

Law of Turkmenistan about protection of objects of national historical and cultural heritage

This Law regulates relations in the field of identification, preservation, use, popularization and state protection of the national historical and cultural heritage; It ensures the right of the Turkmen people to preserve and develop their cultural and national identity, protection, restoration and preservation of historical and cultural environment; conservation and protection of sources of information on the origin and development of culture in the territory of Turkmenistan.

CHAPTER I. GENERAL PROVISIONS

Article 1. Definition of objects of national historical and cultural heritage

Objects of the national historical and cultural heritage - a set of cultural values, which include having a historical and cultural significance of the objects (tangible assets) constituting the cultural heritage of the Turkmen people with historical, archaeological, architectural and other points of view and the national cultural heritage of Turkmenistan on the basis of their specific significance for the history and culture of the country and supplies exclusively to Turkmenistan without the right to transfer to other states.

Article 2. Types of objects of national historical and cultural heritage

1. On the territory of Turkmenistan to the objects of national historical and cultural heritage includes immovable historical and cultural monuments, which are divided into the following types:

- Single monuments - separate buildings and buildings with related works of painting, sculpture, decorative arts and historically established territories mentioned structures, buildings and facilities; memorial apartment; cemeteries, mausoleums and individual graves, works of monumental art; objects of science and technology (including the military), which are valuable from the point of view of history, science or art; objects of archaeological heritage, containing traces of human existence, partially or completely hidden in the ground or under water, are evidence of epochs and civilizations, the main or a major source of information on which the excavation or discovery;

- Ensembles - clearly localized to the historical territory of groups of separate or united monuments, buildings and structures of fortification, religious, palace, residential, public, administrative, commercial, industrial, scientific and educational purposes, with associated works of painting, sculpture, decorative art, architecture, or the unity of the landscape, are of value from the archaeological, architectural, historical, aesthetic or socio-cultural point of view; the historical center of the settlement and fragments of historical developments and planning of settlements, which may be attributed to the urban ensemble; works of landscape architecture and garden art (gardens, parks, squares, boulevards);

- Attractions - the combined works of man and nature, as well as areas of value from the point of view of archeology, history, urban, aesthetic, ethnological or anthropological, including the place of folk arts and crafts; centers historical settlements or fragments of urban development planning and building, memorial sites, landscapes associated with historic (including the military) events; landscapes associated with the monuments, life outstanding historical figures; cultural layers, the remains of buildings of ancient cities, settlements, villages, parks, places of worship.

2. The territories of objects of national historical and cultural heritage (single monuments, ensembles, cultural heritage sites), submitted to the State Register of the national historical and cultural heritage of Turkmenistan, are specially protected historical and cultural territory.

Article 3 Categories of objects of national historical and cultural heritage

Objects of the national historical and cultural heritage are subdivided into the following categories:

1) the objects of national historical and cultural heritage of international importance of exceptional historical, scientific, architectural, artistic and memorial value for the global heritage of all mankind, and included alleged to be included in UNESCO World Heritage List, as well as being important for the knowledge of history and culture the peoples of other countries;

2) objects of national historical and cultural heritage of national importance, historical, scientific, architectural, artistic and memorial value for the history and culture of Turkmenistan;

3) objects of national historical and cultural heritage of local importance, historical, scientific, architectural, artistic and memorial value for the history and culture of the velayat, city with the rights of velayat, etrap, cities with human Etrap, etrap cities, towns, gengeshliks.

Article 4. Determination of protection of objects of national historical and cultural heritage

State agencies and objects of national historical and cultural heritage is defined as a system of legal, organizational, financial, informational, logistical and other measures taken by the State aimed at the identification, preservation, use and promotion, as well as state protection of objects of national historical and cultural heritage in accordance with the this Act.

Article 5. Legislation of Turkmenistan on the protection of objects of national historical and cultural heritage

Turkmenistan's legislation on the protection of objects of national historical and cultural heritage is based on the Constitution and consists of this Law and other normative legal acts of Turkmenistan.

If an international treaty of Turkmenistan establishes rules other than those contained in this Act, the rules of the international treaty.

CHAPTER II. REGULATION OF THE CONSERVATION OF THE NATIONAL HISTORICAL AND CULTURAL HERITAGE

Article 6. Regulatory agencies in the protection of the national historical and cultural heritage

State regulation in the field of protection of the national historical and cultural heritage by the Cabinet of Ministers of Turkmenistan, the authorized body of state administration in the field of culture, the authorized government agency for protection, study and restoration of the national historical and cultural heritage, local executive bodies and local authorities.

Article 7. Competence of the Cabinet of Ministers of Turkmenistan in the field of protection of objects of national historical and cultural heritage

The Cabinet of Ministers of Turkmenistan:

- Defines the state policy in the field of protection of the national historical and cultural heritage;
- Possess, use and dispose of the object of the national historical and cultural heritage owned by the state;
- Exercises normative regulation of the authorized state bodies in the field of protection of objects of national historical and cultural heritage, referred to in Article 6 of this Act;
- Takes the state target program identification, conservation, protection, use and promotion of the objects of national historical and cultural heritage;
- Sets the rules and regulations of ownership, use and disposal of objects of national historical and cultural heritage;

- Establishes a procedure for identifying, public accounting, research, conservation, restoration, maintenance, regeneration, museumification, propaganda use of the objects of national historical and cultural heritage;
- Establishes the order of detention and establishing the boundaries of the national territory of objects of historical and cultural heritage and their protection zones, as well as carrying out construction, repair and other works at the site of national historical and cultural heritage and their protection zones;
- Determines the order of creation and detention regime historical and cultural reserves and historic settlements;
- Ensure co-operation with foreign countries and international organizations in the protection of the national historical and cultural heritage;
- Exercise other powers in accordance with the law.

