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# LAW ON PROTECTION OF CULTURAL HERITAGE

## LAW No. 1

### CHAPTER I: GENERAL PROVISIONS

**Article 1:** The purpose of this Law is to identify assets that, due to their special significance in relation to archaeology, prehistory, history, literature, education, arts, science and culture in general, form part of the Nation's Cultural Heritage, and to establish ideal means to protect them.

**Article 2:** The Ministry of Culture is the entity in charge of determining and declaring assets that should form part of the Nation's Cultural Heritage.

## **CHAPTER II: ON THE NATIONAL REGISTER OF CULTURAL ASSETS**

**Article 3:** The National Register of Cultural Assets of the Republic of Cuba has been created within the Ministry of Culture.

Besides all data concerning the identification of assets, the above-mentioned Register should also record their location, the natural or legal person who owns such values by any title and reasons for their cultural interest.

**Article 4:** The National Register of Cultural Assets, in order to better discharge its functions and to establish the required coordination, embodies a group of advisors appointed by the following organizations: State Committee of Finances, National Bank of Cuba, Ministry of Communications, Ministry of Education, Ministry of Higher Education, Ministry of the Revolutionary Armed Forces, Ministry of the Interior, Ministry of Justice, Ministry of Foreign Relations, Cuban Academy of Sciences, Cuban Institute of Radio and Television, National Institute of Tourism, General Customs Direction of the State Committee of Finances and the Institute of History on the Communist Movement and the Socialist Revolution in Cuba.

At a proposal made by these delegates, the Ministry of Culture can include, as advisors, other delegates appointed by other organizations who, due to the nature of their functions, can encourage the achievement of the objectives set by this law.

**Article 5:** Any legal or natural person holding any title on assets considered as Nation's Cultural Heritage must declare them, upon requirement, to the National Register of Cultural Assets of the Republic

of Cuba without this implying any modification to the title on such an asset.

Those not complying with this obligation within the time set shall be sanctioned according to the law in effect.

**Article 6 :** When an asset is declared as part of the Nation's Cultural Heritage, it shall be registered de officio in the National Register of Cultural Assets. This registration shall be notified, not later than thirty days, to the owner, proprietor, user or holder by any title or concept, who shall be obliged to guarantee its preservation and absolute integrity.

## **CHAPTER II: ON THE PROTECTION OF CULTURAL ASSETS**

**Article 7:** Cultural assets referred to in this law are proclaimed as public utility and shall not be destroyed, refurbished, modified or restored without the previous authorization of the Ministry of Culture.

**Article 8:** Assets included in this law can only be taken out from the national territory with the express authorization of the Ministry of Culture and for the time it sets.

**Article 9:** Property or ownership of any asset protected under this law cannot be transferred without the previous and express authorization of the Ministry of Culture. Not compliance with this provision shall be sanctioned according to the law in effect and the corresponding asset shall be confiscated.

Once the authorization mentioned in the first paragraph of this Article is obtained, the Ministry of Culture shall have the preferential right to buy the asset at the corresponding price.

**Article 10:** When the transfer mentioned in the previous Article is intended to be made in favour of a natural or legal person living outside the national territory, the Cuban State can use this preferential right to buy the cultural asset at the price set by the seller or transferor and, if any doubt arises concerning the accuracy of such price, at the price determined by experts appointed to that effect.

**Article 11:** Governmental officials and agents in charge of supervising exports made by any way, shall suspend the reception of shipment applications as soon as they know or have reason to suspect that it is the extraction of any of the assets included in this law, and shall notify the Ministry of Culture, through the official channel, so as to determine the procedure after confirmation.

**Article 12:** The extraction or intention to extract from the national territory the cultural assets protected under this law without the previous authorization of the Ministry of Culture shall be considered as a smuggling offence and shall be sanctioned according to the Penal Code. Such assets will be always confiscated.

**Article 13:** Natural or legal persons temporarily introducing in the country some of the assets mentioned in this law shall declare them at the customs office who, in turn, shall issue a temporary admission document that will give to the importer for its submission at the customs office when re-exporting and without which requirement re-exportation shall not be authorized.

## **TRANSITIONAL PROVISIONS**

**First:** The Ministry of Culture, not later than 180 days after the proclamation of this law, shall organize and implement the National Register of Cultural Assets of the Republic.

**Second:** The Ministry of Culture shall draft and elaborate a draft regulation to this law to be submitted to the Council of Ministers for its approval not later than one year after the entering into effect of this law and, when approved, shall be entitled to pass resolutions and other provisions deemed necessary to execute this law.

## **PROVISIONS**

**First:** The Ministers of Culture, Foreign Relations and Transportation, the General Director of Customs and other heads of organizations mentioned in this law or having relation with measures established hereunder, shall supervise its fulfilment.

**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 4<sup>th</sup>, 1977.

