

**REPUBLIC OF UZBEKISTAN**

**NATIONAL REPORT ON THE IMPLEMENTATION OF THE  
1970 CONVENTION ON THE MEANS OF PROHIBITING  
AND PREVENTING THE ILLICIT IMPORT, EXPORT AND  
TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY**

**2011 – 2015**

# REPORT OF THE REPUBLIC OF UZBEKISTAN ON THE IMPLEMENTATION OF THE 1970 CONVENTION ON THE MEANS OF PROHIBITING AND PREVENTING THE ILLICIT IMPORT, EXPORT AND TRANSFER OF OWNERSHIP OF CULTURAL PROPERTY

## I. Information on the implementation of the UNESCO Convention of 1970 (with reference to its provisions)

### 1. Ratification of the Convention

*(a) Has this Convention already been ratified?*

The Republic of Uzbekistan ratified the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property on 15 July 1996.

### 2. Implementation in the national legal system and in the organization of services

In order to implement the 1970 Convention the Law of the Republic of Uzbekistan “**On Export and Import of Cultural Properties**” was adopted by the Oliy Majlis (National Parliament) on August 28, 1998 (full text in Russian and Uzbek in following web-site: [http://www.lex.uz/pages/GetAct.aspx?lact\\_id=3906](http://www.lex.uz/pages/GetAct.aspx?lact_id=3906) ). The purpose of the law is regulation of relations in the sphere of preservation of cultural heritage of Uzbekistan, protection of cultural properties against illicit export and import, maintain a common procedure for export from the Republic of Uzbekistan and import of cultural properties to the Republic of Uzbekistan, and also assisting in the development of international cultural cooperation.

*(a) Give the references of the principal national regulations adopted in order to implement the 1970 Convention?*

To ensure the implementation of the law “**On Export and Import of Cultural Properties**”, the Cabinet of Ministers of the Republic of Uzbekistan adopted the Resolution № 131 on “*On Export and Import Regulation of Cultural Properties*” on May 23 1999. The Resolution describes the procedure of export and import of cultural properties. The Resolution was amended during 2011-2013 by the Cabinet of Ministers in order to develop the rules of export and import of cultural properties.

*(b) A definition of “cultural property” agreeing with the definition proposed by the 1970 Convention is important in order to increase the effectiveness of international cooperation. State what definition is used by the national laws of the country concerned.*

According to the article 3 of the law “**On Export and Import of Cultural Properties**” of the Republic of Uzbekistan: “**Cultural property - is the movable object which has national, historical, artistic, scientific, educational, spiritual and other cultural values**”

*(c) Have specialized units been established in order to prevent and combat trafficking and ensure international cooperation for the protection of cultural heritage? Within the Heritage Department? In other government departments (police, customs)?*

There is Specialized Juridical Department of Arts Expertise and its seven regional branches established under the Ministry of Culture and Sports of Uzbekistan. The main task of the Department is to prevent and combat illicit trafficking of cultural properties. The Department coordinates its activity with respective sections of the Ministry of Culture and Sports and State Customs Committee of the Republic of Uzbekistan (article 5 of the law).

There is "Uzarchive" Agency of the Republic of Uzbekistan is in charge for prevention and combat illicit trafficking of documentary heritage.

*(d) Describe briefly the administrative coordination of the activities of these specialized units, especially with the police and customs authorities.*

Administrative coordination of the activities between Ministry of Culture and Sports and State Customs Committee based on adopted annual management plan. According to the management plan, experts of the Department of Arts Expertise on regular basis are providing expertise and certification of the cultural properties which are subject for export or import. Moreover, plan also includes capacity building trainings for specialists of the State Custom Committee and graduate students of the universities.

In case of illegal import or export, cultural properties identified are subjects to return to the respective cultural institutions (museums or libraries).

*(e) Are working meetings held to enable police officers, customs officials and ministerial representatives to meet and coordinate their activities?*

Annual management plan covers regular coordination working meetings organized by the Department of Arts Expertise for representatives of the police officers, custom officials, museum and library professionals and ministerial officials.

### **3. Inventories and identification**

*a) State briefly the extent to which inventories provide for the risks of misappropriation and theft.*

*(b) Specify the degree of precision, at the national level, of the definition of "cultural property" covered by international conventions (see above I.2(b)). State whether "national treasures" are identified in an official, tentative or exhaustive list.*

*(c) To what extent is the Object ID standard used? Is the standard adapted to the State's needs?*

(a, b, c) Establishment of the National List of the Cultural Properties of the Republic of Uzbekistan is on-going process. There is state policy on creation of the electronic catalogue of cultural properties in each museum and library. There is reference on list of the cultural properties in the Resolution № 131 "On Export and Import Regulation of Cultural Properties". The main criteria's of listing the objects are: national, history, artistic, scientific, educational, spiritual and other cultural values.

