



Protection of Cultural Heritage in Kosovo

July 2022

Protection of **Cultural Heritage** in Kosovo

July 2022



Foreword

The OSCE Mission in Kosovo is pleased to present its report on “Protection of Cultural Heritage in Kosovo”. The effective preservation of cultural heritage is important for all communities. This is why the OSCE Mission has consistently supported efforts to protect and promote the rich and varied cultural legacy in Kosovo.

Efforts to preserve cultural heritage should bring together all parts of society in an inclusive process - majority and non-majority communities, women and men, and people of all ages. Over the years, the OSCE Mission has encouraged widespread engagement of all stakeholders through its placement of human rights advisers in government ministries; its legal support on the Law on Cultural Heritage; and initiatives targeting non-majority communities and young people.

The OSCE Mission’s 2014 report “Challenges in the Protection of Immovable Tangible Cultural Heritage in Kosovo” noted the need for legislative changes to underpin improved implementation of cultural heritage protection measures. While in 2021-2022 further progress with secondary legislation could be noted, the need for the new Law on Cultural Heritage remains. This report contributed to the *National Strategy for Cultural Heritage 2017-2027*, adopted in 2016. Relatedly, the inclusion of the Strategy’s Objectives in the Government Programme 2021-2025 is positive.

In this latest report the OSCE Mission has endeavoured to broaden the scope by reviewing international best practice in cultural heritage protection and examining its relevance in Kosovo. Key recommendations in these pages include: to introduce management plans for cultural heritage sites; to conduct heritage impact assessments for planned interventions; to adopt a more inclusive definition of cultural heritage; and to enhance the resilience of cultural heritage sites against climate change or intentional destruction.

The report concludes that the effective protection of cultural heritage in Kosovo should not be limited to physical restoration. Rather, a broader approach is needed if we are to ensure the preservation of cultural heritage for future generations. In addition to physical restoration, this requires inclusive management, imaginative spatial planning, awareness raising, and capacity building of cultural heritage personnel.

I should like to thank all our partners and stakeholders for the knowledge, expertise and insights which they contributed in the preparation of this report.



Michael Davenport

Ambassador, Head of Mission

List of Contents

List of Contents	5
Abbreviations	7
Glossary of terms	8
Chapter 1. Executive Summary	10
Chapter 2. Introduction	13
Chapter 3. Policy and Legal Framework	17
Chapter 4. Inventory of Cultural Heritage	24
Determining what qualifies as cultural heritage	24
The lists of temporary and permanent protection.....	27
Further Challenges within the Inventorying Procedure.....	30
Chapter 5. Spatial Planning and Inclusion of Cultural Heritage Sites	33
Co-ordination of Cultural Heritage and Spatial Planning Challenges	36
Chapter 6. Monitoring of cultural heritage	44
Inspections undertaken by municipal institutions.....	44
Inspections conducted by the MCYS.....	45
Chapter 7. Implementation of SPZ legislation	50
The Implementation and Monitoring Council	55
Assessment of the Work of the IMC.....	56
Chapter 8. Security at cultural heritage sites	63
Introduction.....	63
Overview.....	63
Thefts with economic motivation	64
Incidents against cultural heritage and religious sites for non-monetary motivation..	65
Thefts of art works and other items	66
Vandalism.....	67
Disturbance.....	70
Desecration.....	71
Incidents at graveyards.....	72
Combating Violations and Crimes against Cultural Heritage.....	74
Public Condemnations of Incidents	75

Chapter 9. Promotion of Cultural Heritage	79
Chapter 10 Conclusions	84
Chapter 11 Recommendations.....	87
ANNEXES	91
Annex 1: LIST OF SPECIAL PROTECTIVE ZONES SITES	91
Annex 2: BIBLIOGRAPHY / RECOMMENDED READING.....	92
Annex 3: LEGAL SOURCES (in chronological order)	96
3.1. International Sources.....	96
3.2. Legislation in Kosovo.....	97
Annex 4: ONLINE LINKS	98
Annex 5: LIST OF RESOURCE PERSONS AND INSTITUTIONS.....	99
Annex 6: DISCREPANCIES IN LEGAL TERMINOLOGY	101
Annex 7: LIST OF ILLUSTRATIONS	105

Abbreviations

AI	Administrative Instruction
CoE	Council of Europe
CSCE	Conference on Security and Co-operation in Europe
CSO	Civil Society Organization
EU	European Union
EUSR	European Union Special Representative
GIS	Geographic Information System
HIA	Heritage Impact Assessment
HUL	Historic Urban Landscape
ICC	Islamic Community Council
ICOMOS	International Council on Monuments and Sites
IMC	Implementation and Monitoring Council
KCCH	Kosovo Council for Cultural Heritage
KIPM	Kosovo Institute for the Protection of Monuments
LPSC	Local Public Safety Committee
MCSC	Municipal Community Safety Council
MDP	Municipal Development Plan
MCYS	Ministry of Culture, Youth and Sport
MESPI	Ministry of Environment, Spatial Planning and Infrastructure
MoU	Memorandum of Understanding
MZM	Municipal Zoning Map
OHCP	Office of Historic Centre of Prizren
OSCE	Organization for Security and Co-operation in Europe
PISG	Provisional Institutions of Self-Government
RIC	Reconstruction Implementation Commission
SAA	Stabilization and Association Agreement
SC	Security Council
SDG	Sustainable Development Goals 2030 of UN
SPZ	Special Protective Zone
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNMIK	United Nations Interim Administration Mission in Kosovo

Glossary of terms

Cultural heritage: A resource from the past with special value for individuals, communities and society. The specific character of heritage is manifested through valorization, protection, promotion and transmission to the next generation. The definition covers tangible (material) and intangible (immaterial) aspects. The Law on Cultural Heritage in Kosovo includes in its definition¹ the following categories: architectural, archaeological, movable and spiritual heritage.

Implementation and Monitoring Council (IMC): A body established in 2010 through the Law on Special Protective Zones (SPZ)² in order to monitor and facilitate the implementation of this Law. Its tasks include supervision of the delineation of the SPZ, recommendations concerning boundaries of the SPZs, facilitation of resolution of disputes between the Serbian Orthodox Church and all levels of institutions in Kosovo regarding SPZ-related issues and advising relevant institutions on issues affecting the religious and cultural heritage sites. Its members are the Ministry of Culture, Youth and Sports (MCYS), Ministry of Environment, Spatial Planning and Infrastructure (MESPI), Serbian Orthodox Church, European Union Special Representative in Kosovo (EUSR), and the OSCE Mission in Kosovo.

