



EUROPA
NOSTRA

CULTURAL HERITAGE AS AN ESSENTIAL ELEMENT OF ANY FUTURE STATUS OF KOSOVO

*Message by EUROPA NOSTRA
to all parties directly involved in the status negotiations*

I. INTRODUCTION

EUROPA NOSTRA, the pan European Federation of Cultural Heritage NGOs, has shown a **consistent interest in the protection of the endangered cultural heritage in Kosovo**. It has adopted two relevant Resolutions, in May 1999 and June 2005, and has launched an Appeal to the international community, in April 2004. More recently, members of the Europa Nostra Council and Scientific Council have made a **visit to Kosovo** in late September 2005, followed by a **visit to Belgrade** in late November 2005. During these visits, Europa Nostra members met with all stakeholders concerned: governmental and non-governmental, local and international, religious communities as well as heritage experts. These visits were organised in close consultation with the Council of Europe, as a **civil society contribution to the Council of Europe/European Union joint action with regard to Kosovo**.

Europa Nostra was also represented at the Donor's Conference organised by UNESCO on 13 May 2005 in Paris; at the seminar organised in Prizren on 27-29 September 2005 by the Swedish NGO "Cultural Heritage Without Borders" in cooperation with the Prizren Municipality and the Ministry of Culture, Youth and Sports of the Provisional Institutions of Self-Government (PISG); and at the International Seminar on "Cultural Heritage Protection and Inter-cultural Dialogue in Kosovo" organised by the Italian Ministry of Foreign Affairs and the Italian humanitarian NGO, INTERSOS, on 5 December 2005 in Rome.

In view of the beginning of Status Negotiations for Kosovo, in the present document Europa Nostra wishes to make some **first recommendations** based on its recent visits and subsequent initial assessment of the situation. **It intends to make a fuller report in early 2006**.

While firmly believing that cultural heritage should be one of the major bonds between European peoples and citizens, Europa Nostra regrets that the wars that led to the dissolution of the former Yugoslavia have witnessed the widespread destruction of "each other's" cultural heritage (especially the religious heritage) by the parties involved in the conflicts. This destruction reflected a deliberate intention to eliminate the monuments and sites which are visible and tangible witnesses of the presence of the "other" in a particular land. We believe that such practices can be qualified as a form of "cultural cleansing", equally unacceptable as any other form of "ethnic cleansing", universally condemned by the international community.

Kosovo has proven no exception to this phenomenon, with destruction by Serbs of mosques and townscapes in areas mainly inhabited by Kosovar Albanians, and destruction of Serb churches and homes by Kosovar Albanians. Europa Nostra regrets that until after the events of March 2004 the international community did not take effective action to restore monuments and sites damaged or destroyed between summer 1999 and March 2004. In addition, the international military force (KFOR), with certain notable exceptions, made inadequate efforts to protect the Serb Orthodox heritage during the riots in March 2004.

II. ELEMENTS OF CONCERN & ELEMENTS OF HOPE

The current and persisting political, economic and social instability in Kosovo give no assurance of an imminent improvement in the level of protection of cultural heritage. Europa Nostra fully endorses the references made in **Kai Eide's Report "A Comprehensive Review of the Situation in Kosovo"** to various political, economic and legal shortcomings affecting the protection of cultural heritage, as part of his assessment of the progress achieved in the implementation of the "Standards for Kosovo".

In this context, Europa Nostra wishes to express particular concern at:

- a) the **delays in adopting appropriate legal and policy instruments** regarding cultural heritage protection, the **insufficient implementation of the spatial planning regulations** and, more generally, the **lack of respect for the rule of law**, without which it is not possible to ensure a comprehensive protection of the cultural heritage, including the much-needed control of building development;
- b) the **persistent security threats to Serb Orthodox monuments** (as proven by the recent removal of parts of the lead roofing from the 14th century St. Virgin of Ljevis Church in Prizren) and **difficulties in undertaking restoration work** on those monuments due to the perceived threats to the freedom of movement for Serbs in areas inhabited by Kosovar Albanians which also affects Serb heritage conservation experts and restoration workers;
- c) the **persistent lack of trust and dialogue** between Albanian and Serb communities in Kosovo, reflected also within heritage circles;
- d) **insufficient legal action** undertaken by responsible judicial authorities in Kosovo **against the perpetrators of criminal acts resulting in destruction of cultural heritage**, which contribute to a climate of impunity (*see also par. 35 of Kai Eide's Report*).

