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[Law on Implementation of Decisions of the Commission to Preserve National Monuments \(/Content/Read/zakoni-o-provedbi-odluka-komisije\)](#)

04/01/2019

Year IX – No. 2, Monday 21 January 2002

Pursuant to Article IV. B. 7. a) (IV) of the Constitution of the Federation of Bosnia and Herzegovina, I hereby issue this

DECREE

ON THE PROMULGATION OF THE LAW ON THE PROTECTION OF PROPERTIES DESIGNATED AS NATIONAL MONUMENTS OF BOSNIA AND HERZEGOVINA BY DECISION OF THE COMMISSION TO PRESERVE NATIONAL MONUMENTS

The Law on the protection of properties designated as National Monuments of Bosnia and Herzegovina by decision of the Commission to Preserve National Monuments, passed by the Parliament of the Federation of Bosnia and Herzegovina at a session of the House of Representatives held on 13 December 2001 and at a session of the House of Peoples held on 14 December 2001, is hereby promulgated.

No. 01-3-4/02

President of the Federation of

BiH

14 January 2001, Sarajevo

Dr.Safet Halilović,

signed

LAW

ON THE PROTECTION OF PROPERTIES DESIGNATED AS NATIONAL MONUMENTS OF BOSNIA AND HERZEGOVINA BY DECISION OF THE COMMISSION TO PRESERVE NATIONAL MONUMENTS

Article 1.

This law stipulates the protection and rehabilitation measures applicable to properties designated as national monuments of Bosnia and Herzegovina by decision of the Commission to Preserve National Monuments, established pursuant to Annex 8 of the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter: the Commission).

The provisions of other laws and regulations shall not be applicable if they are contrary to this law.

Article 2.

For the purposes of this law a National Monument is a property that the Commission has designated as a national monument of Bosnia and Herzegovina pursuant to Article 5 of Annex 8 of the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter: Annex 8), property entered on the Provisional List of National Monuments of Bosnia and Herzegovina, and properties registered, pursuant to the Law, under the terms of individual rulings issued by a competent authority, as cultural monuments, belonging to the architectural heritage, of historical importance or the natural heritage of Bosnia and Herzegovina prior to April 1992, until the Commission reaches a final decision on its status, pursuant to Article 5 para. 4 of Annex 8.

For the purposes of this law, the rehabilitation of national monuments of Bosnia and Herzegovina is the restoration of a damaged or destroyed property to the condition it was in prior to its destruction, or the reconstruction of a national monument on the same site, in the same form, of the same dimensions and using the same or same type of materials as were used prior to its destruction, using the same building techniques wherever possible.

Article 3.

National monuments enjoy the highest degree of legal protection stipulated by separate laws in the Federation of Bosnia and Herzegovina (hereinafter: the Federation).

Article 4.

Everyone, and in particular the competent authorities of the Federation of Bosnia and Herzegovina, the Canton, and urban and municipal authorities, shall refrain from any action that might damage the National Monument or jeopardize the preservation and rehabilitation thereof.

III – APPROVAL FOR THE PROTECTION, CONSERVATION AND RENOVATION/ RECONSTRUCTION OF NATIONAL MONUMENTS

Article 5.

Approval for the protection, conservation, presentation and rehabilitation of national monuments is issued by the Federal Ministry of Regional Planning and the Environment (hereinafter: the Ministry).

Article 6.

An applicant for approval as defined in Article 5 of this law is required to enclose with the application:

a copy of the cadastral plan;

proof of title or right of usufruct of the site, building or complex;

a historical and architectural description of the original state of the building or complex with existing architectural, photographic and other documentation;

a description of the current condition of the building or complex, and a design project for the rehabilitation of the building or complex.

In the case of an application for the rehabilitation of a building that has been completely destroyed, the applicant is required to submit not only the above items but also a main project.

Article 7.

By way of exception to the provisions of Article 6, in the case of wholly destroyed national monuments for which no documentation exists, the Commission may determine the criteria on the basis of which approval shall be granted.

Article 8.

Article 9.

The provisions relating to administrative procedures shall apply to the procedure of issuing approval as set out in Article 5 of this law unless otherwise prescribed by the provisions of this law.

No appeal may be lodged against a ruling issued by the Ministry in the procedure of issuing approval as set out in Article 5 of this law.

Administrative litigation may be instigated against a ruling as set out in para. 2 of this

Article by filing a case with the Supreme Court of the Federation of Bosnia and Herzegovina with 30 days of the date of receipt of the ruling.

