

ANNEX V
RELIGIOUS AND CULTURAL HERITAGE

Article 1 Name, Internal Organization and Property of the Serbian Orthodox Church

1.1 The Serbian Orthodox Church (SOC) in Kosovo shall be afforded the protection and enjoyment of its rights, privileges and immunities as set forth in this Annex. The exercise of such rights, privileges and immunities shall carry with it duties and responsibilities to act in accordance with Kosovo law, and shall not violate the rights of others.

1.2 Kosovo shall recognize the Serbian Orthodox Church in Kosovo, including monasteries, churches and other sites used for religious purposes, as an integral part of the Serbian Orthodox Church seated in Belgrade.

1.3 Kosovo shall respect the name and the internal organization of the Serbian Orthodox Church, including its hierarchy and activities.

1.4 Kosovo shall guarantee that the movable and immovable property and other assets of the Serbian Orthodox Church shall be inviolable and shall not be subject to expropriation.

1.5 The Serbian Orthodox Church in Kosovo shall exercise full discretion in the management of its property and access to its premises. Kosovo authorities shall have access to sites which constitute the property of the Republic of Serbian Orthodox Church only with consent from the Church, in the event of a judicial order issued relating to alleged illegal activities, or in the event of imminent danger to life or health.

Article 2 Economic and Other Support

2.1 The Serbian Orthodox Church in Kosovo shall be free to receive donations and other beneficial support from any institution within or outside of Kosovo. Such donations shall be provided in a fully transparent manner.

2.2 Kosovo shall grant customs duty and tax privileges to the Serbian Orthodox Church, in addition to those enjoyed by all religions in Kosovo, for economic activities of the Church specific to its financial self-sustainability, such as the production of embroidery and clerical vestments, candles, icon painting, woodcarving and carpentry, wines, brandy, honey and other bee products. These privileges shall cover import and purchase of relevant products, materials, machinery and tools; and export of products resulting from the said activities.

Article 3 Security for Religious and Cultural Sites

3.1 The Serbian Orthodox Church, its monasteries, churches and other religious and cultural sites of special significance to the Kosovo Serb community shall be provided the necessary security.

3.1.1 The main responsibility to ensure the security of Kosovo's religious and cultural heritage shall lie with the Kosovo law enforcement agencies, in particular the Kosovo Police Service (KPS). Protection of the Serbian religious and cultural sites shall constitute a special operational task of the KPS. The ESDP Rule of Law mission, in consultation with the International Military Presence (IMP), shall monitor, mentor and advise the KPS in the implementation of this task.

3.1.2 In the immediate post-settlement period, the IMP shall provide security for the Gračanica monastery, the Devič monastery, the Zočište monastery, the Holy Archangels monastery, the Budisavci monastery, the Gorioć monastery, the Visoki Dečani monastery, the Peć Patriarchate and the Gazimestan memorial monument. Provision of security for these sites shall continue until the IMP, after consultation with the ICR and ESDP Mission, decides the conditions have been met for transfer of these responsibilities to the KPS.

3.1.3 The level and duration of the specific measures to ensure the physical security of the sites by the IMP shall take into account, *inter alia*: i) a threat assessment conducted by the IMP; ii) advice received from the Implementation and Monitoring Council, pursuant to Article 5 of this Annex.

3.1.4 The IMP shall aim to build higher levels of trust and confidence and work towards the normalization of the security situation around the sites. The capacities of the KPS shall be expanded as rapidly as possible in order to allow the IMP to disengage from these non-military tasks.

3.2 Kosovo shall guarantee freedom of movement to the clergy and affiliates of the Serbian Orthodox Church within Kosovo and shall provide the necessary security arrangements for such movement as appropriate.

Article 4 Protective Zones

4.1 A select number of Serbian Orthodox Church monasteries, churches, other religious sites, as well as historical and cultural sites of special significance for the Kosovo Serb Community, shall be provided special protection through the establishment of Protective Zones. The objectives of the Protective Zones are: to provide for the peaceful existence and functioning of the sites to be protected; preserve their historical, cultural and natural environment, including the monastic way of life of the clergy; and prevent adverse development around them, while ensuring the best possible conditions for harmonious and sustainable development of the communities inhabiting the areas surrounding such sites. The enjoyment of property rights in a Protective Zone may be restricted as follows:

4.1.1 Any new activity in the following areas shall be prohibited:

- a) Industrial construction or development, such as: exploration of mineral resources; building of power plants or power lines, kilns and factories.
- b) Construction or development, such as: structures or edifices taller than the monastery/church/cultural monument to be protected; the use of hazardous

materials in any new construction (including residential); through roads, petrol and automobile repair stations; supermarkets; night clubs.

