

Law of the Republic of Belarus on the Protection of Historical and Cultural Heritage and Decree of the Supreme Soviet of the Republic of Belarus about its implementation.

The Law of the Republic of Belarus "On the Protection of Historical and Cultural Heritage" is regulating the question concerning preservation, good maintenance, appropriate rational use, restoration and enrichment of the historical and cultural heritage of the people of Belarus, created by the Belarusians during the creation and the existence of their own state structures (Polatsk and other ancient principalities. Great principality of Lithuania, Russia and Zhamoits, Belarusian people's republic, BSSR), as well as during the time, when Belarus had been a part of others, bigger state structures (Rzecz Pospolita, Russian Empire, USSR), is the heritage of Belarusians and also an important part of the heritage of the world civilization. The spiritual, artistic and document values of the Belarusian heritage are the unavoidable circumstances of the spiritual, intellectual and economic development of the nation.

Identification, protection, maintenance, popularization and descent of our historical and cultural heritage to the younger generation is the imperative duty of the State and the question of honor of every citizen.

The Republic of Belarus sees in every damage to the historical and cultural heritage the crime against values common to all man kind and against the progressive development of the nation and take the following responsibilities:

- to forbid all the actions which might damage the objects valuable from historical and cultural points of view, including their preservation from the possibility of being damaged or destroyed in the case of war;
- to honor historical and cultural heritage of every people in the world;
- not to make any actions with the express purpose which could directly or indirectly damage the valuable historical and cultural units situated on the territories of the other States;
- to use the valuable historical and cultural units of the people of Belarus in the scientific way for the purpose of the education and the development of the material and spiritual culture, as well as for the moral and aesthetic education of the people.

The law of the Republic of Belarus "On the Protection of Historical and Cultural Heritage" is a supreme one in the sense that in all the cases concerning the historical and cultural heritage this law must be taken into account in the first place.

Chapter I: Definition of historical and cultural heritage

Article 1: Definition of historical and cultural heritage

Historical and cultural heritage includes all the important traces and things which are marked by the historical and spiritual development of the people of Belarus and which are of the historical and cultural values.

Article 2: Historical and cultural values

Historical and cultural values are the most important material units and spiritual products of people's artistic activity which are very valuable from the spiritual, aesthetic and document points of view and which are taken under protection of the State in the order, described in this law.

Article 3: Classification of the values

The values are classified in the following way:

1. Material values, in which the material usefulness represents their nature;
2. Spiritual values, the importance of which does not depend on their possible material realization.

Material values are classified in the following way:

- I. a. **Immovable** material values, the transportation of which to the other place could only be done with the help of many engineering actions and would led to the partial or entire loss of their value;
- 1.b. **Movable** material values, the transportation of which would not led to the loss of their essence and technical condition.

Spiritual values are classified in the following way:

2. a. Fixed spiritual values, the essence of which can be fixed and does not depend from the future destiny of its creators;
- 2.b. Spiritual values created by the authors, the essence of which or the appropriate values would be partially or totally lost with the disappearance of their creators or people who know them, or with the change of the social conditions of their existence.

Chapter II: Registration and protection of historical and cultural heritage

Article 4 : Registration of historical and cultural heritage

Registration of historical and cultural heritage is a system of actions aimed at:

1. Learning the historical and cultural heritage;
2. The search for the most important units which tell us about the historical and spiritual development of the Belarusian nation and their document scientific fixation;
3. Scientific and artistic estimate of the found and proposed to be treated as a valuable material units and spiritual examples of the men's artistic achievements;
4. Giving the status of a value to the most important units concerning the historical and spiritual development of the people of Belarus;

5. Compiling the register of the material units and the spiritual works of artists which haven't enough importance to give them the status of a value.

Article 5 : Protection of historical and cultural heritage

Protection of historical and cultural heritage is a system of organizational juridical and economic measures aimed at the preservation of the values from:

1. Destruction or danger of destruction;
2. Disappearance or danger of disappearance;
3. Damage or danger of damage;
4. Worsening or danger of deterioration of the technical condition;
5. Any changes scientifically groundless (including the surroundings);
6. Worsening of the condition of the understanding of the values.

Article 6: State policy in the field of the registering and the protection of the historical and cultural heritage

State policy in the field of the registering and the protection of the historical and cultural heritage in the Republic of Belarus is shaped by the National Assembly of the Republic of Belarus and is implemented by the Council of Ministers of the Republic of Belarus with the aid of the Ministry of Culture of the Republic of Belarus and its representatives in local executives bodies.

Article 7: Excluded.

Article 8: The rights of the Ministry of Culture of the Republic of Belarus

The rights of the Ministry of Culture of the Republic of Belarus cover all the questions connected with:

1. Preservation of the values, their surroundings and technical conditions;
2. Protection of the specific particularities of the values and the prohibition of the scientifically groundless changes in the values;
3. Control over the practical use of the values;
4. Studying of the historical and cultural heritage, the search for and the registering of the values;
5. Bringing back to the Republic of Belarus the values of our people which are now in the foreign states;
6. Control over the unquestionable implementation of all the points of this law.

Article 9: Excluded.

Article 10: Excluded.

Article 11: Scientific and methodological policy in the field of registering, protection, preservation, restoration, use, enrichment and restitution of the historical and cultural heritage

The elaboration and enrichment of the scientific and methodological policy in the field of registering, protection, preservation, restoration, use, enrichment and restitution of the historical and cultural heritage is being done by the Belarusian State scientific and methodological Council which deals with the questions of

historical and cultural heritage and is affiliated to the Ministry of Culture of the Republic of Belarus.

The members of the Scientific and methodological Council are not hired on the regular staff.

The statute and the personnel of the Scientific and methodological council must be confirmed by the Council of Ministers of the Republic of Belarus on the proposal made by the Minister of Culture.

Article 12: The financing of the activities of the Ministry of Culture of the Republic of Belarus and Scientific and methodological Council.

The activities of the Ministry of Culture of the Republic of Belarus and Scientific and methodological Council are financed from the state budget and other sources of financing.

Article 13: Presentation of the material units and examples of the spiritual artistic activity for the giving them the status of the historical and cultural value

Material units and examples of the spiritual artistic activity can be presented for the giving them the status of the historical and cultural value. They can be chosen from:

1. The known and available objects units, examples of the spiritual artistic activity which really exist and are common in the people's life or presented in the copies or other forms which underline their value (independently from the place of their preservation);
2. The rediscovered objects and units which had ceased to exist in people's activities for a certain period of time until they were rediscovered and which have no owner by the moment of their rediscovery;
3. The material objects and units or the examples of the spiritual artistic activity, the existence of which is known thanks to the scientifically proved information, when there are no unquestionable, documentary proved data about their destruction or loss or about the destruction or loss of their copies.

Article 14: The way of presenting the units and examples for the giving them the status of the historical and cultural value

The proposal to give the status of the historical and cultural value to the most important units and examples of the historical and spiritual development of the people of Belarus must be grounded and can be submitted to the Ministry of Culture of the Republic of Belarus by any juridical and physical person, when he/she finds out that the material unit or example of spiritual artistic activity in question have the outstanding values.

Article 15: Occasional finds of the concealed units which can be given the name of a value

Any juridical or physical person who occasionally found a movable unit or a number of units (the treasure) or other movable things specified in the Article 13 Paragraph 2 of the Law which can be of the historical and cultural value must preserve it and within five days inform the local executive committee or the local

department of internal affairs or the Ministry of Culture of the Republic of Belarus about the fact of the find.

The chairman of the local executive committee or the local department of internal affairs which received such information must take the unit on the receipt for it from the person who found it and inform about the find the Ministry of Culture of the Republic of Belarus.

The chairman or regional representative of the Ministry of Culture of the Republic of Belarus having received such an information from the local executive committee or from the regional department of internal affairs must take the find on the receipt for it during the period of five days or (in the case of the clear groundless estimates of the value) to write a document which would prove the absence in the find of the important spiritual, artistic and document values.

Any juridical or physical person who occasionally found an immovable unit or the fragment of an immovable unit (architectural details, elements of the decorations, pieces of artistic ornamentation, the rests of wall-paintings or buildings, etc.) specified in the Article 13 Paragraph 2 of the Law which could be a historical and cultural value or which could show the presence of the archeological units in the soil during the soil works, — that person must immediately cease all the works which had led to the discovery, take all the measures for the preservation of the found fragments and inform the Ministry of Culture of the Republic of Belarus immediately about the discovery (directly or through the local executive committee of the regional Soviet of people's deputies).

