

forum 2015

Series analysis "What Went Wrong"?

ERRONEOUS

An analysis of numerous and continuous
faults in cultural heritage



EC Ma Ndyshe for Forum 2015



Projekt i Fondacionit të Kosovës për Shoqëri të Hapur
Projekat Kosovske Fondacije za Otvoreno Društvo
Project of the Kosovo Foundation of Open Society

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2013 Kosovo Foundation for Open Society

The views expressed in this publication do not necessarily reflect the views of the Kosovo Foundation for Open Society (KFOS).

Published by:
Forum 2015 - KFOS operational project
Imzot Nikë Prela nr. 13
10 000 Pristina

The comic on the cover: by Jeton Mikullovc

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Executive Summary

Cultural heritage remains at the bottom of public policy priorities in Kosova. Rarely, or hardly ever do the public officials talk about this policy sector – excluding the days of electoral campaigns. Kosova's urban centers have been turned into gigantic concrete ruins, as a consequence of chaotic urbanization which does not comply with any sustainable urban planning and development criteria. Kosova citizens even nowadays continue to pay the damages caused during March 2004, while cultural heritage is regulated by a law that could not be implemented for five years now and is in process of being amended.

Above this miserable situation the excessive politicization of cultural heritage sheds a gray light, manifested mainly in two forms: ethnic and religious dimensions. Both of these dimensions have taken the cultural heritage out of its universal values and turned it into a tool for political bargaining. Allowing the memory of war-time destructions to traditional buildings fade away, of Kosova's looted archeological and ethnological artifacts and collections, events like those of March 2004, the Kai Aide report, Vienna negotiations, Ahtisaari Plan, Ban Ki Moon's 6 points,

and extremely unprofessional and unjust pressures from the ICO are the proofs of a wild political approach towards the values of cultural heritage. As a consequence, Kosova does not succeed to benefit from the touristic and development potential of its cultural heritage.

Similar to many other spheres, the double standards have featured the cultural heritage as well. Damaging, vandalism, and looting of Kosova's cultural heritage property during the 1998/99 by the Serb forces are completely forgotten. The damage of thousands of destroyed traditional cultural heritage constructions has not been assessed yet, nor have they been repaired. The monuments' documentation, archeological and ethnological collections of Kosova museums continue to be withheld in Serbia.

Kosova's state budget on culture and cultural heritage amounts to about 0.5 to 1% of the annual budget, while the sector's regulatory framework is incomplete and inapplicable. Today, the state does not know the exact value of cultural heritage it possesses. Resultantly, the state institutions (paradoxically) approve decisions on demolition

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of very old monuments, which are already listed in the interim protected list (and approved by the very same institutions). Moreover, Kosova’s four orthodox monuments listed in UNESCO’s World Heritage List have been sponsored by the state of Serbia. The cultural heritage is one of the most powerful proofs that state of Kosova has not been functioning as it should have. The contribution of the international community – starting from the UNMIK administration to the ICO – has been significant, too.

The list of faults on conservation and protection of cultural heritage potential is long, especially when considering the pre-war period when the cultural heritage potential, including the archeological potential, have been treated in a very selective manner and in demeaning or belittling way. Nevertheless, the goal of this brief analysis is to examine institutional actions or lack of thereof in the last decade. Nevertheless, the list of faults is not small although we are looking at a limited timeframe. All the problems of the cultural heritage have been analyzed through these moments and events: turbo-chaotic urbanization, politicization of cultural heritage, political status

and UNESCO, March 2004, special protection zones, influence of international missions, national plan and the cultural heritage policies, lack of the state inventory, delayed emergency interventions, and the destruction of Prizren’s Historical Center.

Presented in brief points, this analysis concludes that:

- Kosova cities have been unable to prevent continued destruction of cultural heritage as a consequence of aggressive constructions, which resulted as a response to the increased needs to create new residential areas and develop business activities
- Due to extensive politicizing, the cultural heritage has never succeeded to receive an adequate treatment, through professionals and drafters of public policies, while the gravest side effect is obstruction to establishment of an institutional system for management of cultural heritage.
- Kosova’s state institutions have never succeeded to create a state strategy towards joining UNESCO, while when call-

ing for membership in the UN, the matter of UNESCO has been treated more as a direct consequence rather than a practice towards finding alternative possibilities to membership

- With no matter how embarrassing and unjustifiable, the March 2004 events have been billed to Kosovars with an incredible cost, including portrayal of Albanians by Kai Aide as a nation that endangers the existence of ancient monuments of Christian orthodox faith
- The double standards applied following March 2004 events throws into oblivion the fact that during the earlier periods Kosovars citizens have never damaged the objects of cult, and above all, the politicization of the Orthodox Church during the 90s and post-war Kosova.
- Cultural heritage that has been vandalized and destroyed by the Serb forces during the war has not been sanctioned yet and continues to remain in oblivion and mercy of the time

- Though claiming to protect areas surrounding the properties of cultural heritage from contemporary developments The Special protective zones as described in the Ahtisaari Plan have become pure political instruments, which fortify the dimension of ethnicity within cultural heritage
- Beside numerous painful compromises with Serbia in various ways, the international community in Kosova continues to exercise influence in country's cultural heritage, with a direct consequence being the r political class ready to obey all the unprofessional "advices" of the international friends.
- The failure of state institutions to build a systemic approach to cultural heritage, especially the creation of state inventory, a promise of ten years ago that never came true, has produced continuous tensions between competing interests: conservation vs. growth, tradition vs. modernity, handicrafts vs. innovation, etc

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- Kosova cannot put any property of cultural heritage under its legal protection, while the list of cultural heritage for interim protection is just a temporary solution and a patch to the larger problems in this sector.
- Public funds available in general for cultural heritage, including those for emergency interventions, have specifically been underfunded compared to the needs of the sector, while the practice of emergency interventions conducted without professional plans and standards, through construction companies, that possess no needed licenses to conduct interventions in cultural heritage, and
- Prizren, beside many other cases, is a typical example of state institutions’ failure to empower the protection of cultural heritage potential, since the destruction of city’s Historical Center values has resulted as a consequence of not abiding to the legal framework at both levels of governance.

The following are the recommendations of the analysis:

- *To the Assembly of Kosova and the Authorities of Cultural Heritage:* Drafting an integrated National Plan for Cultural heritage, and Declaring the protected properties of cultural heritage
- *To the Ministry of Culture, Youth, and Sports:* Preparation of the Strategy / Program for application of integrated conservation of cultural heritage, Effective supervision of the respect to the principles of cultural heritage in municipalities, Completion of the state inventory and permanent protection of cultural heritage, Capacity development and budget increase for cultural heritage
- *To the Government of Kosova:* condition the dialogue with Serbia to return of the looted artifacts, Assessment of alternative possibilities to establishing relations with the UNESCO, intensification of activities related to ratification of international conventions on cultural heritage, Prioritizing cultural heritage as a public policy with national interest, and Complementing the

school curricula with a course on cultural heritage.