- c) Public construction or development leading to deforestation in rural areas.

4.1.2 Any new activity in the following areas may be restricted as circumstances warrant. Prior to conducting activities in the following areas, the municipality concerned shall consult the SOC or the Serbian community:

- a) Commercial construction or development such as: road construction, construction of warehouses, workshops, shops, restaurants, bars, cafes, food stalls and kiosks, and any other large scale construction in rural areas;
- b) Public gatherings, recreation and entertainment;
- c) Urbanization of agricultural land.

4.1.3 Kosovo shall ensure that spatial plans for areas within the Protective Zones are in conformity with the restrictions outlined in 4.1.1 and 4.1.2

4.1.4 Protective Zones for the following sites shall be defined by the attached maps:

Visoki Dečani Monastery, Deçan/Dečani²
Peć Patriarchate, Pejë/Peć
Gračanica Monastery, Prishtinë/Priština
Church of Presentation of the Virgin, Lipjan/Lipljan
Dević Monastery, Skenderaj/Srbica
Gorioč Monastery, Istog/Istok
Budisavci Monastery, Klinë /Klina
Sokolica Monastery, Zveçan/Zvečan³
Draganac Monastery, Gjilan/Gnjilane
Holy Archangels Monastery, Prizren/Prizren
Banjska Monastery, Zveçan/Zvečan
Zočište Monastery, Zoqishtë/ Zočište, Rahovec/Orahovac
Village of Velika Hoça/Hoçë e Madhe, Rahovec/Orahovac
Duboki Potok Monastery, Zubin Potok/Zubin Potok
Church of Saint George, Gornje Selo/Gornjasellë, Prizren/Prizren
Sočanica Monastery, Leposaviq/Leposavić
Hermitage with Church, Uljarice , Klinë /Klina
Gazimestan memorial monument, Obiliq/Obilić⁴
Zvečan medieval fortress, Zveçan/Zvečan
Medieval town of Novo Brdo, Novobërdë/Novo Brdo
Vojnović Medieval bridge, Vushtrri/ Vuçitër
Hermitage of Saint Peter of Koriša, Korishë/Koriša, Prizren/Prizren

4.1.5 Protective Zones for the following sites shall be limited to a 100 meter area around their perimeter:

² The Protective Zone for the Visoki Decani Monastery is identical to the "Special Zoning Area" as defined in the UNMIK Executive Decision 2005/5 of 25 April 2005 and subsequent Executive Decisions.

³ This Protective Zone includes the Isa Boletin Memorial Complex.

⁴ It is recommended that the Barjaktarevo Turbe be either included in the same Protective Zone, the latter being expanded accordingly, or in a separate Protective Zone to be established for this monument. It is also recommended that there be established a Protective Zone for the Sultan Murad mausoleum.

Monastery of Saint Petka, Leposaviq/Leposavić
Monastery of the Holy Healers, Leposaviq/Leposavić
Monastery of the Holy Virgin of Hvosno, Skenderaj/Srbica
Monastery of Saint Mark, Korishë/Koriša, Prizren/Prizren
Trinity Monastery, Mushtisht/Mušutište, Suharekë/Suva Reka
Church of the Holy Virgin, Sredskë/Sredska, Prizren/Prizren
Monastery of Saint Uroš, Nerodime/Nerodimlje, Ferizaj/Uroševac
Monastery Binaç, Buzovik/Buzovik, Viti/Vitina