Special Protective Zone (SPZ): An area surrounding monuments, building, group of buildings, ensembles, villages, or historic town centres that is safeguarded from any development or activity which could damage its historical, cultural, architectural or archaeological context, the natural environment or the aesthetic visual setting.³ It shall ensure protection of Serbian Orthodox Monasteries, Churches and other religious sites; historical and cultural sites of special significance for the Kosovo Serb community; and those of other communities in Kosovo.⁴

Spiritual heritage (also “intangible heritage”): Includes forms of cultural expression of popular traditions or customs, languages, celebrations, rituals, dance, music, songs and other artistic expression.⁵ Although of immaterial (intangible) character, this category of cultural heritage shows close relations to tangible aspects (e.g., music and instruments, dances and traditional wear, traditional knowledge and artistic products).

¹ Article 2.1, Law No. 02/L-88 on Cultural Heritage, 1 July 2008.

² Article 4, Law No. 03/L-039 on Special Protective Zones, 4 June 2008.

³ *Ibid*, Article 2.

⁴ *Ibid*, Article 1.

⁵ Article 2.6, note 1, *supra*.



Novo Brdo/Novoběrdě Castle

Chapter 1. Executive Summary

The OSCE Mission in Kosovo's report *Challenges in the Protection of Immovable Tangible Cultural Heritage in Kosovo*,⁶ published in 2014, outlined various shortcomings⁷ in cultural heritage protection such as the lack of legal clarity in the Law on Cultural Heritage and limited co-operation between institutions. The report also featured a series of recommendations. In 2016, the *National Strategy for Cultural Heritage 2017-2027*⁸ provided for a broad approach to identify, protect, and promote the rich cultural heritage in Kosovo. The Strategy incorporated recommendations from the OSCE Mission in Kosovo's aforementioned report.

The Strategy had five objectives, which were to be achieved through enhanced international co-operation, application of international instruments, enhanced systems to protect, preserve and promote cultural heritage in Kosovo in accordance with the legal framework and international standards, underpinned as well by sustainable development.⁹ It is now necessary to amend the Law on Cultural Heritage so that primary and secondary legislation are fully aligned to ensure a uniform approach to cultural heritage.

Existing lists of temporary and permanent protection sites require further updating in line with the Law on Cultural Heritage.¹⁰ In addition, cultural heritage institutions need to establish management standards for monitoring and inventorying cultural heritage sites.

Kosovo institutions integrate spatial planning tools in monuments' preservation. However, municipalities are lagging behind in adopting local spatial plans and including cultural heritage sites in these plans. This is further exacerbated by delays in relevant institutions defining the perimeters of protected monuments and buffer zones.

Violations of the law such as intentional demolitions and unpermitted constructions underscore the need for effective monitoring. This needs to be done by either municipal institutions or Regional Centres for Cultural Heritage Protection, which in turn could benefit from better coordination.

Serbian Orthodox Church (SOC)'s heritage and the religious sites enjoy an enhanced status through Special Protective Zones (SPZ). However, uncontrolled development threatens SPZ site protection. Political commitment in line with administrative measures (such as regular inspections by public institutions or the application of appropriate fines) is needed to improve the implementation of the relevant legal framework.

The Implementation and Monitoring Council (IMC) enables dialogue between the Serbian Orthodox Church and Kosovo institutions, under the auspices of international

6 OSCE, *Challenges in the Protection of Immovable Tangible Cultural Heritage in Kosovo*. Prishtinë/Priština: OSCE, 2014 (Cultural Heritage Report 2014), <https://www.osce.org/kosovo/117276> (accessed 21 July 2020)

7 Ibid. p. 13.

8 *National Strategy for Cultural Heritage 2017-2027*, 30 Dec. 2016, https://mkrs-ks.org/repository/docs/eng_strategy_for_heritage.pdf (accessed 24 May 2020)

9 Strategy, p. 9.

10 Article 4.10 and 6.6, note 1, *supra*.

stakeholders. Its decisions are reached by consensus, thereby facilitating implementation by all members.

Theft and damage from vandalism constitute the most frequent incidents targeting cultural heritage and religious sites. An increase in reported thefts suggests an economic motivation for crimes against religious sites. This increased reporting also indicates greater public awareness to report such offences to the Kosovo Police (KP). Meanwhile, KP's specialized unit for cultural heritage has become operational and patrols 24 sites, including 22 SOC churches and monasteries. In several cases, representatives of municipalities have publicly condemned incidents against religious heritage; however, ideally each incident should be condemned publicly by institutions.

The adoption of the *National Strategy for Cultural Heritage 2017-2027* constitutes an important step towards enhancing public awareness on cultural heritage. The Strategy placed great importance on the promotion of cultural heritage with the wider public and advocated for the adoption of the Law on Museums, which would strengthen management of cultural heritage institutions. In addition, civil society contributes significantly to the promotion of cultural heritage. A number of civil society organizations, such as "Cultural Heritage without Borders", contribute by offering training courses, organizing public events and taking part in restoration activities.



Gračanica/Gračanić Monastery

Chapter 2. Introduction

This thematic report on “Protection of Cultural Heritage in Kosovo” is a follow-up to the OSCE Mission in Kosovo’s 2014 report on “Challenges in the Protection of Immovable Tangible Cultural Heritage in Kosovo,”¹¹ providing an updated assessment of the status of cultural heritage in Kosovo.

The OSCE has consistently paid due attention to the importance of cultural heritage for societies. Already in 1991, the then Conference on Security and Co-operation in Europe (CSCE, which became OSCE in 1995) organized in Cracow, Poland a Symposium on Cultural Heritage. This Symposium received significant attention with its pioneering international focus on cultural heritage, linking East and West. At that Symposium, CSCE Participating States expressed their commitment to *“reaffirm their belief that respect for cultural diversity promotes understanding and tolerance among individuals and groups.”* Furthermore, it was agreed that *“Partnerships among diverse groups at the local, regional and national level ... are valuable for ensuring the effective and representative preservation of cultural heritage.”*¹²



Figure 1: OSCE Mission in Kosovo first report on cultural heritage “Challenges in the Protection of Immovable Tangible Cultural Heritage in Kosovo”, published in 2014, covers the period 2009-2014. (Photo: OSCE)

For more than 20 years, the OSCE Mission in Kosovo has worked towards building sustainable Kosovo institutions serving its diverse communities by linking support for democratic structures and human rights with the protection of the rich cultural heritage in Kosovo. The inclusion of the Serbian Orthodox Churches and other sites¹³ in the Comprehensive Proposal for the Kosovo Status Settlement (“Ahtisaari Plan”)¹⁴ in 2007, coupled with the OSCE’s approach to enhancing human rights by promoting cultural heritage and cultural diversity are testimony to the OSCE’s engagement.

