



# THE PROTECTION OF MOVABLE CULTURAL PROPERTY

Collection of legislative texts

**Cuba**

Unesco 1985

*Collection of legislative texts concerning  
the protection of movable cultural property*

C U B A

CLT-85/WS26

*The designations employed and the presentation of material in this document do not imply the expression of any opinion whatsoever on the part of UNESCO concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.*

## P R E F A C E

*Since its foundation UNESCO has been constantly engaged in an effort to protect cultural property against the dangers of damage and destruction which threaten it and, in particular, against dangers resulting from theft, clandestine excavations and illicit traffic. The work carried out in this field in recent years has shown that national laws and regulations governing the protection of movable cultural property are little known abroad. This has prompted UNESCO to embark on the collection and distribution of legislative texts for the information and use of national services for the protection of the cultural heritage, museum curators, art dealers, antique dealers, private collectors, customs and police services, and anyone else required to have a knowledge of the legal status of cultural property, with a view to fostering international co-operation in the prevention and repression of offences concerning movable cultural property.*

*UNESCO has already published two volumes of a compendium containing extracts from the legislation in force in forty-five Member States. These appeared in French in 1979 and 1981 under the title "La protection du patrimoine culturel mobilier - Recueil de textes législatifs" and in English in 1984 under the title "The Protection of Movable Cultural Property - Compendium of Legislative Texts".*

*The publication of legislative texts governing the protection of movable cultural property is being pursued in the form of a series of booklets, each presenting the laws and regulations of one country. The booklets will, as far as possible, contain the full texts of legislation dealing with :*

- . the definition of protected movable cultural property*
- . the system of ownership and use*
- . the extent of protection*
  - inventory, registration, scheduling, declaration*
  - rights and obligations of the owner, the person in possession or control and the authorities with respect to protected property*
  - regulation of trade in antiquities*
  - export regulations*
  - import regulations*
- . fortuitous discoveries and archaeological excavations*
- . sanctions*
- . authorities responsible for protection*

*The legislative texts are preceded by a brief introduction which provides information on the international conventions concerning the protection of movable cultural property to which the State concerned is party and gives the list of the texts reproduced in the booklet. The introduction also contains an index of the main provisions of national laws and regulations which concern specifically the protection of movable cultural property arranged under the above headings.*

*An index of national laws and regulations concerning the protection of movable cultural property in force in the Member States of UNESCO will be issued at a later date.*

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### INTERNATIONAL CONVENTIONS CONCERNING THE PROTECTION OF MOVABLE CULTURAL PROPERTY TO WHICH THE STATE IS PARTY

*Convention and Protocol for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1954).*

*Instruments of ratification of the Convention and of the Protocol deposited on 26 November 1957. The Convention and the Protocol entered into force with respect to Cuba on 26 February 1958.*

*Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris, 1970).*

*Instrument of ratification deposited on 30 January 1980. The Convention entered into force with respect to Cuba on 30 April 1980.*

### NATIONAL LAWS AND REGULATIONS SPECIFICALLY CONCERNING THE PROTECTION OF MOVABLE CULTURAL PROPERTY

- Cultural Heritage Protection Law No. 1 of 4 August 1977*
- National and Local Monuments Law No. 2 of 4 August 1977*
- Decree No. 55 of 29 November 1979 - Regulations for the Enforcement of the National and Local Monuments Law*

### INDEX OF MAIN PROVISIONS BY SUBJECT-MATTER

<u>Definition of protected property</u>	Article 1 of Law No. 1 Articles 1 and 2 of Law No. 2 Articles 1, 2 and 7 of the Regulations
<u>System of ownership</u>	Articles 10 and 18 of Law No. 2
<u>Extent of protection</u>	
- Declaration and registration	Articles 3, 4, 5 and 6 of Law No. 1 Articles 2 and 4 paragraph 3, Articles 10, 11 and 15 of Law No. 2 Articles 29 to 36 of the Regulations
- Rights and obligations of the owner, the person having possession or control and the competent authorities	Articles 5, 6, 7, 9 and 10 of Law No. 1 Articles 10, 13 and 19 of the Law No. 2 Articles 31, 36 to 39 of the Regulations

- *Export regulations*                      *Articles 8, 11, and 12 of Law No. 1*  
*Article 17 of Law No. 2*  
*Articles 72 and 73 of the Regulations*

- *Import regulations*                      *Article 13 of Law No. 1*

*Fortuitous discoveries and  
archaeological excavations*

- *Fortuitous discoveries*                      *Article 18 of Law No. 2*  
*Articles 77 and 78 of the Regulations*

- *Archaeological  
excavations*                      *Article 18 of Law No. 2*  
*Articles 74 to 76, 78 to 85 of the Reg-  
ulations*

*Sanctions and penalties*                      *Article 5, paragraph 2, Articles 9 and  
12 of Law No. 1*

*Authorities responsible  
for protection*                      *Articles 2 and 4 of Law No. 1*  
*Articles 3 to 9 of Law No. 2*  
*Articles 8 to 28 of the Regulations*

CULTURAL HERITAGE PROTECTION LAW<sup>(1)</sup>

SECTION I

GENERAL PROVISIONS

Article 1. The purpose of the present Law is to identify that property which, on account of its special relevance to archaeology, prehistory, history, literature, education, art, science or culture in general, goes to make up the Cultural Heritage of the Nation, and to establish suitable means for protecting such property.

Article 2. The Ministry of Culture shall be the body responsible for specifying and declaring which property should form part of the Cultural Heritage of the Nation.

SECTION II

NATIONAL REGISTER OF CULTURAL PROPERTY

Article 3. A National Register of the Cultural Property of the Republic of Cuba shall be established and attached to the Ministry of Culture.

The Register referred to in the preceding paragraph shall record, in addition to data making it possible to identify the property, the place where it is situated, the natural or legal person who owns it by any entitlement whatsoever, and the reason why the said property is of cultural interest.

Article 4. In order to ensure optimum fulfilment of its functions and the requisite co-ordination arrangements, the National Register of Cultural Property shall have the benefit of the services of a body of representative advisers, appointed by the following: the State Finance Committee, the National Bank of Cuba, the Ministry of Communications, the Ministry of Education, the Ministry of Higher Education, the Ministry of the Revolutionary Armed Forces, the Ministry of the Interior, the Ministry of Justice, the Ministry of Foreign Affairs, the Academy of Sciences of Cuba, the Cuban Radio and Television Institute, the National Tourism Institute, the General Customs Department of the State Finance Committee, and the Institute for the History of the Communist Movement and the Socialist Revolution of Cuba.

At the proposal of these representatives, the Ministry of Culture may decide to include among the advisers representatives appointed by other bodies which, on account of the nature of their functions, can contribute to the attainment of the objectives of this Law.

Article 5. Any natural or legal person owning, by any title whatsoever, property that is part of the Cultural Heritage of the Nation shall be required to declare said property by notification to the National Registry of the Cultural Property of the Republic of Cuba, but such notification shall not entail any change in the title to ownership.