The representative of the Ministry of Culture of the Republic of Belarus who received such information must immediately (within 24 hours) organize the trip of the responsible persons to the place where the unit had been found. These responsible persons must order the measures to be taken for the future treatment of the archeological find and indicate the approximate time of such a treatment. If there is a clear evidence of the groundlessness of the first estimation, the responsible person must write a document about the absence in the find of the important spiritual aesthetic or document values. The period of treatment ordered by the responsible persons can be cut or prolonged by the decision of the leadership of the Ministry of Culture of the Republic of Belarus.

Suspended in connection with the find soil works can be only after the written permission of the responsible representative of the Ministry of Culture of the Republic of Belarus.

The person who found the unit is financially compensated for the suspension of the works in the order and within the amount of money decided by the Council of Ministers of the Republic of Belarus

In the cases described in this Article, the first estimation of the presence of historical and cultural values in the found units (movable and immovable) can be done by the person who found the unit, or other persons who occasionally were the witnesses of the process of the finding. When there is a witness who has the appropriate education (which permits the qualified estimation of the find), its orders to stop the works, to take the measures for the preservation of the find and to inform the competent organizations about the find (according to the law) are obligatory. Obligatory is also the fulfillment of all the orders written in this article in the cases of the findings of all treasures and hidden places made for the

preservation of the values.

The responsibility for the preservation of the find from the moment of its discovery to the moment of giving it to the local executive committee or to the moment of arrival of the representative of the Ministry of Culture of the Republic of Belarus is transferred to the person who discovered the find or claimed its existence.

The responsibility for the preservation of the find afterwards (up to the moment of pointing out its steady owner or temporary user) is transferred to the local executive committee or to the local department of internal affairs which took it on the receipt for it, or this responsibility is transferred to the person or the institution pointed out by the decision of the Ministry of Culture of the Republic of Belarus.

All taken for the receipt for them and according to the order described in this article subjects and units to which the Ministry of Culture of the Republic of Belarus had prescribed the temporary regime of preservation, must be presented for the studying to the scientific and methodological council, which would decide whether or not to attribute them the status of a value. In this case the person who found the unit or declared about it would be regarded as the author of the proposal to give the unit or the subject the status of a value. Also in this case there is no need for the person to ground his proposal for the attributing to the unit the status of a value.

Article 16: Professional activity for the discovering of material units or examples of the spiritual activity which would be given the status of a value

All the valuable historical and cultural material units and the examples of the people's spiritual activity which are discovered or introduced into the scientific exploitation during the professional scientific research activity (archeological studying of a cultural stratum, field investigations of the historical units and subjects, expedition activities, studying of the museum, library, archive and other funds) are to be scientifically described and one copy of the description materials must be given to the Data Bank on the historical and cultural heritage, according to the Article 25 of the Law ¹. The authors of the description materials have the copyright for them.

The responsibility for the fixation and the preservation of the described units found during the scientific and research activity (until they are given to the steady owner or temporary user) is transferred to the person who found the unit and in the case when the unit is found by the scientific team, the responsibility lies upon its leader (director of the expedition).

The researchers do not have any right to the free disposal of the found during their scientific activities material objects or units specified in the Article 13 Paragraph 2 of the Law which can be of the material historical and cultural value or which can be the examples of the fixed spiritual value.

The objects which have distinctive features of correspondence with the criteria specified in the Article 19 of the Law, discovered at the attempt of their transportation beyond the frontiers of the Republic of Belarus without the special permission for their transportation, received in prescribed manner, shall be

¹ Further – Data Bank

arrested in accordance with the rules of the customs legislation of the Republic of Belarus.

The movable objects of historical or cultural value, which are arrested by the customs or the police of the Republic of Belarus and confiscated in connection with the administrative crime cases and criminal cases, are handed over in accordance with the verdict to their owner or to one of the state museums under the state or regional authority in accordance with its type and its location. The scientific processing of the objects and units received in that way and providing the Data Bank with a copy of the fixation materials is carried out by the museum to which this object or unit was handed over.

The presentation to the Ministry of Culture of the Republic of Belarus of most important and valuable from the historical and cultural points of view subjects or units or the most important examples of people's spiritual activity, found during the professional scientific research activity, for the purpose of attributing them the status of a value, must be implemented in the order, specified in the Article 14 of the Law.

Article 17: The reward for the finding of the valuable from the historical and cultural points of view material units or examples of people's spiritual activity

In the case of the attributing the status of a value to the material unit or the example of the people's spiritual activity, there must be a reward paid to the person who proposed to attribute to the unit such a status. The necessity of payment and the amount of the reward is proposed by the Scientific and methodological Council and is finally fixed by the Ministry of Culture of the Republic of Belarus.

In the case when occasionally found movable unit specified in the Article 13 Paragraph 2 of the Law, according to the Article 81 of the Law, is transferred to the possession of the owner of the value as a part of which (on the territory of which) the unit had been found, the owner must pay to the person who found the value, the reward in the amount of not less than 25 % of the value cost, which is estimated by the museum expert commission.

In the case when occasionally found movable unit specified in the Article 13 Paragraph 2 of the Law, according to the Article 81 of the law, is sent to the State Museum of the Republic of Belarus, the museum must pay to the person, found the value, the reward in the amount of 25 % of the value cost which is estimated by the Museum Expert Commission.

Article 18: Dealing with the proposal of giving the status of a value to the material units and the examples of people's spiritual activity

The Ministry of Culture of the Republic of Belarus, having received the proposal about the giving the status of a value to the material unit or to the example of people's spiritual activity, must immediately and officially give the information about that to the owner or the user of the value and also to the local executive committee, and organizes the qualified studying of every received proposal at the meeting of the Scientific and methodological Council.

From the moment when the Ministry of Culture of the Republic of Belarus receives the information about the proposal to give the status of a value to the material unit or the example of the spiritual artistic activity, all the actions that

might destroy (or carry the danger of destruction), or that might led to the disappearance (or to the danger of disappearance), or to the scientifically groundless changes in the unit or the example are forbidden up to the final (positive or negative) decision on the question whether or not to include the unit or the example to the State Register of the historical and cultural values of the Republic of Belarus according to the Article 20 of this law.

The scientific and methodological Council is to consider every received proposal of giving the status of a value as well as the submitted for consideration objects and units specified in the Article 13 Paragraph 2 of the Law, and according to the results of the consideration the appropriate decision shall be made.

Article 19: The criteria of choosing the units and examples, which can be given the status of a value

The scientific and methodological Council, when it studies the proposals, must be guided by the statement that in the Republic of Belarus all the values must have artistic, spiritual or documentary value and correspond minimum to one of the following criteria:

1 It must be:

- One of the factors of the development of the national way of thinking;
- Rare or valuable evidence of the existence of the previous civilization;
- Composed or very much transformed and changed by the people of Belarus epic work;
- Created on the Belarusian territory or with the influence of the Belarusian history, reality, way of thinking, surrounding, etc., the important and valuable artistic author's work;
- Important, characteristic for Belarus or one of its regions tradition or the domestic craft;
- Symbol or other expression or description of the facts, developments or meanings, which are connected with the history of Belarus, its regions, ancestral links or the ethnic groups;
- Document fixation of the important for the world and Belarus events or processes;
- Important artistic work (chef-d'oeuvre of the artistic genius);
- Rare on the territory of Belarus or simply important example of the achievements in the field of the historical and cultural development of the other people;
- Result or evidence of the processes which hadn't been studies previously;
- Material unit or spiritual evidence that is characteristic only to the culture of the people of Belarus;
 - Tombstone of the important person, collective tombstones of the soldiers and civil casualties of the wars, war conflicts and massive reparations;
- Traditional toponymic name;
- Rare or outstanding example of
 - a. Surrounding, created by a man;
 - b. Building or other built unit of the concrete historical period, region of the topological belonging;
 - c. Solving of the industrial, economical, fortification, organizational or other problems;

- d. Using in the life of a man of the natural factors and features;
 - e. Objects of everyday life or other type of using of a certain historical period or of a certain region;
 - f. Certain stylistic type or region of ethnic peculiarity in any kind of art;
 - g. Example of any kind of people's art of a certain historical period, region or ethnic group;
2. It must be directly connected with:
 - Events or ideas and beliefs which strongly influenced the historical development of the world or the multinational people of Belarus;
 - Life and work of the outstanding persons of the world or of the Belarus;
 3. It must be considered as:
 - Bound with the people's legends, tales or other epic works, or with the people's rites;
 - The material objects which has the supernatural values;
 4. It must exercise the strong influence on the development of art, spiritual activity of the people, beliefs of the people in a certain period of time or on the territory of one of the region of Belarus;
 5. It must include the unstudied or the incompletely studies archeological cultural stratum.

