

Dayton Peace Agreement

Annex 8: Agreement on Commission to Preserve National Monuments

(December 14, 1995)

The Republic of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska (the "Parties") have agreed as follows:

Article 1: Establishment of the Commission

The Parties hereby establish an independent Commission to Preserve National Monuments (the "Commission"). The Commission shall have its headquarters in Sarajevo and may have offices at other locations as it deems appropriate.

Article 2: Composition

The Commission shall be composed of five members. Within 90 days after this Agreement enters into force, the Federation of Bosnia and Herzegovina shall appoint two members, and the Republika Srpska one member, each serving a term of three years. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall appoint the remaining members, each for a term of five years, and shall designate one such member as the Chairman. The members of the Commission may be reappointed. No person who is serving a sentence imposed by the International Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may serve on the Commission.

Members appointed after the transfer described in Article 9 below shall be appointed by the Presidency of Bosnia and Herzegovina.

Article 3: Facilities, Staff and Expenses

The Commission shall have appropriate facilities and a professionally competent staff, generally representative of the ethnic groups comprising Bosnia and Herzegovina, to assist it in carrying out its functions. The staff shall be headed by an executive officer, who shall be appointed by the Commission.

The salaries and expenses of the Commission and its staff shall be determined jointly by the Entities and shall be borne equally by them.

Members of the Commission shall not be held criminally or civilly liable for any acts carried out within the scope of their duties. Members of the Commission, and their families, who are not citizens of Bosnia and Herzegovina shall be accorded the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations.

Article 4: Mandate

The Commission shall receive and decide on petitions for the designation of property having cultural, historic, religious or ethnic importance as National Monuments.

Article 5: Proceedings before the Commission

Any Party, or any concerned person in Bosnia and Herzegovina, may submit to the Commission a petition for the designation of property as a National Monument. Each such petition shall set forth all relevant information concerning the property, including:

- a. the specific location of the property;
- b. its current owner and condition;
- c. the cost and source of funds for any necessary repairs to the property;
- d. any known proposed use; and

e. the basis for designation as a National Monument.

In deciding upon the petition, the Commission shall afford an opportunity for the owners of the proposed National Monument, as well as other interested persons or entities, to present their views.

For a period of one year after such a petition has been submitted to the Commission, or until a decision is rendered in accordance with this Annex, whichever occurs first, all Parties shall refrain from taking any deliberate measures that might damage the property.

The Commission shall issue, in each case, a written decision containing any findings of fact it deems appropriate and a detailed explanation of the basis for its decision. The Commission shall make decisions by a majority of its members. Decisions of the Commission shall be final and enforceable in accordance with domestic law.

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;

Article 6: Eligibility

The following shall be eligible for designation as National Monuments: movable or immovable property of great importance to a group of people with common cultural, historic, religious or ethnic heritage, such as monuments of architecture, art or history; archaeological sites; groups of buildings; as well as cemeteries.

Article 7: Rules and Regulations

The Commission shall promulgate such rules and regulations, consistent with this Agreement, as may be necessary to carry out its functions.

Article 8: Cooperation

Officials and organs of the Parties and their Cantons and Municipalities, and any individual acting under the authority of such official or organ, shall fully cooperate with the Commission, including by providing requested information and other assistance.

Article 9: Transfer

Five years after this Agreement enters into force, the responsibility for the continued operation of the Commission shall transfer from the Parties to the Government of Bosnia and Herzegovina, unless the Parties otherwise agree. In the latter case, the Commission shall continue to operate as provided above.

Article 10: Notice

The Parties shall give effective notice of the terms of this Agreement throughout Bosnia and Herzegovina.

Article 11: Entry into Force

This Agreement shall enter into force upon signature.

For the Republic of Bosnia and Herzegovina

For the Federation of Bosnia and Herzegovina

For the Republika Srpska

Office of the High Representative

Emerika Bluma 1, 71000 Sarajevo; Tel: +387 33 283 500 - Fax: +387 33 283 501

www.ohr.int