATIONS

the Convention.³²⁵ Nonetheless, synchronizing local and international interests on a World Heritage site demands participation in decision-making by all the stakeholders involved. Though international efforts might pull for a more rigorous management in terms of conservation of the physical fabric and its outstanding universal value, local interests are more likely to be aligned with current and past social conditions and place-based developments thus making it difficult for a communication channel to be established.

Part of this conflict reflects the differences between the “preservationist ethos of the World Heritage system and attempts by local authorities to extract economic benefit or at least secure appropriate economic and social development.”³²⁶ These tensions between the desire to preserve and the need to recognize that historic centers are a product of development and constant evolution lead to a higher scrutiny by both ICOMOS and the World Heritage organization, engendering the need to create new conceptual and critical frameworks for historic cities. Moreover, governance discrepancies in designated sites intensify the relationship between international and national stakeholders, since locally there is always more than just one group involved in the management, protection, and transformation of the site. As Pendlebury, Short, and

³²⁵ “Management of the dynamic changes and developments in World Heritage historic urban landscapes encompasses precise knowledge of the territory and its elements of heritage significance identified through scientific methods of inventory, the relevant laws, regulations, tools and procedures, which are formalized in a Management Plan, according to the Operational Guidelines for the Implementation of the World Heritage Convention.”

UNESCO World Heritage Center, *World Heritage and Contemporary Architecture – Managing the Historic Urban Landscape*, Vienna Memorandum, Vienna, May 2005, accessed through UNESCO World Heritage Official Website: <http://whc.unesco.org/archive/2005/whc05-15ga-inf7e.pdf>, pg. 4 – WAYS and MEANS

³²⁶ Jonh Pendlebury, Michael Short, and Aidan While, *Urban World Heritage Sites and the Problem of Authenticity*, Elsevier: Cities, October 2009, available at: www.elsevier.com/locate/cities, pg. 349

While noted, “a [World Heritage] site has acquired a global accolade, determined by international conservation bodies, but the management and future of the site must ‘come to ground’ and be mediated principally by local governance processes.”³²⁷

However, international supervision and involvement, even if it is reflected only on passive actions, is unavoidable according the Convention and Operational Guidelines determinations. Working with such participation means using the Convention and its regulatory tools (Operational Guidelines) as local devices for preservation management and not just as international standards. Other World Heritage cities around the world have also recognized “ownership” conflicts within designated sites since official management strategies are for the most part goal-oriented – tourism, conservation, urban development, social development, among others – and do not value participation of all stakeholders on the same level.³²⁸ Some of these cases have even used the World Heritage monitoring and supervision system as devices for demographic control and even gentrification.³²⁹ However, strong development and redevelopment pressures in World Heritage cities like Quito have originated struggles between local governments (national and local) and the World Heritage Committee and ICOMOS over specific

³²⁷ Jonh Pendlebury, Michael Short, and Aidan While, *Urban World Heritage Sites and the Problem of Authenticity*, Elsevier: Cities, October 2009, available at: www.elsevier.com/locate/cities, pg. 350

³²⁸ See the study of The City of Bath, Edinburgh, and Liverpool.

Ibid, pg. 352 - 353

³²⁹ “Such management practices, whilst raising issues of authenticity, also render evident many other questions and especially ideas of ‘ownership’. Whilst the Lima case maybe an extreme and regressive mobilization of WHS status, it exposes wider questions over the role of WHS in terms of conflicts over space. In Lima these were essentially local conflicts, as WHS management was used as an explicit device of social control and gentrification. Very often conflicts over space and ownership are perceived more in terms of the competing scalar claims that can exist between the global accolade of OUV (and the tourist industry that follows) and more local aspirations for the management and evolution of place.”

Ibid, pg. 351

proposals.³³⁰

Pendlebury, Short, and While are right in pointing out, however, that for both the World Heritage Organization and ICOMOS management of urban heritage sites and historic cities has become a particular concern. The leap has to connect basic principles of the Convention text such as authenticity and integrity of outstanding universal value and its physical components to an evolved work-field where historic cities are thought of not just as monuments but “as first and foremost places where people live.” As is stated in the Convention and reinforced by most international Charters, heritage is meant to be valuable for all humankind and moreover has to have “a function in the life of the community.”³³¹ (World Heritage Convention, Art. 5.a).

