



# NORMATIVE DOCUMENTS ON THE PRESERVATION OF THE CULTURAL HERITAGE OF UZBEKISTAN AND THE BASIS OF ORGANIZATIONAL SYSTEMS

**Dilfuza Hamidova**

*Teacher of National Institute of Art and Design named after Kamoliddin Behzod  
Tashkent, Uzbekistan*

## ABSTRACT

*In this article the Decrees of the President of the Republic of Uzbekistan, special resolutions and laws of the Cabinet of Ministers, which provided the legal framework for the preservation of cultural heritage of Uzbekistan during the years of independence are studied. The purpose of the article is to study the cultural heritage from the point of view of museology. The main problems in the study of material cultural heritage are analyzed in it. Also, the article deals with the study and preservation of material cultural heritage.*

**KEYWORDS:** *Uzbekistan, decree, decision, law, protection, study, preservation, problems, historical period, cultural heritage, analysis, research, archeology, UNESCO*

## INTRODUCTION

The spirituality of any people or nation cannot be imagined without its history, particular customs and traditions, life values, in this regard the spiritual heritage, cultural riches, ancient historical monuments serve as the most important factor.

The actuality of the topic is connected with the lack of generalized scientific work on the protection, preservation methods and history of the material and cultural heritage of Uzbekistan. The study, preservation and protection of the material and cultural heritage of Uzbekistan are one of the important tasks of the state and society, and this is reflected in the Constitution of the Republic of Uzbekistan [1. –B 17.]. The fact that the attention to museums and material cultural heritage has risen to the level of state policy can be confirmed by the adoption of several decrees of the President of the Republic of Uzbekistan, Resolutions and the Law of the Cabinet of Ministers. The most notable of these is the Decree of the President of the Republic of Uzbekistan Sh. Mirziyoyev “On the preservation of the objects of material cultural and archaeological heritage and improving using them” [ 2. ] .

## MATERIALS AND METHODS

The need to decide the issues of preservation and museumification of material and cultural heritage of the Republic of Uzbekistan is growing year by

year, and it is connected with the growing threat of destruction of historical, archaeological and architectural monuments. The analysis of the history of preservation and study of the monuments of the past of Uzbekistan allows us to follow the evolution of the formation of material cultural heritage, to identify ways to further study the main problems, to pay attention to their little- studied aspects.

It should be noted that, in the conditions of integration of the world community, in the present time in which the ideological and informational struggles are growing, studying and preserving the material cultural heritage is becoming a significant sphere of social life.

Today, a number of measures are being taken in Uzbekistan to restore, study, promote spiritual values, preserve, repair cultural monuments, historical monuments, sacred sites and deliver them to future generations. From the first years of independence, the attitude towards the material and cultural heritage and museums, which reflects the historical experience of the country, has changed, and the issue of their preservation has become one of the most important problems. This event is reflected in the legislative acts and the principles of legal policy of the state [3] . Important legislative acts aimed at developing the culture of Uzbekistan and creating a legal framework for the preservation of historical and cultural monuments have been adopted.



In addition, in Uzbekistan targeted measures are being carried out, like in all domains, to collect, preserve, promote the unique heritage of our people, restore our national values, and harmonize them with universal values. [2. ] .

In our opinion, any loss of cultural heritage will inevitably manifest itself in all spheres of life of present and future generations, and will lead to spiritual poverty, loss of historical memory, and impoverishment of society as a whole. Consequently, neither the development of modern culture nor the creation of new, significant works can replace them. The collection and preservation of material and cultural riches is the basis of the development of any civilization.

The development of the protection and use of the objects of material cultural heritage, the restoration of such objects and ensuring their preservation as much as possible is identified as one of the priorities of state policy. The celebration of the 2750th anniversary of Samarkand, the 2700th anniversary of Karshi and Shakhrisabz, the 25th anniversary of Khiva, Bukhara and Termez, the 2200th anniversary of Tashkent and the 2000th anniversary of Margilan at international scale is the proof of our opinion.

