

ANNEX D**Archives**Article 1

(a) For the purposes of this Annex, "SFRY State archives" means all documents, of whatever date or kind and wherever located, which were produced or received by the SFRY (or by any previous constitutional structure of the Yugoslav State since 1 December 1918) in the exercise of its functions and which, on 30 June 1991, belonged to the SFRY in accordance with its internal law and were, pursuant to the federal law on the regulation of federal archives, preserved by it directly or under its control as archives for whatever purpose.

(b) For the purposes of this Annex, "Republic or other archives" refers to the archives of any of the States in their former capacities as constituent Republics of the SFRY, or of their territorial or administrative units, and means all documents, of whatever date or kind and wherever located, which were produced or received by any of those Republics or territorial or administrative units in the exercise of their functions and which, on 30 June 1991, belonged to them in accordance with the applicable law and were, pursuant to the law on the regulation of archives of each of the Republics, preserved by them directly or under their control as archives for whatever purpose.

(c) "Documents" in the preceding sub-paragraphs includes film, audio and video tapes and other recordings, as well as any form of computerised records, and includes documents which constitute cultural property.

Article 2

If Republic or other archives were displaced from the Republic to which they belonged, or if SFRY State archives were displaced from their proper location, they shall, subject to the provisions of this Annex and in accordance with international principles of provenance, be restored respectively to the Republic to which they belonged or their proper location as soon as possible by the State which currently has control of them.

Article 3

The part of the SFRY State archives (administrative, current and archival records) necessary for the normal administration of the territory of one or more of the States shall, in accordance with the principle of functional pertinence, pass to those States, irrespective of where those archives are actually located.

Article 4

(a) The part of the SFRY State archives which constitutes a group which

- (i) relates directly to the territory of one or more of the States, or
- (ii) was produced or received in the territory of one or more of the States, or

PRILOGA D**Arhivi**1. člen

(a) V tej prilogi pomenijo "državni arhivi SFRJ" vse dokumente katerega koli datuma ali vrste, ne glede na to, kje so, ki jih je izdelala ali prejela SFRJ (ali katera koli predhodna ustavna oblika jugoslovanske države od 1. decembra 1918) pri opravljanju svojih nalog in ki so 30. junija 1991 pripadali SFRJ v skladu z njenim notranjim pravom in so bili na podlagi zveznega zakona o upravljanju zveznih arhivov, ki jih je hranila neposredno ali pa so bili pod njenim nadzorom kot arhivi za kakršen koli namen.

(b) V tej prilogi se "republiški ali drugi arhivi" nanašajo na arhive katere koli države v njihovi nekdanji vlogi konstitutivnih republik SFRJ ali njihovih teritorialnih ali upravnih enot in pomenijo vse dokumente katerega koli datuma ali vrste, ne glede na to, kje so, ki jih je izdelala ali prejela katera koli od teh republik ali teritorialnih ali upravnih enot pri opravljanju svojih nalog in ki so 30. junija 1991 pripadali njim v skladu z veljavnim pravom in so bili na podlagi zakona o upravljanju arhivov vsake od republik, ki so jih te hranile neposredno ali pa so bili pod njihovim nadzorom kot arhivi za kakršen koli namen.

(c) "Dokumenti" iz prejšnjih odstavkov vključujejo filmske, avdio- in videotrakove ter druge posnetke kakor tudi vse oblike računalniških zapisov, vključno z dokumenti, ki so kulturna dediščina.

2. člen

Če so bili republiški ali drugi arhivi premeščeni iz republike, ki so ji pripadali, ali če so bili državni arhivi SFRJ premeščeni z njihove prvotne lokacije, jih država, ki ima trenutno nadzor nad njimi, čim prej vrne republik, ki so ji pripadali, ali na kraj, kjer so bili, ob upoštevanju določb te priloge in v skladu z mednarodnimi načeli provenience.

3. člen

Del državnih arhivov SFRJ (upravni spisi, tekoče dokumentarno gradivo in arhivski spisi), potreben za normalno upravljanje ozemlja ene ali več držav, preide v skladu z načelom funkcionalne pertinence na te države, ne glede na to, kje so dejansko ti arhivi.

4. člen

(a) Del državnih arhivov SFRJ, ki sestavljajo skupino, ki

- (i) se nanaša neposredno na ozemlje ene ali več držav ali
- (ii) je bila izdelana ali sprejeta na ozemlju ene ali več držav ali

(iii) consists of treaties of which the SFRY was the depository and which relates only to matters concerning the territory of, or to institutions having their headquarters in the territory of, one or more of the States, shall pass to those states, irrespective of where those archives are actually located.

(b) Pending the apportionment of SFRY State archives under this Article,

(i) the original of the Treaty on Water Economy Problems between the SFRY and Greece signed in 1959 (Official Gazette of the SFRY No. 20 of 4 June 1960) and of the Treaty on the Preservation and Renewal of Frontier Signs on the Yugoslav-Greece Frontier for the Protection, Prevention and the Solution on Frontier Incidents (Official Gazette of the SFRY No. 20 of 26 February 1959) shall be transferred forthwith to the Republic of Macedonia.