Europa Nostra, however, also wishes to draw attention to the following positive developments:

- 1) The **joint programme** for the protection of the cultural heritage in Kosovo currently being implemented by **the Council of Europe and the European Union**, both at the political and at the technical level;
- 2) The success of UNMIK, in collaboration with the Council of Europe, in negotiating in March 2005 the "**Memorandum of Understanding on agreed general principles for the reconstruction of Serbian Orthodox religious sites**" between the Ministry of Culture, Youth and Sports of the PISG, and the Serbian Orthodox Church, represents an important positive element that illustrates the significant role which the international community is called upon to play;
- 3) The **inclusion of the Monastery of Decani on the World Heritage List** in summer 2005, and the decision by the SRSG, Søren Jessen-Petersen, to grant – for an initial period of 6 months - a status of "protected zone" to the area surrounding the monastery of Decani;
- 3) The **opening of a dialogue between the Minister of Culture, Youth and Sports of the PISG, and the Minister of Culture of the Republic of Serbia** at their first meeting which took place in September 2005 in Belgrade;

4) The clear willingness expressed by senior representatives both of the Islamic Community in Kosovo and of the Serbian Orthodox Church to promote **inter-religious dialogue and cooperation**, as for instance, by the organisation of interconfessional conferences with the participation of various religious communities.

5) The recent setting up of an “**International Experts Committee on the Rehabilitation and Safeguarding of the Cultural Heritage in Kosovo**”, following the UNESCO’s initial action in assessing damage to cultural heritage in Kosovo and the subsequent donors’ conference held last May. This confirms the readiness of the international community to contribute, both in terms of financing and in terms of technical expertise, to the rehabilitation and safeguarding of cultural heritage in Kosovo;

6) The **exemplary work of international NGOs**, as for instance the Italian NGO, INTERSOS, which, amongst other projects, restored the Ottoman baths and a mosque in Peje/Pec, and also carried out conservation works on Orthodox monuments in Pec/Peje and Decani.

7) The emergence of **young Kosovar Albanians and young Kosovo Serbs who wish to work together**. It must be emphasized however that these young people are far from power in their own communities. They need time and encouragement in order to be able to develop into important forces for reconciliation.

III. STATUS NEGOTIATIONS & CULTURAL HERITAGE

In the light of the above, and given the fact that cultural heritage is a central concern for many of those involved, Europa Nostra believes that the **Status Negotiations should incorporate consideration of the following general recommendations with regard to all aspects of cultural heritage in Kosovo:**

a) A firm commitment by all parties concerned, both locally and internationally, that the **respect and full protection of the multi-cultural and multi-religious heritage in Kosovo**, as an essential element of the protection of basic human rights (in particular as to culture, religion and property) and of basic minority rights, shall be a **fundamental constitutional principle** of whatever new status is agreed on for Kosovo.

b) A firm commitment by all parties concerned, both locally and internationally, that sustained and sincere efforts shall be made amongst all communities to **recognize the cultural heritage of “one” as the cultural heritage of “all”**, as an integral part of Europe’s common cultural heritage, and indeed, often, that of all humankind.

c) Provision for the **inclusion of appreciations of all aspects of the region’s cultural heritage in all communities’ history and art education at all levels** (in schools, universities, and also in the media) in order to combat any attempts to falsify the cultural history of the region for political purposes (*see also par. 57 of Kai Eide’s Report*) and to provide the necessary educational tools for Kosovo citizens to appreciate and develop a sense of civic responsibility for the multi-cultural and multi-religious heritage of the region.

d) Recognition that for a substantial period of time **each community** will inevitably retain a fundamental and **predominating interest in the cultural heritage related especially to their own community**, combining elements that are cultural, religious and social, namely the relationship between these sites and the communities living around them;

e) Recognition that the **European and International organisations** like the Council of Europe, the European Union and UNESCO, as well as European and International NGOs, should play **a key role** in ensuring compliance with internationally recognized standards in the field of heritage protection, as well as in facilitating dialogue and promoting joint action between members of the various communities in Kosovo and in the wider region;

f) Recognition that there exists a persistent risk of renewed physical attacks to cultural heritage. It is therefore essential that apart from the Kosovo Police Service (KPS), **KFOR should continue to be responsible for ensuring the highest possible degree of protection** of the particularly vulnerable elements of cultural heritage in Kosovo.

The status negotiations should also give due consideration to the following **two specific recommendations** with regard to 1) the protection of Serb Orthodox monuments and sites and 2) the special case of the town of Prizren which contains religious and secular monuments and sites of importance not only to Kosovar Albanian and Serb communities but also to other minority communities:

1.1. Support for **the inclusion on the UNESCO World Heritage List** of the Patriarchate of Pec, the Monastery of Gracanica, the St. Virgin of Ljevis Church in Prizren and of the village of Velika Hoca. In addition, **the area surrounding the Decani Monastery should be given a permanent protected status**. An international conference should be organised there to celebrate the Monastery's inclusion on the World Heritage List and to discuss the opportunities and obligations that arise from this status.

