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CONSEIL INTERNATIONAL DES MONUMENTS ET DES SITES
CONSEJO INTERNACIONAL DE MONUMENTOS Y SITIOS
МЕЖДУНАРОДНЫЙ СОВЕТ ПО ВОПРОСАМ ПАМЯТНИКОВ И ДОСТОПРИМЕЧАТЕЛЬНЫХ МЕСТ

Our Ref. GB/TA/1681_Add.Inf

Charenton-le-Pont, 16 February 2023

H.E. Ms Marcela Miriam Losardo
Ambassador Extraordinary and Plenipotentiary,
Permanent Delegate
Permanent Delegation of Argentina to
UNESCO
Maison de l'UNESCO
1, rue Miollis
75732 Paris Cedex 15

World Heritage List 2023 – Additional Information

ESMA Museum and Site of Memory – Former Clandestine Center of Detention, Torture and Extermination (Argentina)

Dear Ambassador,

ICOMOS is currently assessing the nomination of “ESMA Museum and Site of Memory – Former Clandestine Center of Detention, Torture and Extermination” as a World Heritage property and an ICOMOS technical evaluation mission will be visiting the property to consider matters related to its protection, management and conservation, as well as issues related to its integrity and authenticity.

In formulating the questions below, ICOMOS takes note of the World Heritage Committee Decision 18 EXT.COM.4 that adopts the ‘Guiding Principles for Sites of Memory Associated with Recent Conflicts’ and also encourages State(s) Party(ies) responsible for nominations processed under existing procedures and criteria, to do their utmost to implement these Principles.

While the nomination of “ESMA Museum and Site of Memory – Former Clandestine Center of Detention, Torture and Extermination” was submitted prior to the development and adoption of these Guiding Principles, they have been useful in clarifying some of the issues that ICOMOS now seeks additional information about.

In order to allow us to further evaluate this nominated property, we would be grateful if the State Party could provide us with additional information on the following points:

Historic development

The nomination dossier provides a good overview of the historic context of Argentina and South America that prepared the military coup in 1976. However, not much is explained about the years immediately before the establishment of the Military Junta. ICOMOS would be grateful if the historic context during the early 1970s until the coup could be expanded to provide a closer insight into how the advent of the military dictatorship was prepared and made possible, along with its violence and terror practices.

Regarding the transformations of the nominated property, ICOMOS would like to understand better the changes that occurred to the building after those implemented prior to the visit of the Inter-American Commission for Human Rights and before the changes carried out as part of the creation of the ESMA Museum and Site of Memory.

Protection

Community involvement and Interpretation

Samuel:

Copy to Argentina National Commission for Cooperation with UNESCO
ESMA Museum and Site of Memory – Former Clandestine Center of Detention, Torture and
Extermination
Secretariat for Human Rights, Ministry of Justice and Human Rights
UNESCO World Heritage Centre

ADDITIONAL INFORMATION

ESMA Museum and Site of Memory – Former Clandestine Center of Detention, Torture and Extermination

HISTORIC DEVELOPMENT

PART I:

Historic Context Prior to the Coup

At the beginning of 1973, the continuity of the “Argentine Revolution” —the dictatorship that had begun in 1966— became impossible. According to historians of the period, this was due to the deterioration of the economic situation, the social pressure against the regime, the actions of the Peronist and Marxist urban guerrillas, and the discredit of the Armed Forces after the murder of 16 guerrilla militants imprisoned in the city of Trelew in 1972 (De Riz, 2007; Pucciarelli, 2007).

The military government finally lifted the ban on Peronism, the main popular political force, which returned to power through free elections after eighteen years of prohibition. The first elected president, in March 1973, was Héctor Cámpora, a delegate of Perón, who had not yet definitively returned to Argentina, following his long exile, after being overthrown by the so-called “Liberating Revolution” in 1955. Upon taking office, Cámpora released all political prisoners. Soon after, he resigned so that Perón, who had already returned to the country, could present himself as a candidate. Perón assumed the office of the presidency on October 12, 1973.

The new political period was hugely expected as a return to democracy and a return of Peronism to government. It was a moment of increasing political radicalization towards the left in all of Latin America, and large portions of the Argentine population had deep expectations of social change: the “socialist homeland” and “national liberation” were the main slogans for many students, workers, professionals, intellectuals and organizations of the most diverse origin. Starting in 1970, a group of left-wing, Marxists and Peronists revolutionary organizations had emerged into the public scene advocating the taking of power through armed combat. The most important among them were the Workers’ Revolutionary Party–Revolutionary Army of the People (Marxist) and the Montoneros (Peronist).

In this hectic context, the return of Peronism to power was complex and conflictive. In the first place, the rivalry between internal sectors of Peronism worsened. The most rebellious youth sectors on one side, and the more traditional sectors linked to the party structure and the trade union world on the other. The main reason for the conflict was the dispute over which of them represented the true Peronism and its project in the government administration (Amaral, 2001; De Riz, 2007; Sigal

and Verón, 1986). The conflict broke out and soon turned into a very violent internal persecution against left-wing Peronism. One of the most serious episodes was the confrontation near Ezeiza Airport, when Perón returned to the country on June 20, 1973 (Verbitsky, 1985). From very early on, illegal state organizations linked to right-wing Peronism began to operate, clandestinely persecuting and murdering political activists considered “leftists” and “Marxists”, both inside and outside Peronism (González Janzen, 1983).

In turn, left-wing revolutionary organizations, especially the Marxist ones, continued with their armed operations, such as taking military units and attacking security forces. In 1975, the Peronist guerrillas joined these attacks. In response to this and also due to its own internal conflicts, the Peronist government started to escalate its authoritarian measures in late 1973. The process deepened after Perón’s death on July 1, 1974. At that time, his wife and vice president, María Estela Martínez de Perón, assumed the presidency. With her political inability to manage the situation, the scenario quickly worsened (Franco, 2012).

From then on, the political situation aggravated, with Peronism’s inability to properly govern the country, a huge economic crisis, the actions of revolutionary organizations and the growth of both legal and clandestine State repressive policies. This contributed to install the idea within society that the country was threatened by left-wing Marxist and Peronist sectors —either linked to the guerrillas or not— in schools, factories, universities, public institutions and the cultural universe. This process led to the militarization of the State and fueled the Armed Forces’ pressure on the government to implement the so-called “anti-subversion fight”. The need to neutralize Marxist and Peronist guerrillas thus served to criminalize protests from broad political and social sectors (Franco, 2012; Pontoriero, 2022).

Thus, in February of 1975, the constitutional government cleared the Armed Forces to carry out “Operation Independence” in the province of Tucumán against a guerrilla base in northern Argentina. There, with absolute autonomy, military forces used for the first time clandestine actions of kidnapping, summary executions, torture and confinement in Clandestine Centers, and enforced disappearance of people (Garaño, 2016; Garaño y Concha, 2022). While the Armed Forces regarded the actions of revolutionary groups as “acts of war”, the size and firepower of these groups were always very small, as they never gained control of the territory, nor did they carry out large-scale or long-lasting armed operations (Carnovale, 2020).