All those who fail to meet this obligation by the established deadlines shall be punished in accordance with the laws in force.

(1) Published in the Official Gazette of the Republic of Cuba on 6 August 1977.

(Unofficial translation prepared by Unesco).



Article 6. When a piece of property is declared to be part of the Cultural Heritage of the Nation, it shall automatically be registered in the National Register of Cultural Property. Such registration shall be notified, within no more than 30 days, to the owner, possessor, user or holder by whatever title or capacity, who shall be required to guarantee the conservation and absolute integrity of the aforesaid property.

### SECTION III

#### PROTECTION OF CULTURAL PROPERTY

Article 7. Cultural property covered by this Law is hereby declared to be in the public interest and of social significance, and shall not be destroyed, renovated, modified or restored without prior authorization by the Ministry of Culture.

Article 8. Property covered by this Law shall be removed from the national territory only by the express authorization of the Ministry of Culture and for the period of time set by it.

Article 9. Control over or possession of any property protected by this Law shall not be transferred unless the Ministry of Culture has given its prior and express authorization to that effect.

Anyone who infringes this provision shall be punished in accordance with the laws in force and the property in question shall be liable to seizure.

Upon receipt of the application for the authorization referred to the first paragraph of this article, the Ministry of Culture shall avail itself of its preferential right to acquire such property at a suitable price.

Article 10. When the transfer referred to in the preceding article is to be made to a natural or legal person residing outside the national territory, the State may make use of the preferential right mentioned above to acquire such cultural property, at the price set by the seller or person relinquishing title and if there are any doubts about the correctness of this price, at a price set by experts appointed for that purpose.

Article 11. The civil servants and agents of the authority responsible for inspecting exports made by any route whatsoever shall suspend the processing of shipment applications if they know or have reasons to suspect that it involves the removal of any item of property covered by the present Law, and they shall report through regular channels to the Ministry of Culture so that after verification it can decide what action is to be taken.

Article 12. Removal or attempted removal from the national territory of cultural property protected by this Law without having first obtained the authorization of the Ministry of Culture, shall be deemed to be a crime of smuggling and shall be punished in accordance with the provisions of criminal law. Such property shall in all the cases be confiscated.

Article 13. Natural or legal persons who bring into the country, on a temporary basis, any property covered by the present Law shall declare it to the appropriate customs officials who shall issue a temporary admission document to the importer for presentation to the Customs when re-exporting it, otherwise if this requirement is not met, he shall not be allowed to take such property out of the country.

#### TRANSITIONAL MEASURES

I. The Ministry of Culture shall, within a period of no more than 180 days following the promulgation of this Law, organize and set in operation the National Register of the Cultural Property of the Republic.

II. The Minister of Culture shall be responsible for preparing and drafting the draft Regulations of this Law, and shall submit them to the Council of Ministers for approval within a period of no more than one year after this Law comes into force, and pending approval thereof, shall be empowered to issue resolutions and other provisions which he may deem necessary in order to give effect to the provisions of this Law.

#### FINAL PROVISIONS

I. The Ministers of Culture, of Foreign Affairs and of Transport, the Director-General of Customs, and other heads of bodies referred to in this Law or who have to do with the measures laid down therein, shall ensure that the parts that concern each of them are enforced.

II. All legal provisions and regulations are superseded if they run counter to the fulfilment of the provisions of this Law which shall come into force when it is published in the Official Gazette of the Republic.

In the City of Havana, this fourth day of August of the year nineteen hundred and seventy-seven.

Blas Roca Calderío

Law No. 2

NATIONAL AND LOCAL MONUMENTS LAW (1)

SECTION I

NATIONAL AND LOCAL MONUMENTS

Article 1. 'National Monument' shall mean any historic urban centre and any building, site or object of an exceptional nature, that deserves to be preserved on account of its cultural, historic or social significance to the country, and which has been so declared by the National Monuments Commission.

'Local Monument' shall mean any building, site or object which, while not meeting the requisite conditions for being declared a national monument, nevertheless deserves to be preserved on account of its cultural, historic or social interest for a given locality, and which has been so declared by the National Monuments Commission.

'Historical Urban Centre' shall mean any complex made up of buildings, public and private areas, streets, squares and other geographical or topographical features that give it shape and constitute its setting and that at a given time in history presented a definite unitary aspect, being the expression of an individualized and organized social community.

The term 'Buildings' shall be used to cover the work or set of works made by man at any time from prehistory down to the present time, and may be civilian, commemorative, domestic, industrial, military or religious in nature.

'Sites' shall mean all those spots, places or areas where a significant historical, scientific, ethnographical or legendary event or process has occurred, or those that possess features of architectural homogeneity or an unusual urban layout, as well as those where the inherent aspects of nature warrant preservation and protection. They may be of an archaeological, historical, natural or urban nature.

'Objects' shall mean those elements which, on account of their exceptional historic, artistic or scientific significance, deserve to be preserved and protected regardless of whether they are to be found in an official institution or are held by private persons.

Article 2. The declaration as a National Monument or Local Monument may apply:

- (1) on account of their historical value: to those buildings, sites and objects worthy of being preserved owing to their connection with an important event in our political, social, scientific or cultural history;
- (2) on account of their artistic value: those buildings, monumental sculptures and objects whose style or decorative details bestow a value on them that is worthy of being preserved;
- (3) on account of their environmental value: those historical urban centres and buildings that, owing to their form and architectural nature, have through use and custom come to represent the characteristic environment of a given period or region;

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(1) Published in the Official Gazette of the Republic of Cuba on 6 August 1977. (Unofficial translation prepared by Unesco).

- (4) on account of their natural or social value: those sites with inherent scientific or cultural characteristics or which, on account of their geological or physiographical formations, form the habitat of highly valuable or endangered animal or plant species.

SECTION II

THE NATIONAL MONUMENTS COMMISSION

Article 3. A National Monuments Commission shall be set up under the Ministry of Culture.

Article 4. The National Monuments Commission shall have the following duties:

- (1) to prepare studies and plans for the localization, preservation and restoration of buildings, sites and objects declared or to be declared National or Local Monuments;
- (2) to authorize, inspect and supervise any work to be carried out on a building, site or object declared to be a National or Local Monument, and to decide what type of work needs to be carried out on them;
- (3) to declare which buildings, sites and objects are National or Local Monuments in accordance with the provisions of the present Law. The National Commission shall be the only body empowered to make such a declaration;
- (4) to review works, objects, installations, buildings and constructions and arrange, whenever necessary, to have the requisite modifications made in order to restore their full authenticity and their true historical significance in relation to the origins and achievements of our people;
- (5) to keep the archives and documentation on National and Local Monuments;
- (6) to guide and supervise the work of the Provincial Monuments Commissions;
- (7) to apply any other provisions or guidelines that the Ministry of Culture may issue or communicate in this regard.