- *To the Kosova municipalities:* full compliance with the Institute for Protection of Culture Monuments, Drafting local cultural heritage plans, Effective coordination between directors of urbanization and inspectorate departments, Inclusion of cultural heritage in drafting urban plans, and Demolition of un-permitted constructions in historical centers of the cities.
- *To the international community:* to understand its role and change the approach towards cultural heritage in Kosova. Provide professional support, and Depoliticize cultural heritage.
- *To the civil society:* mobilize local citizens' groups against urban degradation of the cities, and engage in awareness-raising projects on cultural heritage.

I. Turbo-chaotic urbanization

The historical centers of Prishtina, Prizren, and Gjakova hardly exist nowadays, as they have been flooded by new and uncontrolled constructions, in spite of the damages caused during the war time. The construction is one of the most profitable sectors of the economy. The constructors have built shopping malls and collective habitation objects not only in physically available spaces of the cities, but they have also created new construction sites by demolishing old objects. The spatial planning (and urban) is one of the weakest links at both levels of governance, while the sector has hardly any institutional communication with cultural heritage sector.

Unfortunately, neither has the cultural heritage escaped being victimized by the new system of “values” of the post-war, featured by total lack of accountability and responsibility and the culture of impunity. In such an environment, the construction investors have managed to launder their informally earned money through numerous constructions, during which they managed to corrupt even Kosova’s municipal government officials. Essentially, the problem derives from the failure of state institutions to prevent and punish informal economy activities. Resultantly, it is almost absurd to expect the same state institutions

to establish public order and prevent degrading construction activities in historical centers of its cities.

During the immediate post war period characterized by legal and institutional vacuum,¹ cities of Kosova went through an aggressive wave of constructions, caused by vast needs to create new residing space and development business activities. The main cause of this development was the rural to urban internal migration, which caused drastic population increase in Kosova’s urban centers. Beside lack of legislation for spatial planning in central level, neither the Kosova’s institutional system in municipalities was prepared for this change. Characterized by weak governance and urban management structures, Kosova municipalities had hardly any possibilities to control this chaotic urbanization. Even further, the very municipal officials were the ones involved directly in numerous urban irregularities of this period, which in various intensities unfortunately happen nowadays as well.

The uncontrolled construction in the historic centers was one of the most severe consequences of this process. Old towns of Prishtina, Prizren, and

1 First local elections in Kosova took place on 28 October 2000, while first Parliamentary elections took place on 17 November 2001

Gjakova have been mostly affected, while other old towns of Kosova have had a similar destiny as well. Not even nowadays have the state institutions on both levels of governance established a coordination system between two spheres of public policies, those of spatial (and urban) planning and those of cultural heritage protection. In a word, spatial and urban planning continuously remains an isolated sphere of policy making and application, neglecting entirely the need to consider the protection of cultural heritage. On central level, the Ministry of Culture, Youth and Sports, and the Ministry of Spatial Planning have drafted and approved all the important laws with no mutual coordination.²

The lack of institutional communication at the municipal level has been more detrimental to cultural heritage. In most of the cases, the municipal directorates of urbanism and spatial planning fail to coordinate with the Institute for Protection of Cultural Monuments. Tens of cases when the approvals have been issued by the institutions either by municipal institutions or the constructors have been evidenced. The construction sector contin-

ues to be spoken of as the most corrupted with the largest number of abuses.³ Specifically, a number of Prizren municipality's and construction company's officials are being investigated by the County Prosecutor for urban irregularities.⁴ The same situation reigns in Prishtina, as well where a number of municipal officials are involved in the urban chaos that submerged the capital.⁵ While the investigations do not prejudice the truthfulness of the accusations, their considerable number is a valid indicator of urban irregularities.

The assassination of Rexhep Luci, a renowned architect, in 200 was a moment of warning on urban degradation not only in Prishtina. This assassination has never been resolved and as such is a clear evidence of total lack of accountability and responsibility and the rule of culture of impunity in Kosova. He was sacrificed because he opposed what would later become known as the urbanization shame in many cities of Kosova, and which through time will take the shape of investigations

2 Amongst these laws and policies, one finds the Law on Cultural Heritage, Policy of Integrated Conservation in Cultural Heritage, Law on Spatial Planning, and the Spatial Plan of Kosova

3 EC Ma Ndryshe, Finally – investigations on urban crime in Prizren, in http://www.online-transparency.org/repository/docs/Komunikate_9.08.pdf

4 Zëri, Banesat që shpiejnë të krimi, në <http://www.zeri.info/artikulli/1/1/58630/banesat-qe-shpiejne-te-krimi/>

5 Kosova Sot, Kaosi urbanistik me lejet e komunës, në <http://www.kosova-sot.info/ekonomi/-kaosi-urbanistik-me-lejet-e-komunes>

and charges against organized crime. This assassination managed to weaken not only municipal officials, but any potential for citizens' mobilization to protect their cities and cultural heritage. Thirteen years afterwards, the number of civil society organizations active in this sector is insignificantly small. Citizens in r towns have not yet come to mobilize sufficiently to hinder the continuous degradation caused by powerful interest groups well-connected with high state officials at both levels of governance.

II. Politicization of cultural heritage

The international administration in Kosova brought a new interpretation for cultural heritage. Today, the cultural heritage monuments are being defined as never before on ethnic and religious grounds. This new paradigm of cultural heritage turns them into permanent source of tensions, while on political level; the cultural heritage continues to be an item of bargain between and Serbia. The Ahtisaari Plan is the document that has redefined the public discourse on cultural heritage, empowering its ethnic dimension.⁶ Nowadays, almost everyone in Kosova has wrongfully adopted this discourse, incorporating the Serb ethnicity into the monuments of orthodox heritage.

Four cultural heritage properties of Republic of Kosova are listed in the UNESCO World Heritage List as medieval monuments of Kosova.⁷ Nevertheless, these and other monuments that belong to orthodox Christian belief in Kosova, have been constructed in different historical

circumstances, and in themselves contain layers of earlier cultures and beliefs. According to Shkëlzen Maliqi, in the times of high national and religious tensions in former Yugoslavia, Serb nationalist circles had radically reduced the access to this heritage, adopting, nationalizing, and politicizing it completely.⁸ This ethnicization of cultural heritage monuments is in contradiction with the simple fact that they have been erected as temples of the Christian (orthodox) cult, while in those times (mainly medieval) various Christian people lived in Kosova.