4.1.6 Protective Zones for the following sites shall be limited to a 50 meter area around their perimeter:

Dolac Monastery, Klinë /Klina
Church of Saint Nicholas, Gjurakoc/Djurakovac, Istog/Istok
Church of the Holy Virgin Hodegetria, Mushtisht/Mušutiste, Suharekë/Suva Reka
Church of Saint Nicholas, Shtërpçë/Štrpce
Church of Saint Theodore, Biti e Poshtme/Donja Bitinja, Shtërpçë/Štrpce
Church of Saint Nicholas, Gotovushë/Gotovuša, Shtërpçë/Štrpce
Church of the Holy Virgin, Gotovushë/Gotovuša, Shtërpçë/Štrpce
Church of Saint George, Biti e Epërme/Gornja Bitinja, Shtërpçë/Štrpce
Church of Saint Nicholas, Mushnikovë/Mušnikovo, Prizren/Prizren
Church of Saint Nicholas, Bogoševci, Prizren/Prizren
Church of Saint Nicholas, Drajçiq/Drajćići, Prizren/Prizren
Church of Saint Nicholas, Sredskë/Sredska, Prizren/Prizren
Church of the Holy Apostles (or Saint Petka), Mushnikovë/Mušnikovo, Prizren/Prizren
Church of Saint George, Sredskë/Sredska, Prizren/Prizren

4.1.7 The Protective Zone for the Historic Center of Prizren/Prizren shall be established by the municipal authorities of Prizren/Prizren in cooperation with the IMC, and shall include Serbian Orthodox, Ottoman, Catholic, vernacular and other sites of historic and cultural significance. The following Serbian cultural and religious sites shall be included in the Protective Zone: Church of the Holy Virgin of Ljeviša; the old "Maras Mahala"; the Church of the Holy Savior; the Orthodox Seminary of Saints Cyril and Methodius; and the Episcopal Residence with the Church of Saint George.

4.2 The village of Velika Hoça/Hoçë e Madhe shall have the right, in consultation with the municipality of Rahovec/Orahovac, to exercise limited authority over activities in the areas of protection and promotion of religious and cultural heritage, and rural planning with respect to its Protective Zone, in accordance with Section 5.2 on UNMIK regulation 2000/45 on Self-Government of Municipalities in Kosovo. The Implementation and Monitoring Council (IMC) shall facilitate such consultation, in accordance with Article 5.4 of this Annex.

Article 5 Implementation and Monitoring Council

5.1 An Implementation and Monitoring Council (IMC) shall be established, and shall meet regularly, to monitor and facilitate the implementation of the provisions of this Settlement agreement relating to the protection of the Serbian religious and cultural heritage in Kosovo.

5.2 The IMC shall be chaired by a senior international official appointed by the International Civilian Representative (ICR) in Kosovo.

5.3 The IMC shall be composed of seven (7) members in addition to the Chairperson. Representatives of the following institutions shall serve on the IMC: Ministry of Culture of Kosovo, Institute for Protection of Monuments in Prishtinë/Priština, Serbian Orthodox Church, Institute for Protection of Monuments in Leposaviq/Leposavić, OSCE, Council of Europe, and UNESCO.

5.4 The IMC shall:

- a) Advise and provide recommendations to the ICR on the implementation of the Settlement provisions relating to the protection of the Serbian religious and cultural heritage in Kosovo;
- b) Supervise the delineation of the Protective Zones on the ground and their implementation;
- c) Recommend changes to boundaries of the Protective Zones and restrictions applied therein should the circumstances so warrant;
- d) Facilitate resolution of disputes between the Serbian Orthodox Church and the central or local authorities of Kosovo with regard to implementation of the provisions of this Annex;
- e) Recommend to the ICR measures to correct possible deficiencies in the implementation of the Settlement provisions relating to the protection of the Serbian religious and cultural heritage in Kosovo;
- f) Advise the Kosovo law enforcement agencies, the International Military Presence and the ESDP Mission on security related issues affecting the religious and cultural heritage sites.

5.5 The IMC shall be supported by a Secretariat, which shall be responsible for the day-to-day monitoring of the implementation of this Annex, and shall be comprised of international and local staff members who report directly to the Chairperson.

5.6 Kosovo and Serbian authorities shall abide by the present mechanism for the restoration of the Serbian Orthodox Church sites, the Reconstruction Implementation Commission, or its successor.

5.7 The IMC shall work closely with the Reconstruction Implementation Commission or its successor on the preservation and reconstruction of Serbian religious and cultural heritage.

Article 6 Return of Archaeological and Ethnological Exhibits

6.1 The Republic of Serbia shall return archaeological and ethnological exhibits, which were taken on loan from the museums of Kosovo for temporary exhibitions in Belgrade in 1998-1999 within 120 days from the date of entry into force of this Settlement.