The need for this repression and the so-called “anti-subversion fight” was the great excuse the Armed Forces used to finally carry out the coup d’état against the Peronist government on March 24, 1976. Although the civic-military dictatorship took power stating that they intended to reorganize the country with the purpose of bringing republican values back, in fact they didn’t abide by these principles at all. From that moment on, there was a quantitative and qualitative leap in the extent and characteristics of illegal repression, which was used not only to dismantle the armed organizations but also to prevent any kind of opposition to the regime. Since March 1976, clandestine state violence and its methods of enforced disappearance of people reached an unprecedented scale and systematic organization.

PART II:

Transformations of the nominated property

The modifications in the building were analyzed as a whole with a comprehensive criterion from a perspective that considers the coexistence in the present day of the several layers of the property's historical–constructive evolution, as they account for how it came to its present condition. The main sources of information were:

- The testimonies and evidence survivors have submitted in various court instances, which also correspond to different stages of the Clandestine Center, depending on the periods when they were imprisoned (this material is made of written descriptions, sketches and even photographs).
- The survey of the National Commission on the Disappearance of Persons (CONADEP) in 1984 (providing textual descriptions, on-site photographs and sketches).
- On-site recognition of the building, which began in 2004 when survivors obtained access to tour the premises so they were able to locate the several spatial configurations and the uses each room was given during their imprisonment.
- Findings from the conservation work and archeology research carried out in the building since 2004.

All this, together with the comparison of construction marks found in the building and the document-based study of the blueprints from different periods found while researching archives, made it possible to perform the analysis of the property's historical-constructive evolution, out of which we consider the following stages (see plans pp. 134-147 of the Nomination Dossier):

- Teachers' Residence (1939-1944) (see pp. 75-77 of the Nomination Dossier).
- Officers' Quarters of the Navy School of Mechanics (1944-1976).
- Clandestine Center of Detention, Torture and Extermination (1976-1983)
 - Clandestine Refurbishing (1976-1978) (see pp. 95-96 of the Nomination Dossier).
 - Clandestine Refurbishing (1978-1983) (see pp. 111-112 of the Nomination Dossier).
 - Legally Documented Refurbishing (1980-1982) (see p. 117 of the Nomination Dossier).
- Institutional Decline since the Recovery of Democracy (1983-2004) (see pp. 124-125 of the Nomination Dossier).
- Change of Destination of the Property (2004-today).
 - Signposting of the Site of Memory (2004-2014) (see pp. 130-131 of the Nomination Dossier).
 - Transformation of the Officers' Quarters into the ESMA Museum and Site of Memory - Former Clandestine Center of Detention, Torture and Extermination (2014–today).

The period called *Clandestine Center of Detention, Torture and Extermination (1976–1983)* is characterized by the modifications the ESMA Task Group made on the Officers' Quarters in order to set up the Clandestine Center, which coexisted with the building's legal institutional uses (accommodation for officers).

Several modifications were made within this period, whose characteristics are attested by different survivors' testimonies and analyzed construction marks. A first stage of reforms was identified as *Clandestine Refurbishing (1976-1978)*, which consist of various configurations mainly meant to build up light partitions to accommodate rooms for confinement, torture, forced labor and offices for the Task Group's operation center. These reforms are found mostly in the Basement, the Golden Hall, and the confinement floors called "Capucha" (Hood) and "Capuchita" (Little Hood).

Since 1978, in the months prior to the Inter-American Commission on Human Rights (IACHR) visit, a second phase of *Clandestine Refurbishing (1978-1983)* can be distinguished. At this stage, structural modifications were made to the building with the purpose of refuting the survivors' descriptions. The main reforms included the demolition of the elevator and of a flight of stairs that directly linked the central hall with the Basement, and the closure of the South and North galleries. Subsequently, between 1980 and 1981, several light partitions continued to be set in the premises, along with changes in their use according to the operational needs of the Task Group. In 1982, a external staircase, which still exists today, was built to connect the Basement with the North Yard.

At the same time, a third phase was developed between 1980 and 1982, which is called *Legally Documented Refurbishing*. These were a series of reforms — which exist to this day — that were recorded on official Navy plans and were related to the legal institutional functioning of the building as the Officers' Quarters. The main works covered the following sectors and facilities: fixed furniture (including closets in cabins and kitchen furniture); bathrooms and kitchen in the director's house; thermomechanical installation; electrical installation; sanitary installation and bathrooms for general use. All of this is a reflection, also, of the coexistence of the Clandestine Center and the Officers' Quarters.

The following period, called *Institutional Decline since the Recovery of Democracy (1983-2004)* begins on December 10, 1983, and is defined by the 1984 inspection carried out by the National Commission on the Disappearance of Persons (CONADEP). Through photographs and sketches, the CONADEP survey reveals the Navy's work in the building to dismantle and, once again, hide the traces of the Clandestine Center. The main modifications consist of new layers of painting applied to the walls and reorganizing the spaces used for detention and torture of detained-disappeared persons. The latter included transforming the Basement into an archive, and the 3rd floor — the place previously destined for the confinement sector called "Capucha" (Hood), the clandestine maternity ward, the forced labor areas and the storage of stolen goods — into a deposit of cots. The 4th floor, formerly a detention and torture area known as "Capuchita" (Little Hood), was found empty.

Following the revelations made by the CONADEP Report in 1985 — which was published as a book under the title *Nunca Más* (Never Again) — and the legal evidence set up from the Trial of the Military Juntas, widely reported by the media, a period of institutional decline began, due to the stigma of the institution as a consequence of the crimes that were committed.

Thus, the ESMA became an undesirable destination for a military career, and its continuity in that premises was a matter of debate. In 1998, looking to resolve the situation, then President Carlos Menem issued a decree that established for the transfer of ESMA to other facilities, together with the demolition of all the buildings on the property in order to build a public park there. The initiative was stopped by a court decision that accepted an injunction request from members of Human

Rights organizations. This court ruling, which was ratified in various instances and acknowledges the premises' status as judicial evidence and as cultural heritage, marks the beginning of the debate on the preservation of ESMA.

As a consequence of these circumstances, the period called *Institutional Decline since the Recovery of Democracy (1983-2004)* was characterized, following the modifications revealed by CONADEP, by neglect and a progressive abandonment of the facilities.