It should be noted that the historical and cultural heritage of the Uzbek people has been recognized as a value of universal significance. In the territory of our republic there are more than four thousand architectural and artistic monuments of different periods and civilizations, 140 of which are included in the list of the historical objects preserved by the UNESCO World Heritage List, as well as Samarkand, Bukhara, Khiva and Shakhrisabz cities are included in the UNESCO World Heritage List. Today, the number of immovable objects of cultural heritage in Uzbekistan is more than 7,500 (more than 50% of them are objects of archeological heritage). Hundreds of thousands of rare and unique exhibits in the museums, millions of documents stored in archives also form the basis of material cultural heritage.

During the years of independence, the legal frameworks regulating the restoration, protection and use of material cultural heritage, which is the national wealth of the country, have been created. First of all, Article 49 of the Constitution of the Republic of Uzbekistan stipulates that citizens are obliged to carefully preserve the historical, spiritual and cultural heritage of the people of Uzbekistan, the duty of citizens and cultural monuments are under state protection [1.– p 17.] .

The ratification of the international documents such as “Convention the measures aimed at the prohibition and the prevention of the illegal import and export of cultural riches, as well as the

withdrawal of their ownership to others (Paris, November 14, 1970), “Convention on the Protection of the World Cultural and Natural Heritage (Paris, November 16, 1972) , “The international Convention on the Protection of nonmaterial Cultural Heritage (Paris, 17 October 2003), by Uzbekistan, is the factual evidence indicating that the national legislation is developing harmoniously in accordance with the international documents.

In the decree № 269 on July 29, 2002, "On measures to further improve the protection of the objects of cultural heritage and use them" the interinstitutional commission on the mutual coordination of the issues of protection and use of the objects of cultural heritage was established. The commission is responsible for: preparation of proposals for the implementation of the main directions of state policy in the field of protection and use of the objects of cultural heritage; governmental institutions and administration in the places, in particular, mutual coordination of the activities of non-governmental and non-profit organizations of the Republic of Uzbekistan on issues of the protection and use of the objects of cultural heritage; the problems in the process of protection and use of the objects of cultural heritage, to resolve them, to find a solution to the issues related to the development and implementation of measures. Legislation on the protection of historical and cultural heritage in all regions of the country, including the Republic of Karakalpakstan, is also vulnerable.

The structure of the cultural heritage of Uzbekistan can be justified as follows. In the legislation of the Republic of Uzbekistan there is not a definition to the concept of "cultural heritage", only the concept of «cultural riches (values) are defined as the normative". In accordance with the Article 3 of the Law "Export and import of Cultural values" [4] cultural values are the movable objects representing national, historical, artistic, scientific, spiritual, moral and other cultural importance. Cultural heritage is a broad concept that includes a very large variety of objects of material culture, which determines the gradation of the objects that are included in it.

State administration in the field of protection and use of the objects of cultural heritage is carried out by various government agencies that is: the Cabinet of Ministers of the Republic of Uzbekistan; Ministry of Culture of the Republic of Uzbekistan; Uzarchive Agency under the Cabinet of Ministers of the Republic of Uzbekistan; local government agencies.

Scientific-Research and projecting organization; eleven departments specializing in the scientific manufacture to restore the objects of



cultural heritage, the Ministry of Culture of the Republic of Uzbekistan in which regional and Tashkent city inspections on the preservation and use of the objects of cultural heritage, special representative organizations of the executive government in the field of the preservation and use of cultural heritage are included.

The Ministry of Cultural Affairs carries out the state control of following the legislation in this area and coordinates the activities of state administrative authorities. According to the decision 455 of the Cabinet of Ministers of the Republic of Uzbekistan, on September 30, 2004, "On organizing the work of the Ministry of Culture and Sports affairs, Head Department of Research and Manufacture of protection and use of the objects of cultural heritage in the structure of the Ministry of Culture and Sports was established. This department was established by the decision № 207 of the Cabinet of Ministers of the Republic of Uzbekistan on April 27, 1992, the legal successor of the Head Department of Research and Manufacture of Cultural Monuments. The main tasks of this department are:

- to approve the projects for the conservation of the objects of material cultural and archaeological heritage, the project estimate documentation for the implementation of the restoration, for the implementation of scientific and research work on material objects of cultural and archaeological heritage;