In such circumstances, the cultural heritage has never succeeded to gain a proper treatment, through either professionals of public policy makers. As the politicization continues to suffocate every development potential of the cultural heritage, the gravest side effect is obstruction to establishment of an institutional system to manage cultural heritage as a universal human value and trait. As a result, the cultural heritage properties have become very vulnerable as Kosova has not managed to create a protection system that

6 Comprehensive Proposal on Solution of Kosova Status, Annex V – Cultural and religious heritage, in http://www.unosek.org/docref/Comprehensive_proposal_-_Propozimi_gjith%EBp%EBrfshir%EBs_-_albanian_final.pdf

7 UNESCO, World Heritage List (World Heritage in Danger), Medieval Monuments in , in <http://whc.unesco.org/en/list/724>

8 Shkëlzen Maliqi, Trashëgimia kulturore kundër barbarizimit në Kosovë, in <http://www.shqiperia.com/lajme/lajm/nr/3274/Trashegimia-kulturore-kunder-barbarizimit-ne-Kosove>

would be managed according to these values. According to Liburn Aliu, the cultural heritage should be treated as a value in itself and not as a political tool, concluding that it is being used as an instrument for Kosova’s division.⁹ Nor have more than 1000 archeological and ethnological artifacts of Kosova, looted by the state of Serbia during 1998/99 and war period, been spared of these political tensions. After all these years, the state of Serbia has not yet returned this treasure and continues to withhold it while violating UNESCO conventions, including the Convention for the Protection of Cultural Property in the Event of Armed Conflict,¹⁰ the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property,¹¹ and the Convention for the Safeguarding of the Intangible Cultural Heritage.¹² Beside the failure to return the artifacts through

political channels and dialogue processes with Serbia, the Kosova institutions lag in ratifying the international conventions on cultural heritage. Although the MCYS officials defend the position of non-ratification on the grounds that those should be preceded by membership in UNESCO, the experts believe the opposite. According to Gjejlane Hoxha “no one prevents us from accessing these documents although we are not member of the United Nations or UNESCO. UNESCO publishes all the conventions and the non-member states can adhere through adopting the best international practices. We do not have to wait the membership into the UN or UNESCO, but we should integrate now through incorporating the conventions into our legislation, as they improve the state of cultural heritage.”¹³ Isuf Koci also argues along these lines by saying that “by ratifying these conventions, the Republic of Kosova would move a step ahead in preserving and protecting its cultural heritage, with a special emphasis on the movable heritage. Such actions would also internationalize and prevent the illegal export and import of cultural heritage.”¹⁴

9 Liburn Aliu, focus group discussion on “What Went Wrong with Cultural Heritage,” 9 October, 2012, Prishtina, Kosova

10 UNESCO, Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention 1954, in http://portal.unesco.org/en/ev.php-URL_ID=13637&URL_DO=DO_TOPIC&URL_SECTION=201.html

11 UNESCO, Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970, në http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html

12 UNESCO, Convention for the Safeguarding of the Intangible Cultural Heritage 2003, in http://portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html

13 Zëri, Shteti nuk ratifikon konventat për trashëgimi, in <http://www.zeri.info/artikulli/4/22/66591/shteti-nuk-ratifikon-konventat-per-trashegimi/>

14 Isuf Koci, Gjendja e trashëgimisë kulturore të luajtshme në Republikën e Kosovës, në [http://mem.rks-gov.net/repository/docs/Gjendja_e_trashegimise_se_luajtshem_1\[1\]_228103.pdf](http://mem.rks-gov.net/repository/docs/Gjendja_e_trashegimise_se_luajtshem_1[1]_228103.pdf)

III. Political Status and UNESCO

The Deçani Monastery, the Peja Patriarchy, the Saint Friday Church, and the Graçanica Monastery are four monuments, which sponsored by the state of Serbia were included in the UNESCO's World Heritage in Danger List in 2006.¹⁵ This reality has not changed neither after declaration of Kosova's independence due to the political status and non-membership in the United Nations Organization. Although in terms of protection, the inclusion in this list makes a good news, in reality it presents a direct attack against Kosova's statehood and its ability to take care of cultural heritage monuments in its own territory. During its 2011 session, the UNESCO's Committee on Protection of World Cultural Heritage discussed a proposal to rename these four monuments into cultural heritage of Kosova.¹⁶ A fierce diplomatic war followed, as the then Serbia's Minister of Foreign Affairs, Vuk Jeremic qualified this initiative as "an attempt to steal Serbia's identity and falsify history."¹⁷ Though the initiative did not collect sufficient votes, the

UNESCO officials announced that they would discuss this matter again, justifying that the lack of sufficient votes to adopt the proposal, means only postponement but not abandonment of the attempt to rename these monuments.

However, a year and a half later, the same reality prevails. Though Kosova has not reached 100 recognitions of its status yet¹⁸ the membership in the United Nations Organization, and resultantly in UNESCO, still remains a long-term goal. In essence, the heritage debate is seen a part of debate on sovereignty. "In Paris, the highest French representative has insisted that the Kosova's statehood was irreversible, and thus UNESCO should accept this reality and bequeath the world heritage in Kosova to the true holder of sovereignty, that is, the institutions of Kosova."¹⁹ Seen from an optimistic perspective, the initiatives of France, Switzerland, the USA, and other members of UNESCO in support of cultural heritage of Republic of Kosova have been qualified also as a proof that the international community will

15 UNESCO, World Heritage List (World Heritage in Danger), Medieval Monuments in , in <http://whc.unesco.org/en/list/724>

16 UNESCO, 18th General Assembly of State Parties, in <http://whc.unesco.org/en/sessions/18GA/>

17 B92, Battle for Serbian heritage in Kosova to continue, në http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=07&dd=01&nav_id=75212

18 Ministry of Foreign Affairs, States that have Recognized Republic of Kosova, in <http://www.mfa-ks.net/?page=1,33>

19 Shkëlzen Maliqi in Gazeta Express, Trashëgimia e Kosovës, in <http://www.gazetaexpress.com/index.php/artikujt/lexo/2679/C4/C14/?cid=1,75,57440>

not allow the continued politicization of cultural heritage and its protection.²⁰

Kosova state institutions have never succeeded on creating a state strategy regarding UNESCO. Always justifying it with the larger goal of membership to the UN, the UNESCO membership has been treated more as a direct consequence of the former and never explored on practical level towards finding alternative paths. One of these opportunities was the 2008 initiative to include the “Kreshniks’ Epic Songs” in the UNESCO’s World Heritage List. It was thought that formal application would be submitted by Albania, and Kosova would be a part of the application, as this value of intangible heritage generates mainly from the territory of Kosova.²¹ Towards the end of 2012 it became clear that the initiative must wait for some time to come since Kosova’s membership to the UN was presented again as an obstacle.²²

20 Edi Shukriu in Telegrafi, *Pranohet apo jo trashëgimia kulturore e Kosovës nga UNESCO-ja?*, in <http://www.telegrafi.com/lajme/pranohet-apo-jo-trashegimia-kulturore-e-kosoves-nga-unesco-jaja-26-4035.html>

21 Izaura Ndoj, *Eposi i Kreshinkëve gati për UNESCO, kulturë në rrezik*, në <http://lajme.shqiperia.com/lajme/artikull/iden/1047101646/titulli/Eposi-i-Kreshnikeve-gati-per-UNESCO-kulture-ne-rrezikIzaura-Ndoj>

22 Panorama, *Eposi humb shansin për mbrojtje nga UNESCO*, in

The UNESCO discourse has had its own paradoxical moments, as well. In 2010, when Lutfi Haziri lead the Ministry of Culture, he had stated that “The Government of Kosova was preparing the application file to nominate Prizren for UNESCO protection and that this would entail a larger potential for city’s development.”²³ A year later, the current minister’s advisor stated that there is no existing material on this matter. He even went further to express his surprise by stating that “he did not know what Haziri had promised, that there was no documentation on this matter in the Ministry, and that he would not work on this direction since Kosova was not a member of the UN.”²⁴