The OSCE Mission’s extensive experience and knowledge in this field derives from its wide ranging work and regular monitoring. This puts the Mission in a position to provide an evidence-based overview of the situation concerning the full range of cultural heritage in Kosovo.

11 See at: <https://www.osce.org/kosovo/117276> (accessed 21 July 2020).

12 CSCE, Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States (28 May – 7 June 1991), pages 2 and 5, paragraph 18; available at: <https://www.osce.org/files/f/documents/a/a/24396.pdf> (accessed 4 January 2022).

13 Velika Hoča/Hoçë e Madhe, Gazimestan Memorial, Zvečan/Zveçan medieval fortress, Medieval town of Novo Brdo/Novobërdë, Vojnović Medieval Bridge/Old Bridge.

14 Comprehensive Proposal for the Kosovo Status Settlement, 26 March 2007 available at: <https://undocs.org/Home/Mobile?FinalSymbol=S/2007/168/Add.1> (accessed 9 March 2022).

This report recognizes that a broad interpretation of cultural heritage includes both built heritage (immovable and material items) and movable and intangible heritage categories as part of a holistic view of heritage. It should be noted that “cultural heritage” as a broad concept refers not solely to items described in inventories and included in registers compiled by public institutions, but also to resources from the past which can have a specific value for societies, communities, and individuals, for example, objects inherited and kept within the family. However, the main focus of this report is on built heritage. With regard to incidents and the security situation (see chapter 8), the available sources¹⁵ provided information on “cultural heritage and religious sites”, without indicating whether those sites related to religion (e.g., mosques, churches, monasteries and cemeteries) have already been accorded heritage status. In this report, with regard to incidents, no distinction is thus made between “cultural heritage” and “religious sites”.

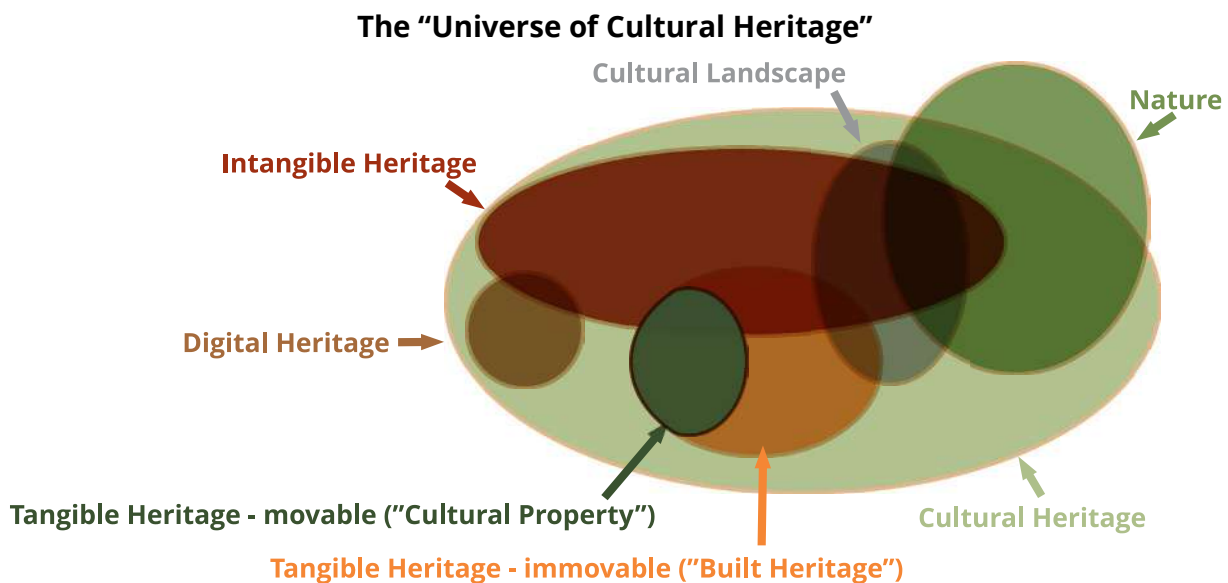


Figure 2: The “Universe of Cultural Heritage” represents the different aspects of cultural heritage summarized in several categories: tangible heritage (orange) consists either of immovable sites (e.g., buildings, ensembles, city-centres) or of movable items (dark green, e.g., paintings, collections, valuable goods, books). Digital heritage (brown) is a rather recent concept of heritage like “software” (e.g. computer programmes, stored information, such as audio, photo and video files; however, it has an intrinsic connection to “hardware items”, which fall under the category of tangible, moveable objects; e.g. computer devices). Cultural landscapes (grey) are areas, which combine the work of humankind and nature (practically lands that have been modified by people through cultivation). Even “Nature” (green) can be considered as cultural heritage, as the different aspects of “nature” such as geological formations, fauna, flora, and aspects of physical geography like weather and climate can be understood as a system of different concepts to catalogue and convey the world created by humans throughout history. All these represent aspects of civilization. Intangible heritage (dark red) encompasses all other categories of cultural heritage, e.g. knowledge and ideas how to construct a building, the art of writing a book, playing a musical instrument or the wearing of particular attire or preparing special food for particular occasions. (Graphics: OSCE)

As with previous reports, the present report is based on the information collected and analysed by the OSCE Mission in Kosovo during its monitoring activities in the period 2014

¹⁵ OSCE’s own monitoring activities.

to 2020. In order to further enrich and balance the information collected, 55 interviews were conducted with stakeholders from a range of institutions.¹⁶ These interviews provided important insights into how cultural heritage was perceived and lived thus fostering the OSCE's relations with institutions consulted which among others included the Serbian Orthodox Church and numerous civil society organizations.

The present report thus covers the reporting period from January 2014 through December 2020. It follows an inclusive and broad approach which emphasizes the heritage of various communities in Kosovo. As with the previous edition, the recommendations in this report are designed to enhance the protection and valorization of the rich cultural heritage in Kosovo.

¹⁶ See the List of interviewed stakeholders in Annex 5 of the Report.



Historic Center of Prizren

Chapter 3. Policy and Legal Framework

The Constitution stipulates that Kosovo institutions will “ensure the preservation and protection of its cultural and religious heritage.”¹⁷ Moreover, the Government Programme 2015-2018 outlined the protection of cultural heritage through several plans and concepts.¹⁸ With the adoption of the *National Strategy for Cultural Heritage 2017-2027* in December 2016,¹⁹ the Government provided a strategic policy document for the protection, preservation and promotion of cultural heritage.

