



Four-year cycle 2005-2010

Kyrgyzstan

National report on the implementation of the Hague Convention of 1954
and its two Protocols (1954 and 1999)

1. Information about the state

According to the Constitution of 1993 (with amendments 1996, 1998, 2001-2007), the Kyrgyz Republic (Kyrgyzstan) is a sovereign, secular, democratic, constitutional, unitary and social State.

The President of the Kyrgyz Republic K. Bakiev declared reformation of state policy, in the framework of adopted "State Modernization Policy", based on the conception of strengthening of constitutional principles and legitimacy by ensuring of law supremacy and fundamental rights as:

- **Loyalty of human rights** within the framework of jurisdiction, without abusing of other people's rights, community and environment;
- **Loyalty of community rights** to safeguard its bases, values, from egoism of certain groups;
- **Loyalty of property rights** as the basis of sustainable society;
- **Loyalty of environment rights** for protection from ecological disasters, elimination of conditions for harmonic coexistence of human and environment;
- **Loyalty of ancestors' rights** to protect from demolishing of national storage, traditions and honoring ancestors;
- **Loyalty of descendants' rights** for prosperous future, for pure water and air, for fertile land, for participation in global development;

Ultimate aim of new policy is the establishment of society, based on mutual respect and mutual cooperation to all inhabitants. In compliance with the modernization policy, administrative reform is being implemented aimed at the strengthening of democracy principles.

The Government of the Kyrgyz Republic maintains the following principles:

- supremacy of people's rule, represented and guaranteed by nationally elected Head of the state - the President of the Kyrgyz Republic;
- division of state power into legislative, executive, juridical branches, its concerted functioning and coordination;
- liability of state authorities, local government bodies and implementation of their authorities in the national interest;
- Distribution of authorities and functions by governmental bodies and local government bodies.

The Constitution of the Kyrgyz Republic states: "...The Kyrgyz Republic observes recognized basic principles of International Law". In 1995 The Kyrgyz Republic signed The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954 and became the Party of the Convention and its Protocols and thereby maintained the recognition of international rules supremacy in the event of military conflicts and necessity to take a range of measures on the implementation of the Convention in national scale.

The Ministry of Defense of the KR has carried out certain activities in that direction. In spite of all complexity of circumstances, the armed forces personnel must observe the Convention and determined standards in the event of armed conflict and local wars.

The observance of the Convention is an important tool, due to the commanders and their inferiors must avoid prohibited military operations and follow civilized and international rules.

2. Safeguarding of cultural property

On 29 June, 1999 the Government of KR adopted "Law on safeguarding and use of historic-cultural heritage".

The Law determines rules in the field of safeguarding and use of historic-cultural heritage objects in the Kyrgyz Republic's territory.

The Law obligates juridical bodies and individuals, determines their rights and responsibilities in safeguarding historic-cultural heritage objects.

The goal of the Law is social-legal regulation in safeguarding and use of historic-cultural heritage to ensure its effective application by people, notably:

- Securing of legal status of the historic-cultural heritage objects;
- Reglamentation of rights and responsibilities of the government, enterprises, institutions and organizations, public associations as well as individuals in safeguarding of historic-cultural heritage;
- Distribution of authorities of governmental bodies in safeguarding historic-cultural heritage;
- Undertaking of liability measures against activity or inactivity threatening directly or indirectly historic-cultural heritage

3. Military measures

For the purposes of implementation the goals of the Convention for armed forces personnel the Ministry of Defense of KR has worked out:

- 1) In 1999 the Handbook "Rights of armed conflicts" for the officers of Armed Forces KR, published by composite author of officers. Due to this manual, military servants have opportunity to get basic knowledge on the standards set by Convention, important not only for humanization of armed conflicts but for peaceful mutual relations among states.
- 2) In 2002 Officers of Armed Forces of KR and the International Committee of Red Cross published the supplemented version of Handbook "Rights of armed conflicts".

In the nearest future the Secretariat of the Commission of KR for UNESCO is planning to prepare the following projects on the implementation of this Convention among civil society and military personnel:

- 1) Amendments to the legislation of KR on the safeguarding and use of historic-cultural heritage in the event of armed conflicts.
- 2) Recommendations to the Ministry of Defense on preparation and forming of special services to preserve cultural property.
- 3) Organization of specialized workshop – military servants, with assistance of international organizations.

- 4) Official translation of the Convention into the Kyrgyz language.
- 5) Publications, articles in mass media devoted to the problems of safeguarding cultural heritage in the event of armed conflicts.