*(d) Are there systems to combat theft and to train museum staff and have specific measures been adopted for libraries, archival and manuscript repositories, and any specialized units established to monitor them?*

Every year Ministry of Culture and Sports has the capacity building training program for the staff of museums, libraries and archives. The representatives from State Custom Committee, Ministry of Internal Affairs, “Uzbekistan Airways” national company, “Uzbekistan Railways” national company also attends trainings and participates in case studies on art examination of cultural objects. Trainings covers not only state institutions but also non-governmental and private cultural institutions.

Each year the Department of Arts Expertise jointly with Uzbekistan State Institute of Arts and Culture and National Library of Uzbekistan organize the practical conferences on various aspects of the scientific examination of cultural properties.

#### **4. Archaeological excavations**

*(a) Summarize the basic principles of the regulations on archaeological excavations and on the monitoring of excavations in force in the country.*

The law on “Protection and Utilization of Archaeological Heritage Sites” was adopted on 9 October 2009. According to the law, the archaeological activities on sites are carried out under the permissions (order registration) of the Ministry of Culture and Sports of the Republic of Uzbekistan. The Principle Department for Preservation and Use of Cultural Objects under the Ministry of Culture and Sports of the Republic of Uzbekistan has the task to provide protection and safeguarding of architectural monuments, archaeological sites and cultural landscapes in accordance with the provisions of the law. After completion of the studies on site, archaeological organizations must submit to the Ministry of Culture and Sports the report, including all findings.

There are also other legislative documents, which covers regulations on cultural heritage, such as:

- The Law of the Republic of Uzbekistan on Museums (12 September 2008);
- The Law of the Republic of Uzbekistan “On Protection and Utilization of the Cultural Heritage ” (30 August 2001, amended in 2008);
- “Town-planning Code of the Republic of Uzbekistan” (4 April 2002);
- The Law of the Republic of Uzbekistan “On State Cadastre” (15 December, 2000);
- The Law of the Republic of Uzbekistan “On Export and Import of Cultural Properties” (28 August 1998);
- The Law of The Republic of Uzbekistan on Architecture and Town Planning (22 December 1995);

The Cabinet of Ministers of the Republic of Uzbekistan is carrying out adoption of state programs on monitoring of the implementation of the legal acts. Ministry of Culture and Sports of the Republic of Uzbekistan is responsible for the management of the legal acts, including administration of the archeological activities.

The basic principles of the regulations on archaeological excavations and on the monitoring of excavations are as follows:

1. Preservation of cultural heritage;
2. Protection of cultural properties against illicit export, import and transfer of ownership;
3. Monitoring export and import cultural properties;
4. Development of international cultural cooperation.

*(b) Is there a recurrent problem of illegal excavations? If so, what are the reasons and when did it begin? What steps have been taken to combat this scourge?*

Illegal excavations do not constitute a recurrent problem in Uzbekistan. In order to prevent illegal excavation, Ministry of Culture and Sports established partnership network with local communities and municipalities through its branches in every province.

## **5. Monitoring of the export and import of cultural property**

*(a) Give an estimate of the scale of the illicit export or import of cultural property. Are up-to-date statistics compiled on the theft of cultural property?*

Establishment of the ICT-based regularly updating statistics system is on-going process.

*(b) Is the illicit export of cultural property a recurring problem? If so, for which reasons (lack of financial and human resources, shortcomings in the legal supervision framework, etc.)?*

The illicit export and import of cultural property is not a recurring problem in Uzbekistan. The state budget annually allocates funds for measures to prevent illicit export of cultural properties. There is legal framework and monitoring system for preventing illicit import and export. Sometimes, the Department for Arts Expertise faces with challenge on shortage of human resources for organization scientific expertise of the cultural properties submitted for consideration by the State Customs Committee.

*(c) What are the main rules (administrative and legal) for monitoring the export and import of cultural property (existence of an export certificate, public information about the rules in force)? What categories of cultural property are covered by the rules?*

The rules of export and import of cultural properties are defined by the regulation "On Export and Import of Cultural Properties" and other related legal acts (for example, Law on Museums). The objects of cultural heritage, movable objects having historical, artistic, scientific or other cultural value, rare collections which are the objects of cultural heritage of Uzbekistan are not liable for export.