Only authentic or restored according to the scientifically grounded restoration documentation objects and units can be considered as the material historical and cultural values. The only exception of from this rule can be the built units completely or almost completely restored according to the exact historical data and on the original place.

Article 20: The process of attributing the status of the historical and cultural value of the Republic of Belarus

The status of the historical and cultural value of the Republic of Belarus is being given by the Ministry of Culture of the Republic of Belarus to the most important traces and examples of the historical and spiritual development of the people of Belarus.

The attributing of such a status can only be done and must be done when the following two conditions are fulfilled:

1. The scientific and methodological Council must take the positive decision about the object or the example;
2. When there are no unquestionable and documentary proved data about loss, destruction or disappearance of the object or the example.

When these conditions are fulfilled, the status of a value can be attributed to the most important objects or examples of historical and spiritual development of the people of Belarus, just as it is being done with the historical and cultural values of the Republic of Belarus.

The ceremony of the attributing the status of a value to the material object or the example of the spiritual people's artistic activity is the fact of its inclusion in

the state register of the historical and cultural values of the Republic of Belarus.

Article 21: The state register of the historical and cultural values of the Republic of Belarus

The material units or the examples of the spiritual people's activity which are given the status of a value according to this law, are written down in the state register of the historical and cultural values of the Republic of Belarus.

This register has the following chapters:

1. Historical and cultural values which exist on the territory of the Republic of Belarus. All the material values which are within the territory of the Republic of Belarus (independently from their previous destinies), all the fixed spiritual values and all the spiritual values which exist only thanks to the individuals who know them, are written down in this chapter;
2. Historical and cultural values of the people of Belarus which legally are beyond the frontiers of the Republic of Belarus. All the material values which have the unquestionable, documentary proved Belarusian origin but appeared according to the international laws beyond the frontiers of Belarus, and also those spiritual values known by the people and which exist only in the people who despite their unquestionable (and recognized in many cases by themselves) Belarusian origin (nationality) don't have the citizenship of the Republic of Belarus, — all these values are written down in this chapter;
3. Historical and cultural values of the people of Belarus which are illegally kept beyond the frontiers of the Republic of Belarus. All the material values which have the unquestionable and documentary proved Belarusian origin but appeared beyond the frontiers of the Republic of Belarus illegally, not according to the international laws, — these values are written down in this chapter;
4. Historical and cultural values of the people of Belarus which disappeared in the obscure conditions. This chapter covers all material values of the people of Belarus which disappeared in the obscure condition (when there are unquestionable, documentary proved data about their existence before the disappearance) but only when it's known that there are no unquestionable, documentary proved data destruction.
5. Historical and cultural values which are in the danger of their destruction or disappearance. This chapter covers those material units and examples of the spiritual people's artistic activity (already written down in the previous four chapters of the state register of the historical and cultural values of the Republic of Belarus) which are in the danger of their destruction or disappearance or loss of their important spiritual, document or artistic peculiarities, and the causes that carry such a danger, and the measures indispensable for the saving of every value, are also pointed out.

The state register of the historical and cultural values of the Republic of Belarus is being reviewed as a whole book or by the chapters when it is necessary, but at least once in two years or more often, and the register is published after each renewal.

Article 22: Complex values

The status of a value can be attributed to the collection of the material units which are situated in the same place or brought together according to the certain common peculiarities that unite them (in some cases the surroundings can be

the components of such collection), as well as to the number of units which are situated in the different places but are united by the common peculiarities which are bases of their spiritual, aesthetic and document values. The status of a value can be attributed to the complex examples of the spiritual culture.

Not only the complex value itself, but also those components, which can be considered as separate values, are written down in the state register of the historical and cultural values of the Republic of Belarus.

Article 23: Standard of the fixed spiritual value

The fixation, the most precise and of high quality, of the spiritual value classification number "2.a." (Article 3 of this law) by all possible graphic and technical means, is taken by the scientific and methodological council as a standard of the fixed spiritual value.

When there is another fixation of such a value which is more precise and of higher quality, the scientific and methodological council have the right to cancel the status of the standard of the previously taken fixation and to give such a status to the new fixation.

The standards of the spiritual values must be protected in the same way as in the case of the material values. The place and the owner of the value are indicated in the document about the value.

Article 24: Documents of the registration

Documents of the registration are made on the all found important objects and examples of the historical development of the people of Belarus.

The standard of the documents of the registration for every type of the value, the order of their writing down and their preservation are shaped and approved the Ministry of Culture of the Republic of Belarus. When there are new data about the values, they must be added to the information written down in the documents of the registration.

The documents of the registration (without supplements) are drawn up at the expense of the owners of the values.

Article 25: Data Bank on the historical and cultural heritage of the Republic of Belarus

The Data Bank is created for the preservation and systematization of the documents of the registration of data about the important objects and examples of the historical development of people of Belarus, and also about the material units and the examples of the spiritual artistic people's activity which are lost but could have been given the status of the historical and cultural value of the Republic of Belarus.

The Data Bank is the state institution with all the appropriate juridical rights.

The Data Bank is also collecting, systematizing and preserving all scientific, research, published and other types of materials which are connected with the values.

To fulfill that task:

1. The owners and the users of the values are obliged to give to the bank of data one free of charge copy of scientific research, project and money documentation made to their order for all kinds of work with the values and in the territories of their protection;
2. The publishing houses of the Republic of Belarus must send to the Data Bank free of charge one copy of all the books about the question of the historical and cultural heritage.

The standards of the fixed spiritual values can be presented in the Data Bank. The activity of the bank of data is financed from the state budget or from the other sources of financing.

The Data Bank gives the free of charge possibility to learn the information collected in it only to the state bodies for protection of historical and cultural heritage, local architectural services and those juridical and physical persons who supply the Data Bank with the information about all new facts or prepared materials about the historical and cultural heritage of the Republic of Belarus.

Article 26: The abrogation of the status of the historical and cultural value of the Republic of Belarus

The material units and the examples of the spiritual people's artistic activity can be abrogated of the status of the historical and cultural value and also canceled from the state register of the historical and cultural values of the Republic of Belarus by the decision of the Council of Ministers of the Republic of Belarus in the case of destruction and disappearance due to the damage caused by the nature or in the case of the other enforceable damaging situations, and when it is impossible (on the decision of the scientific and methodological council) to restore the units according to the scientifically approved plan.

The status of historical and cultural value can also be withdraw after the overall scientific investigation, the necessity of which has been grounded by the problems of resolving of the very important (according to the estimation of the Council of Ministers of the Republic of Belarus) economic tasks.

Chapter III: Preservation and restoration of the historical and cultural values

Article 27: The principles of the preservation of the historical and cultural values

The preservation of the historical and cultural values is the preventing of the loss by the material units and the examples of people's artistic activity of their important spiritual, aesthetic and document values, which had led to the attributing them the status of a value.

The type of activity for the preservation of the values depends on their futures.

Article 28: Direct preservation of the immovable material values

In order to preserve surely and directly the immovable material values, it is forbidden to destroy, transport, inundate, create the dangers, deterioration (or create the danger of deterioration) the technical condition of them.

The actions mentioned above (with the exception of the destruction) can be allowed only by the decision of the government of the Republic of Belarus, when their necessity is grounded by the implementing of the scientifically and legally approved actions aimed at the liquidation of the results of the damage caused by the nature, of the catastrophes and war actions.

It is also forbidden to give the originals to the movable material values or the standards of the fixed spiritual values to the library or the archives users (irrespective of their form of and administrative subordination), if the uniqueness or the poor technical condition of the values carry the danger for their preservation when they are carelessly treated. The values that belong to that group (which are covered by such restrictions) are chosen by the Ministry of Culture of the Republic of Belarus according to their presentation by the Scientific and methodological council, with the help of special notes in the State register of the historical and cultural values of the Republic of Belarus and with the help of the official information made for the management of the libraries and archives.