Clearly, if the role of the World Heritage Organization and its Advisory Bodies is to protect the Outstanding Universal Value of cultural and natural heritage by sustaining and preserving authenticity and integrity, their interaction on decision-making is valuable to the extent that allows for the safeguarding of heritage within a context of constant urban evolution. As noted, it is precisely the combination of urban elements reflected in time and scale that represents the object of conservation. Although validating a system as the one imposed with a World Heritage designation (dependent on local management of a universalistic framework) represents a challenge in successfully combining multi-level perspectives and values placed on the same

³³⁰ See Chapter 1 for the cases in Germany and Panama

³³¹ Jonh Pendlebury, Michael Short, and Aidan While, *Urban World Heritage Sites and the Problem of Authenticity*, Elsevier: Cities, October 2009, available at: www.elsevier.com/locate/cities, pg. 352

³³¹ UNESCO *World Heritage Convention*, The General Conference of the United Nations Educational, Scientific and Cultural Organization 17th Session, Paris, October 17th – November 21st, 1972, accessed through UNESCO’s Official Web. <http://whc.unesco.org/en/conventiontext/>

monument or site, “day-to-day responsibility for reconciling these competing claims and for the management of urban WHS falls upon urban governance systems. These systems and their decision-makers are responsible for much wider city-management goals, including simultaneously looking to achieve development, as part of the political imperative of securing the economic vitality of a locale” and ultimately protecting the heritage of humankind.³³²

Indeed, even when the potential for conflict between international and local stakeholders and their regulatory goals is commonly manifested in urban historic cities and in some cases even monuments, management assessments have proven to be more successful when all stakeholders are participating in decision-making processes. The fact that a site is nominated indicates an initial instance of complicity in which States Parties are willing to submit values and management strategies to a foreign/international entity for validation. From there forward a designated site acquires an international status giving the World Heritage organization the position to weigh-in on processes, even though ultimately decisions are 100 percent in the hands of local authorities.

Reconciliation of conflicts and discrepancies between international and local stakeholders, and moreover all the local actors participating in decision-making processes in designated sites subject to urban development and socio-economic challenges is a priority of this analysis. Though UNESCO World Heritage participation pushes for the 1970s concept of cultural heritage and outstanding universal value conservation above other circumstances, they are at least in theoretical statements

³³² Jonh Pendlebury, Michael Short, and Aidan While, *Urban World Heritage Sites and the Problem of Authenticity*, Elsevier: Cities, October 2009, available at: www.elsevier.com/locate/cities, pg. 352

acknowledging the fact that historic cities need to be assessed on different terms. The dynamics within designated urban cities must contemplate holistic development, tailor-made plans, and multi-level approaches in policy-making.

Moreover, the use of heritage conservation as an opportunity and not as an obstacle, community capacity-building to manage heritage as an asset, and an understanding of the historic city as a unitary whole in constant evolution and as a potential resource should lead the adoption of the Convention into responsible socio-economic development plans that use heritage conservation as strategies for social development.

All of these initiatives are for the most part to be considered and articulated within the international framework established by UNESCO World Heritage, as that is agreed upon along with a designation, yet the programs are subject to local development and international supervision. The combination of both levels of participation will, therefore, only be successful in terms of urban and socio-economic development once all the involved stakeholders agree upon studying, understanding, and adopting local conditions as key to establishing the need for flexibility in the management of historic cities like Quito. Clearly, only after all the concepts dealing with physical conservation, monumental heritage, and urban and social development are aligned with local needs and international interests, World Heritage cities will be able to achieve development without conflict and loss.

CHAPTER 7. CONCLUSIONS:

The historic center of Quito was designated in 1978. Over these 37 years, the city has grown in both population and size and the area has successfully preserved most of its fabric, though it has lost – and continues to lose – residents. This phenomenon has on many occasions been related to local authorities and regulatory policies enforced in the area before and after its World Heritage designation, as they have not allowed in the same successful manner the modernization of the housing stock. Moreover, these outcomes have also been associated with UNESCO World Heritage as an international organization since it is the international entity in charge of designating and supervising sites in the World Heritage List. Nonetheless, UNESCO World Heritage's relation to either positive or negative outcomes does not exclude responsibility from other major stakeholders. Furthermore, when historic places, like Quito, face urban and socio-demographic challenges the negotiation between holding a World Heritage designation and meeting the needs of the residents and urban pressures in general involves broad participation and ultimately international influence in decision-making.

