

## Constitutional-Legal Basis of Archival Work in Azerbaijan

UDC: 342:930.25(479.24)

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### Abstract

In order to reorganize and expand the archive work during the period of independence, the President of the Republic of Azerbaijan, Heydar Aliyev, established the National Archives Department by Decree No. 816 on December 2, 2002. This decree opened up new opportunities for the systematization of archival activities in the republic, while devoting attention to archival work and accelerating the strengthening of the material and technical base of archival departments. This decree is intended to meet the information needs of the management bodies of archives and archival materials, departments and organizations, to carry out scientific research by scientists of the country and foreign countries, to prepare scientific works and teaching aids, to prepare mass media materials, including radio and television programs, includes provision of one or another direction requests of local and foreign citizens who need archival materials. However, the importance and place of archives in the scientific and cultural progress of the republic was determined. In order to reshape the composition of the state archive department and build its material and technical base, specific tasks were set before the relevant management bodies. The authority to implement the state policy in the direction of archival work in the republic was entrusted to the newly established National Archives Department of the Republic of Azerbaijan. On September 27, 2003, President Heydar Aliyev signed the Decree No. 934 and approved the "Regulation on the National Archives Administration of the Republic of Azerbaijan". The statute defines the role, functions and powers of the National Archives Office in accordance with the archival policy of the country.

**Keywords:** decisions on archival work in the Republic of Azerbaijan, archival activity, state program on archival funds, organization of protection of archival funds

## Конституційно-правові основи архівної справи в Азербайджані

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### Анотація

З метою реорганізації та розширення архівної справи в період незалежності, Президент Азербайджанської Республіки Гейдар Алієв Указом № 816 від 2 грудня 2002 року заснував Національне архівне управління. Цим указом було відкрито відкриває нові можливості для систематизації архівної діяльності в республіці, приділяючи увагу архівній справі та прискорюючи зміцнення матеріально-технічної бази архівних підрозділів. Цей наказ призначено для забезпечення інформаційних потреб органів управління архівами та архівними матеріалами, відомств і організацій, проведення наукових досліджень вченими країни та зарубіжних країн, підготовки наукових праць і навчально-методичних посібників, підготовки матеріалів для засобів масової інформації, у тому числі радіо- та телевізійних програм, передбачає забезпечення тих чи інших напрямків запитів місцевих та іноземних громадян, які потребують архівних матеріалів. Проте значення і місце архівів у науковому і культурному прогресі республіки визначилося. З метою переформування складу державного архівного відділу, розбудови його матеріально-технічної бази перед відповідними органами управління були поставлені конкретні завдання. Повноваження щодо реалізації державної політики в галузі архівної справи в республіці було покладено на новостворене Національне архівне управління Азербайджанської Республіки. 27 вересня 2003 року Президент Гейдар Алієв підписав Указ № 934 і затвердив «Положення про Національне архівне управління Азербайджанської Республіки». Статут визначає роль, функції та повноваження Національного архівного управління відповідно до архівної політики країни.

**Ключові слова:** рішення про архівну справу в Азербайджанській Республіці, архівна діяльність, державна програма з архівних фондів, організація охорони архівних фондів

**Introduction.**

In the years of independence, the structure of the National Archives department and the network of subordinate institutions in our republic were reconfirmed by relevant decisions. With the decision of the Cabinet of Ministers No. 57 dated April 25, 2011, it determined the list of enterprises that are not subject to the structure of the MIA.

On February 12, 2020, the President of the Republic of Azerbaijan Ilham Aliyev approved the "State program for the development of archival work in the Republic of Azerbaijan for 2020-2025" by decree. The program required the systematization of legislation in this direction and adaptation to international practice, along with defining the prospects of archival activity in the country. At the same time, important tasks were assigned in terms of the transfer of documents and materials related to Azerbaijan protected outside the country, modernization of archival activities with the use of ICT, reliable protection of National archive fund materials, acceleration of information-information search, more comprehensive search and increase of prospects of use, and in this direction specific executive persons were assigned, was appointed. In terms of preservation of archival materials and improvement of the condition of the places where they are located, the problems of construction of new buildings for branches of the State Archive, district and city archive offices or moving to more suitable buildings were set as a goal. (National Archives, 2024).