Article 29: Protection of the surroundings of the immovable material values

The following types of territories are established around the immovable material values to secure the protection of their surroundings:

1. Protected territory;
2. Territory of the regulated building works;
3. Territory of the protection of the natural surroundings;
4. Territory of the protection of the cultural stratum.

The regimes of the protection of these territories restrict or forbid complete all the activities which might damage the protection of the values or the conditions of their existence. The territories of the protection which are part of the protection projects and the regimes of their preservation must be observed and protected by all persons without exception.

Article 30: The projects of the territories of protection

The projects of the territories of protection, including the regimes of their exploitation, are elaborated individually for every built material value and are approved by the Ministry of Culture of the Republic of Belarus.

The elaboration of the projects of the regional planning, development and reconstruction of the towns and villages, plans for the exploitation of the soil are forbidden if they don't take into account the preservation of the approved territories of protection or the projects of the establishment of the other territories of protection of immovable material values.

Article 31: The slabs about the protection

On every built material value which is included in the state register of the historical and cultural values of the Republic of Belarus, the standard slabs about the protection are installed. The slab about the protection includes the text which tells about the responsibility for the damaging the value. The slab about the

protection is installed and maintained at the cost of the owners or the users of these values. The standard of the slabs about the protection must be approved by the Ministry of Culture of the Republic of Belarus.

Article 32: Prohibition of the activity which might create the danger of the deterioration of the condition or the destruction of the immovable material values

When the persons activity created the deterioration danger of the condition or the destruction of the immovable material values, the Ministry of Culture of the Republic of Belarus must within the period of three days from the moment when the danger became known to it, give the order about the necessity of changes in the mentioned above activity or about its total interdiction.

The orders about the necessary changes or about to the interdiction of the dangerous activity can be withdrawn in the written form only by the Ministry of Culture of the Republic of Belarus.

Article 33: Restriction or total interdiction on the movement of cars and trucks on the roads which are near the territories of the preservation of the values

When the movement of cars, trucks and other transport on the roads which are near the immovable material values or cross the territories of their protection, or when the communication lines cross these territories, and their presence and utilization create the danger for the existence of these values or their technical condition, the local Soviets of deputies or juridical and physical persons who control the roads or communication lines, by the decision of the Ministry of Culture of the Republic of Belarus must restrict or totally forbid the movement of the transport on these roads or cut the communication on these lines. When it is impossible to forbid such transport activity, the persons who control the exploitation of this communication must regularly pay the compensation money for the damage to the technical condition of the value, according to the order described in the Article 91 of this law.

Article 34: Restriction or total interdiction of the activity which led to the litter of the air or the water and by this creates the danger to the existence or the technical condition of a value

When the results of the economic or other types of activity of any person or organization led to the litter of the air or the water and as a result of it the danger appears for the existence or the technical condition of the historical and cultural value, the person or organization responsible for that, must restrict or cease such an activity by the decision of the Ministry of Culture of the Republic of Belarus. In the cases of the negative response or the impossibility of fulfillment of the decision of the Ministry of Culture of the Republic of Belarus, the person or the organization must pay the compensation for the damage to the technical condition of the value, according to the order described by the Article 91 of this law.

Article 35: The preservation of the movable material historical and cultural values

Scientifically ungrounded changes, destruction, creation of the danger of the destruction, worsening or creation of the danger of the worsening of the movable material values are forbidden.

It is forbidden to give the originals of the movable material values or the standards of the fixed spiritual values to the library or archives users (irrespective of their form of ownership and administrative subordination), if the uniqueness or the poor technical condition of the values carry the danger for their preservation when they are carelessly treated. The values that belong to this group (which are covered by such restrictions) are selected by the Ministry of Culture of the Republic of Belarus according to the decision of the Scientific and methodological council, and are given the special notes in the State register of the historical and cultural values of the Republic of Belarus. The managers of the libraries and archives are officially informed.

Article 36: Interdiction of the dividing the collection of the movable material values

It is forbidden to disengage the collection of the movable material values which can be:

1. The complete sets created or collected for the concrete purposes (ornamentation of the interiors and so on);
2. The collections created according to the scientific principles.

In the case when one value belongs both to the scientifically grounded collection and to the specifically created complete set for the ornamentation of the interior, the value must be added to the scientifically grounded collection. If necessary, the exact copy of the value made at the expense of the owner of the collection is included in the specifically created complete set.

Article 37: Collection

Collection is the scientifically grounded ensemble of the transportable material values or the standards of the fixed spiritual values, which belong to one owner.

Article 38: The rights of the owner of the collection

Any juridical or physical person which is the owner of the collection or a movable object having the qualities of a historical or cultural value is entitled to declare the legality of his/her rights of possession of the collection (its part or a separate item) without the documentary confirmation of these rights.

In the case when the collection (or its part) is recognized a value, the owner of the collection has the right to receive the following free of charge aid from the state museums, the libraries and archives:

1. Ascertaining of the preservation conditions for the objects of the collections protected by the state;
2. Aid in making the scientific inventory and processing of the objects of the collections protected by the state;
3. Preserving of the objects of the collection protected by the state in the institutions of the corresponding type. These institutions are entitled to make use of the objects handed over to them for the scientific and exhibition purposes;
4. Securing of the collection or its separate items during their exhibition in the museums and transportation.

In accordance with the wish of the owner of the collection (its part) or a separate

unit of value the Ministry of Culture of the Republic of Belarus as well as the state museums, libraries and archives which render the above mentioned services is obliged to secure confidentiality of the information about the owner of the collection (its part) or a separate unit of value.

Article 39: Interdiction on the transportation of the movable material values beyond the frontiers of the Republic of Belarus for the permanent preservation

The transportation of the movable material values beyond the frontiers of the Republic of Belarus for the permanent preservation is forbidden.

The objects which have distinctive features of correspondence with the criteria specified in the Article 19 of the Law, can be transported beyond the frontiers of the Republic of Belarus if there is a permit of the Ministry of Culture of the Republic of Belarus.

Article 40: The temporary transportation beyond the frontiers of the Republic of Belarus of the movable material values

The temporary transportation beyond the frontiers of the Republic of Belarus of the transportable material values with the purpose of the development of the international cultural exchanges can be done according to the written permission of the Ministry of Culture of the Republic of Belarus and the fulfillment of the rules and conditions specially written by the Ministry of Culture of the Republic of Belarus for each concrete event, and also according to the rules of the custom legislation of the Republic of Belarus.

Article 41: Preservation of the fixed spiritual values

The choosing and the preservation of the standards are the actions for the preservation of the fixed spiritual values.

The loss or the danger of the loss, the deterioration or the danger of the deterioration of the technical condition, scientifically ungrounded changes in the standards of the fixed spiritual value — all this is forbidden.

Article 42: Preservation of the spiritual values of the concrete bearers

Preservation of the spiritual values of the concrete bearers is provided by the local Soviet of people's deputies which must be the sponsor (including the financial sponsoring) of the bearers of the values in their activity for preservation, development and giving to the younger generation the skills which are the essence of the values, as well as it must provide the preservation and restoration of the conditions of the existence of the bearers and the process of the giving to the younger generation of the elaborated by the older generation important skills, traditions and peculiarities of their way of life and factors that shape the regional way of thinking.

Any damage to the existence and the development of the bearers activity to preserve spiritual values and basic changes in the natural conditions of their life are forbidden.

Article 43: Preservation of the material units and examples of the people's artistic activity which haven't enough value to give them the status of a value

The preservation of the historical and cultural heritage includes the undesirability

of destruction (or the danger of the destruction), disappearance (or the danger of the disappearance), scientifically ungrounded changes or transportation, dividing of the collections, as well as the necessity of appropriate use of the material units or objects or the examples of the spiritual people's artistic activity, the values of which are insufficient for the attributing them the status of a value, but which have some peculiarities from the point of view of their place, the creation of the surrounding, indispensable for the preservation, the understanding and the development of the historical and cultural heritage.

The realization of the request, written in the first part of this article, is going on by the way of creating the register of such units, objects and examples with the indication of the undesirable actions against every object. Such realization can also be fulfilled with the help of the inclusion of the request on the preservation of the units, objects and examples which are directly connected with the values, in the commitments about the preservation units, objects and examples are also included in the register described in this part of the article.