In 2013, an ICOMOS expert advisory mission visited the city of Quito to evaluate several projects currently under execution. In correspondence to the World Heritage Convention and Operational Guidelines, Ecuador as a State Party had already notified the World Heritage Committee through ICOMOS about the studies and proposals for the construction of the San Francisco subway station, the demolition and replacement of modern buildings for the creation of open public spaces, as well as other projects proposed within the World Heritage designated area. Although the mission was

suggested by the Committee and financed by the State Party, and it was not a reactive monitoring mission, the recommendations drafted after this mission seemed to have modified and influenced the decisions of the World Heritage Committee and local stakeholders. At first sight, it could be argued that ICOMOS' recommendations have not only advised the Committee but fully guide their decisions regarding the studied projects. Moreover, the same recommendations have also influenced local actions, evaluations, and review procedures.

To define the level of responsibility each stakeholder has in decision-making processes, and what is more important, the level of influence the World Heritage organization represented by the Committee has in altering local plans in a heritage site, it is necessary to understand the multiple levels where international and local stakeholders weigh-in and communicate. This means analyzing the political, social, and economic circumstances shaping the relationship beyond the Convention's explicit rules for it is within implicit dynamics set in motion after a site is inscribed on the List that international participation in decision-making is either limited or balanced. The Convention has become, particularly in such cases, a highly implicit tool that uses international standards, political relations, incentives, and other benefits to reach out to States Parties and make them comply with recommendations and requests in correspondence to its principles.

Quito's Dynamics

In the specific case of Quito, UNESCO World Heritage has subtly influenced decision-making in regard to the projects discussed in this thesis and others throughout

its history as a World Heritage site. However, this does not mean that either the Committee or ICOMOS (as Advisory Body) have directly demanded local authorities to follow requests and adopt decisions. Since ultimately the decision-making power lies in the hands of the State Party, the scope of influence depends on the multiple instances in which a State Party relies on the World Heritage system and designation for broader agendas.

Ecuador as State Party and Quito as designated city are interesting examples that illustrate how these dynamics are ultimately interconnected to a variety of circumstances not specifically related to the studied projects, the designation, or the recommendations. The city is facing the challenge of achieving reconciliation between urban development and heritage conservation, and it is fighting – and using the recommendations and the designation as tools to do so – to prevent the unjustified destruction of some of its historic fabric while allowing for urban development and resident's quality of life improvement. Yet as mentioned before, the importance of a World Heritage designation has proven to be strongly related to social, economic, and political issues finally becoming the biggest incentive for Quito's authorities to follow recommendations as requested.

1. International Rights and Treaties

Binding Capacities

International treaties and agreements, such as the World Heritage Convention, work as a tool to gather together nations under a common set of principles to which

States voluntarily subscribe. Treaties most commonly set up guides and frameworks for specific actions taking place cross-borders or in a supranational level that places all involved countries on equal terms. The binding capacities such treaties have, however, are ambiguous for they do not hold the power to infringe on sovereign decisions, but they allow international stakeholder participation. The World Heritage Convention, as mentioned before, is the most successful international treaty. The gathering capacity that the idea of protecting humankind heritage has had during more than 40 years has built an international entity with binding capacities that outweigh the subtle terms of the text.

For States Parties, like Ecuador, signing an international agreement with these gathering qualities, networking capacities, and overall international acceptance is more than just voluntary participation in those principles and international cooperation. International treaties are, by international laws, binding. Explicitly speaking, the Convention binds States Parties to comply with the guidelines and rules set by the text in terms of nominations, management and protection, economic contributions, and assistantships -- all regulated by the Convention texts in either the Operational Guidelines or the Rules of Procedure. However, the participation of the Committee or its Advisory Bodies in decision-making processes is not addressed in the same manner, yet the extension of binding powers seems logical and it is fairly common. Hence, States Parties interested in participating in the Convention and holding a designation understand all procedures and recommendations as binding rules even though in text the Convention emphasizes the States' responsibilities and control faculties.