In the case of export, according to the legal procedure, ownership certificate is issued by the Department of Arts Expertise of the Ministry of Culture and Sports. Following to the provision of the procedure each applicant should submit the writing declaration with attached list and photos of objects, as well as original object itself. Art's

experts of the Department preview the cultural properties within, at least, ten days of consideration and it depends on quantity and conditions of the objects, as well as complexity of items. In case of necessity, Department could invite other experts from other specialized agencies. Signed permanent/temporary export/import certificate on cultural properties are issued by the Department of Art Expertise. Duration term of such certificate is three month from the date of its issue. Provision of the procedure also includes submission of the information on previous owner of the cultural property and its market value.

*(d) Do the rules provide for the restitution of illicitly imported cultural property?*

There is provision on restitution of cultural properties in the law on “On Export and Import of Cultural Properties” and government’s act “On Regulation of Export and Import of Cultural Properties”.

*(e) What are the main obstacles encountered in securing the restitution of illicitly exported cultural property? What type of obstacles are they (administrative, legal or political) and why do they arise (legal loopholes, unwillingness by importing countries, lack of international cooperation, etc.)?*

Lack of experience in international cooperation with states and private collections for restitution of illicitly exported cultural properties.

*(f) If the country has succeeded in securing the restitution of a stolen cultural object, describe the circumstances and state whether that involved legal proceedings, arbitration or alternative dispute resolution.*

Inter-state cooperation based on bilateral agreements. There were few success cases on return of illicitly exported cultural property.

## **6. System for trade-in, acquisition, ownership and transfer of cultural property**

*(a) Give a brief description of the cultural goods market in the country (financial volume of the market, number and turnover of auction houses including via the Internet).*

There is no information on financial volume of the market of cultural goods.

*(b) What are the main rules governing trade in cultural goods? Are control measures in place for such trade (maintenance of a police register), in particular through the Internet (for example, reference to the basic measures proposed by UNESCO, INTERPOL and ICOM)?*

The main rules governing trade in cultural goods are reflected in the law “On Export and Import of Cultural Properties” and government’s act “On Regulation of Export and Import of Cultural Properties”.

*(c) Do measures exist to control the acquisition of cultural property (for example, mechanisms to prevent museums and similar institutions from acquiring cultural property exported illegally from another State)?*

The legal acts contain provision to control the acquisition of cultural property.

*(d) Specify the existing legal system concerning ownership of cultural property:*

Objects of the cultural heritage, registered in the National List, are property of the Republic of Uzbekistan.

- Is the principle of inalienability applied to cultural items in national collections and objects originating in heritage sites?*

The principle of inalienability applied to cultural items in national collections and objects originating in heritage sites.

- What is the status of yet unfound cultural objects, of cultural items found by chance and archaeological artefacts found during legal or illegal excavations?*

In accordance with the law, all yet unfound cultural objects, cultural items found by chance and archaeological artefacts excavated within boundaries of the state are cultural property of the Republic of Uzbekistan.

- Are there any due diligence requirements in place?*

Legal framework and social partnership with local communities provides basis for due diligence requirements in place.

- What are the rules governing the search of provenance?*

Scientific examination by the Department of Arts Expertise and invited specialists.

*(e) Are there special rules on the transfer of title deeds in respect of cultural property? If so, please summarize their content.*

There is no special rule on the transfer of title deeds in respect of cultural property

## **7. Bilateral agreements**

*(a) List the bilateral agreements concluded with other countries on the import, export and return of cultural property and comment briefly on their results.*

There are several bilateral agreements between Uzbekistan and other states concerning exchange of information about cultural properties. Agreements includes regular consultation and experts meetings to prevent illicit import/export and return of cultural properties. There were few success cases on return of illicitly exported cultural property.

*(b) What conditions are set by the importing country with regard to the admissibility of requests for restitution from a country of origin?*

The process of admissibility of requests for restitution from a country of origin is implemented pursuant to the law of the Republic of Uzbekistan.

*(c) Apart from these agreements, is there administrative aid or any other type of cooperation with neighboring countries, particularly in respect of police and customs services?*

Consultations within various regional arrangements.

