

On the Special Status of the Turkestan City

Unofficial translation

Law of the Republic of Kazakhstan dated March 3, 2025 № 165-VIII.

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This Law regulates the legal foundations of the special status of Turkestan city and is aimed at its preservation, study, and promotion as a unique heritage.

Article 1. The status of Turkestan city

The city of Turkestan is a spiritual, historical, cultural, tourist center and architectural heritage of the Republic of Kazakhstan.

Article 2. Legislation of the Republic of Kazakhstan on the special status of Turkestan city

1. The legislation of the Republic of Kazakhstan on the special status of Turkestan city is based on the Constitution of the Republic of Kazakhstan and consists of this Law and other regulatory legal acts of the Republic of Kazakhstan.

2. International treaties ratified by the Republic of Kazakhstan shall have priority over this Law. The procedure and conditions for the operation of international treaties in the territory of the Republic of Kazakhstan, to which the Republic of Kazakhstan is a party, shall be determined by the legislation of the Republic of Kazakhstan.

Article 3. Main objective, tasks and principles of this Law

1. The main objective of this Law shall be the creation of conditions for formation, development and functioning of Turkestan city as spiritual, historical, cultural, tourist center and architectural heritage of the Republic of Kazakhstan.

2. The main tasks of this Law are:

1) creation of an effective system of management, preservation, maintenance of integrity of historical-cultural monuments and objects of historical-cultural heritage of Turkestan city, including those located in the protection zones of the mausoleum of Khoja Ahmed Yasawi;

2) planning and management of archeological and scientific-restoration works on historical-cultural monuments on the territory of the Mausoleum of Khoja Ahmed Yasawi and its protection zones;

3) preservation, development, revitalization of historical-cultural heritage and development of national craftsmanship;

4) scientific support of the adopted decisions on protection and use of the objects of historical-cultural heritage of Turkestan city;

5) development of international cooperation of Turkestan city.

3. The main principles of this Law are:

- 1) priority of preservation of objects of historical-cultural heritage of Turkestan city;
- 2) preservation of the significance of the objects of historical-cultural heritage of Turkestan city;
- 3) protection of sacral significance and sanctity of spiritual and cultural values and objects of historical-cultural heritage of Turkestan city.

Article 4. Territory of Turkestan city

The territory of the city of Turkestan consists of lands within the boundaries (line) of the city of Turkestan, established and changed by a joint decision of the local representative and executive bodies of the region in agreement with the Government of the Republic of Kazakhstan.

Article 5. Regional symbols of Turkestan city

1. Turkestan city has regional symbols reflecting its special status as a spiritual, historical-cultural, tourist center and architectural heritage of the Republic of Kazakhstan.

2. The description and image of the regional symbols of Turkestan city shall be approved by the local representative body of Turkestan city.

3. Spiritual, historical-cultural and tourist center of Turkestan city is a monument of history and culture, included in the List of World Cultural and Natural Heritage of UNESCO, subject to protection in accordance with the provisions of the Convention for the Protection of the World Cultural and Natural Heritage of 1972, the mausoleum of Khoja Ahmed Yasawi.

Article 6. International cooperation of Turkestan city

1. Historical and cultural monuments of Turkestan cities inscribed on the UNESCO World Cultural and Natural Heritage List shall be protected in accordance with the provisions of the Convention concerning the Protection of the World Cultural and Natural Heritage of 1972.

2. In order to implement international agreements on objects of historical and cultural heritage of Turkestan city, the Government of the Republic of Kazakhstan coordinates in the territory of Turkestan city the implementation of international agreements concerning objects of historical and cultural heritage, as well as within the limits of competence carries out international cooperation on the protection and use of objects of historical and cultural heritage located in the territory of Turkestan city.