Explicit and Implicit Responsibilities

The World Heritage Convention as the inter-nations treaty setting the framework for the identification, nomination, and protection of World Heritage is the only binding document that could, through the Operational Guidelines and Rules of Procedure, define the power scope that the international entity has on local matters. Indeed, the responsibilities of States Parties that have ratified the Convention and nominated sites as well as the ones of the Committee and Advisory Bodies are clearly defined in the texts previously mentioned. Yet, although it has been highly successful in identifying heritage sites, the system has limited tools to explicitly exercise any kind of control over what happens on designated sites.

Clearly, it is difficult to draw a line separating international and local responsibilities and influence in decision-making in designated sites, especially in regard to major projects with potential negative impact. However, it is also clear that neither the Convention nor the World Heritage organization as a supranational institution have the explicit power to regulate and control sites belonging to States Parties; yet, influence is undeniable although it is more largely based on implicit tools and means rather than direct control and demands. In this matter, such level of influence depends almost exclusively on the State Party's interest and attitude towards holding the designation above all other interests, even above socio-economic development of the city as a whole.

Supervision and Approval

The way in which the Convention and its Committee are explicitly allowed to exercise “control” over designated sites is by means of supervision and approval. These two activities empower the Committee to influence local stakeholders in different instances starting with nominations, when Advisory Bodies and the Committee approve sites to be inscribed on the list, yearly state of conservation reports (SOCs), when States Parties report on the conservation status of the site, and periodic or reactive monitoring, when the Committee and Advisory Bodies exercise their technical capacities to evaluate conditions at a site either after a set period of time or when it is needed. These tools, along with incentives, help the international entity to stay involved and active in all sites inscribed in order to evaluate and supervise not only the sites’ protection but also their changes and modifications through time.

2. International Influence

International Standards

Furthermore, although the process of nominating a site is the responsibility and choice of each State Party -- according to the Operational Guidelines -- inscribing a site relies exclusively on the Committee’s decision. The participation of the Advisory Bodies in this matter facilitates the decision from a technical perspective for they have (in many cases) worked with the State Party to elaborate the nomination dossier, and later evaluated the information provided to justify a site’s OUV. These two instances influence States Party’s management decisions, conservation practices, and even

cultural heritage significance concepts shaping them to fit in the criteria and procedures deemed adequate by the UNESCO World Heritage system. This is particularly visible in the way both the Committee and the Advisory Body involved in the case of Quito insisted on the modification and definition of governance mechanisms and protection policies that improve the existing ones. Though in this case such recommendations might have been fully justified, it raises questions in terms of how to define the correct protection mechanism and policy, and how that standard is set, especially because each site deals with different and specific challenges that cannot be addressed by a generic formula.

Political Relationships

In addition, in a political context, Ecuador as State Party is interested in preserving and strengthening international cooperation dynamics not only for what it represents in terms of heritage conservation and protection, but also for how complying with an international treaty under the United Nations umbrella relates to the State Party's openness and willingness to positively participate in the international political arena. Indeed, actions in regard to treaties and Conventions define a country's reputation when interacting with other nations in cross border actions.

3. State Party's Dependence

Beneficial Outcomes

Quito's "dependence" on its designation is simultaneously economic, social, and political. Economically speaking the city has benefited from funds and technical

assistance granted by the Committee and other means of international cooperation on multiple occasions. This is closely associated to the prestige of having a World Heritage site, and to the Convention's ideal of it being the international community's responsibility to cooperate for the protection and conservation of such site. Furthermore, during these 37 years, the city has built a touristic brand that represents an important source of income and multiple local jobs. As a general picture, it is interesting to see that Ecuador's touristic revenues represent the third largest income not related to oil exportation and that recent efforts are looking to enhance tourism. Hence, Ecuador and Quito's authorities, although with the explicit power to follow or to dismiss recommendations, have chosen to comply and allow international participation based on the positive outcomes of holding a World Heritage designation.

Incentives to Comply

As noted before, the use of incentives and disincentives by the World Heritage Committee such as financial and technical assistance (World Heritage Fund) and international recognition, as well as the threat of being listed as in Danger or even de-listed, all work as motivation for States Parties to follow recommendations and hold on to the designated status. The challenge is therefore to negotiate the input of international stakeholders into local development plans and proposals. Clearly, Quito has a recurrent tendency to follow recommendations for it is in the city's best interest to keep its designation; however, the expected (positive) socio-economic and urban impacts the projects studied in this thesis pose on the site could be enough of a reason for the city authorities to reconsider protecting the designation if such were to interfere

with development goals. However, so far reconciliation between these two interests has more or less been successfully achieved in Quito.

