
**INTERNATIONAL LEGAL ACTIVITY TO SOLVE PROBLEMS RELATED TO
THE RETURN OF CULTURAL PROPERTY**

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Abstract

We found it appropriate to focus on the work of the Intergovernmental Committee of UNESCO to assist in the return of cultural assets to their countries of origin or their return in case of illegal possession.

In order to be included in the scope of this Convention, it must have cultural and natural resources such as history, art, science, aesthetics, anthropology, nature conservation, ethnology or natural beauty. The World Heritage Committee, established by the Convention, defines the objects based on the cultural properties included in the World Heritage List submitted by States. The World Heritage Fund was established by the convention and is financed by the contributions of the member states that have signed it. A percentage of its annual payments to UNESCO for advice and financial support for the preservation of cultural heritage objects used to provide funds.¹The 1970 Convention is the first global agreement adopted to control, prohibit and prevent the illicit import, export and transfer of ownership of cultural property. According to him, the trade of illegally acquired cultural assets, in particular: ... one of the main reasons for the illegal import, export and transfer of ownership of cultural assets causes the impoverishment of the cultural heritage of the countries of the world.

Keywords: UNESCO, cultural property, Intergovernmental Committee of UNESCO, convention, illegal seizure, return of cultural property, World Heritage Committee.

First of all, We will discuss in detail below the international legal efforts of UNESCO, the United Nations and UNIDROIT to return cultural assets to their countries. In addition, we will provide information about the development of rules and measures to be taken by the above-mentioned international organizations on the return of cultural assets. Mainly, we found it permissible to focus on the activities of the UNESCO Intergovernmental Committee on helping to return cultural assets to their countries of origin or to return them in case of illegal possession.

¹Worldwide, 45,000 to 53,000 art thefts occur annually. Only about 10% of all stolen art is ever recovered [see, KT Burke, SUPRA NOTE 48, AT 427.

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The 1964 UN Recommendation on the Legal Status of Movable Cultural Property, including Archaeological Finds, contains the following general provisions: "Each State shall determine with certainty the rules for the distribution of the found cultural property according to its location in the territory of its archaeological sites. needed. At the same time, the following principles should be followed:

Firstly, cultural treasures found during excavations should be at the disposal of state museums, excavations should be completed, art collections of the country characteristic of historical culture should be moved.

Secondly, In order to encourage archaeological research, after the publication of scientific results, by order of archaeologists, their works found during excavations can be copied, but after a certain period, these are gifts at scientific prices, which are open to visitors under certain conditions. will be done. In addition, if this condition is not fulfilled or suspended, these items must be returned to the state authorities.

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Thirdly, Found cultural heritage objects can be temporarily removed. It is only because of the lack of an appropriate bibliography that scientific and scientific equipment is hindered by the lack of access to the territory of the country where excavations are carried out or to a certain archeology, which makes their study impossible.

Fourthly, According to Article 23 of the UNESCO Recommendation, it recommends that each member state may provide for the transfer, exchange or storage of its collections in museums of strange things that are not of interest to it. In accordance with Article 29 of this Recommendation, each member state is encouraged to take measures to combat illegal excavations, damage to cultural assets, and ban the export of items found during excavations in areas of archaeological value.

In 2014, with the participation of UNESCO, a joint project aimed at the protection of the cultural heritage of the Syrian Arab Republic was launched with a total amount of 2.5 million euros and is currently being implemented through the representative office of UNESCO in Beirut (Lebanon). In addition, UNESCO and UNIDROIT provided technical and legal support for the revision of Directive 2014/60/EU on the return of cultural property illegally removed from the territory of the member state. Finally, according to the cultural work plan for 2015-2018, it was based on the principle of Cairo recommendations, that is, the archaeological findings are closely related to the country. This principle is based on the interests of the art and culture of the country of origin. After the end of the Second World War, it was renewed once by the development of international principles of conducting archaeological work. On December 5, 1956, at the 9th session of the General Conference of UNESCO in New Delhi, UNESCO adopted a recommendation on the establishment of principles for the international regulation of archeology.