Article 8. Competence of the authorized body of state administration in the field of culture

The authorized body of state administration in the field of culture:

- Participates in the development of state programs of conservation, protection, use and promotion of the objects of national historical and cultural heritage;
- Coordinates the activities of the interested state bodies, scientific and educational institutions, public organizations in the identification, preservation, protection, use and promotion of the objects of national historical and cultural heritage;
- Suspend or prohibit activities that endanger the conservation of the national historical and cultural heritage of all categories;
- Approve the procedure for maintaining the State Register of the national historical and cultural heritage of Turkmenistan;
- Establishes the procedure for the state historical and cultural expertise;
- Exercise other powers in accordance with the law.

Article 9. The competence of the authorized state body for the protection, study and restoration of the national historical and cultural heritage

The authorized state body for the protection, study and restoration of the national historical and cultural heritage:

- Carries out state control over the observance of legal and physical persons of Turkmenistan's legislation on the protection of objects of national historical and cultural heritage;
- Implementing a state program for the conservation, restoration and adaptation of objects of national historical and cultural heritage;
- Carries out the identification, registration, preservation, protection, promotion and use of the national historical and cultural heritage;
- Conducts the State Register of the national historical and cultural heritage of Turkmenistan;
- Organizes and carries out the state historical and cultural expertise of sites of national historical and cultural heritage;

- Gives in the manner prescribed by law, permits to conduct research, design and research and restoration and conservation work;
- Exercise other powers in accordance with the law.

Article 10. Competence of local executive authorities and local self-government in the protection of the national historical and cultural heritage

Local executive bodies and local authorities within their territory and within their competence:

- Ensure compliance with the legislation of Turkmenistan on the protection of objects of national historical and cultural heritage;
- Assist in the identification, registration, preservation, protection, restoration and use of objects of national historical and cultural heritage;
- Provide arrangements for accounting, preservation, protection and restoration of the national historical and cultural heritage of local importance in terms of economic and social development of the Territories;
- Ensure the development and approval of planning, construction and reconstruction of cities and other settlements of the implementation of measures on the identification and conservation of the national historical and cultural heritage of all categories, compiling historical and architectural support programs and card schemes agreed with the authorized state body for the protection of , study and restoration of the national historical and cultural heritage;
- Draw up security obligations to the objects of national historical and cultural heritage, and control their execution owners, users and organizations, enterprises, local meetings are located on the territory of these objects;
- Exercise other powers in accordance with the law.

Article 11. Participation of research institutions, universities and museums in the protection of objects of national historical and cultural heritage

Scientific institutions, universities and museums:

- Participating in the identification of objects of national historical and cultural heritage, they spend research work;
- Carry out the popularization of objects of national historical and cultural heritage;
- Include plans for research and education programs study and teaching of the protection of objects of national historical and cultural heritage;
- Provide scientific advice on the facilities of the national historical and cultural heritage;
- Perform other duties provided by the legislation of Turkmenistan.

Article 12. Participation of NGOs and citizens in the protection of objects of national historical and cultural heritage

1. Public associations whose constitutions provide as the main activities of identification, preservation, use and promotion of the objects of national historical and cultural heritage, participate in the protection of objects of national historical and cultural heritage in the order established by this Law.
2. Citizens and other public associations, including religious organizations, assist the authorized state body for the protection, study and restoration of the national historical and cultural heritage in the field of protection of objects of national historical and cultural heritage in accordance with the law.

3. Citizens and public associations have the right to freely receive information about the object of the national historical and cultural heritage in the order established by this Law, and within the limits of the data contained in the State Register of objects of national historical and cultural heritage of Turkmenistan.

4. Every citizen has the right of access to the objects of national historical and cultural heritage in the order established by this Law.

CHAPTER III. State protection of National Historical and Cultural Heritage

Article 13. Provision of state protection of the national historical and cultural heritage

1. The objects of national historical and cultural heritage are subject to state protection in order to prevent their destruction, destruction, violation of the established order and to prevent the use of other activities damaging the objects of national historical and cultural heritage, as well as to protect them from the adverse effects of the environment and other negative impacts.

2. The state protection of the national historical and cultural heritage is provided:

- State control over observance of legislation on protection of objects of national historical and cultural heritage;
- Taking into account the state of objects of historical and cultural value, and the jurisdiction of the State Register of the national historical and cultural heritage of Turkmenistan;
- Conducting state historical and cultural expertise;
- Development zones of protection of the national historical and cultural heritage;
- The issuance of permits for works for the conservation of the national historical and cultural heritage, as well as research on objects of national historical and cultural heritage;
- Installation of security signs;
- Monitor the status of objects of national historical and cultural heritage;
- Other measures, in accordance with the law.

Article 14. Zones of protection of objects of national historical and cultural heritage

1. In order to ensure the conservation of the national historical and cultural heritage in its historical environment on the territory of the conjugate with it established protection zones object of national historical and cultural heritage: security zone, regulation of development and economic activity (buffer zone) area protected natural landscape.

The necessary part of the project areas defined zones of protection of cultural heritage.