4. Local Stakeholders Participation

Local Identity

In addition to the beneficial outcomes previously mentioned, the World Heritage designation has played an important role in shaping the city's and its citizens' identity. The historic center has not only influenced collective imaginary of cultural values and heritage, but also other cultural practices, traditions, and overall national pride. Jeopardizing the World Heritage designation would not only alter policies, regulatory processes, governance, and the physical fabric of the site but it most likely would have a deep impact on the social fabric – namely identity, culture, and social behaviors -- built around it. The preservation of this constructed social image eventually influences the authorities' decision to voluntarily comply and follow recommendations, and hence their willingness to allow international inputs to play a role in decision-making.

Governance

Finally, both international and national stakeholders need to update procedures and regulatory policies to achieve a more cohesive plan of integrated development in alliance with heritage conservation in historic urban sites, landscapes, and cities. Whereas UNESCO World Heritage adopts theories and reports about how to comprehensively manage World Heritage sites, the actual rules followed within the Convention text still need to more dramatically address this issue. Likewise, national

efforts are still divided between conservation and protection above all and development and evolution at the expense of heritage. Clearly, at least in Quito, the middle ground needs to be defined allowing all stakeholders involved to participate on an equal basis, while favoring conditions for socio-economic development.

RECONCILIATION

Although the World Heritage Committee has demonstrated an interest in addressing reconciliation between simultaneous urban phenomena like development, densification, and conservation through new or complementary approaches that take into account not only the integrity and authenticity of a site and its OUV, but also urban dynamics and community inputs and outreach, the results have adhered to the original principles of the Convention. A more interesting approach has been achieved through regional initiatives, however, for they use broader terms yet work on precise challenges in an effort to use the Convention and the international cooperation principles to achieve better results on specific cases.

Important in this matter is the update of preservation values focused on conservation of the physical fabric above all. The concept of authenticity and integrity, although valuable to understand a site's OUV are also limiting in terms of evolution, adaptation, and change over time, especially for sites located and connected to urban areas constantly in evolution. These concepts have led preservation and conservation practices for over five decades. The strong emphasis placed on monuments and its conservation is representative of the values ascribed to the Convention. Yet, when

looking at historic urban landscapes and cultural sites interconnected to urban fabric as opposed to a single monument, new concepts need to be apply, as the values intrinsic to such sites are also related to its capacity for adaptation and the social and cultural life within. These sites are not static and therefore cannot be simply preserved as monuments.

COMPLEMENTARY RESEARCH

Whether or not the specific circumstances of Quito and Ecuador can make a difference when analyzing the dynamics influencing decision-making would require more research and the selection of other case studies to compare. These would include historic cities under a similar context of urban and social challenges – namely urban and infrastructure development for socio-economic improvement – would differ in other features like designation time, governance and management mechanisms, cultural biases, dependence on incentives, and political relationship with the international community. However, when looking at the broader picture, independently from the State Party involved, the Convention and the Committee through its Advisory Bodies exercise supervision and approval activities to which States Parties have voluntarily agreed upon. As mentioned before, the Convention itself talks about Outstanding Universal Value (OUV) of World Heritage Sites and the responsibility of its protection on a global scale though always noting that sites ultimately are to be managed and protected by the State Party that nominated them. Yet, by separating the cultural or

natural significance of a site and putting it into a universal level, international cooperation and participation is constantly encouraged.

Further research would be useful to distinguish different degrees of commitment, influence, international participation, and the power of incentives the World Heritage proposes, and its connection with the States Parties' willingness to comply with recommendations and Committee's decisions. Deeper comparative studies should be the next step for this research to increase its scope, yet from this one example it is possible to conclude that there is a deep relation between local conditions, project's suspected impact, economic and political context, and time of designation among others that limit the level of international participating in decision-making in local sites. No doubt the Convention and Operational Guidelines have also enforced an implicit set of rules standardized by the 1970s Western-oriented idea of what a World's Cultural Heritage is, which has been influencing decision-making in designated sites for the last 40 years including Quito. However, it is also clear that there is a shared responsibility between UNESCO World Heritage and Local Authorities. States Parties are free to allow or limit international participation, and aware of the consequences of either choice hence voluntarily compromising some freedom in pursue of a political-beneficial balance.

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