Article 5. The National Monuments Commission shall be made up of a Chairman, an Executive Secretary and a representative of each of the following bodies:

Ministry of Construction, Ministry of Education, Ministry of Higher Education, Academy of Sciences of Cuba, National Tourism Institute, Physical Planning Institute of the Central Planning Board, National Institute of Forestry Development and Exploitation, and the Institute of the History of the Communist Movement and the Socialist Revolution of Cuba. The Commission shall also include a representative of the Association of Architects of Cuba and representatives from any other body that the Ministry of Culture may consider necessary.

Article 6. The Chairman of the National Monuments Commission shall be appointed and may be dismissed by the Ministry of Culture; the Executive Secretary shall be the person holding the post of Director of the Cultural

Heritage Department in the Ministry of Culture, and the remaining members shall be appointed respectively by the heads of the bodies referred to in the preceding article, who shall be free to dismiss them either on their own initiative or at the request of the Commission.

### SECTION III

#### PROVINCIAL MONUMENTS COMMISSIONS

Article 7. Provincial Monuments Commissions shall be set up and attached to the Sectoral Department of Culture of the Executive Committees of the Provincial Assemblies of the People's Power and shall be under the technical and methodological management of the Ministry of Culture.

Article 8. The Provincial Monuments Commissions shall have the following responsibilities and duties:

- (1) to adopt the most stringent measures for the preservation of National and Local Monuments in their territory;
- (2) to oversee the preservation of National and Local Monuments in their territory and carry out research and public information work in their connection;
- (3) to keep and conserve the archives and documentation on National and Local Monuments in their territory;
- (4) to process and submit to the National Commission proposals for National or Local Monument declarations;
- (5) to supervise the upkeep of those buildings, sites and objects, of local value that do not meet the requirements for being declared Local Monuments;
- (6) to comply with the guidelines of the National Monuments Commission.

Article 9. The Provincial Monuments Commissions shall be made up in a manner similar to that indicated in Article 5 of this Law, of representatives of the administrative departments of the Executive Committees of the Provincial Assemblies of the People's Power which play a role in the national bodies mentioned in the aforesaid article. It shall not be necessary for all the bodies mentioned in Article 5 to be represented in every activity carried out by the Provincial Monuments Commissions.

In the event that the activities of the bodies referred to in Article 5 do not fall within the purview of one of the administrative departments of the People's Power in the provinces, and representation of the body in question is deemed indispensable, a delegate shall be appointed by the relevant national body.

The Chairman and Executive Secretary of the Provincial Monuments Commissions shall be appointed and may be dismissed by the Executive Committee of the Provincial Assemblies of the People's Power at the proposal of the relevant Sectoral Department and upon hearing the opinion of the National Commission.

SECTION IV

PROTECTION AND RESTRICTIONS PERTAINING TO NATIONAL  
MONUMENTS, LOCAL MONUMENTS AND PROTECTED AREAS

Article 10. A building, historic-urban centre, site or object declared to be a National Monument or a Local Monument shall be deemed to be in the public interest and shall be subject to the measures of protection and restrictions laid down in this Law.

Once the declaration referred to in the preceding paragraph has been made, the National Commission shall transmit it to the owner or possessor of the property in question. If the National or Local Monument belongs to a private person, the State reserves the right to acquire it, if necessary, in order to preserve it. Should no agreement be reached with the owner or possessor, the National Commission shall initiate, in accordance with existing legislation, the appropriate proceedings for compulsory expropriation.

Article 11. The National Commission, in conjunction with the Provincial Monuments Commissions, shall keep a Register of National and Local Monuments in which the place where they are found, the names by which they are known and a detailed individual description shall be recorded.

Article 12. The National Commission shall delimit the protected area which shall be the area adjacent to a National or Local Monument, both if declaration of such status has already been made as well as if investigations with a view to such declaration are under way. Once this protected area has been delimited, the National Commission shall supervise buildings erected therein, and recommend measures, whenever necessary, to demolish or modify existing buildings and limit or forbid economic activity, as appropriate.

Article 13. The administrative departments of the Local Bodies of the People's Power shall transfer to the relevant Provincial Monuments Commission any application for a licence to carry out works on a National Monument, Local Monument or any protected area, for approval or rejection by the National Commission.

The National Commission may also, whenever it deems it necessary, request and co-ordinate with other relevant bodies any restoration or conservation work on monuments.

Article 14. No industry or trade shall be set up in any immovable property declared to be a National or Local Monument or in a protected area, without the prior authorization of the relevant Commission. The authorization of the National or Provincial Monuments Commissions shall also be required for the installation of billboards, placards and decorations, and for the holding of public shows in the above-mentioned places.

Article 15. While the investigative process to determine whether a building, historic urban centre, site or object should be declared a National or Local Monument is under way, the declaration shall be considered to be pending and, consequently, such monuments shall be protected from any destruction or modification until the relevant final resolution has been adopted.

Article 16. The National Commission shall direct the Provincial Monuments Commissions to appoint officers to look after in particular those areas in their respective territories that are exceptionally valuable because of their nature or constituent elements.

Article 17. The definitive exportation of any property declared to be a National or Local Monument shall be forbidden. Only with the authorization of the National Commission after the required verifications have been completed, may a National or Local Monument be exported in whole or in part and for a specific length of time. It shall therefore be absolutely necessary to present to customs officials the certificate issued by the National Commission stating that a transfer abroad of the property in question has been authorized, and the time during which it will remain outside the national territory.

## SECTION V

### ARCHAEOLOGICAL RESEARCH

Article 18. Bodies and persons desirous of carrying out archaeological excavations or research must obtain the approval of the National Monuments Commission and, in that event, report to it on the outcome of their work. The Commission, if it grants its authorization, shall so inform the Ministry of Agriculture, the National Institute for Forestry Development and Exploitation, the National Association of Small-Scale Farmers or any other body or person that has been assigned or that possesses land where archaeological sites exist or may exist, since they shall be bound to strict compliance with the regulations set forth below.

Fortuitous archaeological finds shall be reported immediately to the National Commission so that they can be investigated by the competent body. The obligation to report such finds shall rest with the person making the discovery and the body or institution to which the site in question is assigned, or the person to whom it belongs.

No modifications shall be made to conditions prevailing on the land in question when the archaeological find referred to in the preceding paragraph occurs, until the specialists sent by the Commission have been to the place and have taken the relevant decisions.

All archaeological elements or objects turned up in an archaeological find or as a result of research shall be the property of the Cuban State and shall be governed by the regulations laid down in this Law.

## SECTION VI

### RESTORATION OF VISUAL ART WORK IN MONUMENTS

Article 19. The National Monuments Commission alone shall authorize restoration of visual art works in National or Local Monuments, such work to be carried out under the management and supervision of the Commission.

The relevant Commission shall report to the competent authorities when any work is being carried out or has been carried out on a National Monument, Local Monument or in a protected area without its prior authorization.

## FINAL PROVISIONS

- I. The Ministry of Culture shall be responsible for drawing up the draft Regulations and submitting them to the Council of Ministers for approval within a period of no more than one year, following the

promulgation of this Law, and, pending approval thereof, shall be empowered to issue any resolutions and other provisions that it may deem necessary to fulfil the provisions of this Law.

