

Please consider that this text is not an official translation

LAW ON NATIONAL AND LOCAL MONUMENTS

LAW No. 2

CHAPTER I: ON NATIONAL AND LOCAL MONUMENTS

Article 1:

National Monument is defined as any urban historic center and its construction, site or object that, due to its exceptional character, should be preserved due to its cultural, historic or social significance for the country and that, as such, has been declared by the National Commission of Monuments.

Local Monument is defined as any construction, site or object that, though not having the required conditions to be declared as National Monument, should be preserved due to its cultural, historic or social interest for a specific locality and that, as such, has been declared by the National Commission of Monuments.

Urban Historic Center is defined as a complex made up by constructions, public and private spaces, streets, squares and geographic or topographic particularities surrounding it and that, at a certain

historical moment, had a clear-cut unitary physiognomy expressing a social, individualized and organized community.

Constructions includes the work or set of works made by men since prehistoric times till now either with a civil, commemoration, domestic, religious or military industrial character.

Sites include spaces, places or areas where a significant event or process have taken place either of historic, scientific, ethnographic or legendary nature or having an architectural homogeneity or a unique morphology concerning the urban design as well as those where nature can justify their preservation and protection. They can be of archaeological, historic, natural or urban character.

Objects are those elements that, due to their historic, artistic or scientific nature should be preserved and protected and aside from the fact that they can be in an official institution or in the hands of a specific individual.

Article 2:

A National Monument or Local Monument can be declared because of:

1. its historic value: those constructions, sites and objects that should be preserved for their association with a significant development of our political, social, scientific or cultural history;
2. its artistic value: those constructions, monumental sculptures and objects that, due to their decoration or style should be preserved;
3. its environmental value: those urban historic centers and constructions that, due to their architectural form or character, have represented the environment of an epoch or region by its use or customs;
4. its natural or social value: those sites with scientific or cultural characteristics that, due to their geological and physiographic formations, constitute the habitat of invaluable animals or plants or under extinction.

CHAPTER II: ON THE NATIONAL COMMISSION OF MONUMENTS

Article 3:

The National Commission of Monuments is created within the Ministry of Culture.

Article 4:

The National Commission of Monuments is in charge of:

1. preparing studies and plans for the location, preservation and restoration of constructions, sites and objects declared or to be declared as National or Local Monuments;
2. authorizing, inspecting and supervising any work to be carried out in a construction, site or object declared as National or Local Monument, as well as declaring the kind of work to be done;
3. declaring which constructions, sites and objects are National or Local Monuments according to provisions established in this law. The National Commission shall be the only body entitled to make such declaration;
4. supervising the works, objects, facilities, buildings and constructions and to resolve, when necessary, the required modifications to restore their authenticity and true historic sense in keeping with the origins and events of our nationality;
5. guarding the archives and corresponding documentation of National and Local Monuments;
6. guiding and supervising the work of the Provincial Commission of Monuments;
7. implementing any other provision or guidance passed or conveyed by the Ministry of Culture.

Article 5:

The National Commission of Monuments is made up by a President, an

Executive Secretary and a representative from each of the following bodies:

Ministry of Construction, Ministry of Education, Ministry of Higher Education, Cuban Academy of Sciences, National Institute of Tourism, Institute of Physical Planning from the Central Planning Board, National Institute of Forest Development and Improvement, and Institute of History on the Communist Movement and the Socialist Revolution in Cuba. Likewise, the Commission shall include a representative from the organization of architects in Cuba, and all those representatives from the agencies deemed necessary by the Ministry of Culture.

Article 6:

The President of the National Commission of Monuments shall be appointed and revoked by the Ministry of Culture. The Executive Secretary shall be the Director of the Cultural Heritage Direction of the Ministry of Culture and the remaining members shall be appointed respectively by the heads of the above-mentioned agencies who can revoke them freely by his/her own initiative or upon the Commission's request.

CHAPTER III: ON THE PROVINCIAL COMMISSIONS OF MONUMENTS

Article 7:

The Provincial Commissions of Monuments are established within the Sectorial Directions of Culture of the Executive Committees of the Provincial Assembly of the Peoples' Power subordinated to the technical and methodological direction of the Ministry of Culture.

Article 8:

The Provincial Commissions of Monuments are in charge of:

1. adopting the most strict measures aimed at the preservation of National and Local Monuments within their territory;

2. supervising the preservation of National and Local Monuments of their territory and developing research and promotion work;
3. guarding and preserving the archive and corresponding documentation of National and Local Monuments within their territory;
4. arranging and submitting proposals for National or Local Monuments to the National Commission;
5. controlling the maintenance of constructions, sites and objects of local value not having the condition to be declared as Local Monuments;
6. complying orientations given by the National Commission of Monuments.