Rulings issued contrary to the provisions of this law are null and void.

Article 10.

The Federation shall be responsible for ensuring and providing the legal, scientific, technical, administrative and financial measures necessary to protect, conserve, display and rehabilitate the National Monument.

The Ministry shall be responsible for ensuring the measures stipulated in the preceding paragraph by issuing and implementing by-laws.

Article 11.

Officials of the administrative bodies and institutions of the Federation, Canton, city and municipality are required to cooperate with the Commission.

Officials of the administrative bodies and institutions of the Federation, Canton, city and municipality are required to cooperate with the Ministry and at the Ministry's request to submit all relevant documentation relating to the national monument.

Article 12.

Within 14 days from the date of entry into force of this law, cantonal administrative bodies and city and municipal services are required to submit to the Ministry all applications currently in hand with accompanying documentation as they relate to the approval referred to in Article 5 of this law.

Article 13.

Supervision of the implementation of this law and of the by-laws adopted pursuant thereto shall be conducted by the Ministry.

Article 14.

Inspectoral supervision of the provisions of this law shall be conducted according to the provisions governing inspectoral supervision as stipulated by the Regional Planning Law.

Article 15.

If an administrative procedure for the issuance of approval for rehabilitation has been set in motion before the relevant body prior to the date of entry into force of this law but by the said date no first-instance ruling has been issued, or the ruling had been revoked prior to that date and returned to the first-instance body for the procedure to be repeated, the procedure shall continue according to the provisions of this law.

Article 16.

The provisions of regional planning documents that are contrary to the provisions of this law shall not be applicable to the protected areas of national monuments.

Article 17.

All relevant bodies and individuals acting under the authorization of the relevant bodies are required to protect the properties for which a petition has been submitted to the Commission for designation as a national monument for a period of one year from the date of submission of the petition to the Commission or until the adoption of a final decision.

Article 18.

This law enters into force on the day following the date of its publication in the Official Gazette of the Federation of BiH.

Speaker of the House of Peoples of the Parliament of the Federation of BiH

Prof. Dr. **Ivo Komšić**, signed

Speaker of the House of Representatives of the Parliament of the Federation of BiH

Ismet Briga, signed

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

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."

Wolfgang Petritsch

9 February 2002
Representative

High

**LAW
ON IMPLEMENTATION OF THE DECISION OF THE
ANNEX 8 COMMISSION TO PRESERVE NATIONAL
MONUMENTS**

Pursuant to Article 23 of the Statute of the Brcko District of BiH. the Assembly of the Brcko District of BiH, on its 33rd session, held on December 14, 2001 adopted

**LAW
ON IMPLEMENTATION OF THE DECISION OF THE
ANNEX 8 COMMISSION TO PRESERVE NATIONAL MONUMENTS**

Purpose of the Law

Article 1

The Law on Implementation of the Decision of the Annex 8 Commission to Preserve National Monuments (hereinafter: Law) shall determine measures of protection and rehabilitation of the properties designated as National Monuments of Bosnia and Herzegovina by decision of the Commission to Preserve National Monuments, established under Annex 8 of the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter: Commission).

Article 2

Provisions of other laws and regulations shall not be applied, if they are contrary to this Law.

Definitions of terms

Article 3

The terms used in this Law shall have the following meaning:

-**"National Monument"** refers to property designated by the Commission as a National Monument of Bosnia and Herzegovina in accordance with Article 5 of Annex 8 of the General Framework Agreement for Peace in Bosnia and Herzegovina ("Annex 8"). All provisions of this Law applied for National Monuments shall be applied for the properties included in the attached "Provisional List of National Monuments" as well, until a final decision of the Commission on a respective National Monument, is enacted in accordance with Article 5, Paragraph 4 of Annex 8.

-**"Department"** refers to the Department of Urbanism, Real Estate Affairs and Economic Development of the Brcko District.

-**"Rehabilitation of a National Monument of BiH"** refers to bringing of damaged or destroyed property into its condition prior to destruction, to the extent reasonably possible, including new construction of a National Monument, at the same location, in the same shape, of the same dimensions and made of the same materials as it was before the destruction, by applying the same construction technology whenever reasonably possible.

Protection of National Monuments designated by the Commission in accordance with Annex 8

Article 4

National Monuments are deemed to have the highest level of protection afforded by the Brcko District legislation.