- II. Any legal provisions and regulations that run counter to the fulfilment of the provisions of this Law are hereby superseded, the Law to come into force when it is published in the Official Gazette of the Republic.

In the City of Havana, the fourth day of August nineteen hundred and seventy-seven.

Blas Roca Calderfo



DECREE NUMBER 55(1)

WHEREAS: Law No. 2 of 4 August 1977, the National and Local Monuments Law, empowered the Ministry of Culture in the first of its Final Provisions, to prepare and draw up the draft Regulations of the aforesaid Law and submit them to the Council of Ministers for approval.

WHEREAS: The Ministry of Culture, complying with the terms of the above-mentioned Final Provisions, has prepared the draft Regulations which need to be approved.

THEREFORE: By virtue of the power vested in it, the Executive Committee of the Council of Ministers hereby adopts the following:

REGULATIONS FOR THE ENFORCEMENT OF THE NATIONAL AND LOCAL MONUMENTS LAW

SECTION I

NATIONAL AND LOCAL MONUMENTS

Article 1. 'National Monument' shall mean any historic urban centre and any building, site or object which, on account of its exceptional nature, deserves to be preserved for its cultural, historical or social significance to the country, and which has been so declared by the National Monuments Commission and has been registered in the Register of National and Local Monuments.

Article 2. 'Local Monument' shall mean any building, site or object which, while not meeting the requirements needed to be declared a National Monument, deserves to be preserved on account of its cultural, historical or social interest for a given locality and which has been so declared by the National Monuments Commission and has been recorded in the Register of National and Local Monuments.

SECTION II

CLASSIFICATION OF NATIONAL AND LOCAL MONUMENTS

Article 3. Depending upon their category, National Monuments shall be classified as historic urban centres, buildings, sites or objects. Local Monuments shall be classified as buildings, sites or objects.

Article 4. 'Historic Urban Centre' shall mean any complex made up of buildings, public and private areas, streets, squares and other geographical or topographical features that give it shape and constitute its setting and that at a given time in history presented a definite unitary aspect, being the expression of an individualized and organized social community.

Article 5. The term 'Buildings' shall be used to cover the work or set of works made by man at any time from prehistory down to the present time. In classifying them, account shall be taken not of the use to which they are put at present but of their original function, and for these purposes, they

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shall be civilian, commemorative, domestic, industrial, military or religious in nature. If a given building originally served various functions simultaneously, emphasis shall be laid on the predominant function or on the one which primarily gives it value.

'Civilian Buildings' shall be those whose original function was collective or public in nature, such as government buildings, cemeteries, theatres, business establishments, offices, shops, hospitals, schools, promenades, tree-lined avenues, parks, squares, schools, etc.

'Commemorative Buildings' shall be those whose primary function has been to recall an individual or a historical event of national or local importance, and those that have been mainly ornamental or whose purpose is to give specific significance to the area where they are found, such as statues, mausoleums, shields, obelisks, fountains, funerary stone slabs, busts, sculptures, arches of triumph, etc.

'Domestic Buildings' shall be those whose basic original function was to provide housing, such as dwelling homes, town houses, farms, chalets, palaces, etc.

'Industrial Buildings' shall be those that were originally productive, industrial or agro-industrial in nature, such as ore-grinding mills, sugar refineries, cigar factories, coffee plantation buildings, and factories in general.

'Military Buildings' shall be those that were originally used for defence, surveillance or for the housing of troops, such as forts, castles, ramparts, railway lines, barracks and others.

'Religious Buildings' shall be those that were initially the place of religious ceremonies or related activities, such as churches, parish buildings, chapels, seminaries and convents.

Article 6. 'Sites' shall mean all those urban or rural spots, places or areas where a significant historic, scientific, ethnographic or legendary event or development has taken place, or those that possess features of architectonic homogeneity or an unusual urban layout, as well as those where the inherent aspects of nature warrant preservation and protection. Sites may be natural, archaeological, urban or historical.

'Natural sites' shall be any geological, physiographical, geographical or biological formations or groups thereof that are of especial importance from the point of view of science, natural beauty or the joint works of man and nature.

'Archaeological sites' shall be those where the presence of features that are vestiges of the material culture and life of men in the past and that deserve to be studied or preserved on account of their scientific or cultural significance has been detected or may be detected on land, in the subsoil or beneath the water. This category shall include wrecks on the sea-floor, in rivers or in lakes.

'Urban Sites' shall be those made up of buildings which, within the limited area of a district, town or city, are of especial significance on account of their architectonic features, their environmental nature or their harmony with the landscape.

'Historic Sites' shall be those places where major events in national or local history have occurred.

Article 7. 'Objects' shall mean those arms, paintings, sculptures, scientific instruments, natural formations taken out of their setting, or any other property which, on account of their exceptional cultural, historic or social significance, deserve to be preserved and protected.

### SECTION III

#### NATIONAL MONUMENTS COMMISSION

Article 8. The National Monuments Commission is a body attached to the Ministry of Culture, as established by Law No. 2, of 4 August 1977, the National and Local Monuments Law.

Article 9. The National Monuments Commission is made up of a Chairman, an Executive Secretary and a representative appointed by the heads of each of the following bodies:

1. Ministry of Construction
2. Ministry of Education
3. Ministry of Higher Education
4. Academy of Sciences of Cuba
5. National Tourism Institute
6. Physical Planning Institute of the Central Planning Board
7. National Institute of Forestry Development and Exploitation
8. Institute of the History of the Communist Movement and the Socialist Revolution of Cuba

The Commission shall also include a representative of the Cuban Association of Architects and representatives of as many organizations as may be deemed necessary by the Ministry of Culture, each appointed by the head of the relevant organization.

Article 10. The Chairman of the National Monuments Commission shall be appointed and may be dismissed by the Ministry of Culture and he shall direct and represent the National Monuments Commission.

He shall also have the power to convene and chair meetings of the National Monuments Commission.

Article 11. The Executive Secretary shall be the person holding the post of Director of the Cultural Heritage Department in the Ministry of Culture and it shall be his duty, complying in all cases with the instructions of the Chairman:

- (a) to provide the conservation and custody of documents;
- (b) to ensure that studies, projects, inventories, inspection of work and the other technical duties for which he is responsible are adequately supervised.

The Executive Secretary shall regularly inform the Chairman of the National Commission of the results of work done, measures taken and recommendations made in respect of each case.

Article 12. With a view to the optimum discharge of its duties, a group of advisers comprising historians, architects and other specialists shall be assigned to the National Monuments Commission. Members of the group of advisers shall be appointed by the Ministry of Culture upon the proposal of

the Commission; members of this group shall carry on their respective functions in the organization, body or business in which they work at the same time as those tasks assigned to them as members of the group of advisers.