## **II. Code of ethics, awareness raising and education**

### **Ethical standards**

*(a) Are the UNESCO International Code of Ethics for Dealers in Cultural Property and that of ICOM for museums known to the professionals concerned (in particular, curators, antique dealers, merchants and collectors)? How is their observance checked?*

The International Code of Ethics for Dealers in Cultural Property and ICOM for museums are known to relevant organizations in Uzbekistan.

### **Awareness raising and education**

*(b) Are the "One hundred missing objects" series and the ICOM Red Lists disseminated and read?*

The information on ICOM Red Lists is disseminated among state museums of Uzbekistan. However, there is lack of respective publications (posters, booklets, etc).

*(c) Briefly describe activities carried out to raise the awareness of the authorities and educate the public, children in particular, regarding the serious damage that can be caused by illegal excavations, theft of cultural property and illegal export. How far can UNESCO contribute to these activities?*

The awareness of the general public is being raised through educational channels of the TV and Radio Broadcasting.

### **III. Cooperation with other international and regional agencies**

#### **Police**

*(a) What is the state of national cooperation with INTERPOL? What specialized police services can heritage officials call on for enquiries, legal proceedings and punitive measures?*

INTERPOL has established its office in Uzbekistan. National Central Bureau of INTERPOL is located in Tashkent. Uzbekistan is a member of INTERPOL since 28 September 1994.

*(b) If a cultural object is stolen, is the INTERPOL database on stolen objects checked? Is information on the persons implicated in the theft of cultural property transmitted to INTERPOL?*

Department of Arts Expertise of the Ministry of Culture and Sports has contacts and information exchange practice with INTERPOL National Bureau in Uzbekistan.

*(c) Do members of police services follow a specific training programme?*

Training programs on protection of cultural properties is integral part of curriculum of the National Police Academy under the Ministry of Internal Affairs of Uzbekistan.

*(d) Do criminal law provisions allow for the punishment of fraud and theft related to cultural property? Are judges specialized in this field?*

Criminal law of Uzbekistan contains provision for the punishment of fraud and theft related to cultural property. Moreover, article 23 of the Law of the Republic of Uzbekistan "On Export and Import of Cultural Values" also contains similar provision.

*(e) Does cooperation exist with the United Nations Office on Drugs and Crime (UNODC)?*

The Regional Office for Central Asia (ROCA) assists Uzbekistan in reducing the use and trade of illicit drugs, in fighting organized crime, and in preventing and prosecuting terrorism. United Nations Office on Drugs and Crime (UNODC) has been in Uzbekistan since 1993, and has helped to develop the country by addressing issues that affect the security, safety and health of its population, particularly its young people.

#### **Customs**

*(f) What is the status of cooperation with the World Customs Organization and which specialized customs services can assist heritage officials in preventing the illicit export of cultural property?*

Uzbekistan is a member of World Customs Organization. Uzbekistan State Customs Committee and WCO cooperate in the sphere of modernization and reform, capacity building, research and analysis, knowledge sharing, staff cooperation and other knowledge

*(g) Do members of the customs administration follow a specific training programme?*

State Custom Committee of the Republic permanently offers training sessions, workshops to young specialists to rise awareness about illicit trafficking and has developed manuals on cultural property protection for customs officials.

*(h) Is the UNESCO-WCO Model Export Certificate for Cultural Objects used?*

*No information.*

## **European Union**

*Have particular measures been adopted to apply the Council of the European Communities Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State.*

## **IV. Emergency situations and heritage at risk**

*(a) What is the strategy in place in your country to face emergency situations for heritage in case of natural disaster or conflict?*

The Republic of Uzbekistan ratified the UNESCO Convention for the protection of Cultural Property in the event of Armed Conflict (the Hague Convention) in 1996.

*(b) More particularly, what are the measures undertaken to implement UNSC Resolution 2199 (paragraph 17, 12 February 2015) for the protection of Syrian and Iraqi cultural heritage?*

## **V. Other legislative, legal and administrative measures taken by the State**

### **1. Accession to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects**

*(a) Has this Convention been ratified, in addition to that of 1970?*

*(b) If not, please indicate, where applicable:*

- the stage of the ratification process reached by the State concerned (close to ratification, under way, actively under preparation, not considering ratification in the short, medium or long term) ;*
- obstacles or difficulties encountered in completing the ratification process (whether legal, political or practical) and the means of overcoming them;*

- *the extent to which UNESCO can assist in completing the process.*

(a, b) The issue to be State Party to the 1995 UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects is under the consideration. Several seminars was organized on comparative studies of the 1970 Convention and 1995 UNIDROIT Convention.