The Government, in its Strategy, applied a broad and holistic view of cultural heritage linking it with sustainable development through the UN Sustainable Development Goals (SDGs).²⁰ The Strategy confirmed the Historic Urban Landscape (HUL) approach of UNESCO,²¹ paying attention to risk assessment for cultural property as recommended by the EU,²² and aligned with Heritage Impact Assessment (HIA) of the International Council on Monuments and Sites (ICOMOS).²³ Once implemented, these tools will ensure that Kosovo institutions meet contemporary heritage management standards.

The Strategy thus marks a milestone for cultural heritage institutions, representing the first comprehensive policy document drafted by means of an inclusive consultation process in line with key international standards.²⁴ The resulting Strategy incorporates relevant international standards and best practices, and provides for recognition of rights and privileges vested with the Serbian Orthodox Church in Kosovo.²⁵

It further defines cultural heritage as an indispensable foundation for sustainable development and envisages implementation on the basis of five major objectives (see Figure 3).

17 Article 9, the Constitution, 9 April 2008.

18 Government Programme 2015-2018, Prishtinë/Priština 2015, chapter 4.2.3, p.70, <https://bit.ly/3KaAFP4> (accessed 24 August 2020).

19 The *National Strategy for Cultural Heritage 2017-2027* was approved by the Government on 30 December 2016.

20 Objective 2, *National Strategy for Cultural Heritage 2017-2027* (2016) (without reference in particular to SDG)

21 See UNESCO's Recommendation on the Historic Urban Landscape, Paris, 10 November 2011, http://portal.unesco.org/en/ev.php-URL_ID=48857&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 7 May 2020), reference in measure 3.3.4. of the Strategy, p. 34f.

22 See orientation B3) of the EU Work Plan for Culture (2015-2018), reference in measure 2.1.1. of the Strategy, p. 50.

23 See ICOMOS, *Guidance on Heritage Impact Assessments for Cultural World Heritage Properties*. Paris, ICOMOS, 2011, https://www.icomos.org/world_heritage/HIA_20110201.pdf (accessed 7 May 2020); reference in measure 3.2.4. of the Strategy, p. 33f; note that in the Strategy the term “Cultural Heritage Impact Assessment” (DTC) is used.

24 The demand to include (local) communities and to apply “bottom-up procedures” is e.g. stipulated in the UNESCO Conventions from 2003 (Article 15) and 2005 (Article 7, para 2) as well as in the Strategic Objectives “5C” of the World Heritage Committee.

25 Comprehensive Proposal for the Kosovo Status Settlement, 26 March 2007 available at: <https://undocs.org/Home/Mobile?FinalSymbol=S/2007/168/Add.1> (accessed 9 March 2022).

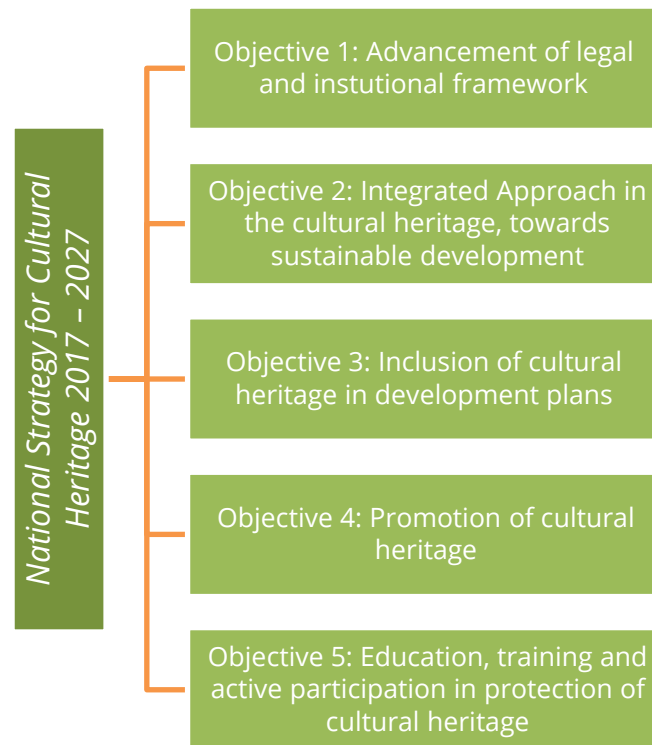


Figure 3: The Strategy is based on five objectives, which are divided in “orientation actions” and in “measures”. The Strategy follows an open and inclusive approach vis-à-vis society and cultural heritage. However, for its full implementation it still requires additional efforts. (Graphics: OSCE)

However, the Strategy would have been more effective if its monitoring and assessment period had been limited to five years instead of the present ten years. A shorter implementation period would also have allowed for a more focused approach taking into consideration emerging new developments in the quickly evolving field of cultural heritage conservation. Furthermore, the formation of a Monitoring Committee (as foreseen in the Strategy implementation) would facilitate the monitoring of the Strategy. It should be noted that four years after being issued, the Strategy has still not been included in the work plans of government ministries, causing delays in its implementation. Consequently, significant efforts will need to be undertaken to implement the Strategy in its entirety by 2027.

In this regard, advancing the legal framework remains a priority and has fallen behind the policy goals set by the Strategy.²⁶ The OSCE report on *Challenges in the Protection of Immovable Tangible Cultural Heritage in Kosovo* of March 2014 highlighted the need to amend the Law on Cultural Heritage to *inter alia* ensure better oversight of local level institutions’ actions and to clearly define the roles and responsibilities of institutions at all levels, including inspections. Since then, there were two unsuccessful attempts to approve the new Law on Cultural Heritage. The draft Law on Cultural Heritage, expected to clarify the duties and powers of responsible institutions, was submitted to the Assembly of Kosovo. However, it was withdrawn on 6 May 2015 shortly after its submission by the Government, reportedly due to a need for further consultations. Another amendment process was initiated in 2018 with an endorsement of the new concept document by the

²⁶ See objective 1, note 8, *supra*.

Government.²⁷ Nevertheless, the drafting process stalled again due to political developments.²⁸ The adoption of the law requires a “double majority,”²⁹ including a majority of MPs holding seats reserved for non-majority communities. In the absence of amendments to the legal framework, the Ministry of Culture, Youth and Sports (MCYS) partially addressed some of the shortcomings of the primary legislation through the endorsement of secondary legislation.³⁰ While this approach might be deemed a pragmatic interim solution, it does not replace the need for a new law.