Article 13. The National Monuments Commission shall meet monthly or when convened by the Chairman outside the established period, whenever for any reason whatsoever this may be necessary. Meetings of the National Monuments Commission shall also be attended, whenever this is considered necessary, by members of the group of advisers referred to in the preceding article, as well as by any other person invited to attend by the Chairman of the Commission.

Article 14. The National Monuments Commission shall be the only body with the authority to determine and declare which urban historical centres, constructions, sites or objects are National or Local Monuments.

Article 15. The National Monuments Commission shall propose to the Ministry of Culture the establishment of documentation centres, workshops and other suitable work centres, both national and provincial, in order to put into practice and implement plans for the inventorying, study, preservation and restoration of National and Local Monuments.

Article 16. The National Monuments Commission shall give effect to measures and guidelines issued or transmitted by the Ministry of Culture on matters falling within its competence and shall supervise the work of the Provincial Monuments Commissions.

#### SECTION IV

##### PROVINCIAL MONUMENTS COMMISSIONS

Article 17. The Provincial Monuments Commissions shall be attached to the Departments of Culture of the Executive Committees of the Provincial Assemblies of the People's Power; technically and methodologically they come under the Ministry of Culture.

Article 18. The Provincial Monuments Commissions shall be made up, in a manner similar to that indicated in Article 9 of these Regulations, of representatives of the administrative departments of the Executive Committees of the Provincial Assemblies of the People's Power which play a role in the national bodies mentioned in the aforesaid article. All the activities of the bodies mentioned in Article 9 need not necessarily be carried out by the Provincial Monuments Commissions.

In the event that the activities of the bodies referred to in Article 9 do not fall within the purview of one of the aforementioned administrative departments of the People's Power in the provinces, and representation of the body in question is deemed indispensable, a delegate shall be appointed by the relevant national body.

Article 19. The Chairman and the Executive Secretary of the Provincial Monuments Commissions shall be appointed and may be dismissed by the Executive Committee of the Provincial Assemblies of the People's Power at the proposal of the relevant Department, and upon hearing the opinion of the National Commission.

The person appointed Executive Secretary of the Provincial Commissions should preferably be the officer in charge of Cultural Heritage at the

Provincial Department of Culture and it shall be his duty to keep the archives and documents concerning National and Local Monuments in his province.

Should it not be possible for such an appointment in a province to go to the Cultural Heritage Officer, another officer from the Department of Culture should be appointed.

Article 20. The Provincial Monuments Commissions shall adopt the most stringent measures and supervise the preservation of National and Local Monuments in their territory as well as develop and promote research work on them and keep the public informed about them on the basis of methodological guidelines issued by the National Monuments Commission.

Article 21. The Provincial Monuments Commissions may with the approval of the National Commission, promote the co-operation of mass organizations, as well as that of state bodies in promoting knowledge about and protecting National and Local Monuments in their territories.

Article 22. The Provincial Monuments Commissions shall process and take to the National Commission proposals for the declaration of National or Local Monuments.

Article 23. The Provincial Monuments Commissions shall declare the existence and shall control the maintenance, on the basis of technical guidelines established by the Ministry of Culture, of those constructions, sites and objects in its territory which, while not meeting the requirements for being declared National Monuments or Local Monuments, nevertheless do have a specific value or social, artistic, cultural, legendary, ornamental or environmental significance.

Article 24. The Executive Secretaries of the Provincial Monuments Commissions shall submit to the Executive Secretary of the National Monuments Commission applications for authorization to carry out work on a National or Local Monument or in a protected area in their territory, for approval, in accordance with the restrictions and guidelines laid down for the level of protection of the property in question, by the National Monuments Commission.

Similarly, they shall provide information regularly on the state and condition of property in their territory which is listed in the Registry of National and Local Monuments.

When no technical guidelines have been laid down for the preservation of a given piece of property, or when existing guidelines are not explicit as regards their implementation, guidance shall be requested from the Ministry of Culture before proceeding with any work.

Article 25. Provincial Monuments Commissions may set up municipal delegations, subject to the approval of the National Monuments Commission, to look after the territory of a municipality under its jurisdiction that is exceptionally valuable on account of the amount or quality of its buildings or sites or in which conditions exist of any other nature that justify such action.

The municipal delegations shall be made up of one delegate or more, in accordance with the specific characteristics of each municipality and shall be dependent on the Provincial Monuments Commissions.

In general, members of municipal delegations shall not receive any payment whatsoever for discharging their duties in the delegation, nor shall

there be any administrative machinery or remunerated posts in the service of the municipal delegations. Notwithstanding the foregoing, the Minister of Culture may decide otherwise in exceptional cases, provided that the relevant procedures are carried out.

## SECTION V

### WORKING GROUPS OF THE NATIONAL MONUMENTS COMMISSION AND OF THE PROVINCIAL MONUMENTS COMMISSIONS

Article 26. With a view to the optimum functioning of the National Monuments Commission, the latter may set up as many working groups as necessary, the members of which shall continue to fulfil their functions in the organization, body or business in which they are employed, at the same time as those entrusted to them as members of the working group.

Working groups shall be set up for specific purposes in order to promote and make suggestions for the study, preservation, restoration, care and other aspects of those National and Local Monuments declared to be such by the National Monuments Commission.

Article 27. Working groups may be national or provincial in nature.

National working groups shall operate as dependencies of the National Monuments Commission under its methodological guidance. Provincial working groups shall operate as dependencies of the relevant Provincial Monuments Commissions under the methodological guidance of the National Monuments Commission.

Article 28. Both National and Provincial Working Groups shall comprise a chairman, a vice-chairman, an executive secretary and as many members as required in the opinion of the National Monuments Commission or the relevant Provincial Monuments Commissions.

All national or provincial working group members shall be approved by the National Monuments Commission or the Provincial Monuments Commissions as the case may be.

Chairmen of national working groups shall be appointed by the National Monuments Commission and Vice-Chairmen and Executive Secretaries shall be members of the Provincial Monuments Commission in whose territory the monument is situated.

## SECTION VI

### NATIONAL AND LOCAL MONUMENTS DECLARATION

Article 29. By virtue of the provisions of the Law and these Regulations, the National Monuments Commission shall determine and declare historic urban centres, sites, constructions or objects to be National or Local Monuments and shall take under consideration proposals made by the Provincial Monuments Commissions as well as suggestions and opinions put forward by its group of advisers or any other natural or legal person.

Article 30. The declaration of a National or Local Monument shall be made according to the value or values of the monument in terms of its historic, artistic, environmental, natural or social aspects.

'Historical value' shall be that of a National or Local Monument that is connected with an eminent person or a major event in political, social scientific or cultural history.

'Artistic or architectural value' shall be the value of a National or Local Monument of outstanding or exceptional aesthetic significance on account of its stylistic elements, building components or decorative details.

'Environmental value' shall be the value of a National or Local Monument which, on account of its form or architectural nature, has come to represent an indissociable part of the environment of a given period or region.

'Natural or social value' shall be the value of a National or Local Monument made up of a site which, on account of its scientific or cultural characteristics, or on account of its geological or physiographical aspect comprising features of stratographical or palaeontological interest, is the habitat of highly valuable or endangered animal or plant species, and thus of great interest to science and culture, or for the preservation of its natural beauty.