The political status and the international recognition have been the most common justifications of Kosova institutions. Although this is a determining factor in regard to Kosova’s membership into international bodies, the state institutions have failed to find alternative paths to mem-

<http://www.panorama.com.al/2012/09/11/%E2%80%9C9Ceposi%E2%80%9D-humb-shansin-per-mbrojtje-nga-unesco/>

23 Zëri, *Prizreni në mbrojtje të UNESCO-s*, in <http://www.zeri.info/artikulli/4/22/9805/prizreni-ne-mbrojtje-te-unesco-s/>

24 Koha Ditore, *Hiqet dorë nga futja e Prizrenit në UNESCO*, in <http://www.kohaditore.com/index.php/repository/karikaturat/function.require?page=1,5,60141>

bership in UNESCO. A concrete example from which Kosova might have learnt many lessons is the Palestinian Authority, which through its own endeavors to secure full membership to the UN, has secured itself the non-member status. This status had opened the door to the membership in UNESCO which among others was offered to the Palestinian Authority as compensation to full UN membership.²⁵

²⁵ BBC, Q&A: Palestinians upgraded UN status, në <http://www.bbc.co.uk/news/world-middle-east-13701636>

IV. March 2004 and the double standard

The events of March 2004 were detrimental to cultural heritage. As a result, Kai Eide's 2005 report articulated for the first time the need for "protective areas" surrounding "Serb Orthodox Church sites and institutions."²⁶ Physical fence and police and military presence became constituting part of the heritage monuments, an image that ripped them off of all the cultural, historic, and religious features. This form of isolating the monuments contradicts all principles and standards of active and effective protection of cultural heritage property.

A special body, named the Reconstruction Implementation Commission, was formed as part of efforts to repair the damages.²⁷ The Commission was in charge of programming and supervising the reconstruction implementation in 34 objects of orthodox heritage in Kosova, damaged during March 2004. Members of this commission included: The Council of Europe, Serb Orthodox Church, the Institute for the Protection of Cultural Monuments of Serbia, Kosova's Ministry

of Culture, Youth, and Sports, and the Kosova Institute for the Protection of Monuments.²⁸ The body was equipped with decision-making authorities, and for a long time has been the sole priority in the cultural heritage sector in Kosova. On the contrary, thousands of traditional buildings vandalized and destroyed during 1998/99 by the Serb forces have never been treated or repaired, in spite of the fact that the Hague Tribunal for War Crimes in Former Yugoslavia classified those acts as *crimes against humanity*.²⁹

Though the March 2004 events can hardly be justified, Kai Eide report, a direct consequence, was a powerful strike against Kosovar society. He portrays Albanians as people that endanger the existence of ancient orthodox church monuments. In the report, Kai Eide very clearly explains the layered narrative of the inter

national community on Albanians and Serbs and brings to surface all the prejudices and stereo-

26 Kai Eide report on situation in Kosova, in <http://www.unosek.org/docref/KaiEidereport.pdf>

27 European Commission & Council of Europe, Reconstruction Implementation Commission, in <http://www.coe.int/t/DG4/CULTUREHERITAGE/COOPERATION/RIC/inc/eng/home.html>

28 RIC Mechanism i RIC, in <http://www.coe.int/t/DG4/CULTURE-HERITAGE/COOPERATION/RIC/inc/eng/mechanism.html>

29 International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, Prosecutor v Vladimir Dordevic, në http://www.icty.org/x/cases/djordjevic/tjug/en/110223_djordjevic_judgt_en.pdf

types of the conflict between the two, their identities, and victimization. Among others, Eide states that “Today, the Kosova Albanians demonstrate stronger self-confidence and assertiveness. They are — understandably — shaping their identity as a ruling majority population. This identity is — to a large extent — built on controversial events, personalities and symbols, often in opposition to the identities of Kosova Serbs and other communities.”³⁰

In the report’s introduction, Kai Eide states that “the Kosova Serbs are struggling to preserve their identity” while other communities are being marginalized. His conclusions go even further to specify that some of the communities are being assimilated by the majority population.³¹ In the chapter titled Serbian Orthodox religious sites and institutions, the report talks about their destruction since 1999,³² and in the meantime articulates for the very first time the need for “protective space” around these sites of cultural

heritage.³³ One of the shortcomings of this report is the double standard applied in analyzing the damages to the cultural heritage, as it fails to consider the war period (1998/99).

All the important post-March 2004 and post-report developments have led to formation of independent Kosova’s state system, grounded on the very contradictory report of Kai Eide. Ignoring the earlier history and ethnic and religious co-existence in Kosova, the March 2004 events have served as the sole reference for all proposed measures. The climax of this approach was the codification of the measures into the fifth annex of the Ahtisaari Plan.³⁴ Furthermore, the cultural and religious heritage has been one of UN Secretary General Ban Ki Moon’s six points plan, approved by the Security Council in 2008.³⁵ The latest developments in this chain of processes contain an odd agreement from the current

30 Kai Eide report on situation in Kosova, paragraph 7, in <http://www.unosek.org/docref/KaiEidereport.pdf>

31 Kai Eide report on situation in Kosova, paragraph 8, in <http://www.unosek.org/docref/KaiEidereport.pdf>

32 This is another contradictory conclusion of the report, since after March 2004 event there was hardly any evidenced attack against orthodox religion sites in Kosova.

33 Kai Eide report on situation in Kosova, Institutions and Serbian Orthodox Religion Monuments, paragraph 55 dhe 56, in <http://www.unosek.org/docref/KaiEidereport.pdf>

34 Comprehensive Proposal on Solution of Kosova Status, Annex V – Cultural and religious heritage, in http://www.unosek.org/docref/Comprehensive_proposal_-_Propozimi_gjith%EBp%EBrfshir%EBs_-_albanian_final.pdf

35 Report of the Secretary-General on the United Nations Interim Administration Mission in Kosova, S/2008/354, 12 June 2008, in http://www.un.org/ga/search/view_doc.asp?symbol=S/2008/354

dialogue between Kosova and Serbia initiated in 2011, according to which the Kosova Police will establish a special unit for cultural heritage. This unit will offer protection to the sites of Serb orthodox heritage in Kosova.³⁶

A forgotten dimension of this problem is that Serb Orthodox Church has a completely different role compared to other religious institutions that operate in Kosova.³⁷ With Slobodan Milošević coming to power, the SOC role had been empowered extensively, and its leaders throughout former Yugoslavia had begun to make public political statements and apply hate speech against other nations. The highest ranking Serb military and political leaders had been blessed by SOC before marching to their killing spree.³⁸ The SOC's role and positioning have not changed at all even after the end of war.³⁹ In fact, its leaders continued using the same language and hostile at-

titudes towards other nations denying the crimes committed on behalf of Serbianism during 90s. When referring to Albanians, the SOC bodies continue to use the term “arbanas”⁴⁰ as well as supporting extremist and criminal groups in the north of Kosova.