The obligations of the restriction of the rights of the disposal of the units, objects and examples, included in the commitments about the preservation, must be observed by all the persons and organizations which signed them.

The interdiction of the action which might harm all the other units, objects and examples, included in the registers which are compiled according to the second part of this article, is assured with the help of the financial support to the owners of these units, objects and examples included in the registers. The money for that purpose is taken from the fund for the preservation, defense and restoring of the historical and cultural heritage of the people of Belarus.

Article 44: The activity which concerns the values

All the types of activities which might directly or indirectly concern the values must be provided with the restrictions caused by the necessity to preserve totally all the important and unique peculiarities of the values.

The changes of the values can only be done when there has been the scientific and methodological approval of it, and with the permission of the Ministry of Culture of the Republic of Belarus which can be given in every concrete case.

Article 45: Types of the material and spiritual historical and cultural values

1. Material values, according to their peculiarities, are divided into four types:

- a. Type "0": values included or proposed for the inclusion to the Register of the world values;
- b. Type "1": the most important values which are of the international importance by their spiritual, aesthetic and document values;
- c. Type "2": important values which characterize the most important events and are valuable part of the historical and cultural heritage of the whole Republic of Belarus;
- d. Type "3": values considered to be the part of historical and cultural heritage of the regions of the Republic of Belarus.

Objects which are the part of the complex material values, but aren't included in the state register of the historical and cultural values of the Republic of Belarus as separate units, as well as the objects proposed for the attributing them the status of the historical and cultural value, are described as the typeless material

values.

2. Spiritual values are divided into two types:

- a. Type "A": values, the strict precision and authenticity of which are unquestionable and invariable;
- b. Type "B": values, which are totally or partially restored with the help of the other (not primary) materials, as well as the values, which can change with the time.

Article 46: Attributing the types of the values

The types of the values are attributed and when it is necessary precedes or changed by the Ministry of Culture of the Republic of Belarus on the grounds of the decision of the Scientific and methodological Council, and are written down in the State register of the historical and cultural values of the Republic of Belarus.

Article 47: Definition of the ground of the works which change the values

The cases in which the values can be changed on the ground of the Scientific and methodological investigation and the importance of this groundless of the changes depend upon the attributed types of values.

The final decision about whether or not the works of the changing of the values are scientifically and methodologically grounded or ungrounded, can be taken only by the Scientific and methodological Council.

Article 48: The kinds of the research and restoration works which concern the values

The kinds of the research and restoration works which directly and physically concern the material values or the standards of the fixed spiritual values, have the following characteristics:

1. Repairs which mean the series of actions for the improvement of the technical condition of the objects without making any changes in its built and aesthetic features;
2. Field investigations, which are the series of works meant for discovering or the improvement of the features and peculiarities of the objects;
3. Conservation which means the series of activities for the temporary or long-term preservation of the today's condition of the objects;
4. Restoration which consists of the number of actions (mainly complex) for the scientifically grounded restoring of the lost fragments and valuable features of the objects;
5. Regeneration which consists of the series of actions which aimed at restoration of the whole object and its lost compositional elaboration.
6. Reconstruction which consists of the series of actions for the improvement of the technical condition and functional values of the unit, with the admission of partial changes in the constructional and the unimportant physical peculiarities of the unit;
7. Renewal is the scientifically grounded re-creation (whole or partial). The immovable material values must be re-created in the place of their previous existence;
8. Accommodation which consists of the number of actions for the adaptation of the units for the contemporary necessities and peculiarities

- of their modern technical exploitation;
9. Supplementing which is the number of actions for the creation of the newly introduced supplements to the objects including accomplishing of the author's ideas which were not realized ;
 10. Discovery is the number of actions for the cleaning the values from the more recent discordant strata.

Article 49: Kinds of works concerning the values, which can be done without giving the special information about that to the Ministry of Culture of the Republic of Belarus

The every day or every other period works for the maintaining and the repairs of the values within limits of the commitments signed by the owners of the values can be performed without informing the Ministry of Culture of the Republic of Belarus.

Article 50: Order of the accomplishing the works on the material units

All kinds of works with the material values and the standards of the spiritual values, with the exception of the cases described in the Article 49 of this law, can be done only with the written permission of the Ministry of Culture of the Republic of Belarus.

Such written permission can be given by the Ministry of Culture of the Republic of Belarus only after consultations and approval of the appropriate scientific documentation of the project of the works or of the scientifically grounded program of the research works.

The written permission of the Ministry of Culture of the Republic of Belarus for the performance of the research and restoration works, specified in the Article 48 of the Law, does not release the person applying for the permission from receiving the authorization for the performance of such works in the local administrative bodies in the order stipulated by the legislation of the Republic of Belarus.

Article 51: Works in the territories of the preservation of the immovable material values. Regimes of the conservation

All kinds of works in the territories of the preservation of the built material values can be done only in the framework of the restrictions imposed by the regimes of the conservation of these territories.

Article 52: Licence to perform the works with the values

People who are allowed to carry out the works must have the appropriate qualification proved by the special license. The works carried out by these people can be:

1. The investigations of the values in the natural surrounding caused by the partial or whole destruction of the values;
2. Connected with the direct influence on the important qualities of the values or their fragments, the loss of the authenticity of which must be avoided at any price;
3. Direction of the working out the scientific and project documentation concerning all kinds of work with the values, as well as the author's supervision over these works.

Article 53: Order of the attributing the license

The license is given by the Ministry of Culture of the Republic of Belarus after considering the advisory opinion of the candidate's qualification level. The advisory opinion of the qualification level is given free of charge to the Ministry of Culture of the Republic of Belarus by the following institutions:

1. The National Academy of Sciences of the Republic of Belarus authorizes investigations of the archeological units;
2. The Scientific and methodological Council authorizes the direction of the elaboration of the scientific and project documentation concerning all kinds of works with the values, and the author's supervision over these works. This type of licence gives the right to carry out all kinds of works with the values, with the exception of the activities specified in the Point 1 of this Article. It also authorizes carrying out of the works connected with the direct influence on the important qualities of the historical and cultural values and their fragments, the loss of the authenticity of which is inadmissible. This type of the license gives the right to carry out the research works in the appropriate specific ways of their performance.

The licensee's level of qualification and the level of his admission to the performance of certain kinds of works with the values and to the direction of the works with the values of the appropriate categories are to be indicated in the license without fail.

Article 54: The written permission to carry out the works with the values

The person who has the license must nevertheless have also the written permission of the Ministry of Culture of the Republic of Belarus for the carrying out of the works before he can begin these works with the values (with the exception of the cases described in the Article 49).

For the investigation of the archeological units the written permission is given by the National Academy of Sciences of the Republic of Belarus. The documentation on the archeological investigations is preserved in the archives of the National Academy of Sciences of the Republic of Belarus.

Article 55: Expedition activities for the gathering of the material objects which have the important spiritual, aesthetical or document values

The expedition activity for the gathering of the material objects which have the important spiritual, aesthetical or document values is not allowed without written permission of the Ministry of Culture of the Republic of Belarus.

Article 56: The direction of the works with the material values without the type classification

The direction of the works with the material values without the type classification can be allowed to the person who has not the license, though they must have in any case the appropriate qualification received during their studies and attributed according to the order established by the state body of the Ministry of Education of the Republic of Belarus.

Article 57: Scientific instructors

In all the cases of the works with the material values (except the preservation), every value must have its own scientific instructor which would care about it. The

instructor provides the overall direction of all the scientific, research, restoring and reconstruction works and supervises them. He is also personally responsible for the scientific and methodological groundness of the project decision which are made and implemented.

The appointment of the scientific instructors is made by the Ministry of Culture of the Republic of Belarus from the candidates provided by the directions of the scientific, restoring and project organizations, by the owners and the users of the values when they ask to carry out certain works on their values, or be the scientific and methodological Council which chooses between the competitive project conceptions of the restoring or the reconstruction works for the certain value.

Article 58: Rights of the scientific instructor. Payment of the salary to the scientific instructor

Appointed according to the appropriate order scientific instructor of the value has the right and must supervise all the kinds of the works with the values which are warranted to him (with the exception of the cases described in the Article 49).

The supervision over the regular sanitary repairs is also attributed to the scientific instructor when it is written down in the commitment for the preservation.

The payment for such supervision and the compensation of the spending connected with it must be given to the scientific instructor by the person or the institution which is interested in such works.