**The purpose of the research.**

The main purpose of the research is determining the constitutional and legal basis of archival work in Azerbaijan

**Discussion of the issue.**

The main goal of the state program covering the years 2020-2025, which is considered a development program for archival work, involves carrying out reforms in the field of archival work, improving the activities of archival organizations, and increasing the role of archives in the life of society (About the national, 1999). For this purpose, one of the main directions is the preparation and implementation of normative legal acts and projects in order to strengthen the state control over archival work and at the same time to implement efficient management. Training of qualified personnel for better organization of work in state archives, strengthening of personnel potential of archives is one of the main nuances of the implementation of the program. It is one of the priority provisions of the state program to ensure their protection in a more reliable way by organizing the uploading of existing documents to digital platforms in the National Archives Fund (Law of the Republic of Azerbaijan, 2022). Modernization of processes by applying information communication technologies to archival work at the level of modern requirements will lead to the creation of a single electronic archival information system, which will

ensure accessibility to state information resources and systems.

"The State Program for the development of archival work in the Republic of Azerbaijan for the years 2020-2025" also envisages the discovery of all documents related to Azerbaijan in the archives, museums and libraries of foreign countries in the field of international cooperation and placing copies of them in the archives of the Republic of Azerbaijan. Increasing the scientific and practical knowledge and professional skills of employees working in the field of archives, the implementation of work processes based on innovative training methods in the field of archival studies and documentary studies, will lead to a more efficient establishment of the activities of the National Archives Funds. On February 12, 2020, the President of the Republic of Azerbaijan, Ilham Aliyev, signed a decree on the approval of the "State Program for the Development of Archive Work in the Republic of Azerbaijan for 2020-2025".

The State Program fulfills its obligations in the direction of keeping the documents included in the National archive fund under state protection, accounting, safe keeping, and meeting the public's need for retrospective information. After the independence of our country, the archival system with a century-old history was organized in a form that would meet the requirements of modern times, and a normative legal framework was formed that guides the main perspectives of the organization of archival work. Important works have been done in the field of state policy in the direction of archival activity, the implementation of the requirements put forward by the decree of the President of the Republic No. 816 dated December 2, 2002 and the Law of the Republic of Azerbaijan "On National Archive Work".

In the "Azerbaijan 2020: Vision of the Future" Development Concept approved by the Decree of the Presidency of the Republic No. 800 dated December 29, 2012, the goals set in the direction of the protection and proper use of the national and cultural heritage include the continuation of reforms in the field of archival activities, the legal base in accordance with modern legislation and international it is necessary to organize according to the norms, to preserve the documents belonging to the National archive fund more securely by applying ICT, to increase the infrastructure and base equipment of the state archival organizations, and the potential of professional personnel.

For this purpose, the "State Program for the Development of Archive Work in the Republic of Azerbaijan for 2020-2025" defines the important directions to be applied and implemented. The aim and purpose of the State Program is to continue the reforms implemented in the field of archival activities without interruption, to improve the work of archival organizations, to increase the role of archives and the reputation of archivists among the public, to research and find materials and documents related to the National

archival fund, which is the material and moral heritage and wealth of the country, to protect the state is to organize their reception, accounting and systematization, their efficient and correct use. (About the rules, 2007).

The State Program covers the legislative field in the field of archival work, personnel field, international relations, protection of archival data, strengthening of the material and technical base, etc. identifies priority areas (Bayramova, 2022).

Specifically, these directions can be listed as follows:  
- Improvement of legislation.

The regulation of the legislation in the field of archival activity regulates the issues of management and subordination in this field, the principles of responsibility and obligation, salaries of employees, protection of archival buildings and property, confidentiality and rules of use of archival data.

- Increasing state control over archival work, organization of efficient management.

Increasing state control over the archival field is an important direction. Thus, since the protection and use of nationally important information is a serious security issue, considering that this information has the power to determine domestic and foreign policy, the importance of strict state control over the field of archival activities is inevitable (Ismayilov, Mahammadli, & Khudiyeva, 2022).

- Carrying out reforms, strengthening personnel potential.

Archival work is a field that is also important to the international world. In modern times, the value of information is as important as vital matters. Both in terms of simplifying the management system and efficient use of information, personnel and system reforms are a must.

- Increasing the potential of the archive fund.

Increasing society's attention to retrospective information. It is quite clear that it is not easy to move forward without looking at the past in the field of state building and social and public sphere. From this point of view, increasing the capacity of archival funds to collect information and use this information is one of the priority issues. (Ismayilov, & Khudiyeva, 2023).

