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Constitutional-Legal Basis of Archival Work in Azerbaijan

Abstract

The National Archives Department of the Republic of Azerbaijan is a state department established by the President of the Republic of Azerbaijan, Heydar Aliyev, on the basis of the General Archives Department under the Cabinet of Ministers of the Republic of Azerbaijan with the decree No. 816 dated December 2, 2002, "On the improvement of archive work in the Republic of Azerbaijan". Archiving activities in Azerbaijan began in the first year of the establishment of the Azerbaijan Soviet Socialist Republic, on December 6, 1920, with the decree "On the establishment of the Unified State Archive Fund and the organization of the central state archive under the People's Education Commissariat" signed by Nariman Narimanov, the chairman of the Revolutionary Committee. In accordance with the mentioned decree, the archive documents of the organizations and institutions that operated within the borders of Azerbaijan in the past and were operating at the time of the signing of the decree should be handed over to the Unified State Archives Fund, and the documents that have been completed from the clerical point of view should be handed over to the central state archive.

Keywords: Azerbaijani archivists, establishment of the National Archives Fund, state legislation, development programs, development prospects of Azerbaijani archives

<https://dergipark.org.tr/tr/pub/atdd>



Azerbaycan'da Arşiv Çalışmalarının Anayasal-Yasal Temeli

Öz

Azerbaycan Cumhuriyeti Milli Arşiv Dairesi, Azerbaycan Cumhuriyeti Cumhurbaşkanı Haydar Aliyev tarafından 2 Aralık 2002 tarih ve 816 sayılı "Azerbaycan Cumhuriyeti'nde arşiv çalışmalarının iyileştirilmesi hakkında" kararname ile Azerbaycan Cumhuriyeti Bakanlar Kurulu'na bağlı Genel Arşiv Dairesi temelinde kurulmuş bir devlet dairesidir. Azerbaycan'da arşivcilik faaliyetleri, Azerbaycan Sovyet Sosyalist Cumhuriyeti'nin kuruluşunun ilk yılında, 6 Aralık 1920 tarihinde Devrim Komitesi Başkanı Neriman Nerimanov tarafından imzalanan "Birleşik Devlet Arşivi Fonu'nun kurulması ve Halk Eğitim Komiserliği'ne bağlı merkezi devlet arşivinin örgütlenmesi hakkında" kararname ile başlamıştır. Söz konusu kararname uyarınca, Azerbaycan sınırları içerisinde geçmişte faaliyet göstermiş ve kararnamenin imzalandığı tarihte faaliyette olan kurum ve kuruluşların arşiv belgelerinin Birleşik Devlet Arşivleri Fonu'na, yazım işlemleri tamamlanmış belgelerin ise merkezi devlet arşivine teslim edilmesi gerekiyor.

Anahtar Kelimeler: Azerbaycan arşivcileri, Milli Arşivler Fonu'nun kurulması, devlet mevzuatı, kalkınma programları, Azerbaycan arşivlerinin kalkınma perspektifleri

Introduction

The Central State Archive of the Azerbaijan SSR, which officially began to operate in Baku the following year, that is, from January 1921, was the first state archive created in the South Caucasus Republics. It was also the first central state archive created in the Caucasus. In the first years of the establishment of the Soviet power in Azerbaijan, the archivists of the country collected and preserved documents reflecting the activities of the Azerbaijan People's Republic during the period of tsarist rule, government bodies of Baku and Yelizavetpol governorates, public organizations and firms that were active within the borders of Azerbaijan, and on the other hand, the activities of the Azerbaijan Democratic Republic that existed in 1918-1920. The main purpose of the research is determining the constitutional and legal basis of archival work in Azerbaijan