We know that according to Article 27 of the "Universal Declaration of Human Rights" of December 10, 1948, "everyone has the right to free participation in cultures, as well as to social life, the enjoyment of the arts, participation in scientific activities, development and its benefits. has the right to enjoy" has been strengthened. In addition, the "International Covenant on Economic, Social and Cultural Affairs" of December 19, 1966 confirms that "the right of everyone to participate in cultural life" is also recognized.³ The General Assembly of the United Nations adopted a number of resolutions on the protection of cultural assets. Thus, the Resolution of November 30, 1976 stated the following: "The protection of national culture and heritage by all means is an integral part of the process of nature protection and the future." On December 14, 1973, the General Assembly adopted Resolution 3148 (XXVIII) "On the preservation and further development of cultural assets". In this resolution, the Director-General of UNESCO, in cooperation with the member states, "studying all the legal

³UN General Assembly Resolution 2200 A (XXI).

consequences arising from the existence of legislation on the protection of national artistic heritage, including the problems of the exchange of various cultural assets and their voluntary return,⁴As part of preservation and further development of cultural assets, art, excursion valuables" were requested⁵. In this resolution, the General Assembly first called on all to ratify the 1970 UNESCO Convention.

Second, it suggested that every country should take all necessary measures to prevent any illegal trade in cultural property within its territory. Thirdly, it confirmed "the return of art objects, monuments, museum exhibits, manuscripts, documents and any other cultural or artistic property belonging to a state." UNESCO Resolution 54/190 of December 17, 1999 "On the return of cultural property" was adopted. With the support of UNESCO, with the help of work and efforts aimed at the development of communication between countries, databases and identification systems allow the electronic transfer of information. Besides,⁶

Also, UNESCO's efforts to protect cultural assets are implemented in several directions.⁷In particular, an intergovernmental conference by UNESCO on the topic of "Protection of cultural assets" was held in Venice in 1970. It adopted a decision on new aspects of cultural policy, including non-damage to cultural assets during armed conflict. Another urgent issue is the return of the cultural wealth of the participants of the 1970 conference to the countries affected by colonialism. A number of UNESCO member states demanded at the conference. In fact, it was said that artistic and cultural assets exported from their countries should be restored to their rightful owners after independence. Representatives of these countries invited UNESCO to the countries that have spiritual influence.

we know thatSince the establishment of UNESCO: first, in the implementation of measures to help Member States protect cultural heritage; secondly, it facilitates the exchange of information in the field; thirdly, prepares international conventions and recommendations; fourthly, it advises on the development of national legislation, the organization of regular seminars and other activities on the application of regional conventions.⁸

We know that "Legal regulation of the Council of Europe, the European Union and the CIS in the field of return or restoration of cultural property" regarding the problem of illegal trade and the return of illegally transferred cultural objects in accordance with the norms of international law, a number of main ones adopted at the European level within

⁴Resolutions adopted at the XXVIII session of the General Assembly. New York, 1974, pp. 113-114.

⁵In the following years, the UN General Assembly adopted a number of resolutions on the return of cultural assets to their countries of origin.

⁶Report of the Secretary General of the United Nations. September 27, 2001. A/56/413. Fitschen T. Return and Restitution Resolution of the General Assembly on cultural property of countries of origin December 13, 2001 // 2002 no. 2. B. 337-341

⁷Doc. A/31/III/ 24 Aug. 1976. Annex. P. 22.

⁸Rubanik K. P. Mejdunarodno pravovye problemy UNESCO. M., 1964

the framework of the European Union and the CE examines the documents. As a result, it reveals their weaknesses in this regard. In addition, we studied the national legislation on "National Laws of States Regulating Matters Related to the Return or Restoration of Cultural Property." In particular, We reveal the advanced experience of countries in the implementation of the principles and norms established in the 1954 Hague Convention of Foreign States "Regulating Issues Related to the Return and Restoration of Cultural Property" and its protocols. We also found that many countries have special measures in place to protect property rights and other property rights in relation to property categories such as cultural property. In addition, among other things, we determined the legal regulation of issues related to the problem of confiscated property, including cultural assets. we found that many countries have special measures in place to protect property rights and other property rights in relation to property categories such as cultural property. In addition, among other things, we determined the legal regulation of issues related to the problem of confiscated property, including cultural assets. we found that many countries have special measures in place to protect property rights and other property rights in relation to property categories such as cultural property. In addition, among other things, we determined the legal regulation of issues related to the problem of confiscated property, including cultural assets. The return of cultural property is of great importance to countries that have suffered great losses, especially to those who have not been able to present their claims to other countries. Requests for assistance will be reviewed by the above committee.