The second political initiative meant to resolve the institutional decline of ESMA was the 2004 agreement signed by the National Government and the Autonomous City of Buenos Aires, with the support of Human Rights organizations, to transform the premises into the Space for Memory and for the Promotion and Defense of Human Rights. As a consequence of this agreement, the Navy began to evict the facilities, which they did gradually over three years, thus starting the period called *Change of Destination of the Property (2004–present)*, with a first stage called *Signposting of the Site of Memory (2004-2014)*. In 2004, the Officers' Quarters building was delivered, empty and deteriorated. Initially, signaling posts featuring texts and plans were placed to explain what happened in each room and providing general information at the entrance. This first intervention functioned as a guide for visits, which by then were restricted to groups of people well-informed on the subject.

At that time, the Conservation Team of the Space for Memory Institute (IEM), which back then managed the property, carried out on-site research surveys guided by the court testimonies provided by survivors. These surveys consisted of analyzing the marks and inscriptions found on the architectural surfaces, as well as archaeological studies that made it possible to find diverse hidden construction remains from the modifications the Navy made to set up the Clandestine Center in the building. Among them were particularly relevant the remains of the pit and a buffer spring of the elevator, and the remains of a flight of stairs that connected the central hall with the Basement. Both constructions had been dismantled shortly before the IACHR visit.

In 2008, the building was listed as a National Historic Monument and the former ESMA property as a National Historic Site, an acknowledgment to its value as Cultural Heritage, thus becoming the first Clandestine Center to be part of the Nation's cultural legacy. In 2011, the entire tiled roof was restored and the terraces were waterproofed because they presented overall deterioration and massive leaks that affected every floor of the building (see pp. 195-196 of the Nomination Dossier).

Subsequently, a musealization project was developed (see pp. 196-203 of the Nomination Dossier) based on the debates and consensus reached during the preceding years, under the premise of preserving the building just as it was delivered by the Navy in 2004, without altering the historical layers of the property and preserving its status as judicial evidence. A technical report on the state of the building carried out by a team from the National University of San Martín (UNSAM) —duly informed to the court that protects the property— provides an account of its state of conservation previous to start on site works. This was the starting point for the period called *Transformation of the Officers' Quarters into the ESMA Museum and Site of Memory - Former Clandestine Center of Detention, Torture and Extermination*, which ranges from the beginning of the musealization works in 2014 to the present day.

PART III:

Decision-making process in the creation of the ESMA Museum and Site of Memory

The debate about what to do with the ESMA's former Clandestine Center began in 1998, immediately after a court ruling prevented the demolition of the property by acknowledging a right to the truth, not only for the victims, but of all Argentine citizens. In 2004 —after it was decided to transform the ESMA property into the Space for Memory and for the Promotion and Defense of Human Rights— a commitment was made among institutions and Human Rights organizations to create a Museum of Memory —with characteristics that were still being discussed— in the building of the former Officers' Quarters. An immediate process followed, which suffered political and jurisdictional tensions, in order to achieve Congressional confirmation of the agreement that established the new destination of the former ESMA, and to device what kind of use would be given to the more than 30 existing buildings (see pp. 128-130 of the Nomination Dossier). The many texts written as part of the public debate on what to do with the former ESMA include the contributions made by Brodsky (2005), Carnovale (2006), Vezzetti (2009) and Lorenz (2010).

Another key to this process was the development of a range of State policies on Memory, Truth and Justice, achieved through joint work between Human Rights organizations and various levels of public administration (see pp. 281-285 of the Nomination Dossier and Section 4 of the Annexes, pp. 567-589).

Once a decision was made to use ESMA buildings as headquarters for government departments, regional organizations and non-governmental organizations, all of them related to the defense of Human Rights, another debate began in order to determine the nature of the Museum of Memory that would stand in the former Officers' Quarters. Initially, the idea of turning the Site into a museum sprung fears among Human Rights organizations worried about the correct interpretation of what happened, the loss of material traces, and the possibility of museum settings eventually obstructing the survivors' recognition of original spaces from the Clandestine Center in the context of the ongoing trials.

Taking these concerns into consideration, the Museum's concept was defined through the following core ideas, and conservation criteria:

- The building should not be altered so as to preserve its condition as judicial evidence.
- No reconstructions of tools used in genocidal practices should take place, nor should these objects be displayed. The museography proposed would consist of providing information about what happened so that visitors could access the spaces in a context of respect, informed understanding, and reflection.
- The only works admitted on the building should be those aimed to stop the deterioration and the building had to be preserved in the state in which it had been delivered by the Navy in 2004, with the traces of the passage of time.
- The museum script had to be based on content supported by facts and testimonies validated in judicial courts.

Under these premises, the planning and management of the museum project was led by the General Secretariat of the Office of the President, the Human Rights Secretariat dependent on the Ministry of Justice and Human Rights, the National University of San Martín (UNSAM), the state communication company Educ.ar and the Executive Body of the Public Entity Space for Memory and for the Promotion and Defense of Human Rights. A multidisciplinary team was formed with professionals from different fields, including architecture, museology, history, journalism and design, among others. Between 2013 and 2014, the team prepared the musealization project, and managed the works between 2014 and 2015. In 2015, National Decree # 1.133/2015 established the creation of the ESMA Museum and Site of Memory - Former Clandestine Center of Detention, Torture and Extermination.

Based on the museographic concept that was established, the content was designed on a series of removable, autonomous support structures. If necessary, the displayed elements can be taken off in order to empty the building and leave it just as it was found. These museographic devices, that were built with a concrete base and glass panels, help preserve the surfaces from anthropogenic actions without obstructing the recognition of the Site's materials and the traces of time in it. This is complemented with audiovisual projection techniques that also highlight the historical material condition of the property.

During the development of the project, around 200 presentations were made before organizations of Human Rights, relatives of the victims, survivors, and public officials. Presentations and requests for authorization of the museographic project were also submitted to the court that guards the property.

As a result of incorporating those contributions, the final project was adjusted and many of the original proposals were simplified to prevent the museographic exhibition from acquiring a leading role. This reaffirmed the premise of accentuating the evocative power of the Site's emptiness and the force of its material evidence. In addition, the project was modified to take into account demands from survivors and relatives of the victims. The most notable of these changes consisted of moving the pictures of the detained-disappeared persons outside the building, since their relatives did not want to see their loved ones in the place where they had been kidnapped and tortured. Hence, the curtain-wall device that displays the photographs of the detained-disappeared and signals the access to the Museum and Site of Memory is today a fundamental piece of its identity, and a symbol of the collaboration with stakeholders (see p. 254 of the Nomination Dossier).

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Part III: Decision-making process in the creation of the ESMA Museum and Site of Memory

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PROTECTION

The protection granted by *The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*, UNESCO (1954 and 1999) covers movable and immovable property, as well as scientific collections, important book collections, and archives. In the case of the Museum and Site of Memory, the main collection to be preserved is the so-called “Cases Collection”, which includes all the hearings from the trials for crimes committed in the ESMA Clandestine Center.

The Cases Collection includes the 1985 Trial of the Military Juntas, plus the sections of the ESMA Mega-Case known as ESMA I, II, III and IV. It also contains the trials referring to the Systematic Plan for the Appropriation of Children, because there was a clandestine maternity ward operating in the ESMA Clandestine Center.