- to carry out scientific project works on the material objects of cultural and archaeological heritage, to organize conservation, restoration and improvement works, as well as to carry out the measures in order to use these objects in modern conditions;

- to give suggestions to the Ministry of Culture of including the objects having historical and cultural value into the state cadastre of material cultural and archaeological heritage and removing from it;

- to collect scientific reports archive on archaeological research;

- to make historical and cultural examination of material objects of cultural and archaeological heritage;

- according to the proposal of the Academy of Sciences of the Republic of Uzbekistan, preparing documents to give permission to the archaeologists to conduct archaeological searches on archaeological sites, to excavate and control works, to receive scientific reports on archeological research and collect the archive of scientific reports and present to the Ministry of Culture;

- to use modern equipment and producing technologies in carrying out restoration, conservation works of the objects of material cultural and

archaeological heritage and ensure the application of new materials and structures;

- to coordinate the activities of inspections, in particular, to give necessary assistance to the inspections to identify the objects of cultural and archaeological heritage, to study, to account, to restore, to use and to promote.

In addition, to request necessary information and materials from public authorities, economic parties and other organizations to complete the tasks and functions given to the responsibility of the head Department for and have other rights to get them free as well.

Besides the central authorities of government and administration, in the field of protection and use of the objects of cultural heritage, local state authorities have certain rights. These agencies are obliged by the Law "On protection and use of the objects of cultural heritage" to identify, register, protect, preserve and use of the objects of cultural heritage located on the territory of the relevant administrative-territorial units. Local state government may involve the self-governing authorities and public associations in the protection, preservation, promotion and use of the objects of cultural heritage, while ensuring the implementation of legislation on the protection and use of the objects of cultural heritage.

Responsibilities of local state authorities in the field of protection and use of the objects of archeological heritage: to ensure proper protection and preservation of the objects of archeological heritage, state control over their preservation, assistance in searching, excavation and control, to ensure compliance with the requirements of the preservation of archaeological sites in the projects of allocation of land plots to excavation, land reclamation, construction, agricultural, and other things, to involve citizens, non-governmental and non-profit organizations, local self-government authorities in holding the activities on the protection and promotion of the objects.

The Academy of Sciences of the Republic of Uzbekistan, as well as the norms setting the rights of the public associations whose regular activities are the protection and promotion of material cultural heritage are not included in the Law "On the Protection and Use of Cultural Heritage". This situation can be remedied only if the potential of public associations and other civil society institutions is fully used to protect and promote the historical and cultural heritage of Uzbekistan.

The objects of material cultural heritage of the Republic of Uzbekistan must be under state protection in order to prevent the demolition, destruction of, violation of established procedures for use and other actions harmful to the objects of



material cultural heritage, as well as their protection from the environment and other negative effects. According to Article 11 of the Law "On protection and use of the objects of cultural heritage", the state cadastre of the objects of cultural heritage is maintained in order to ensure state protection and rational use of the objects of cultural heritage. The state cadastre of material cultural heritage is an integral part of the Unified State Cadastre System and represents the system of geographical location, legal status, quantitative, qualitative characteristics and evaluations, updated information and documents of the objects of material cultural heritage.

Archeological heritage is an integral part of the cultural heritage of the country, it is also dependent on the regulations of the law on the protection of cultural heritage and their use. Article 9 of the Law says "On the protection and use of the objects of archaeological heritage": "To ensure the protection and use of archeological objects by the State is carried out in accordance with the legal documents on the protection and the use of the objects of cultural heritage" and Article 22 of the Law says "On the protection and use of the objects of cultural heritage" "Investigation(digging and searching) of the archaeological monuments is allowed only in accordance with the proposal of the Academy of Sciences of the Republic of Uzbekistan and the permission of the Ministry of Cultural Affairs of the Republic of Uzbekistan[3]. Archeologists studying the archeological monuments must ensure their initial conservation and preservation. After digging and searching works finish, but before the period of validity of the permits expires, archeologists studying the archaeological monuments must submit a report to the Ministry of cultural affairs of the Republic of Uzbekistan and also submit the historical, scientific, cultural or other valuable objects found as a result of digging and searching to the State in accordance with the assigned procedure." One of the most important parts of the law (Article 4) is the enactment of a regulation on the property right of the objects of archeological heritage belongs to the state. Archeological artifacts may be attached to scientific, cultural and educational institutions on the basis of the right of operative management.