- Ensuring diversity and rationality of archival services.

Archive work is not only a service of preservation and sharing of national-cultural heritage information. Archival work also includes ownership, registration issues, inheritance, medical information, etc. information is relevant. Ensuring the rational use of this information is essential.

- Digitization of archive fund.

Digitization has become the most important element of our life. In the fast-paced era, it is impossible for any field to keep up without digitization. This includes the archive area. Searching or transferring millions of pieces of information by mechanical methods means losing the competition from the first step. From this point of view,

the digitization of the archival fund is one of the most urgent issues of our time. (Agayeva, & Abbasli, 2023).

- Creating a single archive fund by applying ICT and implementing its integration into other information systems of the state.

As we mentioned above, the integration of archival activity with ICT and other related institutions will be useful in the field of serving citizens in terms of rapid retrieval and transfer of information. It will also be more convenient in terms of time, as it will eliminate the back and forth between institutions for obtaining information.

- International cooperation and ensuring that documents related to Azerbaijan are discovered and brought to the country International cooperation in the field of archival work is very important only from the point of view of our country. Since we were part of the USSR for a long time, on the other hand, due to our location in a critical geography, the activity of interesting forces in this geography for many years and any information formalized as a result of this activity, due to the fact that we did not have a unified state for that period, our archive organizations do not have these documents. In terms of bringing copies of these documents to the country and in terms of information exchange, international cooperation is a priority direction. (Yusifova, & Guliyev, 2023).

- Improving the authority of archivists.

Like any profession, archivists have the right to be influential in society.

- To ensure that archivists acquire the skills to work with modern technologies, increase their knowledge in fields related to the archival field.

It is impossible to imagine the modern world without technological means. The archival field, like any field, should be provided with these tools and the archivists' skills in using technological equipment should be improved.

Additions and amendments made in the Law "On the National Archives Fund", "Regulations on the National Archives Administration of the Republic of Azerbaijan" and other relevant legislative documents, approved by the President of the Republic Ilham Aliyev's Decrees No. 1812 and 1813 dated August 18, 2022, archive in the country created a legal-normative basis for its activity to develop according to the realities of the current period.

Amendments to the legislative documents led to the increase in the activity of archival service departments in public life, the normalization of property relations over archival materials, the effective organization of archival fund preservation and use, the improvement of the accounting of National Archives Fund materials, the strengthening of the social conditions of archivists, and the increase of state control and care for the preservation of archival materials, will be.

Currently, at the disposal of the National Archives Department of the Republic of Azerbaijan, there are 6 state archives that receive, protect, and register materials and funds for the purpose of use, organize their use

service, and provide services for individual requests of up to 50,000 people per year, including; State Archive of the Republic of Azerbaijan, named after Salman Mumtaz. The State Archive of Literature and Art, the State Archive of Science and Technical Documents, the State Archive of Cinema-Photographic Documents and the State Archive of Audio Recordings are operating. In addition, fifteen branches of the State Archive, the State Archive of the Nakhchivan Autonomous Republic and 57 district and city archives provide services. More than 17,000 funds, about 4 million storage units, more than 650 million paper samples, and up to 450,000 photo, video and film-based documents are preserved in these archive offices.

Networks of national archive departments - the rules on acceptance of the list of organizations under the responsibility of which are not part of the National Archives Department of the Republic of Azerbaijan have been drawn up. The Cabinet of Ministers of the Republic of Azerbaijan has made a decision to implement the requirements of paragraph 14.2 of the decree No. 1015 dated July 14, 2010 signed by the President of the Republic of Azerbaijan "On approval of the structures of a number of central executive authorities". According to the decision, the "List of subordinate institutions that are not part of the National Archives Department of the Republic of Azerbaijan" should be adopted and was adopted by the decision No. 57 of the Cabinet of Ministers of the Republic of Azerbaijan dated April 25, 2011. The following refer to archival institutions financed from the budget.

1. State Archive of the Republic of Azerbaijan;
2. State Historical Archive of the Republic of Azerbaijan;
3. State Literary and Art Archive of the Republic of Azerbaijan named after Salman Mumtaz;
4. State Archive of Scientific and Technical Documents of the Republic of Azerbaijan;
5. State Archive of Cinema-Photographic Documents of the Republic of Azerbaijan;
6. State Recording Archive of the Republic of Azerbaijan.