Article 7. Competence of the authorized body on protection and use of objects of historical and cultural heritage

The authorized body on protection and use of objects of historical and cultural heritage shall:

- 1) create conditions for implementation of measures on research, study and popularization of spiritual and cultural heritage of Khoja Ahmed Yasawi;
- 2) approve projects of scientific-restoration works on historical and cultural monuments, economic and other activities on the territories of historical and cultural monuments located in the territory of Turkestan city and in their protection zones;

3) create conditions for preservation of historical and cultural monuments on the territory of Turkestan city;

4) approve the draft master plan and other urban planning documentation of Turkestan city;

5) develop and approve rules of creation of reserve of archeological monuments of Turkestan city and conditions of their maintenance;

6) exercise other powers provided by this Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 8. Competence of a local representative body of Turkestan city

A local representative body of Turkestan city shall:

1) approve the urban development regulations of the territory of Turkestan city, with the exception of the urban development regulations of the territory of the protected zones of the Khoja Ahmed Yasawi mausoleum;

2) approve the design code of Turkestan city;

3) approve the rules for the formation of the architectural appearance and urban planning of Turkestan city in agreement with the authorized body for architecture, urban planning and construction;

4) approve the rules for reimbursing part of the costs of masters in the field of national handicrafts of Turkestan city at the expense of the local budget;

5) approve the rules for installing video cameras and conducting video surveillance monitoring in places of mass gathering of citizens on the territory of Turkestan city with the consent of the owners in agreement with the internal affairs bodies of the Republic of Kazakhstan and the authorized body in the field of information technology;

6) approve urban development schemes for the territory of Turkestan city, developed in the implementation of the master plan of Turkestan city;

7) approve the rules for the provision of tourist services for the transportation of tourists on the territory of Turkestan city in agreement with the authorized body in the field of tourism activities;

8) approve the procedure for the use of regional symbols on the territory of Turkestan city ;

9) exercise other powers to ensure the rights and legitimate interests of citizens in accordance with the legislation of the Republic of Kazakhstan.

Article 9. Competence of a local executive body of Turkestan city and region

1. A local executive body of Turkestan city shall:

1) carry out state control in the field of protection and use of historical and cultural heritage sites on the territory of Turkestan city;

2) ensure identification, registration, preservation, study, use and monitoring of the state of historical and cultural heritage sites of Turkestan city;

3) provide for measures to organize registration, preservation, study, scientific restoration work on historical and cultural monuments of local significance and archeological work in the plans for economic and social development of Turkestan city;

4) review and coordinate scientific and design documentation for scientific restoration work planned on historical and cultural monuments of local significance of Turkestan city;

5) coordinate activities to create and develop national handicrafts of Turkestan city and its infrastructure;

6) develop rules for reimbursing part of the costs of craftsmen in the field of national handicrafts of Turkestan city at the expense of the local budget;

7) reimburse part of the costs of craftsmen in the field of national handicrafts of Turkestan city at the expense of the local budget;

8) in agreement with the authorized body for the protection and use of historical and cultural heritage sites during the development and approval of urban development projects, ensure the implementation of measures to identify, study, preserve historical and cultural monuments of all categories, draw up historical and architectural reference plans and maps-schemes on the territory of Turkestan city;

9) develop urban development regulations for the territory of Turkestan city, with the exception of urban development regulations for the territory of the protected zones of the Khoja Ahmed Yasawi mausoleum;

10) coordinate urban development projects with the authorized body for the protection and use of historical and cultural heritage sites in the event of planning new construction work on the territory of the protected zone, development control zone and protected natural landscape zone of historical and cultural heritage sites of Turkestan city, with the exception of historical and cultural monuments included in the UNESCO World Heritage List;

11) develop a design code of Turkestan city;

12) create an urban development council and approves its regulations;

13) carry out work on introducing historical and architectural reference plans of Turkestan city into urban development projects;

14) develop urban development schemes of the territory of Turkestan city, developed in the implementation of the general plan of Turkestan city;

15) ensure compliance with the urban development regulations of the territory, the national standard for the accessibility of infrastructure facilities and services for persons with disabilities and people with limited mobility during development in the development regulation zone in accordance with this Law;