1. Discussion of the issue

In August 1922, the Central State Archive was entrusted to the Presidium of the Central Executive Committee of the Azerbaijan Soviet Socialist Republic. This decision not only reveals the importance of archival work, but also increases the reputation of archival departments and bodies. After 1922, work began on creation of local archive offices. For example, the Central Archive Department of the Nakhchivan Autonomous Republic started the process of creating archive departments on December 13, 1925, and in other regions from 1928 (<http://www.milliarxiv.gov.az/az>). Starting from 1930, archival work in Azerbaijan began to

operate in a wider range. For this reason, in order to systematize and revive archival work in the country, the Presidium of the Central Executive Committee of the Azerbaijan Soviet Socialist Republic made a decision on the establishment of the Central Archive Department of the Republic and at the same time approved the Statute of the institution. In accordance with this Regulation, in addition to document collection, protection, and systematic cataloging, the Central Archives Department was tasked with organizing the use of these documents in scientific research, socio-political, national economy, and cultural fields. According to the decision of the Presidium of the Central Executive Committee of the Azerbaijan Soviet Socialist Republic, in April 1930, on the basis of the central archive department established in 1920, two institutions were established in the republic - the Central State Archive of the October Revolution (with a photo archive and a film section) and the Central State Historical Archive. As in all republics of the Soviet Union, archival institutions and departments in Azerbaijan were placed under the management of the People's Commissariat of Internal Affairs since 1938. This system, which lasted until 1960, was removed from the Ministry of Internal Affairs, as in the entire union, and continues to operate under the Council of Ministers of the Azerbaijan SSR. This approach changes the attitude to archival work and efficient use of documents. The process of reorganization and expansion of the state archival fund is accelerating and leads to the creation of new archival funds (<https://e-qanun.az/framework/4769>). In 1966, the Central State Literary and Art Archive of the Azerbaijan Soviet Socialist Republic was established. A few years later, in 1968-1969, the Central State Record Archive and the Central State Archive of Scientific, Technical and Medical Documents of the Azerbaijan Soviet Socialist Republic were established. Orders were periodically signed to establish branches of the Central State Archive of the October Revolution in fifteen city and district centers (<https://president.az/az/articles/view/56935>). The other fifty regional state archives are replaced by archives whose composition is periodically changed, which organizes the temporary protection of documents. At the beginning of the 20th century, the government of the Azerbaijan People's Republic, the first democratic republic in the east, made significant achievements in the direction of collecting, protecting and using documents that reflect our history. Thus, in 1917-1918, complex historical processes greatly complicated the process of collecting and storing state documents and historical sources. The declaration of the establishment of the Azerbaijan People's Republic in Tbilisi, the first capital being the city of Ganja, and then the transfer of the capital to Baku created many difficulties and obstacles in the direction of the protection and collection of official documents of the newly formed state. State bodies have taken initial important steps in the

process of clerical and archival studies, and the first legal document about this process has been adopted. Thus, in the "Statute of the Ministry of Foreign Affairs" of the People's Republic of Azerbaijan, the creation of an archive that collects and preserves documents on the basis of the office within the ministry is set as a task. It should be noted that in that archive there are important documents, acts, books, as well as letters, etc., reflecting the important events that happened in Azerbaijan. protection and systematization of important documents has been organized. One of the important decisions taken to centralize the clerical service and archival science work in the country and to manage it as a single system is the establishment of a relevant commission for organizing the collection and preservation of archival documents by order No. 59 of the Minister of Foreign Affairs of the People's Republic of Azerbaijan on October 13, 1919 (<https://e-qanun.az/framework/13685>). At the first meeting of the special commission held on October 14 of the same year, discussions were held on many issues considered important in the field of archival studies in the country. In these discussions, the special commission declared the set goals and tasks, and the time period set for solving these tasks and the procedure for reviewing documents were reflected. The special commission determines the archives, the processes carried out on the archives, the rules for storing and reviewing documents, and the conditions for copying and distributing documents. The financial costs and composition of the special commission to implement the processes were also discussed. The special commission was initially directed against the education and cultural outlook of the Muslim population of Transcaucasia, protected in the administrations located in Baku and Ganja governorates, their suppression on the basis of religion, sectarian conflict (Sunni and Shia), inflaming of national and religious conflict between Armenians and Tatars, disarmament of Muslims, military conscription. and considered it important to collect sources containing the Russian attitude towards social economic policy and other problems towards the Muslim population. On the other hand, at the beginning, the commission undertook to examine and collect the documents that existed from 1900 until the time of Azerbaijan's declaration of independence (until May 28, 1918), and in the subsequent period, from the time of the annexation of the South Caucasus by Russia. At the end of the discussions, the special commission agreed to keep the document collection process confidential at the beginning, and after inspecting all the organization's archives, to inform the public with a suitable explanation, to protect the documents containing important information in the special commission itself without returning them to the archive fund, to record and speed up the collection of materials, and other processes. has come In a short period of time, the Commission managed to collect and preserve a significant amount of

