

ARCHIVES AND ARCHIVES OF BOSNIA-HERZEGOVINA ACT

I – GENERAL PROVISIONS

Article 1.

The present act regulates legal status of Archives of Bosnia-Herzegovina (further: ABH), which continue its activity as institution of Bosnia-Herzegovina, with residency in Sarajevu, and also regulates: registration, collection, transfer, preserving, protection, arrangement, processing, conditions for consulting, exploring and publishing of archives from jurisdiction of ABH.

Article 2.

Archives are part of our and world cultural heritage and it is a monument of general interest and significance.

Archives and records are protected regardless of whose property or possession they are in, or whether they are registered or recorded.

The regulations concerning the protection of cultural monuments of Bosnia-Herzegovina and its entities, also apply to archives

Article 3.

Archives are records or documents (writings, drawings, typographs, photographs, films, phonographs and other forms), which are of legal, administrative, informational, cultural, artistic or historical value, created or received by persons or corporate bodies, public or private agencies, institutions or enterprises in pursuance of their activities.

Documents become archives by selection from current records.

Current records are all records or documents created or received through the function and activity of a particular corporate bodies or persons.

Current records are considered to be archives in creation, and the provisions of this Act and other regulations related to archives apply with respect to their protection.

Article 4.

Archives created through the functions and activities of a particular corporate body od person or person form a whole (archival fond) and cannot, as a rule, be divided.

II – PUBLIC ARHCIVES

Article 5.

Public archives are created or in creation through activities

- a) government bodies and state administration institutions;
- b) entity, cantonal and other regional of local communities;
- c) public institutiouons, enterprises and other persons with public authority

Creators of public archives and current records about their establishment, and also on any changes of their status and organisation, are due to inform a competent archival institution in order to get an opinion about treatment of archives.

Article 6.

Public archives, as a part of cultural heritage, is inalienable and can not became a private property.

Article 7.

Creators and owners of public archives and current records – mentioned in article 5 of this Act, are obliged:

- a) to keep archives and records arranged and protect them from damage or destruction up to their transfer to ABH
- b) to deliver a list of records to ABH and inform ABH about all changes on records;
- c) to obtain a opinion of competent archives before taking any measures related to archives or current records;
- d) to select archives from current records;
- e) to enable the professional inspection of keeping their archives by authorized archival professionals of competent archives;
- f) to follow instructions given by competent archives concerning the preservation of archives;
- g) to ensure adequate stuff, space and equipment for storage and preservation of archives;
- h) to create a records schedule with permission of competent archives.

Article 8.

Archives of dissolved government body, public institutions and enterprises are transferring to their legal successor or to competent archives.

The body who makes a decision of cessation of the activity of a creators or an owner of archives and current records is obliged to determine a new body as an owner of that archives and to make a decision on their transfer to a competent archives.

Article 9.

Creators and owners of public current records regularly, after the retention period determined in records schedules, select the archives, following the regulations on selection and with permission of ABH.

Article 10.

Creators and owners of public current records are obliged, after the end of selection, to destroy or give to the specialized enterprises the worthless current records whose retention period has expired. During destroying the measures should be taken to protect the data that may interrupt public interest or interest of citizens.

Član 11.

Public archives shall be transferred to competent archives within a period that, as a rule, cannot be longer than 30 years of their creation.

Creators and owners of public current records are obliged to transfer them in original, arranged, classified, listed, in rounded wholes, and also technically equipped, in accordance with the regulations on transfer of records to archives.

Article 12.

Archives can take charge of records even if the conditions from article 11 of this Act are not fulfilled, in the case that is necessary for preservation and saving of archives from damage or destruction.

Article 13.

Expenses of transfer of archives and records are obligation of agency that transferring records.

Article 14.

All users under equal conditions have a right to consult public archives.

Article 15.

Public archives in archival institution may be used for official, legal, educational purposes, for publishing, for scientific research, and also for constitutional and legal rights of citizens.

Article 16.

Public archives are available for using 30 years after their creation, if the requests of their creator, given in transfer record, are not regulated otherwise.

Article 17.

Public archives related on particular persons (punitive files, court files, medical documentation, personal files) may be used 10 years after death of person, or earlier if it is approved by his / her spouse, children or parents.

If scientific or other real reasons make using archives from paragraph 1 of this article necessary, that archives may be used in a way which guarantee the protection of persons interests, without mention names or on other proper way.

Article 18.

Consulting of public archives are reduced or prohibited if:

- a) harming interests of Bosnia-Herzegovina;
- b) harming interests of entiteties of Bosnia-Herzegovina;
- c) makes harmful consequences to corporate bodies of persons;
- d) being used in contrary with requests of their owner and creator;
- e) there are indications about manipulations on archives;
- f) the archives are in archival processing

Director of competent archival institution, in accordance with legal and other regulations, makes a decision concerning prohibition of use or consulting of archives earlier.