2. The security zone is established in the territory within which to ensure the conservation of the national historical and cultural heritage in its historical landscape surrounded by the special regime applicable land use, restricting economic activity and prohibiting the construction, except for the adoption of special measures aimed at conservation and regeneration историко-градостроительной или природной среды объекта национального историко-культурного наследия.

3. Area regulation of development and economic activity is established in the territory within which introduced land use regime that restricts construction and economic activity, and specifies requirements for the renovation of existing buildings and structures.

4. The area of the protected natural landscape is established in the territory within which introduced land use regime, prohibit or restrict economic activity, construction and renovation of existing buildings and facilities for the conservation and regeneration of the natural landscape, including the valleys of the rivers, ponds, open space and foothills, compositionally connected with objects of national historical and cultural heritage.

5. The boundaries of zones of protection of the national historical and cultural heritage, land use regimes and town planning regulations within the boundaries of these zones are approved on the basis of the project protected zones of the national historical and cultural heritage of the local executive bodies and local authorities in coordination with the authorized government agency for protection, study and restoration of the national historical and cultural heritage.

6. Requirements for the drafting of zones of protection of the national historical and cultural heritage, as well as the regime of land use and urban planning regulations within the boundaries of these zones are defined in accordance with the procedure established by the Cabinet of Ministers of Turkmenistan.

Article 15. The monitoring of the sites of national historical and cultural heritage

The authorized state body for the protection, study and restoration of the national historical and cultural heritage and its local structures are required to monitor the status of objects of national historical and cultural heritage, included in the State Register of the national historical and cultural heritage of Turkmenistan and held once every five years the survey state and fixing of objects of national historical and cultural heritage for the development of current and future programs for the conservation of these objects of national historical and cultural heritage.

CHAPTER IV. State Register of national historical and cultural heritage of Turkmenistan

Article 16 The concept of the State register of national historical and cultural heritage of Turkmenistan

1. The State Register of the national historical and cultural heritage of Turkmenistan (hereinafter - the Register) is a state information system, including a database consisting of updated information and documents on geographical location, legal status, quantitative and qualitative characteristics and evaluation of national historical sites -cultural heritage.

2. The information contained in the Register, are the main sources of information about the objects of national historical and cultural heritage and their territories and zones of protection of objects of national historical and cultural heritage in the formation and management of state land cadastre, development planning documentation, and other information systems or banks data using the (considered) the information.

Article 17. The Register

1. Keeping the Register assigned to the authorized government agency for protection, study and restoration of the national historical and cultural heritage.

2. The Register includes work on the identification and accounting of objects of national historical and cultural heritage.

List of documents, forms of conduct, guidelines for filling in accounting documents approved by the authorized government agency for protection, study and restoration of the national historical and cultural heritage. These documents are part of the Registry and shall be subject to indefinite storage.

3. registration of the national historical and cultural heritage in the Register shall contain the following information:

- The registration number of the object of the national historical and cultural heritage;

- Information about the body, the object is recommended for inclusion in the National Register of Historical and Cultural Heritage;
- Number and date of the document, which is defined by inclusion in the registry of the national historical and cultural heritage;
- View of the object of the national historical and cultural heritage;
- The name of the object of the national historical and cultural heritage;
- The time of occurrence or date of creation of the object of the national historical and cultural heritage, the main changes of the object and (or) related historical events;
- The location of the object of the national historical and cultural heritage;
- The category of the object of the national historical and cultural heritage;
- A description of features of the object of the national historical and cultural heritage, served as the basis for its entry in the Register and are not subject to change;
- A description of the boundaries of the premises of the national historical and cultural heritage.

4. The Registry shall enter the information on the presence of zones of protection of the national historical and cultural heritage.

5. Monitoring of the data about the objects of national historical and cultural heritage included in the registry, the authorized government agency for protection, study and restoration of the national historical and cultural heritage and its regional structures in order to timely modify data about the objects of national historical and cultural heritage, without saving in the Register.

6. Documented Software Registry carried out by the authorized government agency for protection, study and restoration of the national historical and cultural heritage and includes the preparation and storage of documents established by this Act that contains information about the objects of national historical and cultural heritage, included in the Register. On the basis of these documents form the information resources of the Register, providing its automated management.

Article 18. The procedure for inclusion of objects of national historical and cultural heritage in the Register

1. The right to inclusion in the Register of objects of historical and cultural value, belongs to the authorized body of state administration in the field of culture.

2. The objects of historical and cultural value, refer to the identification of sites of national historical and cultural heritage from the date of receipt of the opinion of the state historical and cultural examination of the feasibility of inclusion in the Register of data objects.

3. Archaeological monuments related to the identification of sites of national historical and cultural heritage from the time of their discovery.

4. The newly discovered objects of historical, scientific, artistic or other historical and cultural value, pending the decision on their inclusion in the Register shall be protected in accordance with the requirements of this Act.

5. The Registry may include the identification of sites of national historical and cultural heritage, since inception or since the historical events which took no less than forty years. Exceptions are the memorial and the memorial apartment houses, which are connected with the life and work of prominent personalities who have rendered special services to Turkmenistan, and are considered the identification of sites of national historical and cultural heritage is directly after the death of these persons.

6. The authorized state body for the protection, study and restoration of the national historical and cultural heritage is obliged to inform the owner of the identified object of national historical and cultural heritage for the inclusion of a specific object in the Register within thirty days from the date of the decision.

Article 19. The passport of an object of national historical and cultural heritage

1. The object of the national historical and cultural heritage, included in the Register shall be issued a passport. The passports are entered data constituting the object of protection of the object of the national historical and cultural heritage, and other information contained in the Register.