1.2. Agreement that Serb Orthodox monuments and sites, together with the communities associated with them, require **a special protective international status**. It is not just the monuments themselves but the areas around them, including landscape features that need to be protected. Even more critical is the security and freedom of the communities living and worshipping at these sites. Europa Nostra suggests that any special protective international status must allow private or public bodies from Serbia concerned with the cultural heritage to conduct research and/or carry out restoration and conservation work, in collaboration with the Council of Europe, the European Union and UNESCO.

1.3. Europa Nostra suggests that the special protective international status which is most likely to create an atmosphere of security and confidence and above all allow the Status Negotiations to succeed, would be the formal inclusion of at least four sites in what could be termed a **“Serbian Orthodox Religious Community Network” (SORECON)**. These would be the Patriarchate of Pec, the monasteries of Decani and Gracanica and the village of Velika Hoca. These sites would be protected from any unsustainable or unsuitable development (particularly important around the Patriarchate of Pec and the Monastery of Decani) and they would represent separate municipalities, even if the only inhabitants are monks or nuns. In all instances it would be clear that KFOR would continue to provide security within these areas themselves, and to ensure safe access to them.

2) Agreement on the **particularly sensitive situation in Prizren** which is an important municipality with a large majority of Kosovar Albanians but which is considered to be a major cultural and historical centre both by Kosovar Albanians and Kosovo Serbs. There was considerable destruction of cultural heritage here in 1999, including the destruction by Serbs of the building of the League of Prizren, since restored. Here too, the old Serb civilian quarter ("Podkalaja") and Serb religious monuments suffered amongst the worst destruction in March 2004. Europa Nostra believes that, building on some positive cooperative initiatives, it is essential that the rehabilitation and restoration both of the monuments and of the old town be carried out under the aegis of a **multicommunal committee of experts preferably to be chaired by the Council of Europe**, with the full participation of all stakeholders including the Municipality and all minority communities traditionally present in Prizren. This should be done on the basis of an agreed programme for the restoration of all monuments and conservation areas by those most competent to carry out the work, with the involvement both of the Kosova Institute for Cultural Monuments Protection and of the Institute for the Protection of Cultural Monuments of Serbia. It will also require a firm commitment to the full return of the minority communities to the old town, with their security guaranteed by an adequate, effective and long-lasting international security presence, as is the clear implication of paragraphs 35 and 39 of Kai Eide's Report.

IV. CONCLUSION

Europa Nostra is fully aware that, in the present tense atmosphere prevailing in Kosovo, the above recommendations will be difficult to implement. They represent however one of the most fundamental internationally required standards that needs to be met before any status that may be agreed is actually implemented. We trust that all parties, international and local, involved in the Status Negotiations will demonstrate their resolution to ensure compliance with these standards, fully in accordance with a series of Conventions and other international documents adopted under the aegis of the Council of Europe, the European Union and the United Nations (in particular UNESCO).

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Annex: List of all bodies and persons directly involved in the negotiations on the future status of Kosovo to whom EUROPA NOSTRA's message was sent

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Deputy Minister of Foreign Affairs
Ministry of Foreign Affairs of the
Russian Federation

Dr Dusan Batakovic

Advisor to the President of Serbia
People's Office of the President
of the Republic of Serbia

Mr R. Nicholas Burns

Under Secretary for Political
Affairs
U.S. Department of State

Mr Nexhat Daci

Parliament Speaker
Assembly of Kosovo

**Monsieur Philippe Douste-
Blazy**

Minister of Foreign Affairs
Ministry of Foreign Affairs
France

Mr Vuk Draskovic

Minister of Foreign Affairs
Government of the Federal
Republic of Serbia and
Montenegro

Ambassador Kai Eide

NATO Permanent
Representative of Norway

Mr Gianfranco Fini

Minister of Foreign Affairs
Ministry of Foreign Affairs
Italy

Mr Soren Jessen-Pedersen

SRSG of the United Nations and
Head of UNMIK

Dr Vojislav Kostunica

Prime Minister of Serbia
Serbian Government

Mr Bajram Kosumi

Prime Minister
Provisional Institutions of Self
Government PISG

Mr Sergei Lavrov

Minister of Foreign Affairs
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**Mr Stanislas Lefebvre de
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Dr Sanda Raskovic-Ivic

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Dr. Condoleezza Rice

Secretary of State
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Mr Albert Rohan

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Mr Veton Surroi

President of the Parliamentary
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Mr Boris Tadic

President of the Republic of
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**Min. Plen. Giulio Terzi di
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Director General for Political
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Mr Hashim Thaci

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