Article 59: Interdiction of the changing of the scientific instructor

The changing of the scientific instructor of the object is forbidden, with the exception of the following cases;

1. When the scientific instructor renounces in the written form from doing this work;
2. When the scientific and methodological council disqualifies the scientific instructor as a bad specialist;
3. When the scientific instructor can't do his work because of his age, illness, going abroad to live there, or some other objective causes.

Article 60: Concord of the project and estimate documentation

The project and estimate documentation about all kinds of works which are connected with the historical and cultural values and which exceed the bounds of the preservation regimes of the territories of the protection, specified in the Articles 29, 30 of the Law, must be approved by the Ministry of Culture of the Republic of Belarus.

Besides the approval of the project and money documentation by the Ministry of Culture of the Republic of Belarus, the documentation must be submitted for the approval to other state bodies in the order stipulated by the legislation of the Republic of Belarus.

In the case of contradictions between the requirements of the Ministry of Culture of the Republic of Belarus and those of other state bodies, the requirements of

the Ministry of Culture of the Republic of Belarus should be implemented.

Article 61: Concord of the project and estimate documentation about the works which might led to significant changes in the material values

The consultations about the project and money documentation, the realization of which might led to the changes in the material values of the types "0", "1" and "2", or their disappearance, or to the changes in the conditions of existence of the spiritual historical and cultural values, must be previously approved during the meeting of the Scientific and methodological council. When the council doesn't approve this project and money documentation, the further consultation about it must be cancelled.

The necessity of the studying by the Scientific and methodological council of the documentation, other than described in the first part of this article, but concerning the values of their surroundings, is decided by the Ministry of Culture of the Republic of Belarus .

Article 62: Costs compensation for the studying of the project and estimate documentation

The money for the studying by the Scientific and methodological Council of the project and estimate documentation must be given by:

1. For the first studying money must be given by the person or the organization-customer that orders the elaboration of the project and money documentation;
2. For the second and the following studying, according to the causes that made them necessary, the money is given by the person or organization which ordered the elaboration of this documentation, or by the person who elaborate it.

Article 63: Changes in the spiritual values

All the changes in the spiritual values of the type "A" are forbidden. The changes in the standards of the spiritual values of the type "B" can be allowed in the following cases:

1. The appearance of the more precise and more complete scientific data about their sense and contents;
2. The changes in the values themselves due to the influence of the objective cause (natural evolution of the cultural and historical events).

In the case described in the point 1 of the second part of this article, the changes can be allowed only by the decision of the scientific and methodological council, in the case described in the point 2, the changes can be done by the decision of the bank of data which must provide the regular and the most possible document fixation of these changes of the important features of the values.

Article 64: Features of the exercising the orders from the Chapter III of this law

The orders from the Chapter III of this law cover the material units and

examples of the people's artistic activity (independently from their type, place and ownership) which:

1. Are included in the state register of the historical and cultural values of the Republic of Belarus (including the collections of the values);
2. Are newly found, from the moment of giving the proposals to the Ministry of Culture of the Republic of Belarus to study them by the scientific and methodological council, or from the moment of buying them abroad.

The orders from this Chapter cover also the brought temporarily to our Republic of the material objects which are historical and cultural values of the other countries.

Chapter IV: Ownership of the values

Article 65: Legislative regulations of the questions about the ownership of the values

The main rights of the owners of the values are "regulated" by the appropriate orders of the civil legislation or by the orders of the following Chapter of this Law.

The rights of the owners on the important units and examples of the historical and spiritual development of the people of Belarus rest unchanged after the attributing to their property the status of a value.

Article 66: Ownership on the material values

The material values of the people of Belarus can be owned by State, person or institution.

Article 67: Ownership of the spiritual values collected by their bearers

The spiritual values collected by their bearers belong to them, independently from the time and condition of learning these values.

The rights of the ownership on the spiritual values become juridical grounded from the moment when the bearer receives his appropriate personal document about it. The document can't be given over to other person. The document is attributed by the Ministry of Culture of the Republic of Belarus on the ground of the declaration by the bearers who want their rights to be recognized. The attributed personal document gives to its owner the status of the people's master of the Republic of Belarus.

Article 68: Forms of the ownership of the values

The value can be in the ownership of any form.

The right of the ownership on the values partially by the state and partially by the persons or institutions can be stopped in any appropriate case according to the established order, and the state must pay money for the part of the value which belongs to the person or institution.

Article 69: The duties of the owners of the material values

The owner of the value must:

1. Register his rights on the value in the Ministry of Culture of the Republic of Belarus;
2. Acknowledge his duties of the preservation of the value by signing the preservation commitment according to which he is obliged:
 - a. Guarantee the preservation of the value;
 - b. Allow specialists to study the value, when the right to it is given by the permission of the Ministry of Culture of the Republic of Belarus;
 - c. Let the access to the value to all citizens regularly and not less than for six month every ten years, on the basis of the accord with the Ministry of Culture of the Republic of Belarus and other cultural institutions;
 - d. Inform the Ministry of Culture of the Republic of Belarus about the circumstances which might be dangerous for the preservation of the value;
 - e. Preserve libraries and other collections of the values, which had been gathered on one topic or in order to make the full collection, in their integrity and as one value.

During such events as the buying, the selling, the granting, or other forms of giving over the rights of possession of the value, the new owner of the value is obliged to sign the preservation commitment within a month from the moment of concluding a bargain. Without this condition the above mentioned actions are invalid.

In the case when the value is given over as a legacy, the legatee is bound to sign the preservation commitment before the expiry of the term of the legacy acceptance, stipulated by the legislation of the Republic of Belarus. Without this condition the canons of the legacy non-acceptance by the time fixed (the rejection of the legacy) take effect.

Article 70: Restrictions of the rights of the owner or the user of the material value

It is forbidden for the owner or the user of the material value:

1. Let the changes to be carried out on the value, and all kinds of works with it, except the works described in the Article 49, without the written permission of the Ministry of Culture of the Republic of Belarus ;
2. Change the rights of ownership of the value without informing about that the Ministry of Culture of the Republic of Belarus;
3. Change the place or the condition of the preservation, as well as of the using of the values without informing about that the Ministry of Culture of the Republic of Belarus;
4. Give (sell, make a gift) the values to the ownership or using to the military or militia units, the frontier and the railway troops.

Article 71: Additional rights of the owners of the material and fixed spiritual values

The owner of the material or fixed spiritual value, together with the rights which

he has as the owner, has the additional rights:

1. To give the value for the preservation to the state structures and the institutions with the pointing out the conditions of its using;
2. Together with the receiving of the rights of the ownership on the built value, to receive also in the ownership free of charge the land where the value is situated (within the frontiers of the territory of the value);
3. To use the privilege to buy in the first place the other parts of the values which are in the ownership of the private person;
4. In the case of moving from the building which is a valuable, to receive another equal or, when it is possible, better place to live in;
5. To the money help for the actions to preserve, conserve or restore the value, when he has no means for that.

Article 72: Additional rights of the owners (bearers) of the spiritual values

The owners (bearers) of the spiritual values have the right to organize the concerts, exhibitions of their works or to make the value known in another way (not forbidden by the legislation of the Republic of Belarus).

Article 73: Rights of the persons who are directly connected with the creation of the historical and cultural value

When the material unit or the example of the spiritual activity which have the status of a value, but its origin or contents are connected with a certain individual or his direct ancestors (but not more than for a period of two generation), that individual has the right to forbid the access to the value to the public or to the other ways of making the contains of this value known, during the period of his life or the other period which mustn't be longer than the first one.

Article 74: Copyright for the values

The copyright covers the rights of possession of the value, when the owners are the creators of the value or their heirs-at-law.

Article 75: Rights on the value of the heirs-at-law

The material or the fixed spiritual value, which is taken over by the heirs-at-law, passed to the new ownership as a heritage according to all the rights of the heritage, provided by the civil legislation.

Article 76: The change of the owner of the value

All changes of the owner of the material unit or the standard of the fixed value, or the partial giving over of the author's rights on the value must be registered by the Ministry of Culture of the Republic of Belarus.

The document of the transfer of the right of the ownership of the value (including the partial transfer of the copyright) must be signed by the representatives of the state juridical institution.

The juridical worker which according to the legislation of the Republic of Belarus has the right to sign such documents, after the registration of the document

about the transfer to the rights of the ownership, must send the documents about the registration the Ministry of Culture of the Republic of Belarus within the period of three days.