In Kosovo, the protection of cultural heritage is covered by several legal acts. Such protection is closely related to spatial planning. There is thus a need to harmonize the laws relating to protection and preservation of cultural heritage with the Law on Spatial Planning.³¹ The Law on Special Protective Zones continues to govern the protection of 45 SPZs (see list in Annex 1), with the IMC mandated to oversee its implementation and resolve disputes, along with the Law on the Historic Centre of Prizren³² and the Law on Hoçë e Madhe/Velika Hoča³³ (see Chapter 7 for further elaboration). Lastly, the Law on Treatment of Constructions without Permit was approved in 2018.³⁴ The issue of illegal constructions in general, including those affecting cultural heritage sites and special protective zones, is expected to be dealt with through tailored policies set by the Government.³⁵

With regard to institution building, the creation of the Cultural Heritage Inspectorate by the MCYS in 2018 was highlighted as a priority measure stipulated in the *National Strategy on Cultural Heritage*.³⁶ This was also a recommendation in the OSCE report from 2014.³⁷ According to the legislation,³⁸ the Cultural Heritage Inspectorate is in charge of undertaking measures to ensure the protection of cultural heritage sites. This includes

27 On 6 July 2018, the Government approved the Concept Document for Cultural Heritage, which followed the *National Strategy on Cultural Heritage 2017-2027*.

28 The resignation of the Government in 2019, and subsequent early elections halted the drafting process.

29 The Constitution, Article 81, paragraph 1, sub-paragraph 5.

30 Such as: 1. Regulation (MCYS) no. 06/2017 on Designating Public Cultural Heritage Institutions, subordinate to the Ministry of Culture, Youth and Sports as Competent Institutions, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=16466>; 2. MCYS Regulation no.01/2020 on Competencies, authorizations, inspection procedures and complaints of the Cultural Heritage Inspectorate, 14.12.2020. Available at: https://www.mkrs-ks.org/repository/docs/Rregullorja_nr_01.2020_p%C3%ABr_Inspektoriatin_e_Trashigimis%C3%AB_Kulturore.pdf (accessed 18 June 2021). 3. Administrative Instruction no. 01/2021 on Procedures for Archaeological Excavation, 12.11.2021, available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=50632> (accessed on 06 June 2022). 4. Administrative Instruction on Criteria, Requirements, Rules and Procedures related to the issuance, administration and revocation on Licensing of Natural and Legal Persons in the field of Cultural Heritage, 06 January 2022. Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=51792> (accessed 06 June 2022) 5. Administrative Instruction on technical and professional standards for the protection and preservation of movable cultural heritage, 05 January 2022. Available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=51787> (accessed 06 June 2022).

31 Law no. 04/L-174 on Spatial Planning, 23 August 2013.

32 Law no. 04/L-066 on Historic Centre of Prizren, 18 July 2012.

33 Law no. 04/L-062 on the Village of Hoçë e Madhe/Velika Hoča, 9 July 2012.

34 Law no. 06/L-024 on Treatment of Constructions without Permit, 8 August 2018.

35 Ibid, Article 4 para 3, sub-para 3.3.

36 See objective 1.1, note 8, *supra*.

37 Challenges in Protection of Immovable Tangible Cultural Heritage Sites in Kosovo, 2014 (Report 2014), p. 30: “Recommendation to the centres for cultural heritage: Put a plan in place to ensure that regular inspection of cultural heritage sites occurs in accordance with the MCYS Regulation on Authorizations and Competences of Inspections for Cultural Heritage.”

38 Article 5, Regulation (MCYS) no. 01/2020 on Competencies, Authorizations, Inspection Procedures and Complaints of the Cultural Heritage Inspectorate, https://www.mkrs-ks.org/repository/docs/Rregullorja_nr_01.2020_p%C3%ABr_Inspektoriatin_e_Trashigimis%C3%AB_Kulturore.pdf (accessed 23 November 2021).

monitoring conservation, restoration and archaeological excavation activities conducted at cultural heritage sites, taking action in cases of unauthorized activities, as well as issuing a termination order³⁹ when required.

In 2017, when MCYS endorsed Regulation (MCYS) no. 06/2017 on Designating Public Cultural Heritage Institutions subordinate to the Ministry of Culture, Youth and Sports as Competent Institutions, it defined the respective competent institution based under the current Law on Cultural Heritage. This clarification was based on the legally assigned roles and responsibilities of such institutions⁴⁰ thus resolving what was previously a perennial problem.

The Regulation clarifies the institutional framework and sets out the competencies of the relevant institutions. Areas of responsibility and corresponding responsible institutions are: i. architectural heritage (Kosovo Institute for Protection of Monuments); ii. archaeological heritage (Kosovo Archaeological Institute); iii. movable heritage (Kosovo Archaeological Institute and Museum of Kosovo); and iv. spiritual heritage (Museum of Kosovo).

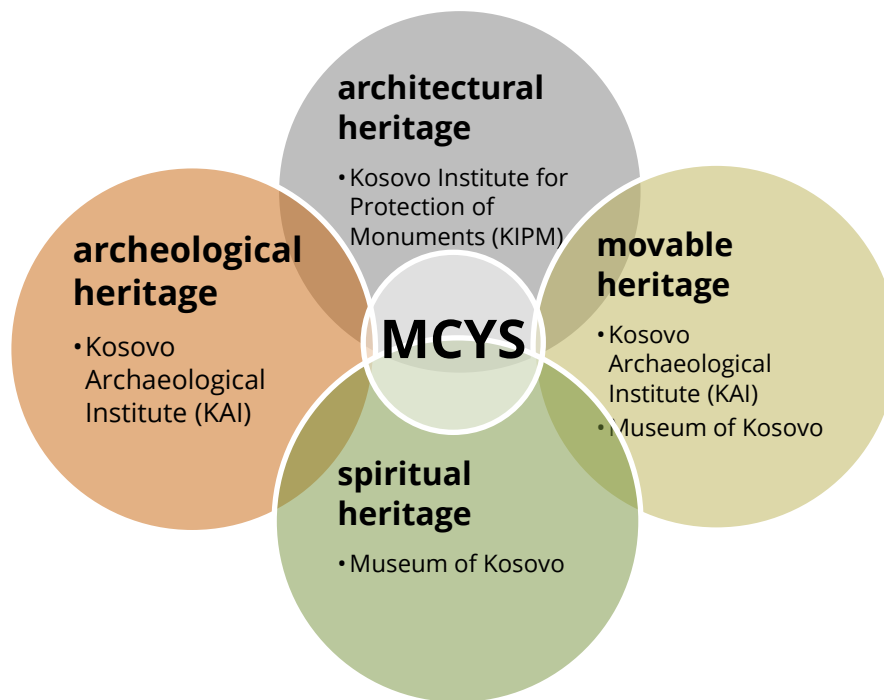


Figure 4: The Regulation (MCYS) No. 06/2017 on Designating Public Cultural Heritage Institutions, subordinate to the Ministry of Culture, Youth and Sports as Competent Institutions, identified the areas of responsibility of designated institutions. The Regulation further clarified duties and responsibilities of the Regional Centres for Cultural Heritage. All these institutions are subordinate to the MCYS. (Graphics: OSCE)