Article 5

Authorized bodies and institutions of the Brcko District shall refrain from and shall prevent any actions that might damage a National Monument or bring in question its protection and rehabilitation.

Approvals related to National Monuments

Article 6

The Department shall issue all the approvals related to protection, conservation, presentation, and rehabilitation of National Monuments.

Article 7

(1) The Department shall have the obligation to issue the approval from the previous Article within 30 days from the day of submission of the request.

(2) The request from the previous paragraph shall include all attachments from Article 11 of this Law.

Article 8

(1) In the procedure of issuing of approvals in terms of this Law, provisions of the Law on Administrative Procedure shall be applied, unless otherwise stipulated by this Law.

(2) Decisions rendered by the Department and in accordance with this Law shall be final.

Article 9

Decisions contrary to the provisions of this Law shall be considered null and void.

Article 10

All spatial plans contrary to the provisions of this Law shall not be applied to the protected sites of National Monuments.

Article 11

Along with the request for issuance of the approval for rehabilitation, the applicant shall be required to attach the cadastral plan excerpt, proof of ownership or right of use of land, building or complex; a historical and construction description of the original condition of the building or complex with the existing architectural, photographic and other documentation; description of the present condition of the building or complex; and rehabilitation project of the building or complex. Requests for rehabilitation of the completely destroyed buildings shall include a main project proposal.

Article 12

In case there is no documentation that would be the basis for carrying out the rehabilitation of the completely destroyed monuments, in accordance with provisions of Article 11 of this Law, the Commission may be requested to provide criteria upon which the approval shall be issued.

Obligation under Annex 8

Article 13

(1) The Brcko District shall make all possible additional efforts to take appropriate legal, scientific, technical, administrative and financial measures necessary for the protection, conservation, presentation and rehabilitation of National Monuments.

(2) The Department may provide for the measures referred to in previous Paragraph through Instructions.

Obligation to Co-operate

Article 14

Officials, bodies and institutions of the Brcko District shall fully cooperate with the Commission.

Article 15

Officials, bodies and institutions of the Brcko District shall fully cooperate with the Department. They shall, upon the request of the Department provide all relevant documentation.

Article 16

Officials, bodies and institutions of the Brcko District shall, within 15 days of entering into force of this Law, forward to the Department pending requests concerning National Monuments.

Monitoring and Enforcement

Article 17

The Department shall supervise the enforcement of this Law.

Article 18

Inspection supervision shall be carried out in accordance with the Law on Urban Planning.

Article 19

This Law shall enter into force eight days from its publishing in the "Official Gazette of the Brcko District of Bosnia and Hercegovina".

Number: 0-02-022473/01
Herzegovina
Brcko, December 14,2001
DISTRICT

Bosnia and
BRCKO
OF BOSNIA AND

HERZEGOVINA

ASSEMBLY OF THE BRCKO

DISTRICT

PRESIDENT OF THE BRCKO DISTRICT

ASSEMBLY

Mirsad Djapo, graduate

lawyer

**Office of the High Representative
Decisions****HR's**

FRIDAY, FEBRUARY 08, 2002

Decisions relating to State Symbols, State-Level Matters and Const. Issues

Decision imposing the RS Law on Implementation of Decisions of the Commission to Preserve National Monuments established under Annex 8 of the Dayton Peace Agreement

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 subparagraph (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";

Noting that the domestic law of Republika Srpska is silent as to what level of protection should be afforded to National Monuments designated as such by the Commission to Preserve National Monuments established under Article I of the said Annex;

Bearing in mind the fact that pursuant to article V.4 of the said annex: "decisions of the commission shall be final and enforceable in accordance with domestic law";

Considering that the absence of appropriate legislation, harmonised with implementing

legislation in the Federation of Bosnia and Herzegovina, to meet the Annex 8 obligations of Republika Srpska will delay the process *inter alia* of rehabilitation of National Monuments in Republika Srpska, jeopardize the return of refugees and displaced persons to Republika Srpska, and undermine efforts to create a positive environment for return throughout Bosnia and Herzegovina.

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

Law on Implementation of Decisions of the Commission to Preserve National Monuments Established Under Annex 8 to the General Framework Agreement for Peace in Bosnia and Herzegovina

The Law that follows shall enter into force as provided for in Article 18 thereof on an interim basis, until such time as the National Assembly of Republika Srpska adopts this law in due form, without amendment and with no conditions attached.