archival documents from the above-mentioned organizations. On the basis of the collected materials, in 1919-1920, 2 collections called "Essays on Russian politics in the provinces" ("Ocherki russkoy politiki na okrainax") were printed and presented to the leaders of the factions represented in the parliament, officials of diplomatic institutions of foreign countries, and representatives of scientific societies. Thus, the Government of the Azerbaijan People's Republic was able to prevent the theft and looting of documents belonging to our country, written materials of the 19th-20th centuries, their transportation to foreign countries or their mass destruction, to a certain extent, if not to a large extent. The commission, which continued its work until the dissolution of the Government of the People's Republic of Azerbaijan, was connected with the investigation of the archival fund preserved in the country's gubernatorial offices and organizations and took necessary measures to protect the documents considered important (Irada, 2022). The Special Commission formed at the initiative of the Government of the People's Republic of Azerbaijan laid the foundation of science in the field of archeography in Azerbaijan, published archeographic information publications based on the original versions of the history of our homeland from a scientific perspective, and also took the first and important steps towards the systematization of archival activities. Many people have contributed to the development of archival activities in Azerbaijan, to the advancement of archival science and archeography, to the protection and further enrichment of centuries-old written heritage, which is considered the national wealth of the people. Aslan bey Krichinski, Ali Yusif, Muhammad bey Aghayev, Kerem Sulkevich are among the members of the Special Commission established under the Ministry of Foreign Affairs of the Government of the Azerbaijan Democratic Republic for the purpose of collecting and preserving archival materials reflecting the policy of the Tsarist Russia and the Communist regime against the peoples of the South Caucasus, especially the Muslim population of the region. Sulkevich and others are the people who laid the foundation of archival science in our republic (Ismaylo, Mukhamadli i Khudíeva, 2022).

A. L. Popov, who was the head of the Central Archive of Azerbaijan during the Soviet period, also played a great role in the preparation of the decree of the first normative document on the establishment of the Unified Archive Fund of A. Subhanverdiyev, who later replaced him in this position, as well as in the completion of the State Archive Fund. A. Gubaydulín, A. Talishinski, F. Shahtakhtinski, V. Khulufli, I. Sheykhzade, S. Hashimov, M. Teymurov and others can be named.

After the collapse of the USSR, the party archive was transferred to the authority of the General Archives Department, and by order of the Cabinet of Ministers, the Archive of Political

Parties and Social Movements of the Republic of Azerbaijan was formed on its basis. Currently, the archival institution of the Republic of Azerbaijan - under the National Archives Department, includes six state archives, fifteen branches, the state archive of the Nakhchivan Autonomous Republic, 55 district and city state archival offices (Vazufa, 2022).

