

Decision amending the Federation Law on Preservation of Assets Declared National Monuments of BiH under Decisions of the Commission for Protection of National Monuments

In the exercise of the powers vested in me by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Art. II.1.(d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”;

Recalling paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre, regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement, in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) “measures

to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

Considering the fact that the proper protection, conservation, presentation and rehabilitation of the designated National Monuments in Bosnia and Herzegovina is of utmost importance for the reconciliation process throughout Bosnia and Herzegovina as well as for the return of displaced persons and refugees into their pre-war places of residence;

Bearing in mind that Article V:5 of Annex 8 of the General Framework Agreement for Peace in Bosnia provides that: “In any case in which the Commission issues a decision designating property as a National Monument, the Entity in whose territory the property is situated (a) shall make every effort to take appropriate legal, scientific technical, administrative and financial measures necessary for the protection, conservation, presentation and rehabilitation of the property, and (b) shall refrain from taking any deliberate measures that might damage the property”;

Considering that the law adopted by the Federation with respect to implementation of decisions of the Annex 8 Commission to Preserve National Monuments included monuments not decided upon by the Commission;

Considering that the law adopted by the Federation with respect to implementation of decisions of the Annex 8 Commission to Preserve National Monuments required harmonisation with Republika Srpska legislation, in order to ensure substantial uniformity between the procedures in both entities;

Having taken into account and considered the totality of the matters aforesaid, I hereby issue the following Decision

enacting the

Law on Amendments to the Law on Preservation of Assets
Declared National Monuments of Bosnia and Herzegovina under
Decisions of the Commission for Protection of National
Monuments

The Law on Preservation of Assets Declared National Monuments of Bosnia and Herzegovina Under Decisions of the Commission for Protection of National Monuments ("Official Gazette of the Federation of Bosnia and Herzegovina" no. 02/02), is hereby amended as follows:

1. The title of the Law shall henceforth be "Law on Implementation of Decisions of the Commission to Preserve National Monuments Established under Annex 8 of the General Framework Agreement for Peace in Bosnia and Herzegovina".

2. Article 2, paragraph 1, shall be replaced with the following:

"National Monument" shall be a property designated by the Commission as a National Monument in accordance with Articles V and VI of Annex 8 to the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter:"Annex 8"), and properties listed in the annexed Provisional List of National Monuments, pending a final decision by the Commission regarding their status and without limit of time and whether or not a petition has been submitted regarding the property."

3. Article 7, paragraph 1, becomes paragraph 2 and a new

paragraph 1 shall be inserted, as follows:

“The Ministry shall take into account any and all findings, explanations and decisions of the Commission issued under Article V(4) of Annex 8.”

4. Article 8 shall be replaced with the following:

“Subject to compliance with Articles 2(2), 6 and 7(1) of this Law, the Ministry shall issue the permits required in respect of the rehabilitation of a National Monument within 30 days of the submission of the request.”

5. After Article 15, paragraph 1, a new paragraph 2 shall be inserted, as follows:

“This shall in no way inhibit the issuance of a permit for rehabilitation nor any action taken in accordance with such a permit, nor any other action taken in accordance with this Law or Annex 8.”

6. This Decision shall be published without delay in the Official Gazette of the Federation of Bosnia and Herzegovina and shall come into force on the date of such publication.

9 February 2002

Wolfgang Petritsch

High Representative

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