36 Koha Ditore, Zyrtarizohet njësi special për mbrojtjen e trashëgimisë, in <http://www.kohaditore.com/?page=1,13,127368>

37 To read more on the role of SOC in politics in former Yugoslavia, in <http://www.bosnafolk.com/pdf/spc.pdf>

38 Ljubiša Rajić, Zašto Tadić sedi u Sinodu SPC?, in http://www.danas.org/content/most_crkva_drzava/1889873.html

39 Helsinški odbor za ljudska prava u Srbiji, O cemu Crkva (ne) moze da se pita, in <http://www.helsinki.org.rs/serbian/doc/Studija-Vukomanovic.pdf>

40 Communique of the Serb Orthodox Church, Communique of the Holy Synod of Bishop, in <http://pravoslavlje.spc.rs/broj/1074/tekst/saopstenje-za-javnost-svetog-arhijerejskog-sinoda-spc/print/lat>

V. Special Protective Zones in place of Buffer Zones

March 2004 events, during Vienna negotiation process on Kosova's final status (2006) the Kosovar negotiating team was demanded to protect the surrounding areas through determining protective zones (buffer zones) around 47 cultural heritage properties (majority of those being the monasteries of orthodox religion used by the Serb Orthodox Church). The obligation, as foreseen in the Ahtisaari Plan, during ICO implementation, through ungrounded changes and a special law, transformed into red lines of territorial division. The buffer zones around cultural heritage properties transformed into Special Protective Zones providing extraterritoriality to the Serb Orthodox Church and Serbia within the territory of Kosova. Though referring to the Ahtisaari Plan on behalf of cultural heritage protection but disregarding its provisions, and acting in contradiction with the principles and practices of cultural heritage protection, the Special Protective Zones turned into pure political instrument that fortified the ethnic dimension within cultural heritage.

Deriving from the Ahtisaari Plan, one of the first laws adopted right after the Kosova's declaration

of independence was Law on Special Protective Zones.⁴¹ Three days after declaration and in total legislative urgency and panic the law was approved without parliamentary and public debate, incorporating all the provisions of the Ahtisaari Plan. The law (as well as the plan) paved the way to two other laws, that on Historic Center of Prizren and on Hoça e Madhe. Nevertheless, according to the KCCH, the Law on Special Protective Zones contradicts the legal protection system and administration of cultural heritage properties in Kosova. Moreover, in an analysis, the Council concludes that "the law on Historic Center of Prizren, the Law on Hoça e Madhe, and the Law on Special Protective Zones have not been demanded by the Ahtisaari Plan. These three laws are products of the changes made to the Ahtisaari provisions, conducted arbitrarily by the lawmakers and their supporters"⁴²

Beside unprincipled changes from the initial version of the zones, one of the eventual consequences of the Special Protective Zones creation would imply the extraterritorial rights of the state

⁴¹ Official Gazette of Kosova, Law on Special protection Zones, in http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=146&Itemid=56&lang=sq

⁴² Kosova Council on Cultural Heritage, Protection of Cultural Heritage Sites in Republic of Kosova

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of Serbia in Kosova territory. This is one of the continuous debates in Kosovar society, which besides many others, grounds its argument on the fact that state of Serbia has for a long period of time instrumentalized the Serb Orthodox Church for political goals and territorial claims.

VI. Influence of international missions

One of the hottest political potatoes, in which UNMIK had exclusive decision-making authority, was the cultural heritage. The condescending approach of international missions, filled with lack of trust that Kosovars would be capable to take care of their cultural heritage, was ingrained in the Ahtisaari Plan (and consequently in the Constitution and the laws of Kosova). Consideration of Kosovar society as uncivilized has generated the arrogance of the international civilian representative Peter Faith, a watch-guard of independence and an enforcing agent of the cultural heritage laws, while in the meantime causing huge reactions among Kosovar society.⁴³

Kai Eide, in his report, made explicit references regarding the role of international community in cultural heritage. When proposing “protective zones” Eide was convinced that the Kosovar institutions would not be capable to enact this measure. Therefore, he demanded this kind of international protection for orthodox monuments

43 Two of these reactions have come from Rahovec and Prizren, where citizens' initiatives tried to articulate their dissatisfactions on impositions. For details on activity “Ad-hoc coalition of NGOs in defense of Historic Center of Prizren” in <http://ecmandryshe.org/?page=1,11>

in Kosova.⁴⁴ What followed was an unscrupulous arrogance of the International Civilian Office towards state institutions and Kosovar society in general. Though mandated to oversee the implementation of the Ahtisaari Plan, in practice ICO was directly engaged in governance, and specifically in insisting on certain cultural heritage laws.⁴⁵

The influence of the international community on cultural heritage continues even nowadays, though in different shapes. One of the most recent cases was when the Head of the European Office in Kosova, Samuel Žbogar, encouraged the Prizren and Rahovec municipal officials to take concrete actions in implementing the laws on Historic Center of Prizren and Hoça e Madhe.⁴⁶ This and other similar cases continue to prove

44 Kai Eide report on situation in Kosova, in <http://www.unosek.org/docref/KaiEidereport.pdf>, Serbian Orthodox religious sites and institutions, paragraph 56

45 On a specific case, the head of ICO, Peter Faith, and the Kosova Prime Minister Hashim Thaçi, participated for several days in the row the meetings of the respective parliamentary committee while reviewing the draft-laws on Prizren and Hoça e Madhe. For more, read Zëri, Thaçi e Faith sulmojnë Prizrenin, in <http://www.zeri.info/artikulli/1/1/33192/thaci-e-feith-sulmojne-prizrenin/>

46 Koha Ditore, Zhbogar kërkon zbatimin e ligjeve për mbrojtjen e trashëgimisë kulturore, in <http://www.koha.net/?page=1%2C13%2C132345>

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that even five years after declaration of Kosova’s independence the international community’s approach has not changed and remains grounded on lack of trust on Kosova’s societal and state maturity on protection of cultural heritage.

It is difficult to make an exact diagnosis of this situation, or to even determine its causes. This difficulty derives from a very important detail which is the complete submission of Kosova’s state institutions to the “advises” of the internationals on cultural heritage (and not only). Numerous members of the Kosova Assembly and government officials have spoken of international community’s interferences, ranging all the way to the full textual drafting of laws and other policies. Found in front of the done deal, the Kosova institutions’ officials have proven to be in the same time extremely slow and submissive towards – as they refer to in public speeches – advises of international friends.