The Cases Collection is in digital format and stored in the archives of the Museum and Site of Memory. A tape copy is stored in the National Memory Archive and another one is in disc format at the Grandmothers of Plaza de Mayo organization.

COMMUNITY INVOLVEMENT AND INTERPRETATION

The creation by the Argentine State of a national institution — a National Museum — whose functions are to provide free admission for all national and foreign citizens, in combination with an institutional management model that includes the involvement of an Advisory Council made of representatives of Human Rights organizations results in the integration of plural perspectives from different sectors of society.

This view nurtured the musealization project from the beginning, as it was presented to stakeholders so that they could evaluate it and make contributions. The final result was a product of those debates and consensus. Said process was reflected in the Project Report in the following terms:

It is an open proposal that extends over time.

The history we want to convey on this site is an open history. To date, there is a lot to investigate and discover. New testimonies keep emerging. It is a collective history that gets reconstructed through the voices of the victims. So far, we have not heard the voices of the repressors.

The fundamental objective of this proposal is to contribute to learning, experiencing and understanding what happened through forms of representation that promote reflection and stimulate debate and questioning of how such barbarism was possible in the recent past, prompting a dialogue between and within generations today and in the future.

The redefinition of these places will enable new voices and views, and it will mostly reveal how the repressive strategies of terror were opposed to daily strategies of life and commitment of the fellow activists who were kidnapped there. At the same time, we understand it is essential to offer visitors the historical context of the time when the events narrated there took place.

The Museum and Site of Memory provides material evidence of the historical events that occurred there, which have been court-validated. Through this it encourages each individual visitor and the institutions that tour it (national and foreign tourists, national and international government authorities, schools, universities, civil associations of various types and origins, etc.) to engage in a profound and lasting reflection. This genuine, permanent and open reflection is regarded as the nominated property's main contribution to strengthen the process of institutional and political democratization Argentina has built in the last 40 years.

At the same time, political and social movements bring new perspectives that can lead to the Museum and Site of Memory reviewing and —in some cases— reconsidering the interpretation of the facts displayed in the museum script, in order to incorporate nurturing reflections. Such was the case of the movement for women's rights, which experienced a boom in Argentina in 2017 and led to the revision of the script for the permanent exhibition after noting that it lacked a gender-based perspective. Once the pertinent corrections were made publicly and as an act of self-criticism, the

investigations and research works led to the organization of two exhibitions related to the different nature of the experiences women went through in the Clandestine Center.

The first of these exhibitions —*Being Women at ESMA - Testimonies to Look Again*— focused on the rapes, abuses and gender violence suffered by detained-disappeared women during their imprisonment. The second exhibition —*Being Women at ESMA - A Time for Encounters*— addresses the subsequent stigma survivors had to endure. Currently, both exhibitions have a unified version that was displayed at the Museum of Memory in Montevideo, Uruguay, in December 2022, and at the Museum of the Organization of American States (OAS) in Washington D. C., United States, in March 2023, thanks to the efforts of the Inter-American Commission on Human Rights (IACHR).

Regarding the reconciliation process, in Argentina this has occurred through the actions of Justice, as the trials and convictions target all perpetrators of crimes against humanity whose involvement can be proven in court. This situation is undoubtedly exceptional in the context of overcoming traumatic memories, and has helped the conversion of civilian sectors of society who supported the civic-military dictatorship, as they have publicly condemned its actions and channeled their political ideas through democratic political parties.

In line with this great achievement of the Argentine society, the ESMA Museum and Site of Memory has based its permanent, temporary and itinerant exhibitions on testimonies and facts that have been proven in Argentine courts, as they are considered the basis of a consensus about the fact that crimes against humanity, like those committed by the civil-military dictatorship that ruled Argentina from 1976 to 1983, must not happen again. This consensus is also expressed in the candidacy of the ESMA Museum and Site of Memory to the UNESCO World Heritage List, which obtained support and financing from governments of different political identities, and achieved unanimous support in the National Chamber of Senators, the National Chamber of Deputies and the Federal Council on Human Rights, where governors of all Argentine provinces are represented (see all the endorsements in Section 5 of the Annexes to the Nomination Dossier, pp. 591-851).

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Charenton-le-Pont, 17 May 2023

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World Heritage List 2023 – Additional Information

ESMA Museum and Site of Memory – Former Clandestine Center of Detention, Torture and Extermination (Argentina)

Dear Ambassador,

The ICOMOS technical evaluation mission to “ESMA Museum and Site of Memory – Former Clandestine Center of Detention, Torture and Extermination” was carried out by Mr. Juan Luis Isaza Londoño in February 2023. The mission expert highly appreciated the availabilities and support provided by the experts in your country for the organisation and implementation of the mission.

On 16 February 2023, a letter was sent by ICOMOS to request further information regarding historic development, protection, community involvement and interpretation. Please convey our thanks to all the officials and experts for the additional information you provided on 20 March 2023 and for their continued cooperation in this process.

At the beginning of May 2023, the ICOMOS World Heritage Panel evaluated the nomination dossiers of sites of memory associated with recent conflicts nominated for inscription on the World Heritage List in 2023. The additional information the State Party provided, along with mission and desk review reports, were carefully examined by the Panel members.

We thank you for the availability of your Delegation for attending the meeting held on 5 May 2023 with some representatives of the ICOMOS Panel. The exchanges during this meeting were of great help for the third part of the ICOMOS Panel meeting. During the last part of the meeting, the Panel identified areas where it considers that further information is needed.

Therefore, we would be pleased if the State Party could consider the following points:

Buffer zone

The ICOMOS Panel has found interesting that the whole ESMA complex has been considered as a functional buffer zone, as the School ensemble and those who worked there were an integral part of the criminal repression machinery. However, ICOMOS has found that around the nominated property, there is no protective buffer area and suggests that the buffer zone be expanded to include the areas and buildings immediately adjacent to the

Long-term involvement

We would be grateful if you could provide **ICOMOS** and the **World Heritage Centre** with the above information by **Monday 12 June 2023 at the latest**.

Please note that the State Party shall submit a copy of the additional information to the UNESCO World Heritage Centre and a copy to ICOMOS so that it can be formally registered as part of the nomination dossier.

Yours faithfully,

Samuel:

Copy to Argentina National Commission for Cooperation with UNESCO
ESMA Museum and Site of Memory – Former Clandestine Center of Detention, Torture and
Extermination
Secretariat for Human Rights, Ministry of Justice and Human Rights
UNESCO World Heritage Centre

ADDITIONAL INFORMATION 2

ESMA Museum and Site of Memory – Former Clandestine Center of Detention, Torture and Extermination

PART 1:

BUFFER ZONE

We value, understand, and appreciate the suggestion of the ICOMOS Panel. However, considering an analysis grounded in full-scope information, we conclude that the expansion of the buffer zone defined in the Nomination Dossier will not help strengthen the protection of the Outstanding Universal Value, the Authenticity and the Integrity of the nominated property, and instead will result in a weakness of protection due to the diversity, in terms of legal status, ownership, heritage protection and management systems currently available for those components of the urban fabric present in the area.