LAW ON IMPLEMENTATION OF DECISIONS OF THE COMMISSION TO PRESERVE NATIONAL MONUMENTS ESTABLISHED UNDER ANNEX 8 TO THE GENERAL FRAMEWORK AGREEMENT FOR PEACE IN BOSNIA AND HERZEGOVINA

I. Subject and purpose of the Law

Article 1

This Law shall regulate implementation of decisions issued by the Commission to Preserve National Monuments established under Annex 8 to the General Framework Agreement for Peace in Bosnia and Herzegovina (hereinafter: the Commission).

II. Definition of terms for the purpose of this Law

Article 2

"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.

"Ministry" shall mean the Ministry for Urban Planning, Housing Affairs and Utilities, Construction, and Ecology of Republika Srpska.

"Rehabilitation" shall mean the restoring of damaged or destroyed property to the condition in which it was prior to such damage or destruction, to the extent reasonably possible, including construction of a National Monument, at the same location, in the same shape and form, of the same dimensions and made of the same materials as it was before the destruction, by applying the same construction technology whenever reasonably possible.

III. Protection of property specified under Annex 8

Article 3

National Monuments are deemed automatically to have the highest level of protection in the law of Republika Srpska without need of further decision, law, regulation, or otherwise; and in particular the Government of Republika Srpska and all authorities as aforesaid shall be and become responsible for ensuring that each and every step is taken to effect compliance with the requirements of Article V of Annex 8.

IV. Procedure of issuance of permits for rehabilitation of National Monuments

Article 4

Requests for issuance of permits for rehabilitation of National Monuments shall be decided upon by the Ministry.

Article 5

With the request for issuance of the permit for rehabilitation the owner shall be required to submit (1) a copy of the cadastral plan, (2) proof of ownership or right of usage of land or structure, (3) historical and structural description of the original condition of the structure or complex with the existing architectural, photographic and other documentation including (4) a description of the current condition of the structure or complex, and (5) project of rehabilitation of the structure or complex.

Article 6

The procedure of deciding upon the permits referred to in the preceding Article shall be carried out in accordance with the regulations of the Law on General Administrative Procedure, unless stipulated otherwise by the provisions of this Law.

Article 7

Subject to compliance with Articles 2(3), 5, and 11(2) 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.

Article 8

Decisions made in contravention of this Law shall be null and void.

Article 9

Physical plans made in contravention of the provisions of this Law shall not apply to the protected areas of National Monuments.

Article 10

The rehabilitation project, for a National Monument the structure of which is totally destroyed, is a main project and must be made by a legal person authorised for developing such documentation.

V. Obligatory Cooperation

Article 11

The Republika Srpska, through its competent organs, shall make every effort to take appropriate legal, scientific, technical, administrative and financial measures necessary for the protection, conservation, presentation and rehabilitation of designated National Monuments, and refrain from taking any deliberate measures that might damage the property.

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

Article 12

Authorities and institutions of Republika Srpska shall co-operate with the Commission and responsible ministries.

Article 13

City and municipal authorities in Republika Srpska shall forward to the Ministry all requests for rehabilitation of National Monuments within 15 days from the day of entering into force of this Law.

VI. Supervision**Article 14**

Supervision over the implementation of this Law shall be carried out by the Inspection for Urban Planning and Construction at the level of the Republic in accordance with the authority specified in the Law on Physical Planning in Republika Srpska.

VII. Penal Provision**Article 15**

The responsible person in an administrative body or institution in violation of the provisions of Articles 4, 8, 12 and 13 of this Law shall be penalised with a monetary fine in the amount of 100 KM to 1500 KM for the violation. This shall not prevent the application of any other fines or other penalties for violations of any provision of this law, in accordance with the laws of Republika Srpska.

VIII. Transitional and Final Provisions**Article 16**

Provisions of other laws regulating directly or indirectly the issues pertaining to protection, conservation, presentation and rehabilitation of National Monuments shall not apply to the extent that they are in contravention of this Law.

Article 17

If administrative proceedings for issuance of approvals for rehabilitation are initiated before the responsible authority prior to the day of entering into force of this Law and a first instance decision was not made by that date or the decision was annulled before that or returned to the first instance body for renewed proceedings, the proceedings shall be continued under the provisions of this Law.

This shall in no way inhibit the issuance of any 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.

Article 18

This Law shall enter into force on the eighth day after publication in the Official Gazette of Republika Srpska.

9 February 2002

Wolfgang Petritsch

High Representative