VII. National Plan and Policies on Cultural Heritage

Kosova continues to lack a national policy on cultural heritage. What the experts refer to as National Plan on Cultural Heritage, is a central document that lists strategic orientations in the sector. Lack of such a plan has generated the current disarray in management and protection of cultural heritage. In the interim, short of strategic planning, the cultural heritage in Kosova fails to secure larger allocation of public funds from the state budget. According to Skënder Boshtrakaj, the law on cultural heritage is unclear, has no practical guide to its implementation, and has not generated a strategy on the sector. Besides, he concludes an apparent deficiency of institutional capacities and shortage of the necessary support for their consolidation.⁴⁷

Beside the law on cultural heritage, the Ministry has adopted seven by-laws which aim to regulate the legal obligations in this field. The by-laws adopted in 2008 cover archeological excavations; public access to cultural heritage, private property, conservations, and restorations; inspection; legal protection; movable heritage; and licensing of commercial activity.⁴⁸ In spite of this frame-

work, last year the Ministry while concluding on ineffective application of the cultural heritage legislation, initiated the rewriting of the Law on Cultural Heritage. According to the proposed amendments, the new law foresees these main measures: granting concessions to operate cultural heritage sites, establishing the Inspectorate of Cultural Heritage, and converting the KCCH into a government body.⁴⁹

One of the central policies on cultural heritage adopted by the Ministry in September 2010, is the strategic document on integrated conservation.⁵⁰ This policy was preceded by the Strategy on Conservation of Cultural Heritage in Kosova, which had been prepared in 2005. The strategy contained the following recommendations: redefining the institutional responsibilities, establishing the department on cultural heritage, completing the legal framework, coordinating the donors, developing the inventory of cultural heritage, and education. Another policy document on cultural

www.mkrs-ks.org/?page=1,15

49 In spite of the promises made by the Ministry that the draft law on cultural heritage would be approved in 2012, it has not yet been presented to the Assembly of Kosova for parliamentary review.

50 Ministry of Culture, Youth, and Sports, Strategic Document, Integrated Conservation of natural and cultural heritage entities in Kosova

47 Skënder Boshtrakaj, focus group discussion on "What Went Wrong with Cultural Heritage," 9 October, 2012, Prishtina, Kosova

48 Ministry of Culture, Youth, and Sports, Legislation, in <http://>

heritage is the Manual on management of cultural heritage in Kosova, produced in 2007, which describes the necessary steps to protect cultural heritage in compliance with international standards for formulation of management policies. Lastly, there is also a Guide on Cultural Heritage (technical tools of heritage conservation and management) as a starting point to set heritage standards and measures that would encourage active participation of state authorities, professionals, and community in protection and promotion of cultural heritage.

There is a common denominator for all these policies and that is the integrated approach. Therefore, the integrated conservation policy introduces the necessity for institutional coordination in support of cultural heritage protection. Such an approach predicates that cultural heritage has a responsibility broader than solely institutional. Integrated conservation has to do with inter-sectoral cooperation between various public administration bodies as well as with coordination

of legislative measures in order to complement and broaden each other.⁵¹ Specifically, the institutional structure of cultural heritage protection in Kosova, beyond the competencies of the MCYS, includes the Ministry of Environment and Spatial Planning and the municipal governments. This is the best illustration of the institutions’ incapability to create a state structure for protection of cultural heritage. In the meantime, the current situation is a direct proof and a consequence of the absence of a National Plan on the sector. The Kosova Council on Cultural Heritage, a legal body that supports the protection of cultural heritage, has prepared a guide for National Policy on Cultural Heritage (2011). The further elaboration of this multi-sectoral policy depends largely on the specialized professional support, and has its own financial costs. Neither of these has been secured yet.

Ultimately, with no integrated conservation policy implementation, we cannot build a functional management system of cultural heritage

⁵¹ The foundations of the integrated conservation have been laid in the European Chart of Architectural Heritage and the Declaration of Amsterdam, adopted in 1975 by the Council of Ministers of the Council of Europe

in Kosova. Failure to build a systemic approach on cultural heritage has generated continuous tensions between competing interests: between preservation and growth, tradition and modernity, craftsmanship and innovation. “In essence, the management of cultural heritage has an important influence on the territory, regarding its vital dimensions, such as economic growth and jobs creation, landscape and environmental protection, and infrastructure.”⁵² According to Rozafa Basha, the cultural heritage has turned into an orphan since no one is interested to integrate it into the economic market. Moreover, she also concludes the absence of the management plans, after interventions in cultural heritage have been completed, which turns them into dead or degrading investments.⁵³

⁵² Ministry of Culture, Youth, and Sports, Strategic Document, Integrated Conservation of natural and cultural heritage entities in Kosova

⁵³ Rozafa Basha, focus group discussion on “What Went Wrong with Cultural Heritage,” 9 October, 2012, Prishtina, Kosova

VIII. Lack of State Inventory

Last year, the Ministry of Culture adopted the List of cultural heritage for temporary protection.⁵⁴ This was a temporary and patch-work style solution to a larger problem in the sector: we still do not have a clear understanding of what treasure and potential of cultural heritage we own. The state inventory had been promised ten years ago and has never been put together. Consequently, Kosova cannot declare legal protection to any cultural heritage property. The same mistake was repeated towards the end of 2012 when the MCYS extended the validity of the list of properties in temporary protection for another year.⁵⁵

This act marked one of the gravest failures in securing legal protection to the cultural heritage, justified most commonly by the MCYS as a result of a non-functioning Kosova Council on Cultural Heritage.⁵⁶ According to the Law on

Cultural Heritage,⁵⁷ this functional Council has a central role in the system of permanent protection of the cultural heritage. Based on the proposals of physical and legal persons, the MCYS can assess, review, and declare the cultural heritage properties under permanent protection. However, to this day the MCYS has submitted no assessment. Neither the cultural heritage properties in our country have been put under state-protection, nor has the List of Cultural Heritage of the Republic of Kosova been created. Instead of preparing the proposal for assessment and declaring cultural heritage properties under permanent protection, the MCYS has improvised an ineffective action through creating a List of cultural heritage under temporary protection which does not comply with the legal parameters, and as such cannot serve as an instrument in support of effective and active protection. Based on the new draft-law on cultural heritage (not approved yet), the KCCH, though an institution established by the Assembly of Kosova, will be placed under the Ministry's authority.

54 List of Cultural heritage for temporary protection, in http://www.mei-ks.net/repository/docs/Aneksi_2_-_Lista_e_perkohshme_e_trashigimis_kulturore.pdf

55 List of Cultural heritage for temporary protection, in, http://www.mei-ks.net/repository/docs/Aneksi_2_-_Lista_e_perkohshme_e_trashigimis_kulturore.pdf

56 The Kosova Council on Cultural Heritage is a legal authority for protection of cultural heritage established by the Assembly of Republic of Kosova. Its mandate is to assess and determine the cultural heritage sites in Republic of Kosova for permanent protection (in

support of creating the list of cultural heritage), for more, in <http://mem.rks-gov.net/>

57 Official Gazette of Kosova, Law on Cultural Heritage, in http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=237&Itemid=28&lang=sq

This action has been opposed strongly by the Chair of the KCCH Board, Edi Shukriu, who finds “this tendency of placing the Council under the Ministry’s and Minister’s supervision very worrying”⁵⁸ She argues that KCCH is an independent and professional body established by the Assembly of Kosova with primary responsibility to supervise the executive’s work.