As you will see, the submitted proposal enables a greater efficacy and efficiency in the decision-making process to protect the nominated property without losing the ability to influence the evolution of the immediate urban surroundings. This approach is grounded on the notion that the buffer zone should not be a shield to prevent or freeze any change in the surroundings, but an instrument to manage them in a positive and realistic way from the perspective of the policies and regulations available today, which are already consolidated and have reliable perspectives for last in time.

We have adopted this approach, which has multiple dimensions, on the basis of an in-deep study of the recommendations of the *Operational Guidelines for the Implementation of the World Heritage Convention* (WHC.21/01 31 July 2021), the *Resource Manual: Preparing World Heritage Nominations* (2011) and the document *World Heritage and Buffer Zones* (2009)¹.

¹ Martin, Oliver and Piatti, Giovanna (eds.) (2009). *World Heritage and Buffer Zones: International Expert Meeting on World Heritage and Buffer Zones, Davos, Switzerland, 11–14 March 2008*. Paris: UNESCO World Heritage Centre.

1.1 Criteria applied for the definition of the buffer zone

During the process of elaborating the Nomination Dossier, we analyzed different key aspects of the urban surroundings and their relation to the nominated property in different levels, with the aim of understanding and assessing to what extent they are related to the Outstanding Universal Value (OUV) expressed by the ESMA Museum and Site of Memory - Former Clandestine Center of Detention, Torture and Extermination, to its Authenticity and its Integrity, as well as to the property's protection and management system. Thus, we evaluated spatial aspects like the neighborhood's urban fabric, considering its historic evolution and current features; the heritage assets set in the urban surroundings; the attributes of the urban landscape considering aspects like the diverse architectural scales corresponding to the residential fabric and facilities; the skyline and pedestrian views from and to the property; and the mobility network (including bus stops, pedestrian paths, cycle paths, urban streets, avenues, highways, railroad lines, etc.). Also, the urban surroundings were analyzed on issues related to the ownership; its cadastral entity; its legal status; the current instruments for urban planning; and the historical and actual uses of the neighborhood and those associated with the premises of the Space for Memory and for the Promotion and Defense of Human Rights (former ESMA) and with the nominated property.

In parallel, we evaluated risk factors and threats to the nominated property and the preservation of its OUV, its Integrity and Authenticity. Therefore, the definition of the buffer zone was also regarded as a key element to prevent and limit the impact of those risk factors and threats.

1.2 Stability of the Urban Surroundings

As indicated in section **1.e Maps and plans showing the boundaries of the nominated property and its buffer zone** of the Nomination Dossier (pp. 18-20), there are two key elements regarding the relationship of the nominated property and the defined buffer zone with their urban surroundings. First, the urban surroundings don't show architectural or urban heritage assets associated with the property or the premises where it is located. Secondly, the transformations of the urban surroundings in the past decades, don't alter the understanding, or the protection of the property, or its location on the former ESMA premises. Since the Space for Memory and for the Promotion and Defense of Human Rights (former ESMA) premises are delimited by its own urban entity, the OUV, the Integrity and the Authenticity of the property are not conditioned by the evolution of their urban surroundings. On the contrary, the urban development of the surroundings has created positive synergies around the property and its buffer zone, such as the improvement of the urban mobility options and the services available in the area.

The expected evolution of the urban surroundings emerges from the analysis of the zoning established by the Urban Planning Code of the Autonomous City of Buenos Aires. We verify that the processes of densification of the urban fabric tend to continue ahead, although without affecting the current limits of the nominated property or those of its buffer zone. The strip built on Del Libertador Avenue is zoned as a High Corridor District (CA), while an urban fabric of smaller scale and density

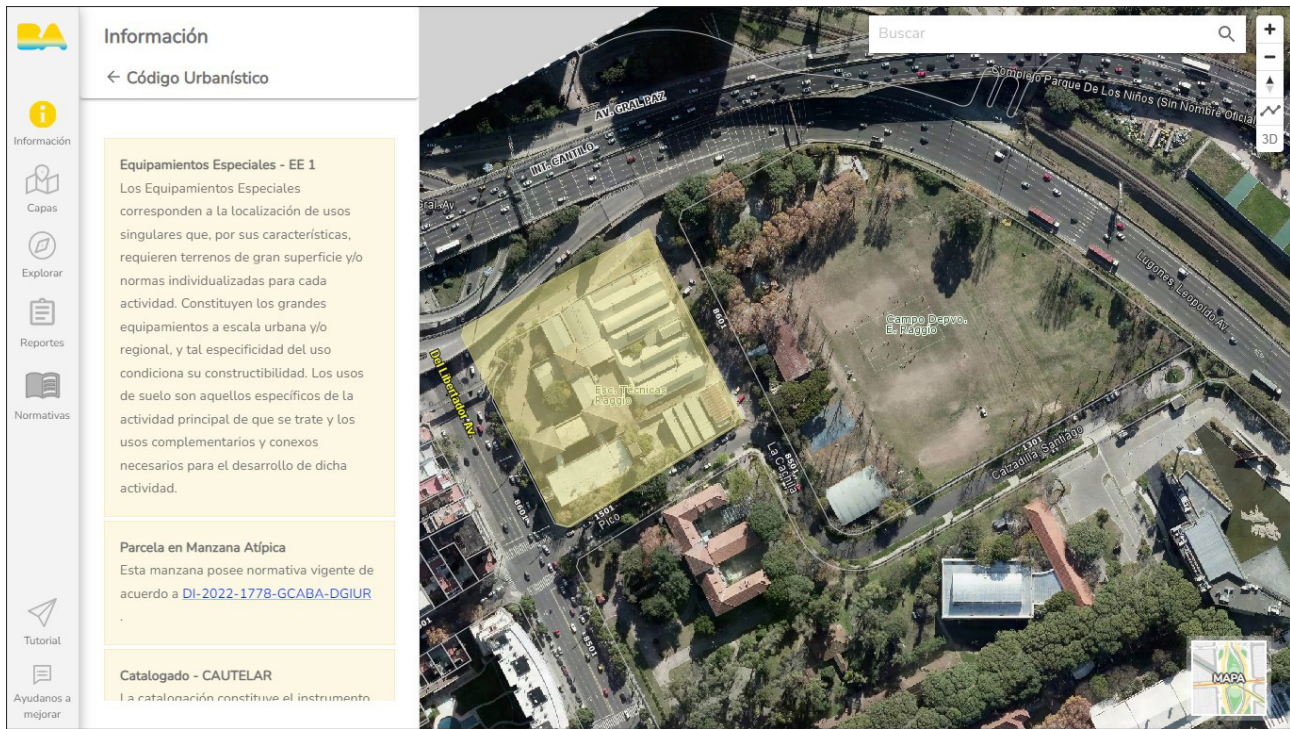
is foreseen on the secondary streets leading to the west. The rest of the surroundings display a stable trend facing urban development in the long term. Towards the east of the buffer zone, heading to the banks of De la Plata River, there is currently an urban limit on a territorial scale linked to the communication between the Autonomous City of Buenos Aires and its Metropolitan Area. This limit is defined by the great road axis comprised of Lugones Avenue, Belgrano Norte Railway and Intendente Cantilo Avenue. Next, located on the river coast, there are several large-area blocks zoned as Park District (UP) destined to various recreational and sports facilities. Heading to the north, Raggio Technical School is located in the blocks bordering the buffer zone. This School has its own heritage protection, listed by the Autonomous City of Buenos Aires, and is zoned, along with its Sports Field, as Special Equipment District (EE). To its north, there is another large-scale road axis delineated by General Paz Avenue, which constitutes itself the jurisdictional border of the Autonomous City of Buenos Aires with its Metropolitan Area. In turn, the urban sector located to the south, well-defined by its large blocks, is zoned as Park District (UP) and destined to various sports facilities.