Article 31. Once the declaration of a National or Local Monument has been made, the National Commission shall inform the National Registry of Cultural Property and the owner or possessor thereof, and he shall be required to ensure its due preservation and protection.

Should a state body or institution or a natural or legal person in the private sector be the assignee or be in possession of the property, the National Monuments Commission may decide on the restoration thereof in accordance with the provisions of Article 58 of these Regulations.

In the event that the National or Local Monument belongs to a private person, the State reserves the right to acquire it if necessary in order to preserve it. If no agreement is reached with the owner or possessor, the National Commission shall initiate, in accordance with existing legislation, the appropriate proceedings for compulsory expropriation motivated by the public interest or social welfare.

## SECTION VII

### REGISTER OF NATIONAL AND LOCAL MONUMENTS

Article 32. The National Monuments Commission shall, in conjunction with the Provincial Commissions, keep a National and Local Monuments Register.

Article 33. The National and Local Monuments Register shall record:

- (1) National Monuments;
- (2) Local Monuments;
- (3) Immovable property which, while not possessing the values required to be declared National or Local Monuments, forms an integral part of an urban historical centre, or a site declared to be a National or Local Monument.

All property recorded in this Register shall be subject to the same provisions laid down by the Act and by the Regulations.

Article 34. All the data whereby the Monument can be identified, such as the place where it is found, its name, classification, protected area, owner, use, restrictions, evaluation, date of construction, level of protection, inventory number, description, state of preservation, conservation measures proposed, biological and documentary reference, period of localization, identification photograph, and any other data considered necessary for inclusion shall be recorded in the National and Local Monuments Register.

The Executive Secretaries of the Provincial Commissions shall keep a copy of the National and Local Monuments Register for their territory.

Article 35. The National Monuments Commission shall issue, in an official publication, the report on property listed in the National and Local Monuments Register and shall provide copies to the National Registry of Cultural Property, the Provincial Monuments Commissions, agencies of the Assemblies of the People's Power, and to any other body or institutions that is entitled to be informed.

The Provincial Monuments Commissions shall issue reports on the property in their respective territories listed in the Register of National and Local Monuments to the agencies of the Provincial and Municipal Assemblies. Natural or legal persons owning or possessing such monuments shall also be informed.

Article 36. Transfer deeds concerning property listed in the National and Local Monuments Register shall include in the relevant assignment a statement to the effect that the property involved in the transaction is listed in the National and Local Monuments Register. The parties concerned with such deeds shall report to the National Monuments Commission, through the relevant Provincial Monuments Commissions, within 30 days following the day on which the deed in question was signed.

## SECTION VIII

### PROTECTION OF MONUMENTS

Article 37. 'Protection shall' mean any legal or institutional measure including technical, constructive, restorative and other measures that help to keep monuments intact in the face of various agents that threaten the continued existence of all or part of a historic urban centre, site, building or object.

Article 38. Once a historic urban centre, site, building or object has been declared a National or Local Monument, it shall be considered to be of social interest and shall come under the protection and restrictions laid down in the National and Local Monuments Law, these Regulations and any other provisions ordained in that respect by the National Monuments Commission.

Article 39. In order to provide definitions and criteria for the protection of property listed in the National and Local Monuments Register, various levels of protection shall be established to which such property shall be subject in accordance with its value, state of conservation, relationship with the environment and other factors that determine its social and cultural interest.

The levels of protection shall be as follows:



(1) First level of protection:

Highly valuable property which shall be preserved in its entirety and for which activities aimed primarily at preserving and restoring it shall be authorized and recommended.

Property in this category shall come directly under the control of the National Monuments Commission.

(2) Second level of protection:

Property of an unexceptional nature whose conservation requires partial alterations, and which may therefore undergo supervised modifications or adaptations. Such property shall come directly under the control of the National Monuments Commission.

(3) Third level of protection:

Property whose conservation calls for practically irreversible alterations, that is relatively significant locally, or that relates harmoniously to surrounding property belonging to the first and second levels of protection. Such property may, after prior approval, undergo modifications, adaptations and partial or total demolition.

Property in this group shall be supervised by the Provincial Monuments Commissions subject to methodological and technological guidance from the National Monuments Commission.

(4) Fourth level of protection:

Property, the preservation of which is not desirable since, environmentally speaking, it clashes with property at the first and second levels of protection. Such property may be adapted, modified or even demolished, although supervision should be exercised over the use to which it is to be put or over the plan for the new building to be erected in its place, lest it adversely affect the appearance or the harmonious unity of property coming under the first and second levels with which it is environmentally related.

This group shall be the subject to the control of the Provincial Commissions under the methodological and technical guidance of the National Monuments Commission.

Article 40. For the purpose of duly safeguarding historic urban centres, buildings and sites, in cases where it is deemed necessary, the National Monuments Commission may declare that a given area surrounding a piece of property to be preserved is a protected area either if the National or Local Monuments Declaration has been made or if the process of investigation with a view to such declaration is under way.

## SECTION IX

### APPROVAL OF BUILDING PERMITS

Article 41. The administrative departments of the Local Bodies of the Assemblies of the People's Power shall transmit to the Executive Secretary of the relevant Provincial Monuments Commission any application for a permit

for a new building or for maintenance, preservation, restoration, adaptation, demolition, change of use, placing of billboards, placards, signposts or announcements, or for any other work to be carried out in a historic urban centre, site, building, or protected area, listed in the National and Local Monuments Register.

Article 42. The Provincial Executive Secretary shall submit to the National Monuments Commission for approval, any applications for building permits and attach, in addition, the views of the Provincial Monuments Commissions thereon.

In each case, the application for the building permit shall be accompanied by the technical documentation required by the Ministry of Culture.

Article 43. Any work carried out on property listed in the National and Local Monuments Register, without approval as laid down in the Law and these Regulations, or which violates the terms of the approval granted, shall be suspended upon the decision of the National Monuments Commission or the relevant Provincial Commissions; in that event, the work carried out or any additions already made shall be demolished and restoration or reconstruction work shall be undertaken, all at the expense of the party concerned.

To this end, the Provincial Commissions shall write to the appropriate body of the Provincial Assembly of the People's Power or Municipality to request immediate stoppage of such work until the relevant decision is taken by the National Monuments Commission.

## SECTION X

### SUPERVISION OF BUILDINGS AND LAND USE

Article 44. For purposes of these Regulations, supervision of buildings and land use shall mean all those provisions concerning the execution of works and the use whether permanent or temporary in nature, to which historic urban centres, sites and buildings listed in the National and Local Monuments Register are to be put.

Article 45. No installations shall be allowed in any registered site or buildings, or in established protected areas, without the prior authorization of the National Monuments Commission or the appropriate Provincial Commissions, as determined by the level of protection established for each piece of property.