According to the applicable law in Kosova, the cultural heritage authorities, along with spatial planning authorities, are in charge to identify and determine the cultural heritage sites as protected property. According to the protection procedures, the cultural heritage sites should be identified, registered, documented, assessed, proposed, and put under protection through a state Inventory System. Determining whether a cultural heritage site should be protected permanently or temporarily should be conducted and assessed by cultural heritage authorities. Physical and legal persons can submit proposals for protection, along with well-completed documentation. The cultural heritage properties put under protection are then registered in the Cultural Heritage List of

the Republic of Kosova.⁵⁹ Moreover, in September 2008, the Ministry had adopted a Regulation on registration, documentation, assessment, and selection of cultural heritage for protection, as an attempt to show concrete actions on inventory articles of the Law on Cultural Heritage.⁶⁰

One of the MCYS’s slowest projects was establishment of the cultural heritage database, initiated in 2008 with the financial support of the United Kingdom Embassy in Prishtina. The project aimed to evidence the cultural heritage properties, which would later be put under legal protection. Almost five years afterwards, the Ministry officials continue giving promises on its completion, while any further prolongation will bear direct consequences on protection of cultural heritage.⁶¹

58 Koha Ditore, Shumë vërejtje për projektligjin e ri për trashëgimi kulturore, in <http://www.koha.net/?page=1,5,112029>

59 Kosova Council on Cultural Heritage, Protection of Cultural Heritage Sites in Republic of Kosova

60 Ministry of Culture, Youth, and Sports, Regulation on registration, documentation, and selection of cultural heritage for protection, in <http://www.mkrs-ks.org/?page=1,15>

61 Koha Ditore, Për katër vjet vetëm gjysma e databazës së trashëgimisë, in http://www.kohaditore.com/index.php/repository/karikaturat/repository/docs/Raporti_per_Veri_Maj_2011?page=1,5,99586

IX. Delayed emergency interventions

Institutional neglect towards cultural heritage can best be seen on the way that old houses have been treated. A direct consequence of lack of care, the largest number of old citizen houses is in an irrevocable degree of damage. The easiest solution sought in such cases is their demolition, frequently justified with “citizens’ safety.” There are many important monuments that require emergency interventions, to which the institutions remain totally inert. Paradoxically, a vast number of the emergency interventions on cultural heritage monuments to date do not meet the urgency criteria.

According to the Law on Cultural Heritage, “the architectural monuments or buildings within ensembles that have fallen into a poor state of repair or are at risk of significant damage can become subject to an urgent or emergency repair procedure. The Competent Institution must provide seven days written notice to an owner of an intention to enter the premises to undertake such works.”⁶² Though the need for emergency interventions is high, it was only in 2012 that the

62 Official Gazette of Kosovo, Law on Cultural Heritage, Article 6, Architectural Heritage, in http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=237&Itemid=28&lang=sq

Ministry initiated the creation of such a list. The total budget available for the action was 200,000 Euros, while the first list included 31 monuments of cultural heritage.⁶³

After the bidding process had concluded and the company had been selected, a new shortage on emergency interventions popped up. All the bid beneficiaries were construction companies, with no specialization whatsoever in restorations. According to Gjejlane Hoxha, Kosova does not have a licensing system that would generate experts on this field. Moreover, she concludes that along with the emergency intervention, a conservation plan must be drafted, and the work cannot be conducted by construction companies.⁶⁴

Public funds available to cultural heritage in general, as well as those for emergency interventions in particular, are lower than the current needs. The state institutions do not have a state policy on cultural heritage yet, which would guide the

63 Koha Ditore, Tridhjetë objekte të trashëgimisë kulturore në listë për ndërrhyrje emergjente, në <http://koha.net/index.php?page=1,5,114209>

64 Koha Ditore, Ndërrhyrjet emergjente në trashëgimi në duar të kompanive ndërtimore, në <http://www.koha.net/?page=1,5,119530>

strategic planning on cultural heritage. Culture remains at the bottom of priorities for Kosova’s state institutions. Culture and cultural heritage investments of Government of Kosova contain less than 1% of Kosova’s annual national budget.⁶⁵ The Government of Kosova’s culture investment amounts to about 5 Euros per capita per year,⁶⁶ while the investment situation on municipal level is even graver. In Prizren, the municipality with the richest cultural heritage, which competes with Prishtina for cultural life, the local government invests less than 1% of its annual budget in culture (or about 2 euros per capita).⁶⁷

A considerable amount of restoration interventions in cultural heritage have been accomplished by foreign donors’ support. The institutional culture to say “yes” to each foreign donation on behalf of development assistance to Kosova has

been evidenced in cultural heritage restoration projects as well. In support of such donations, the Kosova institutions have given up their rights and obligations to determine their destination, set the criteria for intervention, and supervise the restoration works. As a result of this donor “independence” (state agency, international organization, or private philanthropy) various conservation methodologies have been applied. “While the Turkish State Agency TIKa supports Turkish professionals and craftsmen, the Swedish organization CHwB has a tendency to train local masters in their projects.”⁶⁸ According to Sali Shoshi, in absence of a national plan, we faced years of uncoordinated interventions of numerous donors on cultural heritage.⁶⁹

65 Official Gazette of Kosova, Law on Budget for Republic of Kosova for year 2012, 1 January, 2012, in <http://www.gazetazyrtare.com/>

66 In this regard, Kosova is close only to Albania which invests 6 euros per capita a year. Data for other countries include: Macedonia, 24 euros, Serbia 24 Euros, Slovenia 135 euros, Sweden 235 Euros, and Denmark 294 euros. Source: Compendium, Cultural policies and trends in Europe, in <http://www.culturalpolicies.net/web/countries.php>

67 Municipality of Prizren, Budget for 2011 and for 2011-2013, adopted on September 2010, in <http://kk.rks-gov.net/prizren/getattachment/Projects/Budget/Buxheti20112013.pdf.aspx>

68 Ministry of Culture, Youth, and Sports, Strategic Document, Integrated Conservation of natural and cultural heritage entities in Kosova

69 Sali Shoshi, , focus group discussion on “What Went Wrong with Cultural Heritage,” 9 October, 2012, Prishtina, Kosova

X. Destruction of Historic Center of Prizren

Thirty years ago, the old town of Prizren was a value competing for inclusion in UNESCO's World Heritage List. The last ten years have worryingly transformed the urban structure of Prizren city.⁷⁰ Such fortune, which is shared by other historic towns in the world, is not an irreversible trend. There are historic towns which had disappeared almost completely due to wars but today they are completely reconstructed. However, the wild urbanization trends in Prizren are caused by the local government and construction companies. Moreover, there are no signs of this trend slowing down. Though the interventions in cultural heritage have been selective and mainly funded by foreign funds for development assistance, present-day Prizren, compared to a decade ago, resembles a modern shopping and residential center rather than a historic town.