1.2.1 The Raggio School and its Sports Field

Given the proximity of the nominated property, we paid special attention to the Raggio School and its Sports Field, which is set in a location regarded as stable and is also unchangeable without the involvement of stakeholders, which includes the authorities of the Space for Memory and for the Promotion and Defense of Human Rights (former ESMA) and those of the ESMA Museum and Site of Memory.

The plot occupied by the Raggio Technical School is defined by the following parameters:

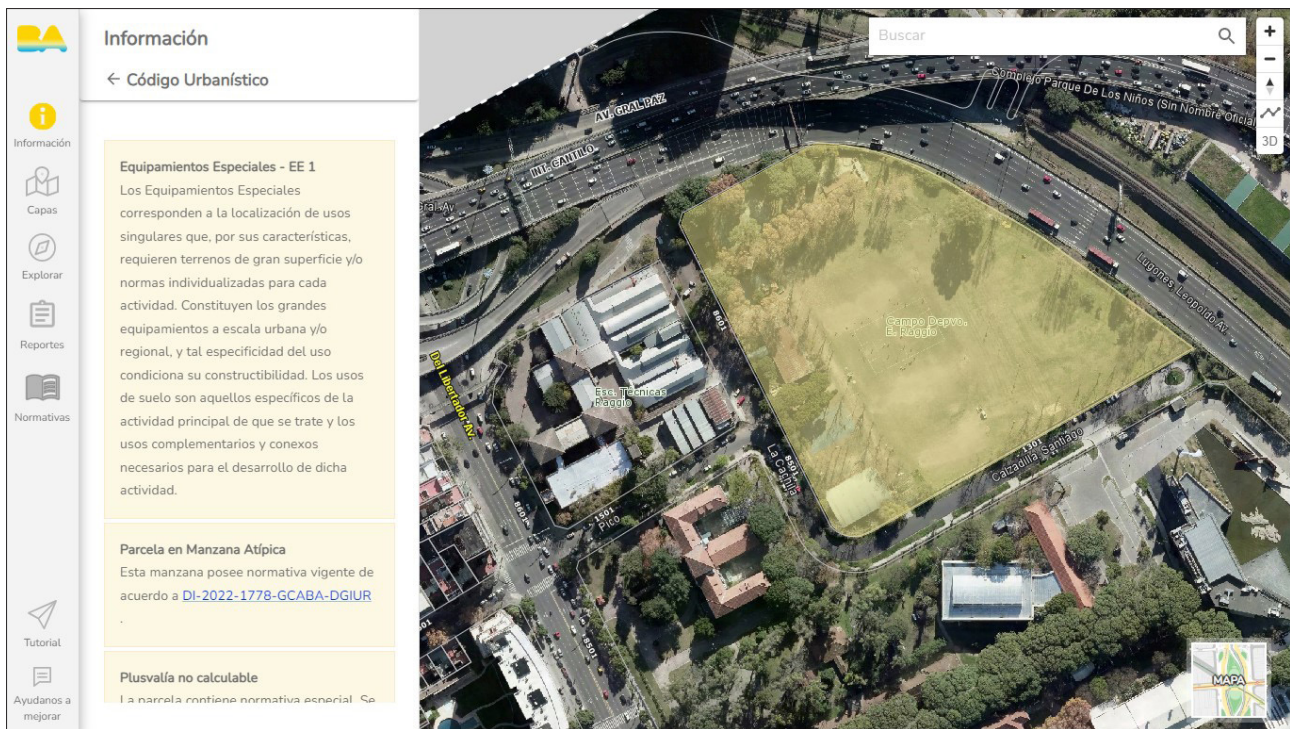
- It's a single cadastral unit: Section 029 Block 111 Lot 000, with no subdivisions, located in one single block.
- Surface of the lot: 10.613 m²
- Built surface: 11.002 m²
- Zoning according to the Autonomous City of Buenos Aires' Urban Planning Code: Special Equipment "EE1 Raggio Technical School and Sports Field".
- Heritage protection by the Autonomous City of Buenos Aires: APH (Historical Protected Area), firm law, singular protection, protection level: injunction.



“Special Equipment EE1 - Raggio School” (Source: Ciudad 3D, Autonomous City of Buenos Aires Government).

The plot of the Raggio School Sports Field is defined by the following parameters:

- It's a single cadastral unit: Section 029 Block 110B Lot 000, with no subdivisions, located in one single block.
- Surface of the lot: 30.203,1 m²
- Built surface: 310 m²
- Zoning according to the Autonomous City of Buenos Aires' Urban Planning Code: Special Equipment “EE1 Raggio Technical Schools and Sports Field”.



“Special Equipment EE1 - Raggio School Sports Field” (Source: Ciudad 3D, Autonomous City of Buenos Aires Government).

According to the Urban Planning Code for the Autonomous City of Buenos Aires, these zonings are defined in the following way:

Special Equipment (EE)

They correspond to the location of unique uses that, due to their characteristics, require large area lots and/or individualized standards for each activity. They constitute large facilities on an urban and/or regional scale, and the specific nature of their function determines their constructability. The EE are governed by their specific unique regulations, which are developed for each particular EE.

Allowed land uses for EE zoning

They are those specific to the main activity of the EE, which in this case is School Facilities, and any complementary and related uses necessary for such activity.

Special provisions for EE zoning

The main use must be maintained and any interventions and/or complementary constructions cannot be larger than twenty per cent (20%) of the total surface of the lot.

