

# CONTROL IN CUBAN CUSTOMS



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**T**he implementation of a detection and control system to combat illicit trafficking in cultural property first requires the willingness and sensitivity of national political, cultural and control authorities in order to deal with this scourge in Cuba.

The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Export, Import and Transfer of Ownership of Cultural Property provides Cuba, one of its signatories, with a major tool to protect its cultural heritage. With its recognition, these assets form part of the Cuban heritage, including cultural expressions, for the future generations.

The definition of Cultural Heritage includes a wide range of manifestations like works of art, flora and fauna species (marine and terrestrial), archaeological and ethnological artefacts, decorative arts, applied arts, manuscripts, incunabula, sound, photographic and film archives, among others.

A fundamental basis for the fight against illicit trafficking is provided by appropriate documentary control, which needs to be characterized by objective, accurate and technical inventorying, with each asset being properly identified, documented and photographed. When it comes to cultural objects of museological or heritage value (kept at museums in the country), inventories should be conducted with maximum rigour.

Individuals and state, religious and other institutions that possess such goods are sometimes reluctant to make the relevant declarations in respect of owners, possessors or holders, rendering it difficult to keep better control over and include these goods in the National Register of Cultural Property.

Such an attitude is motivated by the ignorance of possessors on both cultural and monetary (appraisal) value and by the mistaken belief that the inscription implies a loss or expropriation of these assets. It is quite the opposite; it is a way of recognizing their authenticity and cultural value, and provides security because, in case of theft, damage or loss, speedy recovery is greatly facilitated and the illegal action in question can be considered an aggravating circumstance for those involved.

In cases of theft, damage or loss of unregistered assets, the work of entities in charge of identifying their whereabouts is rendered all the more difficult as they need to be based on hypotheses and will not be very likely to succeed in trial. Hence the importance of possessors becoming fully aware of the need to include assets in the National Register of Cultural Property, in addition to the legal obligation to do so.

The ideas outlined above are essential to fight this ever-growing trafficking by three closely interrelated stakeholders: police, customs and heritage authorities. They will succeed only if they pay due regard to all their duties and interests.

There is a Commission for the Protection of the Cultural Heritage of the Nation, led by the Ministry of Culture of the Republic of Cuba, the Ministry of the Interior (its Criminal Investigation Police (ITP) and its Section on Tourism and Heritage), and the Cultural Heritage Department at the General Customs House of the Republic. It has managed to work in a coordinated, effective manner.

## **CURRENT CRIMINAL ACTIONS IN CUBA INCLUDE COUNTERFEITING WORKS OF ARTS, ESPECIALLY PAINTINGS, AND CERTIFICATES OF AUTHENTICITY ISSUED BY THE ARTISTS THEMSELVES.**

Thanks to the political will of the Cuban Government in this area, experts of the National Register of Cultural Property have since 2008 been working at international airports to supervise all goods to be exported and formulate recommendations for action.

This initiative has undoubtedly been an asset in the fight against illicit trafficking in cultural property, particularly for Customs authorities to be able to identify smuggling and/or illicit removal in a correct, scientifically documented manner.

Likewise, officials at the National Register of Cultural Property are involved in granting authorization for and sealing works of art (paintings, decoration elements, etc.) to be marketed. The idea is to prevent such exports from being detrimental to the country's heritage and to have all these works Customs-cleared, thereby avoiding the export of heritage and illegally obtained goods.

Cuba issues Export-Import Certificates under strict control, including watermarking, sheet, etc., and Customs authorities are given authenticated specimens of signatures of all staff involved in this field, including those who sell (galleries) and those who protect (register officials). The country, however, is not free from illicit trafficking.

In accordance with Articles 5 and 6 of the 1970 UNESCO Convention, the National Register of Cultural Property has developed rules and regulations for both registration and inventorying and import and export operations. An important complement to this international instrument is the UNIDROIT Convention on the restitution of cultural property. Cuba has in fact benefited from the restitution of several tzantzas (shrunken heads) by the French authorities. The pieces had been stolen from the Montané Museum at the University of Havana.



**THE DEFINITION OF CULTURAL HERITAGE INCLUDES A WIDE RANGE OF MANIFESTATIONS LIKE WORKS OF ART, FLORA AND FAUNA SPECIES (MARINE AND TERRESTRIAL), ARCHAEOLOGICAL AND ETHNOLOGICAL ARTEFACTS, DECORATIVE ARTS, APPLIED ARTS, MANUSCRIPTS, INCUNABULA, SOUND, PHOTOGRAPHIC AND FILM ARCHIVES, AMONG OTHERS.**



A piece seized by Customs at the José Martí International Airport. Currently exhibited at the National Museum of Decorative Arts, Havana ©UNESCO/Rustan, 2013.

The international conventions to which Cuba is signatory have also been complemented with national legislation, including laws, regulations and resolutions.

Aware of the importance of fighting illicit trafficking, Cuba has actively participated in meetings held in Colombia, Ecuador and Argentina, hosted a conference in 2005, and took part in a regional course in Antigua, Guatemala, in 2008, which was given by specialists of Interpol and UNIDROIT and expert of the Caribbean region.

Work has been done since 2005 on archive collections that involve universal and national history documents, with police, customs and heritage officials playing an important role in preventing the removal of such documents, especially those which are related to the Cuban Revolution and are deposited in Bohemia Magazine Archives, Matanzas Provincial Archives, Elvira Cape Library in Santiago de Cuba, the National Archives and other institutions.

Offenders are mainly interested in:

- photos and documents from the early days of the Revolution;
- chapter records;
- historical documents from the wars of independence; and
- deeds of land, buildings and pantheons.

Offenders go mainly to the United States, Mexico and Spain.

The National System on Stolen and/or Lost Cultural Property that has been implemented by the National Register has made it possible to recover major assets that have been at risk of loss and/or damage. It provides one of the most important tools for this work, with the General Customs House of the Republic playing a key part. The System is marked by:

- national character;
- quick, expeditious action;



Work by Demetrius Chiparus. Art Deco bronze, ivory and marble piece seized by Customs at the José Martí International Airport. Now exhibited at the National Museum of Decorative Arts, Havana ©UNESCO/Rustan, 2013.

- accessibility and use of common language;
- involvement of provincial heritage centres, registers, museums, and police and customs authorities;
- use of photographs whenever available; and
- telephone and email communication 24 hours a day.

Requests for cooperation in the search for and restitution of assets stolen from other countries through theft reports have come from the Old City of Guatemala, the churches of Cuzco and Huari (Peru) and, more recently, Customs authorities of Ecuador (via email). There are slim chances, however, for these goods to reach Cuba.

Current criminal actions in Cuba include counterfeiting works of arts, especially paintings, and certificates of authenticity issued by the artists themselves. These behaviours should be further

reviewed. Effective coping strategies call for the use of complex, sophisticated equipment to establish beyond any doubt the authenticity of cultural assets.

Underwater heritage artefacts along the Cuban coast are also at risk. The flotsam of El Navegador was unscrupulously plundered recently, off the northern coast of the province of Mayabeque. A rapid, timely report by specialists of the Office of the Historian of the City of Havana and effective action by the Criminal Investigation Police and the National Register of Cultural Property made it possible to speedily recover valuable assets that had lied on the Cuban seabed. They are now being exhibited at the Museum of the Castillo de la Real Fuerza (Castle of the Royal Force), which has been visited by representatives of UNESCO in the country. [C&D](#)