The form of the passport of the object of national historical and cultural heritage approved by the authorized body of state administration in the field of culture.

2. Passport object of national historical and cultural heritage is one of the mandatory documents submitted to the body carrying out state registration of rights to immovable property and transactions with him, in transactions with the object of the national historical and cultural heritage of any land or portion of the water body, in within which it is located.

Article 20. Exception object of national historical and cultural heritage from the Register

Exception object of national historical and cultural heritage from the Register of the authorized body of state administration in the field of culture on the basis of opinion of the state historical and cultural expertise, to establish that the object is completely lost or physically lost its value as an object of national historical and cultural heritage.

CHAPTER V. THE STATE HISTORICAL AND CULTURAL EXPERTISE

Article 21. Objectives of the state historical and cultural expertise

1. The state historical and cultural expertise (hereinafter - Review) held in order to:

- Justify the inclusion of the object of the national historical and cultural heritage in the Register;
- Identify the category of historical and cultural value of the object of the national historical and cultural heritage;
- Justify changing the category of historical and cultural value of the object of the national historical and cultural heritage;
- Exclude objects of national historical and cultural heritage of the Register;
- Determine whether the project zones of protection of the national historical and cultural heritage, urban planning and design documentation, town-planning regulations, as well as projects planned earthwork, excavation, construction, reclamation, utility and other work requirements of state protection of the national historical and cultural heritage;
- Determination of the extent to which the project documentation and production work with regulatory requirements to preserve the object of the national historical and cultural heritage;
- Assign an object of national historical and cultural heritage to the world cultural heritage.

2. Conclusion of examination may be appealed to the authorized body of state administration in the field of culture or in court.

Article 22. Principles of Expertise

The examination is conducted on the basis of:

- The scientific validity, objectivity and legitimacy;
- Presumption of conservation of the national historical and cultural heritage for any proposed economic activity;
- Compliance with the safety requirements in relation to the object of the national historical and cultural heritage;
- Reliability and completeness of the information provided by the person concerned for the state historical and cultural expertise;
- Independent experts;
- Publicity.

Article 23. Object of examination

Object of examination are:

- Objects with attributes of an object of national historical and cultural heritage, in accordance with Article 2 of this Act;
- Land subject to the economic development;
- Documents justifying the inclusion of objects of national historical and cultural heritage in the Register;
- Documents justifying the exclusion of objects of national historical and cultural heritage from the Register;
- Documents justifying the change the category of historical and cultural value of the object of the national historical and cultural heritage;
- Documents justifying the classification of the object of the national historical and cultural heritage to the historical and cultural reserves, World Heritage;
- Projects of zones of protection of the national historical and cultural heritage;
- Urban planning and design documentation, town-planning regulations in the cases established by this Law;
- Documentation justifying the work on the preservation of the object of the national historical and cultural heritage;
- Materials justifying the preliminary selection of the object location of economic activity;
- Documentation justifying the holding of land surveying, excavation, construction, reclamation, utility and other work, the implementation of which could have a direct or indirect impact on objects of national historical and cultural heritage.

Article 24. Conditions for Examination

1. The examination is conducted before the start of earthwork, excavation, construction, reclamation, utility and other work, the implementation of which may have a direct or indirect impact on the object of the national historical and cultural heritage, and (or) until the approval of urban planning and design documentation, town-planning regulations.
2. Customer-producing work at the facilities subject to examination, pays her conduct.

3. Examination procedure, requirements for the determination of businesses and individuals who may be involved as experts, the list of documents submitted to the experts, the procedure for their review, the procedure for other studies in the framework of this examination the authorized body of state administration in the field of culture.

Article 25. Conclusion of Expertise

1. Expert Report issued in the form of the act, which contains the results of studies conducted by experts in the manner prescribed by paragraph 3 of Article 24 of this Law.

2. The Expert Report is the basis for the adoption of the authorized state body for the protection, study and restoration of the national historical and cultural heritage of the decision on the possibility of the works referred to in paragraph 1 of Article 24 of this Law, as well as for the adoption of other decisions arising from the expert opinion of the objects of national historical and cultural heritage, referred to in Article 23 of this Law. In case of disagreement with the expert opinion the authorized state body for the protection, study and restoration of the national historical and cultural heritage on their own initiative or at the request of the person concerned has the right to appoint a re-examination in the manner established by the governmental authority in the field of culture.

3. In case of disagreement with the decision of the authorized state body for the protection, study and restoration of the national historical and cultural heritage of natural or legal person may appeal this decision in court.

Article 26. Basis for the object of the national historical and cultural heritage in the World Heritage List and presentation of appropriate documentation

1. The objects of national historical and cultural heritage, which are of outstanding universal historical, archaeological, architectural, artistic, scientific, aesthetic, ethnological or anthropological value can be attributed to the objects of the world cultural heritage in the order established by the Convention for the Protection of the World Cultural and Natural Heritage .

2. Conclusion of the state historical and cultural expertise for the inclusion of an object of national historical and cultural heritage of national importance in the World Heritage List and documentation, executed in accordance with the requirements of the World Heritage Committee to the United Nations Educational, Scientific and Cultural Organization (UNESCO), are sent to the Turkmen National Commission for UNESCO in the manner prescribed by the Cabinet of Ministers of Turkmenistan.

CHAPTER VI. Saving objects National Historical Heritage

Article 27 Measures for the conservation of the national historical and cultural heritage

1. Preservation of the object of the national historical and cultural heritage includes measures to ensure his physical safety, including conservation, repair, restoration, adaptation for modern use, as well as related research and development, design and production work.