On July 27, 1999, the President of the Republic of Azerbaijan, Heydar Aliyev, signed a decree on the implementation of the Law of the Republic of Azerbaijan "On the National Archives Fund". In order to implement the requirements contained in this law, specific requirements have been put forward to the Cabinet of Ministers of the Republic and other executive authorities, tasks have been assigned for the implementation of this law, and the deadline has been determined. In order to regulate the requirements arising from the Law in the direction of archival work, the Cabinet of Ministers was entrusted with the approval of new statutes and norms, the determination of the salaries of archivists, and the resolution of other requirements of this law within the scope of the powers of the minister. This law, which contains 5 chapters and 23 articles, contains the future direction and construction work in the field of archival, and the archival work strategy. In the first chapter of the law, i.e., under the heading "General Provisions", the basic concepts of archival work and archives in general, the legislation of the Republic of Azerbaijan on the National Archive Fund, and all issues related to archival activity are resolved. The Law on the National Archive Fund, which consists of 5 chapters and 23 articles defining the development strategy of the archive, regulates the processes related to the formation, protection, use and other activities of the fund, so that the first chapter, called general provisions, defines the main concepts and the duties of the state in the field. In this law, for the first time, the description of state duties has been very clearly and broadly interpreted. Collection, accounting and protection of the fund, as well as control over their storage conditions, provision of the material and technical base, international relations (issues such as the export of documents from the Republic of Azerbaijan, as well as the bringing of archives stored in foreign archives to the state archives of Azerbaijan, etc.), general issues were reflected (Ismailov & Bayramova, 2022). The second chapter of the law, called "Composition and organization of the National Archive Fund", defines the rules for the classification of documents included in the fund, the inclusion or removal of document collections from the composition of the National Archive Fund. Legal-legislative acts, management documents, court and prosecution system documents, statistics, technology, patent, film, photo, phono, as well as cartography documents, video materials, manuscripts of organizations and enterprises that have operated and continue to operate in the Republic of Azerbaijan, have been submitted to the National Archives

Fund. includes letters, memoirs and other documents. Archive documents with special values of the National Archives Fund are considered rare historical and cultural document monuments. Therefore, the law requires that it is not permissible to destroy valuable documents without an expert examination. Based on the law "On the National Archives Fund", it is determined that the documents in the fund are protected as objects of state property. The part of the documents belonging to the state cannot be an object of purchase and sale, and its use can only be organized according to the rules provided by the legislation. It should be noted that the collection of archival documents by state bodies can be carried out in accordance with the requirements of the law (Ismayilov & Khudiyeva, 2022). The third chapter, called "Accounting and protection of documents of the National Archive Fund", deals with the organization of protection of documents in the fund and their registration, storage periods and storage conditions, etc. It should be noted that the period of storage of documents in the archive fund is different. Thus, scientific-practical documents are preserved in archival funds for 3 years, and documents related to notary activity for 75 years, provided that they are not older than 15 years. It should also be noted that according to the law of the Republic of Azerbaijan "On the National Archives Fund", it is determined that the buildings of the archives, their location, land plots and material and technical base cannot be privatized by anyone. Documents containing state secrets may be used only 30 years after their creation, unless there is an exception in the legislation. Despite all this, in exceptional cases, this period can be changed only by the Cabinet of Ministers. Documents containing information related to the private life of citizens are permitted after 75 years have passed since the creation of that document. However, during this period, it may be allowed to use those documents only with the consent of the citizen himself or his heirs (Ismayilov & Khudiyeva, 2023). International cooperation in the field of the use of archival documents is defined in Chapter 5 of the law "On the National Archives Fund". According to these provisions, it is prohibited to remove the original documents or their replacement copies from the country. For the purpose of international cooperation, documents and document collections can be temporarily taken abroad only according to the rules established by the Cabinet of Ministers of the Republic of Azerbaijan.

The last article of the law states that both legal and natural persons who are guilty of violating this law shall be held accountable for their illegal activity in accordance with the effective legislation of the Republic of Azerbaijan (Agayeva & Abbasli, 2023). Also, the decree indicated that the composition and status of archival activities are not adequate to the requirements of the state building that is developing in the independent Republic of Azerbaijan. In this context, the lack

of development of a single information structure in the direction of archival activity, the lack of full use of the possibilities of online information tools, and the fact that the material and technical base of institutions performing archival activity does not meet modern requirements cause difficulties in this context. The decree mentions the unusable or partially unusable condition of the buildings where the archival offices are located, the emergence of a disorganized situation in some areas of archival activity, and the lack of quality clerical and archival service in local enterprises and organizations.

In order to make more useful and comprehensive use of the materials protected in the state archives, a search-information structure is formed for them. The search-information structure created about the context of the documents and materials protected in the archives includes tables, archive memory records, summaries, card files and other registration and informational documents. State archives also operate in the field of meeting the demands of citizens, as well as those who have worked in the country in the past, and currently live in other post-Soviet countries, for work experience and other social-legal documents (Yusifova Guliyev, 2023).