Article 46. Shows and public ceremonies held in a National or Local Monument may not entail damage of any nature to the monument in question, or alter its nature. In any event, presentations, shows, filming, sport and recreational activities and public ceremonies shall require the approval of the National or Provincial Commission as appropriate.

Article 47. The express authorization of the National Monuments Commission shall be required for the transfer of monuments or archaeological vestiges if it is necessary to modify their position in situ.

Article 48. Works carried on public thoroughfares in historic urban centres or sites listed in the National and Local Monuments Register shall require the prior approval of the appropriate Provincial Commission. Materials for specific use on the site such as pavements made up of flags, granite paving blocks, gravel, granite curbstones and other materials, shall be conserved while work is under way and returned to their proper place when work has finished.

Article 49. No demolition, whether it be partial or total, shall be allowed in any historic urban centre, site, building or protected area listed in the National and Local Monuments Register without the prior approval of the National Monuments Commission or the appropriate Provincial Commissions, as determined by the level of protection established for each piece of property.

Article 50. Provincial warehouses, subject to the guidelines and supervision of the Ministry of Culture and attached to the National Monuments Commission, shall be set up and equipped with materials and construction parts obtained from demolitions, such as lumber, flagstones, marble, tiles, metal fittings and other components which could be used in future restoration work.

Article 51. No new building shall be allowed in historic urban centres, sites or protection zones listed in the National and Local Monuments Register, if its form is discordant or clashes with the ambient buildings in terms of volume, height, style of the façade, presence or absence of galleries and balconies, the proportions of bays and recesses, materials used or their texture. Any new building shall require the prior approval of the National Monuments Commission or that of the appropriate Provincial Commission as required according to the level of protection established for each piece of property.

Article 52. No highways, motorways, roads, railway lines, airports, canals, wharfs, depots, gasoline or petroleum service stations or any other transport-related facility shall be built on rural historic or natural sites without the prior approval of the National Monuments Commission or the appropriate Provincial Commission in accordance with the level of protection established for each piece of property.

Article 53. No low- or high-tension electric lines, power generators or transmitters, buildings housing telephone, telegraph, radio, television communication or any other similar equipment shall be set up in rural historic or natural sites without the prior approval of the National Monuments Commission or the appropriate Provincial Commission, in accordance with the level of protection established for each piece of property.

Article 54. No trees shall be planted or felled in historic urban centres, sites, protected areas or in gardens, patios and other built-up areas listed in the National and Local Monuments Register, without the prior approval of the National Monuments Commission or the appropriate Provincial Commission, in accordance with the level of protection established for each piece of property.

Article 55. No industries, production centres, mining or quarrying operations, waste disposal, sanitary installations or any other utility shall be allowed, which, even outside the stated bounds of a monument or protected area, might entail any type of pollution that would affect the appearance or integrity of the monument.

Article 56. The National Monuments Commission may determine, direct or regulate the use of sound transmission or reproduction devices, as well as the general noise level admissible in any historic urban centre, site or building listed in the National and Local Monuments Register.

Article 57. No type of fair, festival, tourist camp or any other activity that might entail a degradation in the appearance or purity of the landscape shall be allowed in any natural or archaeological site listed in the National and Local Monuments Register.

Article 58. The natural or legal person owning or possessing property listed in the National or Local Monuments Register shall be responsible for the conservation, cleanliness and painting thereof and, in the event that it should be considered necessary, shall restore it at his own cost, subject to the approval of the National Monuments Commission or the appropriate Provincial Commission, in accordance with the level of protection established for each piece of property.

Article 59. The natural or legal person owning or possessing immovable property adjacent to a building or site listed in the National and Local Monuments Register, who intends to carry out excavation, demolition, consolidation or foundation work that may affect the appearance or soundness of the monument, shall be required to obtain the approval of the National Monuments Commission or the Provincial Commissions, in accordance with the level of protection established for each piece of property.

Article 60. No natural or legal person shall use wasteland or private or public areas located within the bounds of a historic urban centre, site, building or protected area listed in the National and Local Monuments Register, to store raw materials, residual or finished products, to park or leave vehicles or equipment or to put them to any other similar use, be it permanently or temporarily, without the necessary authorization of the National Monuments Commission or the Provincial Commission, in accordance with the level of protection established for each piece of property.

Article 61. It shall be forbidden to place urban movable property such as bus-stop shelters, telephone booths, benches, flower boxes etc., within a historic urban centre, site or near a building listed in the National and Local Monuments Register, without first obtaining the approval of the National Monuments Commission or the Provincial Commission, in accordance with the level of protection established for each piece of property.

Article 62. Buildings listed in the National and Local Monuments Register shall not be altered through the creation of mezzanines, attics, sheds on flat roofs or balconies, through the erection of fences or hoardings, through changes in the dimensions of internal or external bays, the opening of new outer doors, the transformation of windows into entrance doors, substitutions, removals or changes in the woodwork, ironwork, masonry, moulding, stuccowork or any other existing component.

Any structural changes shall be subject to the prior approval and supervision of the National Monuments Commission or the Provincial Commission, in accordance with the level of protection established for each piece of property.

Article 63. It shall be forbidden to alter any façade within historic urban centres or on urban sites listed in the National and Local Monuments Register, without the prior approval of the National Monuments Commission.

Article 64. It shall be forbidden to set up or place any permanent decorative components such as statues, busts, shields, monuments, fountains, obelisks, arches of triumph or other similar components in historic urban centres, sites, buildings or protected areas listed in the National and Local Monuments Register, without the prior approval of the National Monuments Commission or the Provincial Commission, in accordance with the level of protection established for each piece of property.

Article 65. It shall be forbidden to use the water of fountains, moats or ornamental pools in historic urban centres, sites, buildings or protected areas listed in the National and Local Monuments Register as well as to throw any kind of refuse whatsoever therein.

Article 66. The National Monuments Commission or the Provincial Commissions in accordance with the level of protection established for each piece of property, shall co-ordinate with the relevant authorities the regulation of traffic, parking, the location of pedestrian streets, the enclosure of squares and public areas and other similar arrangements in historic urban centres and sites listed in the National and Local Monuments Register. Any work in connection with the above-mentioned shall require the prior approval of the National Commission or of the Provincial Commission, as required.

## SECTION XI

### EMBELLISHMENT AND PRESERVATION OF EXTERIORS, PAINTING OF FACADES AND OTHER ITEMS

Article 67. In painting or cleaning buildings listed in the National and Local Monuments Register, it is mandatory to comply with guidelines issued by the National Monuments Commission on the procedure to be followed, features that should stand out through the use of colour, the way of applying it, as well as colours that may be used.

Article 68. It shall be forbidden to place on the façades of buildings listed in the National and Local Monuments Register temporary adjuncts that affect the environment, such as placards, advertisements, billboards, banners or decorations, without the prior authorization of the National Monuments Commission or the Provincial Commission, in accordance with the level of protection established for each piece of property.

In no case shall any such adjuncts damage or deface these buildings and they shall be removed by the same body that put them up within no more than seventy-two hours after the end of the activity for which they were intended.