Article 77: Privileged right to buy material values and its fragments

In the case of the sale of the material value or its part the State has the privileged rights to buy it at the market (auction) price, with the exception of the case described in the second part of this article.

The owner of the part of the material value, which has several owners, has the privileged rights to buy the other parts of it. In the case of his refusal or when he can't buy the other parts of the value, the State has then the privileged rights to buy them.

Article 78: The order of the transfer of the rights of the owner of the value to the other persons or organizations

The material values and the standards of the fixed spiritual values can be sold or hired out by their owners into various forms of whole or partial ownership, using or preservation, to any person or institution of the Republic of Belarus, with the exception of the military or militia units, the frontier and the railway troops, provided the juridical or physical person to which the value is transferred, is officially acquainted with the requirements stipulated by the preservation commitment.

The state organizations for the preservation of the values (museums, archives, bank of information, etc.) are the preservers of the values with the rights of possession of the movable material values and the standards of the fixed spiritual values which belong to the state.

Article 79: Compulsory withdrawing of the rights of the owners or the users of the values (confiscation)

The owner or the user of the value can be totally or partially deprived by decree of his rights of the owner or the user of the value when he doesn't fulfill the demands of the commitment for the preservation, or in the case of his refusal to sign such commitment. Total or practical deprivation of the rights of the owner or the user and connected with it payment of money or giving some other sort of compensation must be done only by the decision of the court.

The deprivation of the individual who is the owner or the user of the value which is the place where he lives, is compensated by giving him another place to live in, according to the established order.

Article 80: Attributing of the rights of the ownership of the values which in the moment of their find or giving them the status of a value do not have the owner

The objects, units and other prominent results and signs of the historical and cultural development of the people of Belarus, specified in the Article 13 Paragraph 2 of the Law are transferred to the possession of:

1. Immovable material values:
 - a. When the value is situated on the territory of the unit (ensemble, the number of units) or is a part of the unit which already has the status of a value, it must be transferred to the owner of the whole

value;

b. In the other cases the value is transferred to the owner of the land where the value is situated;

When the juridical or physical person which is attributed the rights of possession of the value, refuses to carry out its duties to preserve the value, it is transferred to the communal ownership.

2. Movable material values and standards of fixed spiritual values:
 - a. When the value is found as a part of the unit or on the territory of the unit (ensemble, the number of units) which has the status of a value, and when the found value does not contain bank assets, it belongs to the owner of the whole value;
 - b. In all the other cases the value belongs to the state and be preserved in the state museum or archives.

The owner of the unit protected by the state, in accordance with this Law, on the territory of which the movable material value containing bank assets was discovered, has the right to buy the value (or its part) from the state with the condition of preserving the value in the place of its discovery.

3. Fixed spiritual values belong to the Council of Ministers of the Republic of Belarus.

The state body (institution) or the local executive body is entitled to pass on the right of possession of the value to another state body (institution), to send it to the public sale (auction sale) or, if the sale is impossible, to transfer the value free of charge into possession of another juridical or physical person which undertakes to preserve the value in accordance with the Law.

It is forbidden to transfer the rights of possession of the value to the juridical or physical person unable to perform his duties on the protection of the value.

The rights of possession of the values (standards of values) which were confiscated in accordance with the Article 79 of the Law, as well as the rights of possession of the objects or units connected with values (specified in the Article 43 of the Law) are also defined in accordance with this Law.

Article 81: Defining the rights of possession of the previously concealed and recently rediscovered material units and objects which cannot be given the status of a value

1. Immovable units, specified in the Article 13 Paragraph 2 of the Law, which are not historical or cultural values, become the property of the users of the land where they were discovered;
2. Movable objects, specified in the Article 13 Paragraph 2 of the Law, which are not historical or cultural values and do not contain bank assets become the property of:
 - a. The owner of the value- if the objects are discovered on the territory or as a part of this value;

- b. Juridical or physical person who financed the expedition- if the objects are discovered as a result of the professional research activities and are not specified in the Subpoint a. Point 2 of this Article;
- c. The local state museums and archives- if the person who financed the research activities refuses to take the objects discovered during the investigations which he/she financed;
- d. The persons which discovered the objects- in all the other cases.

Chapter V: Using and preserving the values

Article 82: Conditions of the using of the values

Every use of the values is possible only when it doesn't carry the danger to the preservation of the value, when it doesn't diminish its spiritual, aesthetic and document values and when all is done according to the conditions of the use described in the law and in the commitments for the preservation.

It is forbidden to use the values by the military or militia units, the frontier and the railway troops.

In the built material values, in the territories of their preservation, in the rooms where the transportable material values and the standards of the fixed spiritual values are preserved, any production, preservation, installation of the machines, preservation of the chemicals, etc., which might carry the danger to the preservation of the values (dynamical and vibration influence, bad temperature and dampness, chemical, radiation and mechanical obstruction, the danger of the explosion or fire) are forbidden. It is also forbidden to preserve the material values or the standards of the fixed spiritual values on the territory of the military or militia units.

Article 83: Restrictions on the use of the values which doesn't correspond to their historical and cultural importance

The use of the values which doesn't correspond to their historical and cultural importance is restricted by the taking from the users of the values the compensation for the damage which is caused by the inappropriate use and the restrictions connected with that of the access to the values for the people. The using of the value as it had been planned during its construction can't be seen as the inappropriate use.

Article 84: The preservation commitments

Beside the orders of this law, the Ministry of Culture of the Republic of Belarus gives additional orders about the conditions of the preservation and using of every concrete material value. The Ministry of Culture of the Republic of Belarus also gives the orders about the accomplishment of any kind of works connected with the values, as well as the other restrictions on the activity of the owners or the users of the values. These orders, written down in the preservation commitments drawn up according to the formal pattern, are obligatory to any person or organization. The commitments about the preservation must be signed by the owners of the values.

The preservation commitments must be signed by the owner of the value within a month after acquiring the value or its writing down in the State register of the

historical or cultural values of the Republic of Belarus.

Article 85: Shaping the conditions for the lease of the values

The main contents of the accord about the lease of the value the pointing out of the concrete cost of the value, time, payments, responsibility and rights of the user which concern the results of the using of the leased value, including possible improvements of this value, as well as changes, cancellation, stopping and renewal of the accords about the lease of the values, — all this must be in accordance with the law of the Republic of Belarus "About the lease" and with this law.

Chapter VI: Financing of the activity for the preservation, restoring and enrichment of the historical and cultural heritage

Article 86: Financing of the activity in the field of the preservation and the protection of the historical and cultural heritage

The financing of the activity in the field of the preservation and the protection of the historical and cultural heritage is provided by the state budget, the money of owners or users of the values, the money taken from the breakers of the regime of the preservation of the values and of the orders of this law, and by the other legal sources of money.

Article 87: Money given by the Council of Ministers of the Republic of Belarus and by the regional structures of the executive power

The Council of Ministers of the Republic of Belarus provides every year money from the state budget for the financing of the activity of registering, protection, and preservation of the historical and cultural heritage, conservation, restoring and rebuilding of the material values and inducing preservation and development of the spiritual values with the money from the state funds.

The amount of money which is given for the purposes from the regional, district, and city budget is provided according to the decision of the local Soviet of the deputies.

With the money, the source of which described in this article, Council of Ministers of the Republic of Belarus and the structures of the executive power in the regions can finance all the works for the preservation and rebuilding of any type of values of the Republic of Belarus independently from the type of ownership or from the territory (its ownership) where these values are situated.

Article 88: Foundation for the preservation, protection and restoring of the historical and cultural heritage of the Republic of Belarus

The foundation for the preservation, protection and restoring of the historical and cultural heritage of the Republic of Belarus is controlled by the Ministry of Culture of the Republic of Belarus and is the foundation for a special purpose.

The money for the foundation is taken from:

1. Voluntary grants which are made by any person or institution, including the foreign ones;

2. Assignments from the money received from the using in the commercial way of the historical and cultural values, and from the results of the activity with the values described in the Articles 90 and 91 of this law;
3. Compensations and fines, taken for the activity which directly or indirectly damages the historical and cultural values, for the restrictions on the public access to the territory of value or for the breaking the regime of the use of the territories of the protection of the built material values;
4. Other receipts which do not contradict the legislation of the Republic of Belarus.