In exceptional cases, under the preservation of monuments of archeology refers rescue archaeological field work carried out in the manner defined by this Law, with full or partial removal of archaeological finds from the excavations.

2. Preservation of the object of the national historical and cultural heritage - a set of scientific research, survey, design and production work carried out in order to maintain it in its current form and to prevent the deterioration of his condition, including emergency response (fortification) work.

3. Repair of the object of the national historical and cultural heritage - is the research, development, design and production work carried out to maintain it in good working order without changing its features, are the subject of protection.

4. Restoration of the object of the national historical and cultural heritage - is the research, development, design and production work carried out in order to identify and preserve its historical and cultural value.

5. The device object of the national historical and cultural heritage for modern use - is the research, design and production work carried out in order to create conditions for its modern use without changing those of its features which are the subject of protection, including the restoration of elements representing a historical and cultural value.

6. Work on the conservation, repair, restoration and adaptation for modern use of the object of the national historical and cultural heritage are made by specialized research organizations and other legal entities and individuals on the basis of a special permit issued by the authorized body of state administration in the field of culture.

Article 28. Restoration of the lost site of national historical and cultural heritage

Recreating the lost object of national historical and cultural heritage it is carried out in exceptional circumstances when a special historical, architectural, art, science, urban development, artistic or other cultural significance of this object by the restoration and where there is sufficient scientific evidence necessary for its reconstruction.

The decision to re-establish the object of the national historical and cultural heritage at the expense of the State budget and extra-budgetary funds adopted by the Cabinet of Ministers on the proposal of the authorized body of state administration in the field of culture on the basis of expert opinion, taking into account the views of interested bodies and organizations.

Article 29. Maintenance of sites and monuments of the history of intelligence and culture

1. Introduction to the historical and cultural monuments and their protected zones of archaeological excavations and prospecting carried out only with permits issued by the Scientific Council for archaeological research on the monuments of history and culture with the authorized body of state administration in the field of culture (hereinafter - the Scientific Council).

2. The composition of the Scientific Council shall be composed of representatives of the authorized body of state administration in the field of culture and relevant scientific organizations of the Academy of Sciences and educational institutions of Turkmenistan. The position of the Scientific Council and its composition shall be approved by the authorized body of state administration in the field of culture.

3. The procedure for carrying out archaeological excavations and prospecting historical and cultural monuments shall be approved by the Cabinet of Ministers of Turkmenistan.

4. Persons engaged in the study of history and culture, their primary obligation to ensure the conservation and preservation.

5. The objects of historical, scientific, cultural or other value, identified legal entities and individuals as a result of archaeological research on the territory of Turkmenistan, passed into the state museum of Turkmenistan after scientific fixation and processing. Export them outside Turkmenistan is prohibited.

Article 30. Preservation of historical and cultural heritage, located on land granted for use

Enterprises, organizations, institutions and citizens daikhan and associations are obliged to ensure the safety of objects of national historical and cultural heritage, located on land granted to them for use.

Article 31. Features of designing and carrying out of land surveying, excavation, construction, reclamation, utility and other work at the site of national historical and cultural heritage in the areas of protection of the object of the national historical and cultural heritage

1. Projects of earthwork, excavation, construction, reclamation, economic and other works on the territory of the national historical and cultural heritage to be agreed with the competent government authority in the field of culture.

2. Design and conduct ground works, excavation, construction, reclamation, economic and other works on the territory of the monument or ensemble are prohibited, except for work on the conservation of the monument or ensemble and (or) their territories, as well as economic activity without violating the integrity of the monument or ensemble and not pose a threat of damage, destruction or destruction.

Article 32. Measures to ensure the conservation of the national historical and cultural heritage in the design and carrying out of land surveying, excavation, construction, reclamation, utility and other work

1. Designing and carrying out of land surveying, excavation, construction, reclamation, utility and other work carried out in the presence of an expert report on the absence in the territory subject to the economic development, objects with attributes of an object of national historical and cultural heritage, in accordance with Article 2 of this Act.

2. In the case of the territory subject to the economic development, objects with attributes of an object of national historical and cultural heritage, in accordance with Article 2 of this Act, the draft of the land use, excavation, construction, reclamation, utility and other work should be included sections on securing the detected objects to the inclusion of data objects in the registry in the manner prescribed by this Law. Thus the provisions of land management, urban planning and design documentation, town-planning regulations in this territory shall be suspended until appropriate changes.

Article 33. Restriction of movement of vehicles on the territory of historical and cultural heritage in the areas of protection of the object of the national historical and cultural heritage

In the case of threats to the integrity and conservation of the national historical and cultural heritage of the movement of vehicles on the territory of the object or its protection zone is restricted or prohibited.

Article 34. Responsibility for the safety of the object of the national historical and cultural heritage in the production of all types of work for the conservation of the national historical and cultural heritage

At the time of all kinds of work for the conservation of the national historical and cultural heritage of the responsibility for the safety of the object of the national historical and cultural heritage carries a manufacturer works.

Article 35. Duties of legal entities and individuals to ensure the mode of use of the premises of the national historical and cultural heritage

Legal and natural persons carrying out economic and other activities on the premises of national historical and cultural heritage, are obliged to respect the use of the territory, established by this Law.

CHAPTER VII. PROTECTED historical and cultural territory

Article 36. Establishment of specially protected historical and cultural areas

Onsite national historical and cultural heritage of particular historical, scientific, artistic or other cultural value made to the Registry, can be created specially protected historical and cultural site.