Also, UNESCO cooperates in this field with international organizations such as ICOM, INTERPOL, UNIDROIT, World Customs. ICOM is an international non-governmental organization. It was established in November 1946 but became operational in May 1947. The headquarters of this organization is located in Paris⁹. Among the collective members of ICOM are the largest museums in the world - Louvre, Metropolitan, British Museum, etc., in Russia - Hermitage, Tretyakov Gallery, State Museum of Fine Arts. The aim of ICOM is to develop a museum of international cooperation. ICOM has 24 international committees, various commissions. Special commissions of the council deal with international issues such as exhibitions, protection of monuments, transportation of exhibits. ICOM focuses on the issue of cultural assets, the security of exhibits, the return of cultural assets to the country of origin, and the fight against illegal trade. One of the intergovernmental organizations is Interpol. The Interpol Charter was adopted in 1956.

⁹www.icom.org/illicit.traffic.html; ICOM, Maison de l'U, 1 rue Miollis, 75732 Paris Cedex 15 France.

Interpol searches for stolen cultural property, centralizing, is engaged in analysis. It also plays an important role in collecting and publishing information about stolen valuables.¹⁰ In addition to Interpol, there is also the World Customs Organization (WCO) - the center of global customs expertise.¹¹

Another intergovernmental organization is UNIDROIT.¹² UNIDROIT was founded on May 30, 1928 in Rome¹³. It should be noted that UNESCO closely cooperates with UNIDROIT. As a result, the Convention "On the Protection of Cultural Properties" was developed. Requested in 1984 to supplement UNESCO's 1970 Convention in the event of armed conflict in 1954, UNIDROIT developed "rules applicable to unlawful acts in dealing with cultural objects."¹⁴ A long and effective result was the UNIDROIT Convention on Stolen or Illegally Removed Cultural Property of June 24, 1995.

Thus, the "soft law" acts of the first category include, for example, the Code, ICOM recommendations and guidelines, Hague protocols, UNESCO recommendations. In our opinion, despite their voluntary nature, the above normative legal documents, which have an important place in practice in the issues of return and restoration of cultural assets, are important sources for preventing the theft of cultural assets. We should emphasize that ICOM, like other organizations, pays special attention to the return and restoration of cultural assets to their countries of origin. In particular, since the problem of repatriation is usually resolved by bilateral agreements, ICOM assists in the conclusion of such agreements. Indeed, Also, the Commonwealth of Independent States signed on December 8, 1991 in Minsk, the agreement "On the establishment of the CIS" was established by three republics of the former USSR - Belarus, RSFSR and Ukraine. On December 21, 1991, the heads of the CIS constituent states signed the Almaty Declaration. CIS includes 11 former republics. Community of the Soviet Union: Azerbaijan, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine. According to these acts, one of the goals of the Commonwealth is the development of equal and mutually beneficial cooperation between nations. The CIS Charter was adopted on January 22, 1993 in Minsk. Also, on May 15, 1992, "On cooperation in the field of culture".¹⁵ the contract is accepted. It provides the following: "The parties guarantee that there will be a specified number of

¹⁰Interpol is headquartered in Lyon, France: INTERPOL, Charter entered into force in 1956. International domestic private law. M., 2000. p. 114-118.

¹¹The headquarters of the World Customs Organization is located in Brussels (Belgium).

¹²About UNIDROIT. Komarov AS Uni International Institute Fundamentals of private law // Foreign trade. 1993. No. 11.28-29 p.