Article 19.

Conditions and procedures of using public archives, register of users, making copies and certified transcriptions are regulated by particular regulations.

Article 20.

Original public archives may be taken out from Bosnia-Herzegovina for purposes of exhibition, expertise or for preservation measures, with the permission of competent government body and authorisation of A.B.H.

This permission must include the conditions and time within records must be returned in country.

Before taking abroad from country archives must be recorded in safety purposes.

III – PRIVATE ARCHIVES

Article 21.

Private archives are archives created through the activities of private corporate bodies and persons, if they are not created in the execution of public activities or public service and if they are not in possession of state.

Article 22.

ABH in cooperation with entity archival institutions draws up a list of owners of archives in private possession, that have been determined to be of interest to the state.

Competent archives has a register of owners of private archives, which contains data about owner.

Article 23.

ABH has right and obligation of inspection of archives in private possession.

Article 24.

The provisions of this Act also apply on creator and owner of private archives.

Article 25.

The owners of private archives, that keep archives or particular documents, are obliged:

- a) to keep, arrange and list the archives;
- b) to enable competent persons from competent archives inspection, listing and research in protection purposes;
- c) to inform competent archival institution about all changes on archives;
- d) to enable copying of archives on demand of competent archives.

Article 26.

Private archives that became possession of competent archival institution by deposit, gift or purchase, are available for use under the conditions and in the same way as public archives, unless this has not been regulated otherwise by transfer record or by contract.

Article 27.

The owners of private archives which want to sell their archives, are obliged first offer them to a competent archives on whose territory they reside.

The competent archives which have no intention to buy is obliged within the period of 30 days to make decision concerning offer.

Article 28.

Persons that sell their archives to competent archival institution are exempt from payment of all kind of taxes.

Competent archives can give a proper compensation to persons that help in finding and recording archives.

Article 29.

The owners of private archives that intend to take their archives out of Bosnia-herzegovina, are obliged to get a permission from Council of Ministers (Vijeće ministara) of Bosnia-Herzegovina or from competent ministry, after obtained opinion of the competent archives.

IV – ARCHIVAL SERVICE

Article 30.

Archival service is public service on the whole teritorry of Bosnia-Herzegovina.

Archival service is performed by: ABH, Archives of Federation of Bosnia-Herzegovina, Archives of Republic of Srpska, intercounty, cantonal, intercantonal, and archives in units of local self-government.

Article 31.

Archives from paragraph 2 of article 30 within their tasks:

- a) carry out measures for protection of archives in archival institutions and take care of its security;
- b) arrange, process and publish the archives;
- c) perform the professional inspection of the preservation and disposal of archives stored out of archival institutions and take measures for its protection;
- d) carry out the direct inspection of the activity of other owners of archives out of archival service;

- e) take over of public archives;
- f) collect private archives by buying, gifts or deposit;
- g) perform security and protectional scanning of archives;
- h) provide informations, extracts from documents and certified transcripts on users' requests;
- i) make and publish finding aids;
- j) educate professional archival stuff;
- k) cooperate mutually and with other institutions of culture, science and related institutions of documentary and informational services;
- l) perform other tasks in archival science and other auxilliary historical sciences and informational sciences;
- lj) publish archives and professional and other publications, scientific studies, organize scientific and other meeting and exhibitions;
- m) provide deeds and other documents in evidential purpos in accordance with Act of administrative procedures.
- n) keep register of owners of archives.

Article 32.

Some tasks of archival service can be performed by specialized archives as organisational units of armed force, interior, scientific institutions, religious communities, enterprises, banks etc, and also a private archives, on the way regulated by this Act and by other regulations.

Article 33.

ABH perform archival service related to archives and current records of institutions of Bosnia-Herzegovina, public institutions and corporations, and corporate bodies and persons whose activity has been covered or covering territory of Bosnia-Herzegovina, also to archives of interests to the Bosnia-Herzegovina, if the creator did not regulated otherwise.

Article 34.

ABH takes over and perform the measures of protection, proccession, exhibition and using of public archives created until 1992, archives of institutions of Republic of Bosnia-Herzegovina, and archives of institutions of Bosnia-Herzegovina.

Article 35.