The competencies of the above institutions cover a wide range of responsibilities. They include proposing which heritage assets to place under protection; the termination of unauthorized works; regulating conservation/restoration activities; and issuing written permission to allow for activities that might affect heritage assets. The Regulation also

³⁹ Ibid, Article 5, para 1.3.

⁴⁰ Regulation (MCYS) no. 06/2017 on Designating Public Cultural Heritage Institutions, subordinate to the Ministry of Culture, Youth and Sports as Competent Institutions, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=16466> (accessed 24 May 2020).

clarifies the duties and responsibilities of the Regional Centres for Cultural Heritage as public institutions subordinate to the MCYS. Regional Centres are charged with the overall implementation of the Law on Cultural Heritage within their region.

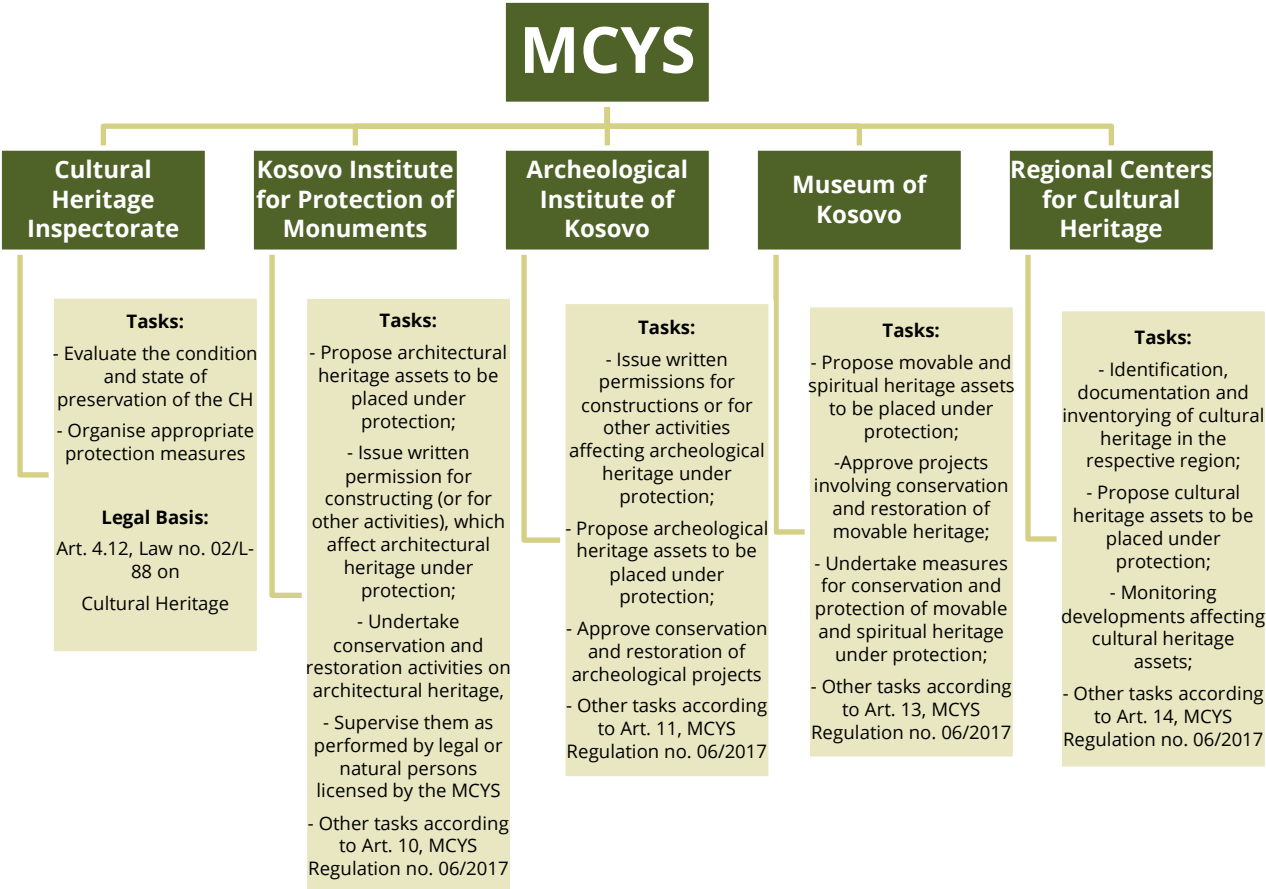


Figure 5: Architectural, archaeological, movable and spiritual heritage are the responsibilities of specialized institutions with their headquarters in Prishtinë/Priština, while the Regional Centres for Cultural Heritage constitute the link between the institutions and the different regions in Kosovo. All these institutions are subordinate to the MCYS.

In 2016, the MCYS established the first archaeological park in Kosovo, namely Municipium Ulpiana - Justiniana Secunda, to better preserve, manage and promote archaeological heritage in Kosovo.⁴¹



Figure 6: Municipium Ulpiana – Justiniana Secunda represents the history of the Roman Empire in Kosovo and the first archaeological park in Kosovo. (Photo: OSCE)

The Strategy also documented the Government's commitment to international cooperation, the application of international standards and internationally recognized practices, and participation in the European integration process. Moreover, Kosovo committed not only to harmonize legislation in the field of cultural heritage with that of the EU⁴² but also to adopt the relevant instruments of the Council of Europe.⁴³ The ratification of international conventions and the implementation of their basic provisions in relation to cultural property are goals outlined in the Strategy.

Recommendations

To the Ministry of Culture, Youth and Sports:

- Amend the Law on Cultural Heritage to align it with the National Strategy for Cultural Heritage 2017-2027 and international standards. This should be done through an inclusive process that would clearly define the institutional framework and better describe institutional duties in protection, preservation and promotion of cultural heritage;
- Prepare the Law on Museums to be adopted by the Assembly;
- Engage actively in the implementation of international conventions for the protection of cultural heritage.