Article 9:

The Provincial Commissions of Monuments are integrated in a way similar to the one mentioned in article 5 of this law, by representatives from administrative directions of the Executive Committees of the Provincial Assembly of the Peoples' Power working in the national agencies indicated in said article. Not all activities carried out by agencies mentioned in article 5 must be represented at the Provincial Commissions. If activities carried out by agencies mentioned in article 5 do not correspond with the ones carried out by the above-mentioned administrative directions of the Peoples' Power at the provincial level, and such a representation is considered indispensable, then its delegate shall be appointed by the corresponding national level.

The President and Executive Secretary of the Provincial Commissions are appointed and revoked by the Executive Committee of the Provincial Assembly of the Peoples' Power, upon request from the corresponding Sectorial Direction, and bearing in mind the criteria expressed by the National Commission.

CHAPTER IV: ON THE PROTECTION AND RESTRICTIONS OF NATIONAL MONUMENTS, LOCAL MONUMENTS AND PROTECTION ZONES

Article 10:

Once a construction, urban historic center, site or object is declared National Monument or Local Monument, it shall be considered of social interest and shall be subjected to the protection and restrictions set by this law.

Once the declaration referred to in the previous paragraph is made, the National Commission shall notify the owner or proprietor. If the National Monument or Local Monument belongs to an individual, the State shall have the right to buy it, if necessary, for its preservation. If an agreement is not reached with the owner or proprietor, the National Commission shall initiate, in keeping with the legislation in effect, the corresponding procedure for a forced expropriation.

Article 11:

The National Commission, in coordination with Provincial Commissions, shall keep a Register of National Monuments and Local Monuments in which it should include the location, names under which they are known and a detailed information of each one.

Article 12:

The National Commission shall determine the protection zone, which is the area surrounding the National or Local Monument, both if the declaration of such a condition was already made or if it is under a research process for that purpose. Once the protection zone is identified, the National Commission shall supervise the constructions to be made in the area, recommend measures, if appropriate, to eliminate or modify the existing

ones and limit and forbid, if necessary, the economic activity.

Article 13:

The administrative directions of the Local Bodies of the Peoples' Power shall send to the Provincial Commission of Monuments any work license application intended to be made in a Local Monument or protection zone for its approval or submission by the National Commission.

The National Commission can also request and coordinate, when it deems it necessary, the restoration or preservation of monuments.

Article 14:

No industrial or trading facility shall be allowed at the National Monument or Local Monument or at a protection zone without a previous authorization by the corresponding Commission. The authorization by the National or Provincial Commission shall also be necessary for the installation of billboards, posters and ornaments, as well as for the celebration of public shows at the above-mentioned places.

Article 15:

While a research process is being carried out to decide whether a construction, urban historic centre, site or object should be declared National Monument or Local Monument, they shall be considered pending of declaration and, therefore, protected against any destruction and modification until the corresponding final decision is made.

Article 16:

The National Commission shall guide Provincial Commissions when appointing delegates to take special care of places which are exceptionally valuable due to their nature or elements in their respective territories.

Article 17:

The definite exportation of any asset declared as National Monument or Local Monument is forbidden. Only with an authorization by the National

Commission after the required verifications have been made a National Monument or Local Monument could be exported, totally or in part and for a set time. For this purpose, an indispensable requirement will be to submit to customs officials the certificate issued by the National Commission authorizing its exportation and the time it will be out of the national territory.

CHAPTER V: ON ARCHAEOLOGICAL RESEARCH

Article 18:

The bodies and individuals intending to carry out archaeological excavation or research shall obtain the approval by the National Commission of Monuments and, when appropriate, notify the findings. If authorized, the Commission shall notify the Ministry of Agriculture, the National Institute of Forest Development and Improvement, the National Association of Small Farmers or any other organization or individual assigned for this matter or owning lands where there could be any archaeological site who shall strictly comply with the following regulations. Casual archaeological findings shall be immediately notified to the National Commission in order to be investigated by the competent body. The discoverer and the organization or institution in charge of the place, or the owner of the place are under the obligation to notify such findings. The existing conditions of the land shall not be modified when the archaeological finding is made until the specialists sent by the Commission decide how to proceed.

All archaeological elements or objects resulting from an archaeological finding or research belong to the Cuban State and shall be subjected to regulations established by this law.

CHAPTER VI: ON RESTORATION OF PLASTIC ART WORKS IN MONUMENTS

Article 19:

The National Commission of Monuments is the single entity entitled to authorize the restoration of plastic art works in a National Monument or Local Monument which shall be carried out under the guidance and supervision of said Commission.

The corresponding Commission shall notify the competent authorities when an unauthorized work has been made in a National Monument, a Local Monument or a protection zone.

FINAL PROVISIONS

First: The Ministry of Culture is in charge of drafting the draft Rules and submit it to the Council of Ministers for its approval not later than one year from the publication of this law; and, till its approval, it shall be entitled to pass resolutions and any other provision deemed necessary for the compliance of this law.

Second: Other legal and regulatory provisions contrary to the compliance of this law shall be derogated. This law shall enter into effect after its publication in the Official Gazette of the Republic.

City of Havana, August 4th, 1977.

Blas Roca Calderío