(ii) the original text or certified copies of the Treaty of Osimo and the Osimo Agreement of 1975, and any related agreements, archives and travaux préparatoires concerning their negotiation and implementation, shall be made available forthwith to Croatia and Slovenia in order to enable them, in full possession of the relevant material, to negotiate with Italy over the consequences of those treaties for their respective States.

Article 5

If pursuant to Articles 3 or 4 archives are to pass to more than one State, those States shall agree which of them will receive the original and enable the others to make copies.

Article 6

(a) In relation to SFRY State archives other than those referred to in Articles 3 and 4, the States shall, by agreement to be reached within 6 months of the entry into force of this Agreement, determine their equitable distribution among themselves or their retention as common heritage of the States which shall have free and unhindered access to them. If no such agreement is reached, the archives shall become common heritage. In either event, each State may make copies of the archives in question on an equitable cost-sharing basis.

(b) The agreement referred to in paragraph (a) shall take account of all relevant circumstances which include the observance as far as possible of the principle of respect for the integrity of groups of SFRY State archives so as to facilitate full access to and research in those groups of archives. Respect for the integrity of groups of archives is without prejudice to the question where any particular group of archives should be preserved. The Ministries or Departments responsible for archives in each of the States shall within 24 months of the date on which this Agreement enters into force identify, and circulate to each other, lists of groups of archives to which this principle should apply, and shall thereafter seek to agree on a single such list within a further period of 3 months. They shall also identify, and circulate to each other, within 24 months of the date on which this Agreement enters into force, lists of archives to which Articles 3 and 4 apply.

(iii) sestoji iz pogodb, katerih depozitar je bila SFRJ, in se nanaša samo na zadeve v zvezi z ozemljem ene ali več držav ali na ustanove, ki imajo sedež na ozemlju ene ali več držav, preide na te države, ne glede na to, kje so dejansko ti arhivi.

(b) Do razdelitve državnih arhivov SFRJ po tem členu

(i) se izvornik Pogodbe o vprašanih vodnega gospodarstva med SFRJ in Grčijo, podpisane leta 1959 (Uradni list SFRJ, št. 20 z dne 4. junija 1960) in Pogodbe o ohranjanju in obnovitvi mejnih oznak na jugoslovansko-grški meji za zavarovanje pred mejnimi incidenti in njihovo preprečevanje in reševanje (Uradni list SFRJ, št. 20 z dne 26. februarja 1959) takoj prenesse na Republiko Makedonijo;

(ii) se izvornik ali overjene kopije Osimske pogodbe in Osimskega sporazuma iz leta 1975 in vsi s tem povezani sporazumi, arhivi in travaux préparatoires, ki se nanašajo na njihova pogajanja in izvajanje, takoj dajo na voljo Hrvaški in Sloveniji, da bi jima z vsem ustreznim gradivom omogočili pogajanja z Italijo o posledicah teh mednarodnih pogodb za njuni državi.

5. člen

Če naj v skladu s 3. in 4. členom arhivi preidejo na več držav, se te države dogovorijo, katera od njih bo dobila izvornik in omogočila drugim, da si naredijo kopije.

6. člen

(a) V zvezi z drugimi državnimi arhivi SFRJ, ki niso omenjeni v 3. in 4. členu, se države z dogovorom, ki ga morajo doseči v šestih mesecih po začetku veljavnosti tega sporazuma, odločijo za njihovo pravično delitev med seboj ali pa te arhive obdržijo kot skupno dediščino držav, ki imajo prost in neoviran dostop do njih. Če tak dogovor ni dosežen, postanejo arhivi skupna dediščina. V obeh primerih lahko vsaka država naredi kopije takih arhivov, stroške pa si države pravično razdelijo.

(b) Dogovor, omenjen v odstavku (a) naj upošteva vse ustrezne okoliščine, tudi, kolikor je mogoče, načelo spoštovanja celovitosti fondov državnih arhivov SFRJ, da se olajšata njihova popolna dostopnost in raziskovanje. Upoštevanje celovitosti arhivskih fondov ne posega v vprašanja, kje naj se hrani določeni arhivski fond. Ministrstva ali oddelki, ki so v posamezni državi odgovorni za arhive, v štiriindvajsetih mesecih po začetku veljavnosti tega sporazuma določijo sezname arhivskih fondov, na katere naj se to načelo nanaša, in si jih razpošljejo in se nato v naslednjih treh mesecih skušajo dogovoriti za en sam tak seznam. Prav tako v štiriindvajsetih mesecih od dneva začetka veljavnosti tega sporazuma določijo in si razpošljejo sezname arhivov, na katere se nanašata 3. in 4. člen.