41 Regulation (MCYS) No. 11/2016 on the Establishment and Administration of the Archaeological Park "Municipium Ulpiana – Justiniana Secunda", 24 Oct. 2016, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=15164> (accessed 24 May 2020).

42 Measure 1.1.4, note 8, *supra*.

43 *Ibid*, measure 1.1.2.



Ethnological Museum 'Emin Gjiku' Prishtinë/Prishtina

Chapter 4. Inventory of Cultural Heritage

An inventory of cultural heritage is an important component of cultural heritage protection. Only cultural goods which are known (registered) and described (inventoried) can be considered for protection and preservation measures. Consequently, the preparation of an inventory has been part of the international (legal) standards for many years and is an important and longstanding practice of heritage institutions.⁴⁴

The official research of cultural heritage sites (or of intangible elements of cultural heritage, like traditions, folktales and songs) includes recording and documentation activities for the inventory. Information obtained during such research provides the basis for assessment, which determines whether a site should be legally protected and which management and preservation policies should be applied so that its value could be preserved permanently.⁴⁵ The inclusion of a heritage site in a management system which could also feature a conservation plan demonstrates its important value to society, with its management becoming a public responsibility to be undertaken by the relevant monument protection institutions. In Kosovo, the Law on Cultural Heritage provides the legal basis for the inventorying activity in that the identification of cultural heritage shall be achieved by means of an inventory.⁴⁶

The Law on Cultural Heritage stipulates several means of inventorying, documentation and registration of activities:

- the inventory is defined in the Law as a “research activity for preliminary recording and documentation of the values of Cultural Heritage”,⁴⁷
- the results of this activity will be compiled in a database, specifically the “standardized and centralized inventory database of the cultural heritage in both written and electronic form”⁴⁸, while protected objects and sites will be registered in:
 - (a) List of the Cultural Heritage under temporary protection⁴⁹ or,
 - (b) List of the Cultural Heritage under permanent protection.⁵⁰

Determining what qualifies as cultural heritage

The inventorying activity, with its various working steps and procedures, serves a wider aim of defining what qualifies as cultural heritage. First, different actors (individuals, civil society, local institutions) nominate proposals for inclusion in the inventory (aiming at inclusion in the List for permanent protection after reaching a consensus). A phased

44 See e.g. the UNESCO Conventions from 1970 (Article 5 (b) regarding illicit traffic), 1972 (Article 11 para 2 regarding World Heritage) and 2003 (Article 12 regarding intangible heritage) and of the Council of Europe: Article 2, European Convention on the Protection of the Archaeological Heritage (Revised), Valetta, 16.I.1992.

45 Challenges in Protection of Immoveable Tangible Cultural Heritage Sites in Kosovo, 2014, p. 14.

46 Article 3, note 1, *supra*.

47 Ibid, Article 2, para 7.

48 Ibid, Article 3, para 3. Until summer 2021 the Cultural Heritage Database (CHD) was available on internet in three languages: <https://dtk.rks-gov.net/default.aspx> (Albanian version), https://dtk.rks-gov.net/default_sr.aspx (Serbian version) https://dtk.rks-gov.net/default_en.aspx (English version). Since autumn 2021 the pages cannot be accessed.

49 Article 3, para 6, note 1, *supra*.

50 Ibid, Article 4, para 4.

selection procedure should then take place as stipulated by law. The Kosovo Council on Cultural Heritage (KCCH) will then review, adopt or reject the proposals. Finally, a decision is made by the Minister of Culture, Youth and Sports on what heritage assets should be permanently protected.

Kosovo has adopted a bottom-up approach in determining heritage under protection. As stipulated in Article 4.1 of the Law on Cultural Heritage, everyone has the right to propose heritage assets for protection.⁵¹ This approach is considered an international best practice.⁵² The bottom-up nature of including communities in defining their heritage should be actively promoted by the MCYS. The involvement of the public in confirming items for inclusion allows for a higher degree of ownership of civil society, which contributes to a stronger recognition of people's "own" heritage and past.

With regard to the list of cultural heritage under temporary protection, the competent institutions subordinated to the MCYS (KIPM, KAI and Kosovo Museum⁵³) should select from the inventory what should be afforded one-year temporary protection (temporary list)⁵⁴ based on the relevant criteria.⁵⁵ In order to establish the permanent list, the MCYS puts forward its recommendations to the Kosovo Council for Cultural Heritage (the institution responsible for reviewing these proposals) for adoption or rejection of what should be placed under permanent protection. Finally, the Minister for Culture, Youth and Sports signs the list of cultural heritage under permanent protection. This list should be open to the public.⁵⁶ In fact, the lists for temporary as well as for permanent protection are to be accessible through the website of the MCYS,⁵⁷ whereas the database is not accessible to the public.

51 The Law on Cultural Heritage, 1 July 2008, Article 4.1 provides that everyone has the right to propose heritage assets for protection/legal or physical persons alongside competent institutions. Whereas, the Regulation No. 06/2017 on Designating Public Cultural Heritage Institutions subordinate to the MCYS as competent institutions, 1 August 2017, in Article 10, para 1, sub-para 1.3; Article 11, para 1, sub-para 1.3; Article 13, para 1, sub-para 1.3; Article 14, para 2.3 clarifies the competent institutions to propose assets for protection. Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=16466> (accessed 22 May 2020).

52 E.g. the "5 C": "Communities" as the Strategic Objectives of the World Heritage Convention ("5 C", 2007).

53 The research and further identification of the proposals which are included in the inventory are shared among the specialized institutions subordinated to the MCYS, as follows: Kosovo Institute for Protection of Monuments (KIPM) for architectural heritage, Kosovo Archaeological Institute (KAI) for archaeological heritage and the Kosovo Museum for movable and spiritual heritage. See: Regulation (MCYS) no. 06/2017 on Designating Public Cultural Heritage Institutions, subordinate to the Ministry of Culture, Youth and Sports as Competent Institutions, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=16466> (accessed 24 May 2020).

54 Article 3, para 5, note 1, *supra*.

55 Based on historical values, archaeological, artistic, and spiritual, its rarity etc. and other criteria's provided in the MCYS Rule No. 05/2008 on Registration, Documentation, Assessment and Reselection of Cultural Heritage for Protection, 14.11.2008; <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=8235> (accessed 2 September 2020).

