

High Representative imposes Entity laws supporting the reconstruction of National Monuments

The High Representative, Wolfgang Petritsch, yesterday issued two Decisions that will support and simplify the reconstruction of National Monuments identified by the "Commission to Preserve National Monuments," which has been set up in accordance with Annex 8 of the Dayton Peace Agreement.

Under his Decisions, the High Representative has imposed the Law on Implementation of Decisions to Preserve National Monuments in the RS, and amendments to the Law on Preservation of Assets Declared National Monuments in the Federation, thereby harmonising the Entity legislation.

The High Representative notes that there has been an impressive level of co-operation and agreement between the Entities in drafting these laws. Discussions and drafting sessions have taken place since October of last year. However, the Federation Law on Preservation of Assets Declared National Monuments, which went into effect earlier this year, used a definition of "National Monuments" not in line with Annex 8, whilst in the RS, no law had yet been passed.

The new Law in the RS now clearly sets out the documentation required for permits to be issued, and moves the responsibility for issuing permits from the municipal level to the RS Ministry of Urban Planning, so reflecting the provisions of the existing Federation Law. The owner of a

property will be required to present evidence that the Annex 8 Commission has designated the property a National Monument, and architectural plans showing that the planned reconstruction will faithfully reproduce the damaged or destroyed Monument. When the required documentation is provided, the RS Ministry is obliged to bring a positive rehabilitation decision within thirty days.

In the existing Federation Law, the High Representative amended the definition of a National Monument to be that determined by the Annex 8 Commission and, as in the RS, the Federation Ministry of Urbanism is now required to bring a positive rehabilitation decision within 30 days of being presented the required documentation.

Under the Laws now applicable in both Entities, the property owner, when applying for a reconstruction permit, will have to show that the appropriate financing is available. Furthermore, the provisional list of 776 National Monuments, which was produced by the Annex 8 Commission whose mandate expired in 2000, is not final. It will also include National Monuments to be determined by the new Annex 8 Commission, which was re-established by a decision of the BiH Presidency on 22 December 2001.

The High Representative issued these Decisions to put Entity legislation in line with the requirements of Annex 8 of the Dayton Peace Agreement, and because, all too often, municipal authorities delay the reconstruction of National Monuments through administrative delay and obfuscation, thereby in many cases preventing freedom of religious expression and blocking return.

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