

0041229011844

PERMANENT MISSION OF THE REPUBLIC OF AZERBAIJAN TO THE UNITED NATIONS OFFICE AND OTHER INTERNATIONAL ORGANIZATIONS AT GENEVA



AZƏRBAYCAN RESPUBLİKASININ BMT-nin CENEVRƏ ŞƏHƏRİNDƏKİ BÖLMƏSİ VƏ DİGƏR BEYNƏLXALQ TƏŞKİLATLAR YANINDA DAIMİ NÜMAYƏNDƏLİYİ

237, Route des Fayards, 1290 Versoix, Suisse E-mail: geneva@mission.mfa.gov.az Tél.:+41 (0) 22 901 18 15 Fax: +41(0)22 901 18 44

Nº 002/111/N

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the latter's Note GVA 0793 dated 7 October 2010, has the honor to transmit herewith the responses of the Government of the Republic of Azerbaijan to the Questionnaire on Access to Cultural Heritage.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations at Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: 7 pages.

THE OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS GENEVA



OHCHR REGISTRY

10 JAN. 2011

Recipients :.....SPD.....

0041229011844

Response of the Government of the Republic of Azerbaijan
to the Questionnaire on Access to Cultural Heritage

Please elaborate on the classification of the types of cultural heritage in place, or under consideration in your country, including

1. a. The categories of such classification (e.g. tangible, intangible, natural) If available, please append a list of key cultural heritage assets of your country, other than those included in the UNESCO World's heritage list

According to the Article 33 of the "Law on Culture" Cultural Heritage is intangible and aesthetic ideals, norms and rules of manner, languages, dialects, national and ethnic customs and traditions, historical toponyms, folklore, applied folk arts, cultural and art works, results and methods of the scientific research of the cultural activity, buildings and things of historical and cultural significance, unique places and objects from historical and cultural point of view.

Cultural heritage in the Republic of Azerbaijan includes the following categories of classification: movable monuments – museum and library artefacts, photo, phone and video records and any other items of historic, scientific, artistic or cultural importance, immovable monuments – architectural, archaeological, historical, underwater and artistic monuments and preserves and intangible monuments – samples of folklore, traditions, rituals, customs, music styles, dances and etc.

The following is included to the Cultural Heritage in accordance with the "Law on Culture".

- Fine art works, boards, pictures, drawings, engravings, patterns, works of sculpture, original artistic collections and montages
- Film, television, radio and video materials of special importance, photographic arts, photographic materials, architectural projects, design art
- Manuscripts, books and booklets of special importance, periodic press materials, autographs, marks, post-cards, culture and history profiled archives, archive documents, notes, scientific-historical souvenirs, letters, rare publications
- Applied art works – carpets, carpets items, gold, platinum, silver, precious stones, copper and clay items, ceramics
- Stage costumes, decorations and requisites
- Ancient rare collections and objects of museum significance which are 30 years old (also furniture, music instruments)
- Examples of national folklore
- Archeological complexes, archeological and numismatic items
- Architectural monuments, buildings, memorial places and mausoleums
- Parks and natural landscape places
- Flora and fauna, mineralogy and anatomy examples, interesting paleontology objects for museum

➤ Cultural heritage included in the UNESCO World Heritage:

- The Walled City of Baku with the Shirvanshahs' Palace and Maiden Tower (included in 30 November 2000)

- The Gobustan Rock Art Cultural Landscape (included in 29 June 2007)

0041229011844

Documentary monuments – ancient manuscripts, rare publications, archives, as well as phone, photo and movie archives, official acts of state organs

Art monuments - historically and esthetically valuable artistic, descriptive, decorative-applied art examples

Preserves – places and settlements of historical and cultural importance protected by the state.

3. Please specify the legal instrument that your country has ratified on cultural heritage, the measures undertaken to implement them, and any measures adopted, or under consideration to ensure access to cultural heritage in line with the International Bill of human rights and with the UNESCO Declaration on cultural Diversity.

The Republic of Azerbaijan has ratified the following international conventions:

- Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocol (Accession 20 September 1993)
- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (ratified 30 September 1997)
- Convention for the Protection of the Architectural Heritage of Europe (ratified 26 November 2009).
- Convention of UNIDROIT on Stolen or Illegally Exported Cultural Objects (ratified 24 March 2000)
- Convention for the Safeguarding of the Intangible Cultural Heritage (ratified 2 October 2006)
- Convention on protection and Promotion of cultural expression (ratified 26 November 2009)
- Convention Concerning the Protection of the World Cultural and Natural Heritage (ratified 6 December 1993)
- European Cultural Convention (ratified 1997)
- The European Convention on the Protection of the Archaeological Heritage (ratified 20 October 1999)
- European Convention on Cinematographic Co-production (ratified 28 October 1999)

The Republic of Azerbaijan is a party to International Covenant on Civil and Political rights (21 July 1992), International Covenant on Economic, Social and Cultural rights (21 July 1992) and is always faithful to the norms of Universal Declaration of Human Rights (26 august: 1996) when adopting measures to ensure access to cultural heritage.

All of the above mentioned conventions have been taken into consideration when the relevant national legislation was drawn up and amended and during the development of the national cultural heritage policy. Management of the cultural heritage is carried out by the relevant responsible organisations in the light of national legislation and international treaties Azerbaijan is a party to.