Protected historical and cultural territories are created in the form of state historical and cultural reserves, historic settlements and other types provided by the legislation of Turkmenistan.

Creating and detention regime of specially protected historical and cultural areas are determined in the manner prescribed by the Cabinet of Ministers of Turkmenistan.

Article 37. The state historical and cultural reserve

1. The sites which are of an outstanding holistic historical, cultural and natural formation, require special detention regime; of unique historical and cultural monuments; unique in its importance centers and neighborhoods of the city; ensembles of special scientific, historical, artistic or other historical and cultural value, on the basis of expert opinion may be declared by the Cabinet of Ministers of Turkmenistan State Historical and Cultural Reserve.

2. State of historical and cultural reserves may be national and local importance.

3. Create, form of government, the border regime and maintenance of the state historical and cultural reserve of national significance are determined in the manner prescribed by the Cabinet of Ministers and local - the authorized body of state administration in the field of culture.

4. State historical-cultural reserves operate on the basis of regulations approved by the authorized body of state administration in the field of culture.

5. The procedure and conditions of the State Historical and Cultural Reserve, in buildings which are of historical and artistic interest, museum objects to be stored and publicly display, regulated by the Law of Turkmenistan "On museums and museum practice" and this Law.

6. The border of the state historical and cultural reserve is determined based on historical and cultural support program, and (or) other documents and materials, which justified the proposed boundaries.

The border of the state historical and cultural reserve may not coincide with the boundary of attractions.

Article 38. Historical settlements

1. Historic Village - urban or rural settlement, within the boundaries of which are objects of national historical and cultural heritage, as well as other cultural values created in the past, which are of archaeological, historical, architectural, urban planning, aesthetic, scientific or socio-cultural value which are important for the preservation of the identity of the Turkmen people, its contribution to world civilization.

2. In the historical settlement of state protection is required for all historically valuable objects gradoforniruyuschie: planning, development, composition, natural landscape, the archaeological layer, the relationship between the various urban spaces (free, built-up, greened), volume-spatial structure, fragmentary and ruinirovannoe urban heritage, shape and appearance of buildings, united by the scale, volume, structure, style, materials, colors and decorative elements, the relationship with the natural and built environment, the various functions of the historic settlement, acquired them in the development process, as well as other valuable objects.

3. Urban planning, economic and other activities in the historic settlement should be provided to ensure conservation of the national historical and cultural heritage, and all historically valuable objects of this gradoforniruyuschih settlement in accordance with this Law.

CHAPTER VIII. FEATURES possession and use the National Historical and Cultural Heritage

Article 39. Features of possession and use of an object of national historical and cultural heritage, included in the Register, and the identification of sites of national historical and cultural heritage

1. Features of the possession and use of an object of national historical and cultural heritage, included in the Register, and the identification of sites of national historical and cultural heritage are defined by this Law.

2. Objects of the national historical and cultural heritage, regardless of their category of historical and cultural values may be in the public, private and other forms of property in accordance with the law of property.

3. The owner of the object of the national historical and cultural heritage bears the burden of belonging to it an object of national historical and cultural heritage, included in the Register, or to identify the object of the national historical and cultural heritage to meet the requirements of this Act.

4. If the state registration of the contract of sale of the national historical and cultural heritage, included in the Register or the identification of sites of national historical and cultural heritage of the new owner assumes the obligation to preserve them.

Article 40. Grounds for the right to use the object of the national historical and cultural heritage, included in the Register, and the right to use the identification of sites of national historical and cultural heritage

The right to use the object of the national historical and cultural heritage, included in the Register, and the right to use the identification of sites of national historical and cultural heritage there are:

for the owner - of ownership;

for a person who is not the owner, - acts of public authorities, contracts, court decisions, as well as on other grounds stipulated by the civil legislation of Turkmenistan.

Article 41. Duties of owners

1. The owners of objects of national historical and cultural heritage have been working to preserve them and are obliged to:

1) take measures to ensure the conservation of the national historical and cultural heritage;

2) to register objects of national historical and cultural heritage of the authorized state body for the protection, study and restoration of the national historical and cultural heritage of the location of objects of national historical and cultural heritage;

3) notify the authorized government agency for protection, study and restoration of the national historical and cultural heritage of accomplished or on the alleged change of ownership;

4) negotiate with the authorized government agency for protection, study and restoration of the national historical and cultural heritage work on the repair, conservation and restoration of the national historical and cultural heritage;

5) to provide access to the objects of national historical and cultural heritage in the scientific, cultural and other purposes in the manner and within the limits established by special agreements with the authorized government agency for protection, study and restoration of the national historical and cultural heritage.

2. The obligations of owners and users of objects of national historical and cultural heritage are recorded in a document on the protection of immovable objects of national historical and cultural heritage, issued by the authorized government agency for protection, study and restoration of the national historical and cultural heritage.

Article 42. Implementation of the right to use the object of the national historical and cultural heritage, included in the Register, and the right to use the identification of sites of national historical and cultural heritage

1. Legal and natural persons shall exercise the right to use objects of national historical and cultural heritage, included in the Register, and the right to use the identification of sites of national historical and cultural heritage at its discretion, unless it worsens the condition of the objects of national historical and cultural heritage, it does not harm the environment historical, cultural and natural environment, and does not violate the rights and legitimate interests of others.