This represents 2.122,6 m² in the case of the Raggio School and 6.040,62 m² in the case of its Sports Field. Today, the Raggio School tops that limit because its buildings are prior to the regulation. Regarding the Sports Field, the maximum that could be added to the current buildings on this lot is 5.730 m², yet with height limitations.

In case of any project intended to alter the lot in such a way that it would affect a surface larger than twenty per cent (20%) of the total lot surface, or it is intended to incorporate any uses that alter the predominant nature, or it is intended to cease the main use of the lot, the issue will be evaluated at first instance by administrative proceedings. If the issue overcomes that instance, it should be elevated to the Legislature of the Autonomous City of Buenos Aires for its consideration, and treated under the due legislative procedure, which includes public hearings.

Other Provisions

The plot of the Raggio School, which was founded in 1924 and operates under the Government of the Autonomous City of Buenos Aires, has heritage protection. This listing criteria is a protection instrument for the safeguarding and enhancement of buildings based on their valuation criteria. The listing process determines the regulations that will govern each listed building and their level of protection. The constructions of the Raggio School are specially regulated by the Urban Code in order to preserve their urban value.

Conclusion

Given this status related to urban and heritage regulations, and considering that the lapse of the cycle of validity of the Urban Planning Code involves temporal periods of almost half a century (the current Urban Planning Code dates back to 2017), we can state that the conditions of the surroundings are stable, and that stability will last in time.

Also, the modification of the Urban Planning Code includes public consultations through citizen and sectorial workshops lead by the Legislature of the Autonomous City of Buenos Aires, a procedure that takes several years and includes public hearings and direct participation of stakeholders.

1.2.2 The case of Del Libertador and Comodoro Rivadavia avenues

As we mentioned above, the nominated property's urban surrounding is consolidated, and their potential evolution poses no risks and/or threats. There is no provision to change the paths of Del Libertador and Comodoro Rivadavia avenues in the planning set in the Urban Planning Code of the Autonomous City of Buenos Aires, which was passed in 2017 and has an average expected life span of approximately 50 years.

On the other hand, the Urban Planning Code classifies the components of the Road Network according to its morphological and operational characteristics. Hence, the Del Libertador Avenue is considered a primary road, and Comodoro Rivadavia Avenue a secondary road. The Autonomous City of Buenos Aires' current legislation states that changing the path of any of those types of roads requires —due to their incidence in the urban structure, the affectation of the owners' property rights located on the avenues, and the necessary budget allocation— the approval by the Buenos Aires Legislature and the participation of stakeholders through public hearings.

Lastly, it is worth mentioning that the Executive Body of the Public Entity “Space for Memory and for the Promotion and Defense of Human Rights (former ESMA)” is made of representatives from the Government of the Autonomous City of Buenos Aires, which in practice means that consultations are conducted before any minor modification of these roads. For example, that is what happened for the installation of bicycle paths and new bus stops in the urban transport system on Del Libertador Avenue, which was made once the project and its execution was agreed with the authorities of the Public Entity.

1.3 Buffer zone protection and management system

The buffer zone presents a protection and management system articulated with the property, since its authorities are responsible for the administration of the common spaces in the premises (internal streets, entrances, and garden areas), the assignment of buildings to non-government organizations or State institutions related to the defense of Human Rights, and the general coordination of the activities that take place there.

The buffer zone is governed by the Public Entity “Space for Memory and for the Promotion and Defense of Human Rights (former ESMA)”, an interjurisdictional body formed by representatives of the National Government, the Government of the Autonomous City of Buenos Aires, and Human Rights organizations. Such composition strengthens the capacity to implement and monitoring protection measures in the urban environment of the property and the buffer zone, as Public Entity decisions are made unanimously, and the Government of the Autonomous City of Buenos Aires —in charge of managing the urban environment— is an integrated part of that institution.

As we pointed out in the case of minor changes on Del Libertador Avenue, the participation of a representative of the Government of the Autonomous City of Buenos Aires in the Executive Body of the Public Entity “Space for Memory and for the Promotion and Defense of Human Rights (former ESMA)” provides direct influence on the evolution of the immediate urban environment without the need to extend the decision-making process to other instances. In turn, the presence of a National Government representative on the same Executive Body enables consultations for cases such as federal works and projects.

In addition, a series of regulations related to practices and protection measures —backed by local and national legislation— converge in the property and its buffer zone, and clearly define the buffer zone around the nominated asset in a stable and reliable manner, protecting its OUV, its Integrity and its Authenticity. These protection measures include specific regulations both for the property and for the buffer zone itself, as detailed in section **5.b Protective designation** of the Nomination Dossier (pp.236-238) and are mapped on the plan presented on p. 239.

1.4 Interaction of the buffer zone with the nominated property

The definition of the buffer zone is made up of several layers of interaction with the nominated property: the historical, heritage, judicial, and urban aspects, involving property rights and a common legal framework. It is also associated with the cultural resignification of the whole ESMA premises: the fact of being a former Navy educational complex that was used for the planning and execution of State Terrorism and is now dedicated to the defense and promotion of Human Rights, accompanies and reinforces the visibility of the former Clandestine Center's transformation into the Museum and Site of Memory.

All the buildings in the buffer zone, including the former Officers' Quarters, were part of the ESMA institution ever since the 1940s. For this reason, the proposed delimitation is consistent with its historical evolution, well beyond its role as a Clandestine Center for Detention, Torture and Extermination between 1976 and 1983. In addition, at an urban level, the proposed buffer zone forms a cadastral unit that occupies the entire block, and whose perimeter in turn presents a consolidated physical limit that consists of a perimeter fence with controlled entrances. This is convenient for the management of pressures resulting from the influx of visitors and the prevention of other negative factors that could affect the property, such as vandalism.

All of this led to a definition of the buffer zone based on the multiple levels in which it interacts with the property, and not regarding only the historical component based on the fact that, as the ICOMOS Panel requirement states, "the School ensemble and those who worked there were an integral part of the criminal repression machinery". That feature, by itself, would be insufficient to achieve the required consistency and effectiveness.

Regarding the concern the ICOMOS Panel has expressed about the fact that "around the nominated property, there is no protective buffer area", we highlight the fact that the nominated property is physically located within the limits of the premises defined as the buffer zone, which is surrounded by a fenced perimeter. In addition to the aforementioned articulation between the management of the buffer zone and that of the nominated property, the representatives of Human Rights organizations that co-govern the Public Entity make up the ESMA Museum and Site of Memory's Advisory Council, and they are the ultimate guarantee of its protection, since, as we pointed out before, the Executive Body of the Public Entity makes all its decisions unanimously.

For all of the above, we believe that the buffer zone defined in the Nomination Dossier is the one that better allows the management of any negative changes, risks and/or threats on the nominated property that may arise in the future, and also the one that best helps to define and preserve its OUV, its Integrity and its Authenticity in the long term.