A research conducted as part of the Online Transparency of Prizren Municipality project, reports that only during the first half of 2012 the Institute for Protection of Cultural Monuments has issued

62 consents for constructions or interventions in Historic Center of Prizren. What worries more is the fact that a considerable number of constructions do not comply with the original projects and the permissions as issued by the municipal authorities. Though not in charge to process requests to the Inspections' Directorate, during the last three years the Institute has submitted more than 25 request to terminate the works or demolish constructions that failed to respect the issued consents and the principles of cultural heritage for Historic Center of Prizren.⁷¹ Paramount evidence of urban degradation of Prizren is the official document No. 04-353 of the Directorate of Urban Planning addressed to the Directorate of Inspections, in which it states, inter alia, "...according to the evidence the DUSP Service possesses, we hereby inform you that the constructions which are taking place recently are rather disturbing; over 80% of those equipped with construction permits failed to comply with the construction permit, while a very large number of other constructions are in the absence of the construction permits."⁷²

70 EC Ma Ndryshe, Deurbanizimi i Qendrës Historike të Prizrenit, in http://www.online-transparency.org/repository/docs/Komunikate_4.pdf

71 EC Ma Ndryshe, Dëshmitë e degradimit urban të Prizrenit, in http://www.online-transparency.org/repository/docs/Komunikate_6.pdf

72 EC Ma Ndryshe, Deurbanizimi i Prizrenit, in <http://www.online->

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Prizren is a typical example of state institutions’ failure to protect cultural heritage. Failure to respect the legal framework on cultural heritage at both levels of governance has degraded the values of its historic center. While the MCYS has not met its supervising duties, the local government in Prizren has not been capable to avert the construction actions that damaged the cultural heritage. Worse than that, the local government in Prizren, while disregarding the laws, the Conservation and Development Plan of Historic Center of Prizren⁷³ and regulatory urban plans⁷⁴ has been the main contributor to wipe the city out of its cultural and historic values.

transparency.org/?page=1,42,10

73 Municipality of Prizren, Conservation and Development Plan for Historic Center of Prizren, in <http://kk.rks-gov.net/prizren/getattachment/25fdb992-4fa8-4623-9811-ae22a0bd6b2a/Plani-i-Konservimit-dhe-Zhvillimit-te-Zones-Histor.aspx>

74 Municipality of Prizren, Regulatory Plans, in <http://kk.rks-gov.net/prizren/Projects/Planet-Rregullative.aspx>

Recommendations

The recommendations of the analysis are in fact an appeal to the state and the social to cure the diseases of the cultural heritage in Kosova. They are concrete, easily implementable, drafted in consultation with respective experts, and directed to the Assembly of Kosova, Cultural Heritage Authorities, the Ministry of Culture, Youth, and Sports, the Government of Kosova, the municipalities of Kosova, the international community, and the civil society.

To the Assembly of Kosova and Cultural Heritage Authorities

- Draft the National Plan for Cultural Heritage – the legal framework and policies on cultural heritage must be coordinated and generated from a central national policy. Through a National Plan, the main pillar of which would be the integrated approach, Kosova should establish a system for management of cultural heritage,
- Declare the cultural heritage properties under protection – cultural heritage should enjoy legal protection, while primary responsibility of the authorities on cultural heritage and the Assembly of

Kosova is to declare the cultural heritage properties under protection. In absence of a legal warranty on protection, the cultural heritage is doomed to destruction.

To the Ministry of Culture, Youth, and Sports

- Prepare the Strategy/Program to enact the integrated conservation of the cultural heritage through creation of emergency inventory of cultural heritage, towards declaring the cultural heritage properties for permanent protection, including them in the List of Cultural Heritage of Republic of Kosova, in the National Spatial Plan, and in the development and urban municipal plans,
- Supervise effectively the respect of cultural heritage principles in municipalities – the urban planning sector in Kosova municipalities, with focus on those with cultural heritage, must be rigorously supervised to ensure full respect of the laws and policies on cultural heritage,
- Complete the state inventory and secure permanent protection of cultural heritage

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the inventory would serve the purpose of identifying, assessing, and determining the cultural heritage properties for permanent protection towards creation of the List of Cultural Heritage,

- Build capacities and increase the budget for cultural heritage – the recently established Department on Cultural Heritage must be completed with new capacities, especially those for drafting policies and translation of international cultural heritage standards to Kosovar practice.

To the Government of Kosova

- Condition the dialogue with Serbia on return of looted artifacts – the archeological and ethnological treasures of Kosova must be returned as soon as possible, while the current dialogue with Serbia is a right moment to request the return of artifacts that unjustly remain withheld by Serbia,
- Assess alternative ways to establish relations with UNESCO – membership in UN is not a sufficient argument not to seek al-

ternative ways to UNESCO (the example of Palestinian Authority),

- Intensify the activities to ratify the international conventions on cultural heritage – through ratification of international conventions by the Assembly of Kosova, the state institutions would one-sidedly take over international obligations on protection of cultural heritage. Furthermore, many of the principles provided by these conventions should become part of legal framework and policies in Kosova,
- Prioritize cultural heritage as public policy with national interest – cultural heritage must be treated as national strategic potential for economic and social development of Kosova,
- Supplement the curricula with a course on cultural heritage – awareness-raising on importance and development potential of the cultural heritage should begin in the elementary and secondary schools, through design of a special course on cultural heritage.

To the Kosova municipalities

- Fully respect the Institution for Protection of Cultural Monuments (IPCM) – each consent issued by the IPCM must be obligatory for the municipalities since they are based on international standards and the state laws on cultural heritage. Therefore, each disregard of measures listed in IPCM’s consents must be prevented and punished by the municipal authorities in Kosova,
- Draft local plans on cultural heritage – through strategic planning on cultural heritage, the municipalities will valorize an important potential for local economic development. Local plans on cultural heritage will open way to a better inter-sectoral coordination based on the principles of integrated conservation,
- Effectively coordinate between the Directorate on Urban Planning and Inspectorate – failure to communicate flawlessly between these two sectors is fatal for cultural heritage. Therefore the mayors of municipalities with cultural heritage potential must dedicate a careful attention to coordination of urban planning and inspectorate in preventing unlicensed constructions and other excess of permissions,
- Include cultural heritage in urban development plans – cultural heritage must be a central component of urban planning in municipalities with heritage potential. During drafting of Municipal Development Plans, Urban Development Plans, and Urban Regulatory Plans, municipalities must respect all the principles of cultural heritage protection,
- Demolish the unlicensed construction in cities’ historic centers – to prevent total destruction of historic centers in Kosova, the municipal authorities must take concrete actions to demolish the unlicensed construction and other forms of permissions excesses that violate the principles of cultural heritage.

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To the international community

- The international community must understand its role and change the attitude towards cultural heritage in Kosova – the international missions in Kosova must reconsider their approach towards the state and Kosovar society regarding the cultural heritage protection,
- Offer professional support – instead of imposing policies on the sector, the international community should support development of professional capacities and provide support towards Kosova’s membership in international cultural heritage mechanisms
- Depoliticize the cultural heritage – the cultural heritage must return to its original dimension of values, while an important step in this direction is change of the public discourse which equates heritage with ethnicity. Moreover, Serbia’s demands to Kosova on cultural heritage should not be tolerated further.

To the civil society

- Mobilize the local citizens’ groups against cities’ urban degradation – civil society organizations that operate on municipal level must engage in encouraging the civic activism to save the cultural heritage values in Kosova cities and villages.
- Engage in awareness raising projects over importance of cultural heritage – civil society must engage in informal education programs on cultural heritage, while in parallel it must prompt state institutions to include cultural heritage in official curricula of elementary and secondary schools.

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Projekat Kosovske Fondacije za Otvoreno Društvo
Project of the Kosovo Foundation of Open Society