16) develop rules for the formation of the architectural appearance and urban planning of Turkestan city in agreement with the authorized body for architecture, urban development and construction;

17) for the purposes of tourism development in the territory of Turkestan city:

coordinate activities on planning and construction of tourism industry facilities;

create conditions for tourism entities in the development of tourism, including those aimed at ensuring equal (barrier-free) access to tourism infrastructure for all tourists, including persons with disabilities and people with limited mobility (inclusive tourism);

provide tourism entities with methodological and advisory assistance in matters related to the organization of tourism activities;

coordinate activities on organizing professional training of tour guides, guides and tourism instructors;

approve a list of sanitary and hygienic facilities for which part of the costs of their maintenance are reimbursed, in agreement with the authorized body in the field of tourism activities;

develop rules for the provision of tourist services for the transportation of tourists on the territory of Turkestan city in agreement with the authorized body in the field of tourism activities;

reimburse part of the costs of business entities during construction and reconstruction of tourist facilities;

reimburse part of the costs of business entities for the construction of roadside service facilities on international and national highways;

subsidize part of the costs of business entities for the maintenance of sanitary and hygienic facilities;

reimburse part of the costs of purchasing motor vehicles with a capacity of more than eight seats, excluding the driver's seat, for business entities engaged in tourist activities;

18) provide work on the improvement and maintenance of the territory of historical and cultural monuments on the territory of Turkestan city;

19) develop the description and image of the regional symbols of Turkestan city subject to paragraph 3 of Article 5 of this Law and on the basis of rules, approved by the authorized body regarding the use of state symbols of the Republic of Kazakhstan;

20) develop the procedure for using regional symbols on the territory of Turkestan city;

21) develop rules for installing video cameras and conducting video surveillance monitoring in places of mass gathering of citizens on the territory of Turkestan city, subject to the consent of the owners, in agreement with the internal affairs agencies of the Republic of Kazakhstan and the authorized body in the field of information technology;

22) develop and approve the rules for transferring transport infrastructure facilities to management of Turkestan city;

23) develop and approve the rules for determining the locations, procedures for the installation, operation and dismantling of non-stationary facilities and non-stationary trading facilities on the territory of Turkestan city;

24) in agreement with interested government agencies, determine the schemes and procedures for the movement of transit motor transport through the territory of Turkestan city ;

25) provide land plots in accordance with subparagraph 8-7) of Article 18 of the Land Code of the Republic of Kazakhstan;

26) exercise other powers in the interests of local government, as assigned to it by the legislation of the Republic of Kazakhstan.

2. The local executive body of the region shall:

1) coordinate the schemes and procedure for the movement of transit motor transport through the territory of Turkestan city;

2) exercise other powers in the interests of local government, as assigned to it by the legislation of the Republic of Kazakhstan.

Article 10. Ensuring the protection of historical and cultural monuments on the territory of Turkestan city

1. In accordance with the Law of the Republic of Kazakhstan "On the protection and use of historical and cultural heritage sites", historical and cultural monuments, located in the territory of Turkestan city, are subdivided into:

1) historical and cultural monuments of international significance, of particular importance for world history and culture:

mausoleum of Khoja Ahmed Yasawi;

2) historical and cultural monuments of republican significance that are of particular importance for the history and culture of the Republic of Kazakhstan: the ancient city of Turkistan, the ancient settlement of Kultobe, the underground mosque of Hilvet, the underground mosque of Aulie Kumshik ata, Chillyakhana, the mausoleum of Tauke Khan, the mausoleum of Rabii Sultan Begim, the mausoleum of Bezymyanny, the fortress wall of the citadel, the eastern bath, the mausoleum of Yesim Khan, the gates of the fortress wall of the citadel, the mosque of Juma, the mausoleum of Gauhar ana, the mausoleum of Alkoja ata, the mosque-madrasah of Zhudir ana, the mosque-madrasah of Shamet Ishan, the complex of the railway station and the building of the garrison headquarters;

3) historical and cultural monuments of local significance, which have special significance for the history and culture of Turkestan city:

Bala bi mausoleum, city executive committee building, children's sports school, pharmacy building, barracks.