ABH, with tasks from Article 31 also perform following tasks:

- a) keep the register of archival fonds and collections in Bosnia-Herzegovina and take care on archives created until 1992. and archives created through activities of institutions of Republic of Bosnia-Herzegovina and institutions of Bosnia-Herzegovina;
- b) keep registers of archives in foreign archives being of importance for Bosnia-Herzegovina;
- c) gives opinion to Council of Ministers of Bosnia-Herzegovina concerning archival service in Bosnia-Herzegovina;
- d) represent interests of archival service of Bosnia-Herzegovina in international professional and bilateral relations;
- e) cooperate in all professional tasks with entity, cantonal and other archives, especially in field of professional education of archival stuff;
- f) direct the mutual projects and in cooperation with entity and cantonal archives realize tasks on renew and modernization of archival service in Bosnia-Herzegovina;
- g) perform also other professional tasks provided by laws.

Article 36.

Funds for activity of ABH are provided in budget of Bosnia-Herzegovina.

Article 37.

For performing of archival service it is necessary to ensure adequate working and storage space, adequate equipment, professional stuff and necessary finance sources.

Article 38.

ABH is administrated by director. For the post of director may be appointed the person who has university degree, published professional papers from archival science and other related sciences, and who has professional and organisational abilities.

Director of ABH has two vice-directors.

Director and vice-directors of ABH are appointed by Council of Ministers of Bosnia-Herzegovina on period of four years.

Article 39.

ABH has Expert council as expert body of archivists of ABH.

The governing stuff of ABH will have national parity, and structure of employees the national balance.

V – ARCHIVAL COUNCIL OF BOSNIA-HERZEGOVINA

Article 40.

Archival council of Bosnia-Herzegovina is an advisory body for archival service, appointed by Council of Ministers of Bosnia-Herzegovina.

Archival council perform following tasks:

- a) discusses general issues of archival service and gives recommendations and opinions for development of service;
- b) examines mutual programs of development of archival service;
- c) examines annual working programs and work reports;
- d) gives opinions about international cooperation in archival service;
- e) gives opinions and suggestions about use of archives and implementation of scholarly, scientific and cultural functions of archival institutions;
- f) examines standards and regulations for archival service in Bosnia-Herzegovina;
- g) appoints the Commission for professional examines for archival titles of archival staff in competence of ABH;
- h) performs other tasks regulated by this Act and other regulations.

Article 41.

Archival council has nine members, appointed for a period of four years.

Director of ABH and his substitutes, directors of entity archives and president of Union of archival societies of Bosnia-Herzegovina, are members by their rank.

Other three members of Archival council of Bosnia-Herzegovina are appointed from members of Council of Ministers of Bosnia-Herzegovina and competent entity ministries.

Article 42.

President of Archival council of Bosnia-Herzegovina is director of ABH, and his substitute is one of members of Archival Council appointed by director of ABH.

VI – UNION OF ARCHIVAL SOCIETIES OF BOSNIA-HERZEGOVINA

Article 43.

Union of archival societies of Bosnia-Herzegovina is professional society whose members are employees working in organisations of archival service in Bosnia-Herzegovina, employers in records agencies and other citizens that have interest for archival service, organised on entity or regional level.

Article 44.

Its activity Union of archival societies of Bosnia-Herzegovina regulates through Statute in accordance with laws on citizen societies.

VII – PENALTY CLAUSES

Article 45.

The owner of archives in competency of ABH will be punished by fine of 500 to 2.000 KM for infringement from article 7 of this Act.

Article 46.

The owners of archives will be punished by fine of 500 to 2.000 KM for infringements from article 25 of this Act.

VIII – TRANSITIONAL AND FINAL PROVISIONS

Article 47.

Archives keeping in archival institutions, archives of corporate and citizen persons, and archives in creation in agencies, are public property.

Article 48.

Enterprises and institutions created in process of transition, which until transition have been social or state property, can possess archives taken over through transition, and they need them for crucial activities, at least 10 years after year of transition, or until legal conditions for transfer to archives.

Article 49.

Council of Minister of Bosnia-Herzegovina, on proposal of director of ABH, will enact the Regulations on protection and preserving archives in ABH and current records in institutions of Bosnia-Herzegovina, and Regulations on professional education and control of professional qualifications employees in ABH and creators agencies, and also other executive acts in accordance with this Act, within a period of six months starting with this becoming Act.

Director and vice-directors of ABH will enact Regulations on internal organisation of ABH within a period of tri months starting with this becoming Act.

Regulations on internal organisation of ABH will be approved by Council of Ministers of Bosnia-Herzegovina.

Article 50.

On the day of this Act coming into force, Archival Service Act (»Službeni list SR BiH« No 21/87) becomes invalid.

ABH is obliged its acts and activities bring in line with the provisions of this Act in a period of six months from it coming into force.

Article 51.

This Act comes into force on eighth day after publishing in »Službeni glasnik BiH«, and will be also published in official bulletins of entities.

(»Službeni glasnik BiH« No 16/2001)