

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF
AMERICA
AND
THE GOVERNMENT OF BOSNIA AND
HERZEGOVINA
ON
THE PROTECTION AND PRESERVATION
OF CERTAIN CULTURAL PROPERTIES

The Government of the United States of America and the Government of Bosnia and Herzegovina, hereafter referred to as Parties --

Desirous of successful mutual cooperation in the fields of culture and cultural heritage of either state,

Convinced that such an agreement will contribute to the strengthening of numerous contacts between the two states,

Bearing in mind the respect due to fundamental human rights, and seeking to promote understanding, tolerance and friendship among all nations, racial and religious groups,

Convinced that each culture has a dignity and a value which must be respected and preserved, and that all cultures form part of the common heritage belonging to all mankind,

Desiring to enhance the protection of cultural heritage and provide access to the treasures of national and world culture without discrimination,

Considering that deterioration or disappearance of items of the cultural heritage constitute a harmful impoverishment of the heritage of all the nations of the world,

Considering that the protection of cultural heritage can be effective only if organized both nationally and internationally among states working in close cooperation,

Considering the principles of the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and

Desirous of elaborating concrete steps in furtherance of the principles and purposes of the 1972 Convention for the Protection of the World Cultural and Natural Heritage with respect to certain items of cultural heritage of the victims of genocides,

Have agreed as follows:

ARTICLE 1

Each Party will take appropriate steps to protect and preserve the cultural heritage of all national, religious, or ethnic groups (hereafter referred to as "groups") that reside or resided in its territory, including victims of genocide during the Second World War.

The term "cultural heritage" for the purposes of this Agreement means places of worship, sites of historical significance, monuments, cemeteries, and memorials to the dead, as well as archival and other authentic and documentary materials relating thereto.

ARTICLE 2

The Parties shall cooperate in identifying lists of appropriate items falling within the scope of Article 1, particularly those which are in danger of deterioration or destruction. Either Party may publish such lists.

ARTICLE 3

Each Party will ensure that there is no discrimination, in form or in fact, against the cultural heritage of any group referred to in Article 1 or against the nationals of the other Party in the scope and application of its laws and regulations concerning:

- (a) the protection and preservation of their cultural heritage;
- (b) the right to contribute to the protection and preservation of their cultural heritage; and
- (c) public access thereto.

ARTICLE 4

In cases where the group concerned referred to in Article 1 is unable, on its own, to ensure adequate protection and preservation of its cultural heritage, each Party shall take special steps to ensure such protection and preservation of cultural heritage within its territory and shall invite the cooperation of the other Party and its nationals where assistance is required for this purpose.

ARTICLE 5

Properties of cultural heritage, referred to in Article 4, that are of special significance shall be designated in the lists of items of cultural heritage. Such lists shall be publicly announced and communicated to competent state and local authorities.

All properties of cultural heritage so designated shall be protected, preserved, and marked in the manner stipulated by valid legal internal regulations of either Party. Public access thereto shall be ensured.

Such lists of items of cultural heritage shall be designated by the Commission referred to in Article 6 hereof. The Commission may also designate properties for inclusion in the list at any time.

ARTICLE 6

A Joint Cultural Heritage Commission is hereby established to oversee the operations of the lists referred to in Articles 2 and 5, and to perform such other functions as are delegated to it by the Parties. Each Party shall appoint one or more member(s) to the Commission, who may be assisted by alternates and advisers. Decisions of the Commission shall require the assent of the representatives of both parties. The Parties shall cooperate in supplying the Commission with access to the items of cultural heritage and information necessary for the execution of its responsibilities.

Each Party through its representative on the Joint Cultural Heritage Commission referred to in the first paragraph hereof may request that special arrangements, as appropriate, be worked out under the procedures of the Joint Cultural Heritage Commission to protect and preserve the cultural heritage in the territory of the other Party of groups not covered under Article 1, in cases where such cultural heritage is associated with the cultural heritage abroad of citizens of the requesting Party and is in need for any reason of protection and preservation. The other Party will consider steps, within the scope of its laws and regulations, to respond to the request.

The United States Commission for the Preservation of America's Heritage Abroad shall be the Executive Agent for implementing behalf of the United States. The Ministry of Foreign Affairs of Bosnia and Herzegovina shall jointly be the Executive Agent for implementing this Agreement on behalf of Bosnia and Herzegovina. Either Party may, by diplomatic note to the other, change its Executive Agent.

ARTICLE 7

Nothing in this Agreement shall be construed to relieve either Party of its obligations under the 1972 Convention for the Protection of the World Cultural and Natural Heritage or any other Agreement for the protection of cultural heritage.

ARTICLE 8

This Agreement shall be implemented in accordance with the laws and regulations of both countries and the availability of funds.

ARTICLE 9

Disputes concerning the interpretation or application of this Agreement shall be submitted to the Agents referred to in the third paragraph of Article 6.

ARTICLE 10

This Agreement shall enter into force upon an exchange of notes by which the Parties inform each other about the fulfillment of their respective constitutional requirements for entering into international agreements.

This Agreement shall remain in force indefinitely. However, either Party may at any time give written notice through diplomatic channels of its intention to terminate this agreement, which notice shall be effective six months from the date of delivery.

DONE this *July 2* day of *Sarajevo* 2002, in duplicate in the English, Bosnian, Croatian, and Serbian languages, each text being equally authentic.

FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA;

FOR THE GOVERNMENT OF
BOSNIA AND HERZEGOVINA;