2. Use of objects of national historical and cultural heritage for the purposes and in ways that are contrary to this Act.

3. The objects of national historical and cultural heritage, included in the Register, with the obligatory use of the following requirements:

- Preservation of the external and internal appearance of the object of the national historical and cultural heritage, in accordance with data protection is included as a subject in the passport of the object of the national historical and cultural heritage;
- Coordination with the authorized government agency for protection, study and restoration of the national historical and cultural heritage to carry out excavation, land surveying, construction, land reclamation, economic and other works within the boundaries of the object of the national historical and cultural heritage;
- Ensure that the detention regime of specially protected historical and cultural areas, including the area of land on which the facilities are located in the archaeological heritage;
- Public access to the object of the national historical and cultural heritage, the terms of which are set by the owner of the object of the national historical and cultural heritage in coordination with the authorized state body for the protection, study and restoration of the national historical and cultural heritage.

4. Identification of objects of national historical and cultural heritage is used under compulsory execution the following requirements:

- Preservation of the external and internal appearance of the detected object of national historical and cultural heritage, in accordance with the data included in the passport of the object of the national historical and cultural heritage;
- Coordination with the authorized government agency for protection, study and restoration of the national historical and cultural heritage to carry out excavation, land surveying, construction, land reclamation, economic and other work at the site of national historical and cultural heritage.

5. Interference in the activities of legal entities and individuals on the use of objects of national historical and cultural heritage are not permitted except in cases specified by law.

Article 43. State ownership of objects of national historical and cultural heritage

1. The objects of national historical and cultural heritage located on the territory of Turkmenistan and are not the property of other subjects, are the exclusive property of Turkmenistan.

2. The State has a priority right to acquire ownership of objects of national historical and cultural heritage of the contracts with their owners.

3. On behalf of the powers of the owner on objects of national historical and cultural heritage of international and national importance performed by the authorized body of state administration in the field of culture and objects of national historical and cultural heritage of local importance - local executive authorities and local governments.

Article 44. Grounds for compulsory restriction of the right to use the object of the national historical and cultural heritage, included in the Register, and the right to use the identification of sites of national historical and cultural heritage

In cases of violation of this Act the right to use the object of the national historical and cultural heritage, included in the Register, or the right to use the identification of sites of national historical and cultural heritage may be forcibly limited to the extent that it is necessary for the protection, conservation, use and popularization the object of the national historical and cultural heritage, the environment, human rights and legal interests of citizens.

Article 45. Force limit for the use of an object of national historical and cultural heritage, included in the Register, or to identify the object of the national historical and cultural heritage

1. Conditions of use of the object of the national historical and cultural heritage, included in the Register and in the state ownership may be limited in the manner prescribed by the Cabinet of Ministers of Turkmenistan.

If the circumstances or conditions that necessitated the introduction of restrictions for the use of an object of national historical and cultural heritage, eliminated, the order of use of this object is restored in full.

2. The right to use the object of the national historical and cultural heritage, included in the Register, or to identify which are in private ownership may be limited or terminated by the court.

3. In case of disagreement natural or legal person with the decision of relevant executive authority on the limitation of the right to use the object of the national historical and cultural heritage are in state ownership, the user can appeal the decision in court.

Article 46. Grounds and procedure for termination of the right to use the object of the national historical and cultural heritage, included in the Register, and the right to use the identification of sites of national historical and cultural heritage

1. The right to use the object of the national historical and cultural heritage, included in the Register, or the right to use the identification of sites of national historical and cultural heritage is terminated:

- In the case of voluntary renunciation of the right of use of the user;
- After the expiration of the contract for the right to gratuitous use or lease of the national historical and cultural heritage;
- In the case of death of an individual, or in case of termination of a legal entity;
- In cases of forced termination of the right to use the object of the national historical and cultural heritage as provided in this Act.

2. Involuntary termination of the right to use the object of the national historical and cultural heritage, included in the Register, and the right to use the identification of sites of national historical and cultural heritage can occur when:

- Intentional infliction of damage to the user object of the national historical and cultural heritage;
- Seizure of the land on which the facility is located National historical and cultural heritage, for public use.

3. The individual monuments and ensembles are collectively owned, and land, which are an integral part thereof, shall not be divided. Isolation owners their share in kind is not carried out.

Article 47. Termination of ownership of the object of the national historical and cultural heritage, which is included in the Register

1. The object of the national historical and cultural heritage, which is included in the Register and privately owned, can be withdrawn from the owner of the object by the court by a State or foreclosure sale at public auction on presentation of the relevant public authority for cultural heritage protection.

2. The grounds for filing a court claim for exemption from the owner of the object of the national historical and cultural heritage, included in the Register is inappropriate content object of national historical and cultural heritage, threatening its preservation.

Article 48. Features of the ownership and use of land or a portion of a water body within which is the object of the national historical and cultural heritage

1. If within the area of land or water object found an object of national historical and cultural heritage, that after the discovery of the monument to the owner of the land (water body) or the user possess, use and dispose of its site in compliance with the conditions set this Act to ensure the preservation of the monument revealed.
2. The object of the national historical and cultural heritage and land (land of a water body), within which it is located, are in public circulation separately.

Article 49. The procedure and grounds for alienation of the national historical and cultural heritage

1. Objects of the national historical and cultural heritage of the alienation of the state property not subject.
2. The alienation of the national historical and cultural heritage owned by citizens and their associations, and change the mode of their use is carried out in the manner prescribed by the legislation of Turkmenistan.
3. The objects of national historical and cultural heritage for religious purposes may be sent to the property only to religious organizations in accordance with the legislation of Turkmenistan.
4. Spaces, which are the subject of a national historical and cultural heritage of the object or part of the national historical and cultural heritage, can be disposed of in the manner prescribed by the housing legislation of Turkmenistan, to meet the requirements of this Act.

