

CULTURAL PROPERTY

**Agreement between the
UNITED STATES OF AMERICA
and MACEDONIA**

Effected by Exchange of Notes at
Washington December 10, 2002

with

Annex



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

MACEDONIA

Cultural Property

*Agreement effected by exchange of notes at
Washington December 10, 2002;
Entered into force July 12, 2010.
With annex.*

**DEPARTMENT OF STATE
WASHINGTON**

December 10, 2002

Excellency:

I have the honor to propose to you that our Governments enter into an Agreement Concerning the Protection and Preservation of Certain Cultural Properties.

The terms of this Agreement are contained in an Annex enclosed with this note. In the Annex, the "First State" refers to the Government of the United States of America and the "Second State" refers to the Government of the Former Yugoslav Republic of Macedonia.

If the foregoing proposals are acceptable to the Former Yugoslav Republic of Macedonia, this note, including the Annex and your note in reply concurring therein shall constitute an Agreement between the Government of the

Her Excellency

Ilinka Mitreva,

Minister of Foreign Affairs of the

Former Yugoslav Republic of Macedonia.

DIPLOMATIC NOTE

United States and the Government of the Former Yugoslav Republic of Macedonia, which shall enter into force upon an exchange of diplomatic notes by which the governments inform each other about the fulfillment of their respective legal requirements for entry into force. The Agreement may be amended by mutual written agreement. It shall remain in force until terminated by either government giving six months' prior written notice through diplomatic channels to the other government of its intention to terminate this Agreement.

Accept, Excellency, the renewed assurances of my highest consideration.

A handwritten signature in black ink, appearing to be 'A. C. H.', written in a cursive style with a long horizontal stroke extending to the right.

Enclosure:

As stated.

AGREEMENT
ON
THE PROTECTION AND PRESERVATION
OF CERTAIN CULTURAL PROPERTIES

The Government of the First State and the Government of the Second State, hereafter referred to as Parties - -

Desirous of successful mutual cooperation in the field of cultural heritage,

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 constitutes an 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 genocide,

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 a 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 federal, 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 (JCHC) 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 JCHC, who may be assisted by alternates and advisers. Decisions of the JCHC shall require the assent of all members. The Parties shall cooperate in supplying the JCHC with access to the items of cultural heritage and information necessary for the execution of its responsibilities.

Each Party through its representative on the JCHC referred to in the first paragraph hereof may request that special arrangements, as appropriate, be worked out under the procedures of the JCHC 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 this Agreement on behalf of the First State. The Ministry of Culture shall be the Executive Agent for implementing this Agreement on behalf of the Second State. 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.



АМБАСАДА НА РЕПУБЛИКА МАКЕДОНИЈА
EMBASSY OF THE REPUBLIC OF MACEDONIA

ВАШИНГТОН, WASHINGTON, D.C.

10 ДЕКЕМВРИ 2002 ГОД.

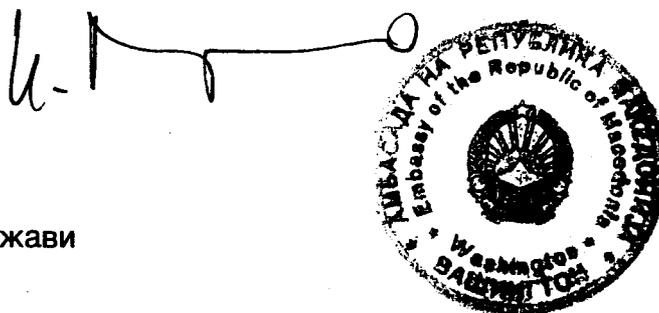
Екселенцијо:

Имам чест да го потврдам приемот на дипломатската нота и пропратниот анекс од 10 Декември 2002 год., со која предлагате нашите влади да склучат Договор кој се однесува на заштита и зачувување на одредени културни сопствености.

Имам чест да ве информирам дека Владата на Република Македонија прифаќа нотата, нејзиниот анекс и оваа нота, во одговор, да претставуваат Договор меѓу Владата на Република Македонија и Владата на Соединетите Американски Држави, кој ќе стапи во сила по размена на дипломатски ноти меѓу двете влади, со кои владите меѓусебно ќе се информираат за завршувањето на нивните законски постапки за стапување во сила.

Прифатите ги, Екселенцијо, повторените изрази на моето највисоко почитување.

Негова Екселенција
Колин Пауел
Државен секретар на
Соединетите Американски Држави





АМБАСАДА НА РЕПУБЛИКА МАКЕДОНИЈА
EMBASSY OF THE REPUBLIC OF MACEDONIA
ВАШИНГТОН, WASHINGTON, D.C.

DECEMBER 10, 2002

Excellency:

I have the honor to confirm the receipt of the diplomatic note and enclosed Annex, dated December 10, 2002, which contains your proposal that our Governments enter into an Agreement Concerning the Protection and Preservation of Certain Cultural Properties.

I have the honor to inform you that the Government of the Republic of Macedonia accepts that the note, its Annex and this note, in reply, shall constitute an Agreement between the Government of the Republic of Macedonia and the Government of the United States of America, which shall enter into force upon an exchange of diplomatic notes by which the governments inform each other about the fulfillment of their respective legal requirements for entry into force.

Accept, Excellency, the renewed assurances of my highest consideration.

His Excellency
Colin Powell
Secretary of State of the
United States of America