Conclusion

Archives play a crucial role in preserving a nation's history and heritage, providing valuable information about its past and shaping its future. In the Azerbaijani context, the constitutional and legal framework surrounding archival work forms the backbone of the country's archival system. This article addresses the constitutional-legal foundations of archival work in Azerbaijan, focusing on the establishment of legal frameworks, constitutional provisions and laws regulating archives. It also explores the development and functions of the National Archives Department of the Republic of Azerbaijan and highlights its cooperation with state agencies and international organisations for the preservation of archives. Finally, the article discusses the important role of President Heydar Aliyev in shaping archival policies through his decree "Archives in the Republic of Azerbaijan" and analyses its implications for archival development and management in the country. By examining these aspects, we gain a comprehensive understanding of the importance of archives in Azerbaijan's cultural and historical landscape. The Constitutional-Legal Basis of Archival Work in Azerbaijan forms the basis for the protection and management of archival materials in the country. Azerbaijan has established a solid legal framework for managing archival work and ensuring the preservation and accessibility of historical records. The constitutional provisions on archives in Azerbaijan emphasise the importance of preserving national heritage and promoting transparency through archival materials. Laws and regulations, such as the Law on

Archival Funds and the Law on Archival Institutions, regulate the collection, storage and distribution of archival materials in accordance with international standards. These legal instruments not only define the responsibilities of archival institutions, but also contribute to the democratisation of historical knowledge by outlining citizens' rights of access to information stored in archives. The Constitutional-Legal Basis of Archival Work in Azerbaijan forms the basis for the protection and management of archival materials in the country. Azerbaijan has established a solid legal framework for managing archival work and ensuring the preservation and accessibility of historical records. The constitutional provisions on archives in Azerbaijan emphasise the importance of preserving national heritage and promoting transparency through archival materials. Laws and regulations, such as the Law on Archival Funds and the Law on Archival Institutions, regulate the collection, storage and distribution of archival materials in accordance with international standards. These legal instruments not only define the responsibilities of archival institutions, but also contribute to the democratisation of historical knowledge by outlining citizens' rights of access to information stored in archives. The National Archives Department of the Republic of Azerbaijan plays an important role in the preservation and management of archival materials as the central archival authority in the country. With a rich history dating back to the early 20th century, the National Archives Department has evolved to meet the changing needs of the digital age while preserving traditional records. Its tasks include collecting, organising and preserving archival material, as well as providing access to researchers and the public. The Ministry co-operates with other government agencies such as museums and libraries to ensure the holistic preservation of national heritage. In addition, international partnerships with organisations such as UNESCO enhance the capacity of the National Archives Department to implement best practices in archival preservation and digitisation. The important role of President Heydar Aliyev in shaping archival policy in Azerbaijan is exemplified by the decree "Archives in the Republic of Azerbaijan" issued in 2002. Decree No. 816 emphasised the government's commitment to preserving and developing the country's archival heritage. President Aliyev's vision of archives emphasised the role of historical records in shaping national identity and supporting research and education. The decree marked a new era in archival development in Azerbaijan, outlining specific measures to improve archival management, digitisation and public access to archival materials. The effects of this decree have been profound, leading to the modernisation of archival practices, the expansion of archival collections and increased public participation in historical records. President Aliyev's legacy in archival work continues to influence Azerbaijan's cultural landscape and emphasises the

enduring importance of archives in preserving the nation's memory. In conclusion, the constitutional-legal basis of archival work in Azerbaijan, the role of the National Archives Department, and President Heydar Aliyev's contributions to archival policy have together shaped the archival landscape of the country. By upholding constitutional provisions, implementing laws and regulations, and encouraging international co-operation, Azerbaijan has demonstrated its commitment to preserving its rich cultural heritage. The National Archives Department's efforts towards archival preservation and public access emphasise the importance of archives in supporting historical knowledge and research. President Aliyev's decree on archival work stands as a testament to the government's commitment to archival development and leaves a lasting impact on the management and accessibility of archival materials in Azerbaijan. As archives continue to evolve in the digital age, their role in preserving national memory and developing cultural identity remains crucial to Azerbaijan's historical narrative.

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