The branches of the State Archives of the Republic of Azerbaijan include 15 regional branches - Agdam, Baku, Fuzuli, Goychay, Ganja, Mingachevir, Lankaran, Guba, Shamakhi, Sumgait, Salyan, Shamkir, Shirvan, Sheki and Yevlakh branches. City and district state archives with a variable structure of documents of the Republic of Azerbaijan include Absheron District State Archives, Agdash District State Archives, Agsu District State Archives, Agstafa District State Archives, Agjabeli District State Archives (+49 districts). The archive department of the Nakhchivan Autonomous Republic, the State Archive of the Nakhchivan Autonomous Republic, the documents of the Nakhchivan Autonomous Republic belong to the regional state archive departments with a changing structure. International Relations - The National Archives Department of the Republic of Azerbaijan and

other State Archives establish relations and cooperate with the organizations of individual states engaged in archival activities. Since 1996, the National Archives Office has been a full member of the International Council of Archives under UNESCO. Since 1996, the International Council of Archives has prepared the Code of Ethical Conduct of international archivists, the main theses of this code are defined in the "Basic Rules of the State Archives of the Republic of Azerbaijan".

In 2000, the "Eurasia" department of the International Council of Archives was established, representing organizations of the CIS countries engaged in archival activities. The archivists of our country are regularly represented in trainings, seminars and conferences organized by "Eurasia", they understand the experiences of international archivists in this direction and mutually exchange their experiences and innovations.

After the collapse of the USSR, the question of succession of the archives of the post-Soviet republics came up. This problem was solved by the Agreement of July 6, 1992.

According to this Agreement, archival funds protected in the territory of each republic are at the disposal of that country, and each republic has the right to obtain a copy of the fund protected in another republic. During the Soviet period, the imperial policy caused a number of negative situations to occur in Azerbaijan as well as in other union republics. The Soviet Empire, which exploited the Allied Republics in every way, transferred a number of valuable archival documents to Russian archival funds.

During the period of independence, the National Archives Department of the Republic of Azerbaijan established mutual relations with about 10 countries and signed cooperation agreements, and the activities in this direction are continued today. These agreements have opened up new opportunities and opportunities in terms of multi-directional, scientific, experiential and cultural exchanges between archival institutions. This agreement has created a suitable legal basis for the discovery of documents related to our country protected in the archival funds of these states and the transfer of copies to our country.

The archival institutions of the Republic of Azerbaijan have passed a century of development as the first state archival organization established in the South Caucasus. During this period, he served our state and people honestly.

Along with the archives of countries that are members of the Commonwealth of Independent States, Azerbaijan's archives include Turkey, Iran, the United States of America, England, France, Poland, etc. cooperation between the archives of the countries began to develop. Thus, researchers representing the countries mentioned in the framework of international relations started to use the documents and sources of various fields of science stored in the archives of Azerbaijan for the purpose of research. At the same time, the archives of the Republic

of Azerbaijan successfully implement the advanced work experience of foreign archives, innovative processes and their dissemination, as well as their application. Archive funds of the Republic of Azerbaijan are state institutions that ensure the reception, protection and provision of documents that are important in social, economic, political, cultural, historical, artistic and other directions, which are included in the fund and reflect the material and moral life of the people. National archival funds, which implement all these processes on the basis of uniform principles, are closely involved in the development of concepts and strategies for the development of archival work.

There are laboratories with all kinds of technical capabilities for the restoration of damaged documents under the National Archives Office.

Rules of ethical behavior of civil servants working in the National Archives Department - by the order of the head of the National Archives Department of the Republic of Azerbaijan No. 14 dated June 6, 2012, the norms of ethical behavior of the employees and staff of the National Archives Department of the Republic of Azerbaijan were adopted. These norms and rules are in accordance with Clause 21.2.8 of the Law of the Republic of Azerbaijan "On the Rules of Ethical Behavior of Civil Servants" and Decree No. 614 of the President of the Republic of Azerbaijan dated August 16, 2007 "On the Application of the Law of the Republic of Azerbaijan on the Rules of Ethical Conduct of Civil Servants" prepared in accordance with paragraph 2 of the decree and defines the ethical behavior norms and principles of the employees working in the National Archives Department of the Republic of Azerbaijan and the relations related to their observance.