¹³Rubanov AA International Institute for the Unification of Private Law in Rome // State and law of foreign countries. Collection No. 3. M., 1959. P. 114-118.

¹⁴For the text of the statute in Russian, see: Collection of International Treaties USSR. Edition. XLVI. M., 1992. P. 237-242.

¹⁵International legal documents on cultural assets. SPb., 1996. p. 51-55.

meetings. Also, the cultural assets that make up the library, museum and archival funds of independent countries, state collections for citizens to have equal and equal conditions with the citizens of the participating states of this Agreement, and to have complete information about historical and cultural assets. about the stored items, they ensure the use of the people. In addition, to Article 3 of the CIS Charter¹⁶"recognize the need to create educational and state programs for educational, scientific and cultural purposes within the framework of interstate relations". Also, for them, an expert commission consisting of authorized representatives of the Parties prepares recommendations for the review and restoration of the issues of creation of international legal norms and agreements in accordance with bilateral or multilateral legal documents of cultural and artistic assets. The agreement establishes the obligation of the parties to organize favorable conditions for the development of cultural relations, as well as the exchange of relations, in particular in the field of librarianship and museum work, the protection of monuments and other objects of cultural and historical heritage and their rational use.¹⁷**on" Regulation**confirmed that it was made. In addition, on May 15, 1992, taking into account the provisions of the Cooperation Agreement, the governments of the CIS countries in the field of cultural resources signed an agreement "on the export and import of cultural resources" in Moscow on September 28, 2001.¹⁸Through this, they achieved an exchange in creating favorable conditions for the development of cultural relations to the mutual benefit of the CIS countries. The 2001 agreement provides for the import and export of crops under the terms of the transit of valuables through the territory of the CIS, the procedure for the temporary export and import of such valuables. In this Agreement, cultural property means "properties" of a religious or secular nature. Thus, Article 7 of the Law of the CIS of 1998, along with guarantees of rights, states that the cultural assets of the member countries of Latvia, Lithuania and Estonia are not those of the CIS, but guarantees of property rights of transferred cultural assets of Belarus, Moldova and Ukraine: firstly, Public cultural property was moved, but not looted and removed, on cultural property objects that may be part of the Republic of Belarus, the Republic of Latvia, Lithuania, the Republic of Moldova, Ukraine and the Republic of Estonia. During the Second World War, by Germany and (or) its army, our allies, not from the territory of the RSFSR, but from the territory of the Belarusian SSR, Latvian SSR, Lithuanian SSR, Moldavian SSR, Ukrainian SSR and Estonian SSR formed the national treasure. Secondly, on February 1, 1950, outside the borders of the SSR, the cultural objects listed above were transferred to the Republic of Belarus, the Republic of Latvia, the

¹⁶Chernyk V. Material science practical symposium «Pravovye aspekty restitutsii kulturnyx tsennostei: theory and practice". Kiev, 1997. S. 45-46.

¹⁷International legal documents on issues of cultural property. Pages 55-59

¹⁸BMD. 2003. No. 5. p. 6-9. The agreement entered into force for Russia on December 11, 2002.

Republic of Lithuania, the Republic of Moldova, the Republic of Ukraine and the Republic of Estonia, according to their affiliation, in accordance with the conditions of "preservation, examination, provided for in Article 4 of the Law on Reimbursement of Restoration Costs. Thirdly, in accordance with Article 18 of this Federal Law, these listed countries provide on the basis of the principle of reciprocity the same approach to the cultural resources of the CIS countries, which were transferred to the Union from the former enemy countries with the consent. The main multilateral treaties governing the legal regulation of the USSR and the states located on their territories are considered universal among the status of cultural assets. This is a similar approach to cultural assets of the CIS countries, based on the principle of reciprocity. The main multilateral treaties governing the legal regulation of the USSR and the states located on their territories are considered universal among the status of cultural assets. This is a similar approach to cultural assets of the CIS countries, based on the principle of reciprocity. The main multilateral treaties governing the legal regulation of the USSR and the states located on their territories are considered universal among the status of cultural assets.

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