Article 69. It shall be forbidden to write signs or put up posters, billboards, or placards, and in general to deface, alter in any manner, or put to improper use, the façades of buildings listed in the National and Local Monuments Register.

Article 70. It shall be forbidden to place awnings, canopies or similar coverings on the façades of urban historical centres, sites and buildings listed in the National and Local Monuments Register, without the prior approval of the National Monuments Commission or the Provincial Commission in accordance with the level of protection established for each property. In the event that the covering in question were to be allowed, it shall not be kept in poor condition, nor shall materials or designs that have not previously been approved be used in the production or repair thereof.

Article 71. Modifications to public lighting or special illumination of urban historical centres, sites and buildings listed in the National and Local Monuments Register shall be studied beforehand by the National Monuments Commission or by the relevant Provincial Commission, in accordance with the level of protection established for each property, failing which, it shall not be carried out.

## SECTION XII

### EXPORT OF NATIONAL AND LOCAL MONUMENTS

Article 72. It shall be forbidden to export definitely, in whole or in part, property listed in the National and Local Monuments Register. Only with the

authorization of the National Monuments Commission, following the requisite verifications, shall any property listed in the National and Local Monuments Register be exported, in whole or in part, and then only for a specific period of time.

To that effect it shall be mandatory to submit to customs officials the certificate issued by the National Monuments Commission stating that the transfer abroad of the property in question has been authorized and the time during which it will remain outside the national territory.

Article 73. Whenever a piece of property listed in the National and Local Monuments Register, or a part thereof, is exported, failure to submit to customs officials the certificate issued by the National Monuments Commission referred to in the preceding article shall result in the property in question being liable to seizure by the customs authorities.

The customs authorities shall place the property seized at the disposal of the National Monuments Commission.

### SECTION XIII

#### ARCHAEOLOGICAL AND OTHER RESEARCH

Article 74. Natural or legal persons desirous of carrying out archaeological excavations or research shall obtain, through the Executive Secretary of the Provincial Commission of the place where the work is to be done, the approval of the National Monuments Commission and, if obtained, report to the latter on the result of their work through the Provincial Monuments Commission.

Article 75. The initial report containing the results of the excavation or research shall be submitted within three months and the final report within one year following the date on which the excavation started. The application for the authorization referred to in the preceding article, shall contain:

- (1) the complete name, nationality and address of the natural or legal person directing the work;
- (2) the exact location of the place or places where the work will be carried out;
- (3) the object of the research;
- (4) the general work plan;
- (5) data required to demonstrate the technical ability of the person or persons who will carry out the work.

Article 76. In order to conduct archaeological excavations, the person applying to carry them out shall be required to be a specialist.

Any authorization granted shall include:

- (1) the complete name, nationality and address of the natural or legal person to whom it is granted;
- (2) the location of the place or places covered by the authorization;

- (3) the research work plan, specifying the deadline set for carrying it out and the way in which immovable property and objects discovered will be protected when work is not in progress;
- (4) the obligation to accept inspection of the work carried out in the manner considered appropriate by the National Monuments Commission, as well as the time-frame for informing it of the state of advancement of the work in question.

Article 77. Fortuitous archaeological finds shall be reported immediately to the Executive Secretary of the Provincial Commission, who shall inform the National Monuments Commission so that they can be investigated by the competent body.

Obligation to report such finds shall lie with the discoverer and the body or institution to which the sites in question have been assigned, or with the person to whom it belongs.

Article 78. Once the existence of the find is proved, the National Monuments Commission shall inform the relevant scientific body so that it can be investigated. The National Monuments Commission may prevent the authorized natural or legal person from continuing work until conservation of the discovery has been sufficiently guaranteed.

Similarly, the Commission may rescind the authorization granted to carry out archaeological excavations or research in the event of failure to comply with the obligations imposed or the provisions of the Law or these Regulations.

Article 79. Duly organized groups of amateurs may be authorized to organize excursions in order to discover or find archaeological sites, upon application to the National Monuments Commission. Such groups shall be under the scientific guidance of a specialist.

Article 80. The procedure for application for permission to carry out the activity mentioned in the preceding article shall be as follows:

- (1) the amateur group shall apply for permission to the National Monuments Commission through the Provincial Monuments Commission, and undertake not to carry out any type of excavation apart from a test boring of no more than one square metre in area, to be stopped, if necessary, upon discovery of the first archaeological object;
- (2) in its application for authorization, the group shall include the data called for in Article 75;
- (3) the authorization granted shall list the data specified in Article 76.

Article 81. If the group of amateurs desires to continue the archaeological test excavation, it shall arrange for a specialist to take part in it, in which event the procedure set forth in Articles 74, 75 and 76 shall apply.

Article 82. The National Monuments Commission shall promote short- and full-length courses on archaeological techniques and research dealing with both the colonial and pre-Colombian periods, in order to provide due training to amateurs.

Article 83. Any archaeological objects discovered in explorations carried out by groups of amateurs shall be duly inventoried and handed over to the respective Provincial Monuments Commission, which shall keep them until

they are definitely placed in a museum, scientific, educational or cultural centre, in co-ordination with the Cultural Heritage Directorate of the Ministry of Culture.

Article 84. Objects found in excavations carried out by official institutions devoted to archaeology shall be conserved by them until study thereof has been finished. Later on, the National Monuments Commission and the Cultural Heritage Department of the Ministry of Culture shall determine the definite location thereof.

Article 85. It shall be forbidden to extract or transfer any archaeological, botanical, zoological or mineralogical item found in a cave. Such elements shall only be extracted and transferred with the prior authorization of the National Monuments Commission.

#### SECTION XIV

##### RESTORATION AND PRESERVATION OF VISUAL ART WORKS IN NATIONAL AND LOCAL MONUMENTS

Article 86. No type of conservation or restoration work whatsoever shall be carried out on visual art work or on any element of the decorative arts that is an integral part of property listed in the National and Local Monuments Register, without the prior authorization of the National Monuments Commission, in co-ordination with the National Registry of Cultural Property, after hearing the opinion of the Cultural Heritage Department of the Ministry of Culture. The National Monuments Commission shall direct and supervise the execution of all conservation or restoration work.

Article 87. The transfer of any visual art work referred to in Article 86 shall be approved beforehand by the National Monuments Commission and the National Registry of Cultural Property.

#### FINAL PROVISIONS

- I. The National Monuments Commission or the Provincial Commissions shall be empowered to suspend any work in breach of the provisions of these Regulations and shall report any infringement thereof to the competent authorities.
- II. All legal provisions and regulations are superseded if they run counter to the fulfilment of the provisions of the present Regulations, which shall come into force upon publication in the Official Gazette of the Republic.

Done at the Palace of the Revolution, in the City of Havana, on 29 November 1979.

Fidel Castro Ruz  
President of the Council of Ministers

Armando Hart Davalos  
Minister of Culture

Osmany Cienfuegos Gorriarán  
Secretary of the Council of Ministers  
and of its Executive Committee