These rules and norms apply to all employees who have the status of civil servants within the organization. Civil servants are obliged to adhere to the law and regulations of the Republic of Azerbaijan "On the rules of ethical conduct of civil servants", taking into account the rule of law, compliance with the principles of other normative legal acts in force in connection with the organization's activities, human rights, democratic values and high ethical norms and rules of conduct. The main principle of the implementation of these rules and norms is to increase the reputation of the organization, to increase the public reputation and rating of the organization and civil servants, to ensure the usefulness and transparency of their business activities, to prevent corruption in the organization and the intersection of reputations in the working life of civil servants, to adhere to the ethical norms and rules of conduct of the organization's employees. Ensuring compliance consists in developing methods of citizens' influence on the evaluation of the organization's and employees' activities.

A civil servant is obliged to perform his duties honestly, impartially and with quality, and to use his working time usefully and efficiently, strictly following

the labor and executive regulations in terms of the interests of the individual, the public and the state. Employees of the organization should be an example of honesty for those around them in any situation. A civil servant should be demanding and serious towards his person, perform his work professionally within the framework defined by the legislation of the Republic of Azerbaijan, and consider the norms and deadlines of requests and appeals received by the organization. It should investigate problems and questions with legal interpretations.

A civil servant should strengthen the trust and confidence of individuals and legal entities in the organization and state bodies with the rules of ethical behavior and professional business. He should not create conditions for people's rightful questions and criticism with his own behavior and results, if such a situation arises, he should draw the right conclusion from the rightful criticism of the citizen, self-introspect, and develop his activities better. In matters that are not related to his duties, he should avoid criticizing the activities of the department and other state organizations, as well as their officials, and giving public evaluation of their business activities.

The organization and composition of the National Archive Fund - the law of the Republic of Azerbaijan "On the National Archive Fund" balances relations related to the systematization, protection, use and activity of the National Archive Fund in the Republic of Azerbaijan. The main concepts and theses used in the law include the following meanings:

Archive - a collection of archival materials, the structure of archival organizations or departments, enterprises organizing their systematization, registration, protection and use;

National archive fund - a collection of scientific, economic, social, historical and cultural heritage documents that reflect the material and spiritual life of the people and the state, regardless of the type, the conditions of creation and storage, and the form of ownership;

Archive fund - a collection of archival materials closely related to each other in terms of historical and logical relations;

Archive work - systematization, establishment, registration of archives and organization of archive service;

Archive document - a document of special importance for society, the state or its owner, regardless of the type of information load that is protected or should be preserved;

State archive - a state organization that organizes archival activities;

Temporary protection of archival documents - protection of the archival fund by state or non-state organizations, local self-government bodies during the period established by law;

Protection of archival documents - preservation of these documents in the archive, library and museum for an indefinite period;

Documentary monument - having a rare or special historical-cultural value included in the category of document monument in the established manner;

The owner of the archive document - the subject who has any ownership, disposal and user rights over the document;

The owner of the archival document is the subject who exercises the full right of use and ownership of archival materials;

The legislation of the Republic of Azerbaijan on the national archive fund is composed of this law, other appropriate legislative acts of the Republic of Azerbaijan and the international agreements it supports (Vazufa, 2022). According to this law, if a contradiction is found in the international agreements supported by the Republic of Azerbaijan, the application of those international agreements is mandatory (Ismayilov, & Bayramova, 2022). The responsibilities of the state in terms of archival work are as follows:

- Determination and implementation of the state policy in archive activity;
- Determination of the single directions of the organization of archive activity;
- Control of compliance with the systematization, registration, protection and use rules of the archive fund;

- Provision of protection and development of archives by the state, training of archival personnel;

- Systematization, accounting, protection of state archival documents and archival funds, regulation of ownership and use of these documents;

- Increasing material and technical support to archive departments;

- Regulation of solving problems related to the temporary transfer of the archive fund from the Republic of Azerbaijan to foreign countries;

- Registration and protection of copies of documents reflecting the historical and cultural heritage of Azerbaijan preserved in the archives of foreign countries to the state archives of the Republic of Azerbaijan;

The archival materials of our country are included in the national archival fund, regardless of the conditions of creation, place of storage and form of ownership. State-owned funds and documents form the state-owned part of the national archival fund. Documents and archive funds that are not owned by the state belong to the non-state part of the national archive fund. The forms of systematization, protection and use of the national archive fund are determined by the regulations approved by the relevant authorities. (Ismayilov, & Khudiyeva, 2022).

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