*4. a Provide general or specific protection for various types of cultural heritages, including:
I. Within the land management, zoning or planning acts; property and environmental laws;*

The foundation of all national legislation in the Republic of Azerbaijan is the Constitution. One of principal aims of the Constitution is the protection of cultural, historical and spiritual values of the Republic. Articles 40 and 77 of the Constitution highlight issues related to cultural heritage. The legislation of the Republic regulates all issues related to cultural heritage, including both

0041229011844

of Ministers: This Department is responsible for implementing state social programmes

- The Ministry of Culture and Tourism: The Ministry coordinates cultural policy, implements decisions and draws up the cultural budget. The following departments and divisions of the ministry are directly responsible for protection, utilisation, conservation and other activities regarding moveable and immovable heritage: Cultural Heritage Department (Preservation of Immoveable Heritage Division, Cultural Properties (Cultural Preserves) Division, Restoration Projects and Expertise Division), Museum Affairs Division and Visual Art Division. All activities are implemented in accordance with national legislation and ratified international conventions and recommendations in this sphere. The Ministry works in close cooperation with UNESCO, ICCROM, ISESCO, the Council of Europe, TURKSOY (the Joint Administration of Turkic Arts and Culture) and other relevant organisations. The promotion of Azerbaijani culture internationally, the funding of international festivals and competitions, the awarding of grants and prizes and the organisation of concerts to mark significant events and anniversaries are among other responsibilities of the Ministry.

2. Please elaborate on existing legal definitions for the different types of cultural heritage in your country or whether your country is considering the formulation of such legal definitions; and if not, please explain.

In accordance with the "Law on the protection of historical and cultural monuments" the classification of the monuments for their level of significance is determined and confirmed by the Cabinet of Ministers in accordance with International Law based on opinion of the Azerbaijan National Academy of Sciences.

Also Law provides legal definitions for the following:

Archeological monuments – under ground tangible cultural examples related to human activity, as well as the primeval human camps and settlements, ancient cemeteries, defense systems and walls, worship places, ancient objects of any kind, religious and memorial monuments, rock and stone arts, vestiges of ancient mine exploitation, labor tools, ancient roads, furnaces, bridge remnants, reservoirs, water pipelines, and etc.

Architectural monuments – various architectural construction, subsidiary objects and engineer communications; residence monuments – settlement areas having architectural, historical-cultural handicraft monuments and building preserving street nets and engineer communications, sometimes encircled with cast-walls, divided traditional districts and garden-parks and art examples, newly established architectural monuments – different long-term buildings according their capacity-plan, creative-aesthetic, exploitation-functional, technical-construction form; small architectural forms – monuments, obelisks, fountains, waterfalls, springs, pools, kiosks and other important creativity objects

Historical monuments – values related to history of society and state, war and national liberation movement, development of science and technology, significant historical events in the life of nation, and also building, residences, memorial places, documents and objects related to the life of public figures, Soviet Union Heroes, National Heroes, famous scientists and cultural workers.

Ethnographic monuments – structures, tools of labor and objects reflecting tangible, intangible, ideological, agricultural life and art of nation

Epigraphic monuments – pieces of stone, clay, wood and metal which having script on them

0041229011844

controlled by the appropriate state authorities. Private financial involvement in the cultural heritage sphere is however, fairly rare in the Republic of Azerbaijan and such works are primarily funded by the state. An informal internet based network of professionals in the cultural heritage sphere, NGO's and interested private individuals has been formed. Its purpose is to discuss cultural heritage protection issues and proposals for improvement of protection and works to museums, sites and monuments etc. Appropriate state organisations use this forum as a way of consulting interested private organisations and individuals on some projects. Any individual, irrespective of profession, age and nationality may join this network.

7. Please indicate who your country cooperates with, and how, in implementing programmes, on access to cultural heritage at the local, sub-national and national levels; regional and international levels.

The government of the Republic of Azerbaijan recognises the significance of international cooperation for the effective protection of cultural and natural heritage. It is therefore pursuing a policy of active involvement in international organisations in this field. This is especially important as significant damage was caused to the country's cultural heritage as a result of the occupation of significant part (20%) of the territory of the Republic of Azerbaijan by Armenia. The country has ratified the UNESCO Convention and Protocol for the Protection of Cultural Property in the Event of Armed Conflict and other international conventions relating to this issue, has developed state legislation in line with them and is fully committed to their application within and outside the country's borders.

8. Has your country undertaken any assessment of the implementation of law, policies, plans and/or programs that addresses access to and protection of cultural heritage? If yes, does your country have examples of good practices and lessons learnt? Please explain

Proposed future action includes continued implementation of the action plans for the management of the two World Heritage properties and other valuable sites in the Republic of Azerbaijan. The action plan for the Walled City of Baku with the Shirvanshahs' Palace and Maiden Tower includes continued preservation work as well as the development of provisions for tourism, including the Icherisheher Museum. Work at the Gobustan Rock Art Cultural Landscape property meanwhile, focuses on the conservation of the rock art on the site and improvements to facilities on site, both for tourists and those involved in the preservation of and research into the site.