2. For the preservation and protection of historical and cultural monuments of Turkestan city, each monument is assigned protected zones in accordance with the legislation of the Republic of Kazakhstan on the protection and use of historical and cultural heritage sites.

In order to preserve historical and cultural monuments:

scientific restoration work is carried out;

historical and architectural reference plans and maps-schemes of the corresponding area of historical and cultural monuments are drawn up, included in the general plan of Turkestan city.

3. When planning new construction work on the territory of the protected area of the Khoja Ahmed Yasawi mausoleum, a notification is sent to the UNESCO World Heritage Committee in accordance with the Convention for the Protection of the World Cultural and Natural Heritage of 1972.

4. When carrying out construction works in the zone of regulation of development it is not allowed to exceed the architectural appearance over the monuments of history and culture of Turkestan city. Within the zone of regulation of construction the regime of high-rise development is established and requirements for reconstruction of buildings, structures and their complexes are determined.

In order to preserve the uniqueness of the mausoleum of Khoja Ahmed Yasawi, in order to prevent the development of the territory around it, changes in street and road networks at a distance of one hundred meters from the boundary of the protective zone of the mausoleum of Khoja Ahmed Yasawi in the zone of regulation of development is not allowed construction of objects:

- height of more than seven meters;

- incompatible with the monuments of history and culture in scale, color and building materials.

5. It is prohibited to carry out works that may threaten the existence of historical and cultural heritage objects in the territory of Turkestan city.

Article 11. Reserve of archeological monuments of Turkestan city

1. Reserve of archeological monuments of Turkestan city is recognized as the territory of archeological monuments, defined to ensure their safety, integrity, authenticity as the most vulnerable part of the historical and cultural heritage of Turkestan city.

2. The reserve of archeological monuments of Turkestan city is created in accordance with the rules of creation of the reserve of archeological monuments of Turkestan city and conditions of their maintenance.

3. The reserve of archeological monuments of Turkestan city may include individual archeological objects. Criteria for the selection of archeological monuments and archeological objects, as well as the procedure for their inclusion and exclusion from the reserve of archeological monuments of Turkestan city shall be determined by the rules for the establishment of the reserve of archeological monuments of Turkestan city and the conditions of their maintenance.

4. Archeological monuments and archeological sites included in the reserve of archeological monuments of Turkestan city shall be ensured the preservation of their appearance through continuous monitoring and preventive maintenance.

5. Other activities within the framework of archeological works on archeological monuments and archeological sites included in the reserve of archeological monuments of Turkestan city are carried out in coordination with the authorized body on protection and use of objects of historical and cultural heritage.

6. It is prohibited to use methods of work that negatively affect the integrity of the archeological monument and archeological site, the authenticity of their design, material, execution and the surrounding landscape.

Article 12. Infrastructure of Turkestan city

1. The infrastructure of Turkestan city includes engineering, transportation and social infrastructure aimed at ensuring the functioning and development of Turkestan city, creating and maintaining comfortable and safe conditions for its residents and tourists.

2. The development of infrastructure of Turkestan city is regulated taking into account the special status of Turkestan city and is aimed at the preservation of objects of historical and cultural heritage, maintenance and development of spiritual, historical and cultural and tourist sphere.

The master plan of Turkestan city should be developed taking into account the historical-architectural reference plan and the boundaries of protection zones of historical and cultural monuments of Turkestan city.

Article 13. Procedure for enactment of this Law

This Law shall enter into force upon expiration of ten calendar days after the day of its first official publication, with the exception of paragraph 4 of Article 10, which shall enter into force upon expiration of sixty calendar days after the day of its first official publication.

*President
of the Republic of Kazakhstan*

K. TOKAYEV