PART 2:

LONG-TERM INVOLVEMENT

Both the nominated property, the ESMA Museum and Site of Memory, and its defined buffer zone, the Space for Memory and for the Promotion and Defense of Human Rights (former ESMA), are judicially and institutionally protected by a series of legal instruments detailed in section **5.b Protective designation** (pp. 236-239) and in section **5.c Means of implementing protective measures** (pp. 240-242) of the Nomination Dossier and copies of them can be found in the Annexes to the Nomination Dossier, in **Section 1. Texts concerning legal status**.

In those sections, we point out that several protection measures corresponding to all levels of government —local, national, and international— and involving to diverse institutions converge on the property and its buffer zone. In addition, these protection measures emanate from the three fundamental Powers of the Argentine democratic system —the Executive, the Legislative and the Judiciary—, which strengthens the current protection.

At the heritage level, the property has the highest level of protection provided by national regulations, since it has been listed as National Historic Monument by National Decree No. 1.333/2008, thus remaining under the protection of the National Commission of Monuments, Sites and Historical Assets. The scope of this institution is defined by National Law No. 12.665/1940 and its amendments. The functions of this Commission, which operates under the orbit of the Ministry of Culture, includes conducting the supervision of all heritage assets listed at a national level, authorizing any preservation works as well as providing technical assistance. In accordance with this measure and by the same Decree No. 1.333/2008, the former ESMA property —defined as a buffer zone in the Nomination Dossier— was listed as National Historic Site.

At the memorial level, National Law No. 26.691/2011 on “Preservation, signage and promotion of Sites of Memory on State Terrorism” guarantees the transmission of Memory through its preservation, signage and public promotion. Within this legal framework, the Museum and Site of Memory receives advice and collaboration from the National Directorate of Sites of Memory, through its Technical Conservation Team.

There is yet another level of protection of the property, established by the regulations concerning the creation of the institutional and administrative framework for both the ESMA Museum and Site of Memory and its buffer zone, the Space for Memory and for the Promotion and Defense of Human Rights (former ESMA). On the one hand, the Agreement No. 8/2004 signed by the National State and the Autonomous City of Buenos Aires for the creation of the Public Entity “Space for Memory and for the Promotion and Defense of Human Rights” and its ratifications: National Law No. 26.415/2008 and Laws of the Autonomous City of Buenos Aires No. 1.412/2004 and No. 2.599/2007. This set of legal instruments defines the nature of the Public Entity “Space for Memory and for the Promotion and Defense of Human Rights (former ESMA)” as an interjurisdictional, autonomous and self-sufficient body, created with the purpose of enabling coordinated actions between the National Executive, the Government of the Autonomous City of Buenos Aires and the Human Rights organizations

to carry out a policy of Memory where there used to be a policy of torture and extermination. The Public Entity has the capacity to coordinate the activities taking place on the former ESMA property and to arrange the destination and roles of the buildings in the premises.

On the other hand, Decree No. 1.133/2015 labelled “Creation of the ESMA Museum and Site of Memory - Former Clandestine Center of Detention, Torture and Extermination” establishes the administrative and institutional framework for the ESMA Museum and Site of Memory, provides an organization chart, purpose, staff resources and set its status as a decentralized body within the scope of the Human Rights Secretariat, under the Ministry of Justice and Human Rights. As these laws acknowledge Human Rights organizations as both an Advisory Council for the Museum and Site of Memory and members of the Executive Body that manages the Public Entity “Space for Memory and for the Promotion and Defense of Human Rights (former ESMA)”, there is an institutional reinsurance against any initiative aimed at reducing the professional and financial resources these spaces need to fulfill their mission of transmitting the values of Memory, Truth and Justice and promoting Human Rights to strengthen the democratic system of the Argentine Republic.

On a judicial level, the intangibility rulings that resulted from several judicial cases and were ratified by the National Supreme Court of Justice constitute outstanding protection, as they establish solid legal precedents that do not have a statute of limitations, since those measures were applied within the framework of trials for crimes against humanity. On the one hand, the injunction “Palacio de Lois, Graciela –ex Fair No. 10/98– and another enacted by the National Executive Branch in accordance with Protection Act 16986” to Case No. 149/1998, and its ratifying sentence issued on 2/13/2001 by the National Supreme Court of Justice, established a prohibition to demolish the buildings on the ESMA premises, with the aim of preserving assets that can constitute valuable evidence in relation to events of recent history, and considering them cultural heritage of Argentine society as a whole. The ruling recognizes two of the rights historically claimed by the victims: the right to Truth and the right to Memory, which would be affected by the demolition of the ESMA buildings.

Subsequently, through Incident No. 34 in “Judicial protection on the ESMA premises”, in Case No. 14.217/03, labelled “Navy School of Mechanics v/Report”, the building of the former Officers’ Quarters is preserved as court evidence in the so-called “ESMA Mega-Case”, related to the events that occurred in the Clandestine Center of Detention, Torture and Extermination that operated between 1976 and 1983. In the context of that case, physical protection measures for the premises were established and an action protocol was issued for preservation tasks in the building, under the guardianship of the National Federal Criminal and Correctional Court No. 12, Secretariat No. 23, of the Nation’s Judiciary.

Finally, at the international level, the ESMA Museum and Site of Memory is protected as a cultural asset by the Blue Shield for the protection of heritage in situations of war and disasters, granted by an International Committee that covers prevention and response in crisis and post-crisis situations, within the framework of the *Convention for the Protection of Cultural Assets in the event of Armed Conflict*, approved by National Law No. 23.618/1988, and under the jurisdiction of the National Ministry of Defense, the Ministry of Foreign Relations, the Office of the President and UNESCO. Besides, on June 2nd 2023, the Museum and Site of Memory has been listed as a Cultural Asset of the MERCOSUR, with the approval of the representatives of Argentina, Brazil, Paraguay and Uruguay,

as State members, and the consensus of the representatives of Bolivia, Chile, Colombia, Ecuador, Guyana, Peru and Surinam, as associate States (see Technical Report in **Section 6. Nomination of ESMA Museum and Site of Memory for MERCOSUR's Cultural Assets List** of the Annexes to the Nomination Dossier).

Taking into account all of the aforementioned, we consider that the current institutional structures for the management and protection of both the ESMA Museum and Site of Memory and the Space for Memory and for the Promotion and Defense of Human Rights (former ESMA) —which were specifically developed on the basis of consensus and with the participation of various government bodies and stakeholders— make up a solid institutional legal framework that is capable of guaranteeing the institutional integrity of both the nominated property and its buffer zone and, based on that, they are capable of sustaining themselves in the long term. Given that the creation of this multiple protection was progressive, and it took decades of debates at all levels, dismantling would require questioning the nation's political organization as a representative democracy, the constitutional rank granted to International Treaties in 1994, and the validity of both the laws passed in accordance and the judicial rulings based on them.