Article 89: Use of the money from the Fund of the protection of the heritage

The money from the Fund of the protection of the heritage can be spent only according to the purposes of the fund:

1. On certain actions and programs, when there are partially financed by any person or organization (including the foreign ones);
2. On the purposes which are pointed out by the Ministry of Culture of the Republic of Belarus on the proposals of the scientific and methodological Council, including the payment of the grapes described in the Article 17 of this law, when the values are bought without any additional conditions.

Article 90: Commercial activity

Commercial activity which directly influences the value or the territory of its preservation, can't take place without the written commitment with the owner or the user of the value. This commitment must be approved by the Ministry of Culture of the Republic of Belarus.

Any juridical or physical person who is acting according to these commitments must make the payments to the fund of the protection of the heritage every year. The amount of this payment is 5 per cent from the profit of the mentioned above persons or organizations of the Republic of Belarus, and 25 per cent of the profit of the foreign persons or organizations. These payments are made in the same currency as the received profit.

Article 91: Order of the shaping the amount of the compensation for the damage caused to the value or the territory of its protection, or for the inappropriate preservation of the value

In the cases when any person or an institution are carrying out the activity, which must be restricted or totally forbidden according to the Articles 33, 34 and 83 of this law, and haven't the possibility to restrict or cease completely such an activity, or refuse to do so because of the other circumstances, they must pay 5 per cent of their profit to the Fund of the protection of the heritage as a compensation for the damage to the value. When the activity of mentioned above persons or organizations isn't commercial and don't give the profit, they must every month pay to the fund of the protection of the heritage the compensation for the damage to the historical and cultural heritage.

The amount of the money payments (per cent of the profit) and the amount of the compensation for the damage are established by the Council of Ministers of the Republic of Belarus which takes into account the proposal of the Ministry of

Article 92: Financing of the works on the values

In the case of the projecting and carrying out land, building, land-improvement and other works which might influence built material values or spiritual values and which can provoke their loss, transportation, or carry the danger of their existence, or worsen their technical condition, all the works on the previous investigation of these values, their total fixation, archeological investigations, dismantling, transportation, rebuilding, restoring, and actions for the creation of the conditions indispensable for the preservation of the values, — all these works are accomplished at the cost of the persons or organizations (customers) which are interested in accomplishing all these works. The customers provide all the necessary material resources and technical units indispensable for that purpose.

The projecting and money documentation for the accomplishing of the works described in the first part of this article must include the chapter about the investigation and the preservation of the values.

Article 93: Financing of the actions for the preservation of the values

The actions for the preservation of the values which are described in the commitments for the preservation and carried out at the cost of the owners or the users of the values.

Chapter VII: Responsibility for the breaking the laws about the preservation of the historical and cultural heritage

Article 94: Responsibility for the breaking the laws about the preservation of the historical and cultural heritage

Officials or individuals when they don't fulfill their duties on protection, exploitation, registering, restoring, scientific research of the historical and cultural heritage, when they break the regime of the preservation of the territory around the values, when they destroy (or create the danger of the destruction) or damage (or create the danger of the damaging) the values, when they break the laws of the transportation of the values through the frontiers or break the legislation in some other way (the laws about the protection of the historical and cultural heritage), — those guilty official and persons are prosecuted in the criminal, administrative, civil legislation or disciplinary way according to the legislation.

Article 95: Compensation for the damage, caused to the values or to the territories of the protection of the built material values

There must be the compensation at the cost of a guilty person or an organization according to the civil legislation of the Republic of Belarus and to this law, for the damage caused to the material value or to the standard of the fixed spiritual value or to the territory of the protection of the built material value, which would be the result of the activity (or the lack of actions) of such persons or organizations.

The amount of the compensation and in some cases the regularity of its payment are decided by the court which takes into account the decisions of the Ministry of Culture of the Republic of Belarus. All the money received as the compensation must be given over to the fund of the protection of the heritage.

The payment of the compensation for the damage caused to the value don't cancel the administrative and criminal procedures for the prosecuting the guilty persons.

Article 96: Proceeding about the breaking the legislation

Proceeding about such breaking, described in this law, is written by the representatives of the Ministry of Culture of the Republic of Belarus, by regional structures of the executive power or by the representatives of the militia or customs. The representatives of the civil organizations, the aim of which is the protection of the historical and cultural heritage, can take part in the writing of such proceedings.

Article 97: The final statements

The order of this Chapter cover also the breaking of the administrative and criminal legislation which are done to the units temporarily taken under protection, and to the units mentioned in the commitments about the preservation, their own value don't secure them the preservation according to this law.

Means from the fines and the compensations are given to the Fund of the protection of the heritage.

Chapter VIII: International agreements

Article 98: Interactions between this law and international agreements of the Republic of Belarus

This law is worked out according to the international agreements, in which the Republic of Belarus takes part.

When the Republic of Belarus signs an agreement which imposes other rules than those described in this law, the priority must be given to the rules of the international agreement.

The Chairman
of the Supreme Soviet
of the Republic of
Belarus

S.
Shushkevich

November 13, 1992

Minsk

№ 1940-XII

The president
of the Republic of Belarus

March 22, 1995

№ 3681-X11

July 7, 1998

№ 179-3

A. Lukashenka

Decree of the Supreme Soviet of the Republic of Belarus about the implementation of the Law "On the Protection of Historical and Cultural Heritage"

The Supreme Soviet of the Republic of Belarus orders:

1. To the implement the law of the Republic of Belarus "On the Protection of Historical and Cultural Heritage" beginning from the moment of its approval;
2. The Article 3, 7-12, 15-21, 23-26, 32-35, 40-43, 45-7, 57-59, 61-63, 65-78, 83, 84, 88-91 of the law of the Republic of Belarus "On the Protection of Historical and Cultural Heritage" must be implemented beginning from the 1st of May of the 1993;
3. Articles 31, 38, 52, 82 of this law must be implemented beginning from the 1st of May of W 3,
4. To determine that up to the moment of the total implementation of the law of the Republic of Belarus "On the protection of historical and cultural heritage" the orders of the law of the Republic of Belarus "On the protection and using of the monuments of history and culture" are valid in the part that doesn't contradict the already implemented Article s of law of the Republic of Belarus "On the protection of historical and cultural heritage".
5. Up to the moment of the creation of the State inspection institution of the Republic of Belarus on the protection of historical and cultural heritage (SII), its duties described in the separate and already implemented Articles of the law of the Republic of Belarus "On the protection of historical and cultural heritage" must be accomplished by the state inspection institution on the protection of the monuments of the history and the culture of the Ministry of Culture of the Republic of Belarus.
6. To the Cabinet of Ministers of the Republic of Belarus:
 - Before the 1st of January of the 1993 to send to the Supreme Soviet of the Republic of Belarus the proposals about the putting of the legislation of the Republic of Belarus in order with the law of the Republic of Belarus "On the protection of historical and cultural heritage";
 - before the 15th of January of the 1993 to approve the document about the State inspection institution of the Republic of Belarus on the protection of historical and cultural heritage, and to determine the number of its members and its structure (together with the creation of the Belarusian republican scientific and methodological council on the historical and cultural heritage);
 - before the 1st of May of the 1993 to bring the decision of the Cabinet of Ministers of the Republic of Belarus in accordance with the law of the Republic of Belarus "On the protection of historical and cultural heritage" and to review or cancel the decision of the ministries or

executive structures of the Republic of Belarus which contradict this law;

- before the 15th of December of the 1992 the point out the Chairman of the state inspection institution of the Republic of Belarus on the protection of the historical and cultural heritage;

7. To determine that up to the moment when the legislation and the decision taken by the executive structures will be coordinated with the law of the Republic of Belarus "On the protection of historical and cultural heritage", the existing legislation and the existing decision taken by the executive structures of power are applied in the part which doesn't contradict this law;
8. The control over the application of this resolution must be exercised by the Permanent commission on education, culture and preservation of the historical heritage of the Supreme Soviet of the Republic of Belarus;
9. To consider the law of the Republic of Belarus "On the protection and using of the monuments of history and culture" (33 BSSR, 1978, .No 20, art. 388: 1984, 121, art. 313: 1986, Jsfc 28, art. 363) as totally canceled beginning from the 1st of May of the 1993.

**The Chairman of the
Supreme Soviet
of the Republic of Belarus
S.Shushkevich**

**The 13th of November of 1992
Minsk
M" 1941-XII**

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