Archeological objects, ensuring the state protection and use of them are protected in accordance with the legislation on the protection and use of cultural heritage. Most of the archeological objects in Uzbekistan are located in the territory of Karakalpakstan and Khorezm. The problem of the Aral Sea has a direct negative impact on the objects of cultural heritage.

Currently, 245 historical and cultural heritage objects, including 46 historical and archeological monuments, 81 cultural monuments are taken under the state protection in the Aral Sea region. This was reported by the newspaper "Karakalpakstan Tongi". Most of the objects such as "Mizdakhon" in Khojayli district, "Tuprokkala" "Ayozkala", "Ulkan Kavatkala", "Guldursinkala", "Kuykirilgankala", in Ellikkala district, "Kiyotkala", "Filkala", "Ellikkala", "Akchakhonkala" in Beruni district, "Chilpik" in Amudarya district, "Kuyukkala" in Chimboy district need conservation and restoration.

In accordance with Article 12 of the Law "On the protection and use of the objects of archaeological heritage", the tasks such as to identify archeological artifacts, to create a list of them with their detailed description, to identify their scientific and cultural value, to present the register of the archeological artifacts and scientific report to the state catalogue of archaeological artifacts, to take into account the archaeological objects under the institutions of science, culture and education, to register the archaeological objects are currently being carried out [3.].

The normative and legal documents of Uzbekistan also take into account the specially protected historical and cultural areas. In accordance with Article 29 of the Law of the Republic of Uzbekistan "On the protection and use of the objects of cultural heritage" [5] specially protected historical and cultural areas, which are included in the state cadaster of the material objects of cultural heritage, an representing unique, historical, scientific, artistic or other cultural significance, can be established in the areas of the objects of material cultural heritage. They come in two forms: nature reserves-museums and historical sites.

Historical and cultural reserves are also paid a great attention by the state today. Establishing nature reserves-museums is assigned by the resolution No. 18-11 "On State Reserve-Museums" adopted on November 24, 2001 at the the eighteenth plenary session of Interparliamentary Assembly of the CIS Member States.

As it is revealed during the research that a number of problems in the preservation of material cultural heritage remain unresolved. Year by year more and more objects of material and cultural heritage, first of all, architectural and archeological monuments under state protection are being identified. They are located in all the regions of the country, especially in the ancient cities. However, it is important not only to find and study monuments, but also to create conditions for their preservation in modern society and their maximum use, educating the people ideologically and morally, aesthetically, culturally and spiritually in cultural and educational



work is important. Therefore, the legislation provides the implementation of a number of measures that will enable to preserve the rich heritage of Uzbekistan for the present and future generations.

## CONCLUSION

In conclusion, the following should be noted. The analysis of the legislation of the Republic of Uzbekistan shows that large-scale measures to implement the main directions of state administration in the field of protection and use of the objects of cultural heritage, state authorities and local governments, as well as the activities of non-governmental organizations in the Republic of Uzbekistan on the objects of cultural heritage and their use have been coordinated. With the help of structural changes, the activity of the Ministry of Cultural Affairs of the Republic of Uzbekistan has been strengthened.

According to the general principle established by the legislation of the Republic of Uzbekistan and other CIS countries, if, there are other rules in international agreements which are not provided in the agreements of the Republic of Uzbekistan, and then the rules of the international agreements are applied.

Integration into the global cultural space is taking place at a rapid pace: 4 Uzbek monuments are included in the List of World Cultural and Natural Heritage: the historical center of Bukhara city, Ichan-Kala (inner fortress) in Khorezm, Khiva, Samarkand – the crass of cultures, and the historical centre of Shahrisabz are among them.

Involving the institutions of civil society, the study of the local experiences on the protection and use of cultural heritage shows that the efforts of the state, society and their institutions allow providing the Preservation and promotion of the heritage for the present and future generations, and the entire international community as well.

## REFERENCES

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