CHAPTER IX. Under the lease agreement and the contract of uncompensated use of objects of national historical and cultural heritage

Article 50. Terms of the lease contract the object of the national historical and cultural heritage

1. The contract of lease of the object of the national historical and cultural heritage is in accordance with the law and subject to the requirements of this Act.
2. The lease of the object of the national historical and cultural heritage must be indicated in the Register included information about the features that are the subject of protection of the object of the national historical and cultural heritage and its conservation requirements established by this Law.
3. The contract of lease of the object of the national historical and cultural heritage, owned by the state, is between the authorized body of state administration in the field of culture and the legal or natural person.
4. The contract of lease of the object of the national historical and cultural heritage is subject to state registration in accordance with the law.

Article 51. Provision of the object of the national historical and cultural heritage, included in the Register and in state ownership, for free use

1. The object of the national historical and cultural heritage, which is included in the Register and is in state ownership, is available for free use in the following entities:
 - Organizations, enterprises and institutions funded by the State budget;
 - Voluntary organizations, statutory purpose of which is to preserve the objects of national historical and cultural heritage;
 - Children's public associations;

- Public associations of disabled persons;
- Religious organizations;
- Creative unions;
- Public institutions operating in the field of culture.

2. The contract for gratuitous use of the object of the national historical and cultural heritage, included in the Register shall contain information about the features that are the subject of protection of the object of the national historical and cultural heritage, as well as the requirements for its conservation.

CHAPTER X. FINANCING ACTIVITIES FOR THE PROTECTION OF OBJECTS OF THE NATIONAL HISTORICAL-CULTURAL HERITAGE

Article 52. Sources of financing activities on the protection of the national historical and cultural heritage

1. Sources of financing activities on the protection of the national historical and cultural heritage are:

State budget funds;
extrabudgetary income.

2. To ensure the use of funds for activities on the protection of the national historical and cultural heritage can be created off-budget funds in accordance with the law.

Article 53. Financing of the works on the protection of the national historical and cultural heritage

1. The work on the protection of the national historical and cultural heritage, owned or used by individuals and legal entities, are funded at the expense of the owners and users.

2. Industrial and agricultural enterprises located on the territory of the state historical and cultural reserves, subject to removal of the zone of influence of the immediate cessation of their activities at the expense of their owners.

3. Enterprises, regardless of ownership, whose activities adversely affect the status of objects of national historical and cultural heritage are obliged to deduct at the expense of local government protection of objects of national historical and cultural heritage from 0.1 to 3.0 percent of their income, depending on the degree of damage caused to their activities. The extent of this damage and the rate of contributions determined by the authorized body of state administration in the field of culture in coordination with local government protection of objects of national historical and cultural heritage.

4. Funds derived from the provision of objects of national historical and cultural heritage for the use and provision of services and the provision of voluntary contributions of legal entities and individuals, directed to the protection, preservation and promotion of the objects of national historical and cultural heritage in accordance with the law.

Article 54. Grounds for granting benefits to businesses and individuals to invest in the work for the conservation of the national historical and cultural heritage

1. Legal persons who are users of the national historical and cultural heritage on the basis of the lease and invest in accordance with this Act in the work to preserve them, are entitled to benefits in setting rents. The nature and size of these benefits, the order of their determined by the legislation of Turkmenistan.

2. Non-profit organizations using objects of national historical and cultural heritage on the basis of a lease agreement, are entitled to reimbursement of costs produced or part of the cost of work on conservation at

the expense of fixed rent. The procedure and the amount of compensation cost determined by the lease contract.

3. Legal and physical persons who are owners or users based on the contract of uncompensated use of objects of national historical and cultural heritage, included in the Register as an object of national importance, and producing for the means necessary for their conservation work, are entitled to reimbursement of costs produced . The size and order of payment of compensation determined by the legislation of Turkmenistan.

CHAPTER XI. FINAL PROVISIONS

Article 55. Responsibility for violation of legislation of Turkmenistan on the protection of objects of national historical and cultural heritage

Violation of legislation on protection of objects of national historical and cultural heritage punishable by the laws of Turkmenistan.

Article 56. Resolution of Disputes

Disputes on the protection and use of the national historical and cultural heritage, are resolved in accordance with the legislation of Turkmenistan.

Article 57. Incentive measures in the protection of objects of national historical and cultural heritage

During the surrender, donation, testament to the state of objects of national historical and cultural heritage of legal entities and individuals may be encouraged in the manner prescribed by the Cabinet of Ministers of Turkmenistan.

Article 58. International cooperation in the field of protection of the national historical and cultural heritage

International cooperation in the field of protection of the national historical and cultural heritage in accordance with the laws and international treaties of Turkmenistan.

Article 59. Entry into force of this Act

1. This Act shall enter into force on the day of its official publication.

2. The Law of Turkmenistan on February 19, 1992 "On protection of historical and cultural monuments of Turkmenistan" (Bulletin of the Supreme Council of Turkmenistan, 1992, № 2, p. 12) in respect of the immovable monuments of history and culture.

President of Turkmenistan
Gurbanguly Berdimuhamedov.

Ashgabat, 19 October 2012.

Translation from the state language of Turkmenistan.