56 Challenges in Protection of Immovable Tangible Cultural Heritage Sites in Kosovo, 2014, Report 2014, p.14.

57 In the English version of the website of the MCYS only the list for temporary protection from 2017 is accessible (<https://www.mkrs-ks.org/?page=2,153>), while the Serbian version refers only the temporary lists from 2017 and 2020/21. (<https://www.mkrs-ks.org/?page=3,153>) The Albanian version contains links to the permanent list (<https://www.mkrs-ks.org/?page=1,169>) and to all temporary lists (<https://www.mkrs-ks.org/?page=1,153>) (all accessed on 11 December 2021).

Determining what qualifies as cultural heritage

A partial Bottom-up Procedure and the involved Actors

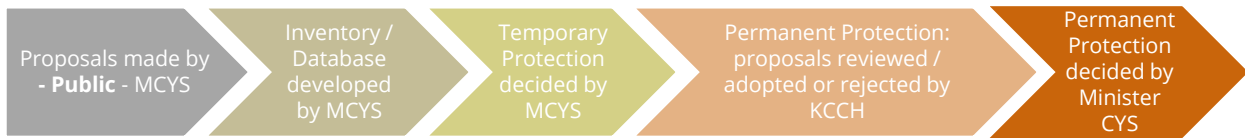


Figure 7: The determination as to what qualifies as cultural heritage features a bottom-up procedure, as proposals may be submitted not only by the MCYS, but also by members of the public. While the inclusion of proposals in the inventory, database and in the List of Temporary Protection falls within the responsibility of the MCYS, it is the Minister of Culture, Youth and Sports who decides on the permanent protection of the asset, based on the decision of the KCCH. (Graphics: OSCE)

Overall then the procedure for inventorying and classifying an asset as cultural heritage as foreseen under the Law on Cultural Heritage consists of several steps. This is intended to prevent hastily adopted decisions which may include swift politically motivated inclusions or rejections.

Selection-Procedure for the Protection of Cultural Heritage



Figure 8: The identification procedure for the protection of cultural heritage follows a three-step approach according to Article 3 of the Law on Cultural Heritage: i. Inventory / Database; ii. List of temporary protection; iii. List of permanent protection. (Graphics: OSCE)

A slight increase in the number of temporarily protected sites and goods was noted in recent years (see Figure 9 below). However, no proposals for sites to be included under permanent protection have been made since 2016⁵⁸. This is partly due to the fact that the Steering Committee of KCCH was not operational. Nevertheless, cultural heritage institutions continue to propose assets for inclusion under permanent protection. While the Law on Cultural Heritage limits the status of an item under temporary protection to one year, in many cases the temporary protection status was extended repeatedly upon expiry of the initial one-year period. This not only creates legal uncertainty for the owners

⁵⁸ In December 2021, outside of the reporting period, the MCYS proposed 54 assets for permanent protection to the Kosovo Council for Cultural Heritage.

of these assets, it also undermines the credibility of the protection procedure and institutions involved.

In 2018, the KCCH developed an electronic platform⁵⁹ to assist cultural heritage institutions in processing the inclusion of heritage sites under permanent protection. The entire nomination and selection procedure covering proposal, review and final decision would thus become transparent via this platform. The final decision as to which assets are to be forwarded to the Minister for Culture, Youth and Sports, is made by the members of the KCCH Steering Committee.⁶⁰ In 2019, KCCH conducted training for cultural heritage officials to inform them about the platform. However, to date this platform has not been put into operation.

Cultural heritage sites included in the temporary list can be added to the permanent list only after additional analysis has been carried out on these sites according to the criteria provided in the respective sub-legal act⁶¹. However, the Law on Cultural Heritage provides for the same level of protection for all sites, whether they are included in the temporary or the permanent list.⁶² Furthermore, sites included in the permanent list will not be the subject of annual review⁶³ and – in line with the Law on Cultural Heritage – adequate funds are to be provided for their protection.

The lists of temporary and permanent protection

Since the publication of the OSCE report on Immovable Tangible Cultural Heritage sites in 2014 (OSCE Report 2014), the Mission has observed some positive developments regarding inventorying. For instance, the MCYS added “spiritual heritage assets” to the temporary lists (2015 – 2020)⁶⁴, while in the 2014 temporary list this intangible category was absent. The temporary list has been regularly updated since. This resulted in an increase of sites under temporary protection from 1,441 sites in 2014 to 1,605 in 2020.⁶⁵

59 Kosovo Council for Cultural Heritage, 2018 Annual Report, p. 13. Available at: https://kktk.rks.gov.net/UserFiles/PublishedDocuments/3/2263cb0c-5fdc-4a87-b63f-6d9b53930efa636928367699211869Raporti_vjetor_i_pun%C3%ABs_se_KKTK-s%C3%AB_p%C3%ABr_vitin_2018.pdf

(accessed 24 May 2020).

60 On 7 July 2021, following a three-year impasse, the Assembly elected the board members of the Kosovo Council for Cultural Heritage (KCCH), an independent body foreseen within the Law on Cultural Heritage. The KCCH consists of seven (7) board members from the different communities who are elected for a term of three (3) years. The communities' composition of the board guarantees a participatory approach in the cultural heritage sector, aiming at promoting and protecting all communities' heritage.

61 MCYS Rule No. 05/2008 on Registration, Documentation, Assessment and Reselection of Cultural Heritage for Protection, 14 November 2008. Available at: <https://gzk.rks.gov.net/ActDocumentDetail.aspx?ActID=8235> (accessed 22 May 2020).

62 Law on Cultural Heritage, Article 3.7 provides: The Cultural Heritage under temporary protection, according to this Law, shall have the same attributes of the Cultural Heritage under permanent protection, as defined under Article 4. Moreover, under Article 5.3 both the Cultural Heritage under temporary or permanent protection are exempt from property tax.

63 Every five (5) year or upon the request of the respective institution, the assets included in the permanent list shall be subject to review. Kosovo Council for Cultural Heritage Regulation no 02/2016 for assessment and inclusion of sites in the permanent list available in Albanian language: <https://gzk.rks.gov.net/ActDocumentDetail.aspx?ActID=13039> (accessed 17 August 2020).

64 The 2020/2021 temporary list consists of 1605 assets.

65 The validity of the temporary list of 2018 was extended in October 2018 until October 2019. On 13 October 2020 it had been updated by the new temporary list. (<https://www.mkrs-ks.org/?page=1,6,2378#.X4iY1tUzaiS>, accessed 15 October 2020).

Number of Heritage Items included in the lists of temporary and permanent protection, 2014-2020

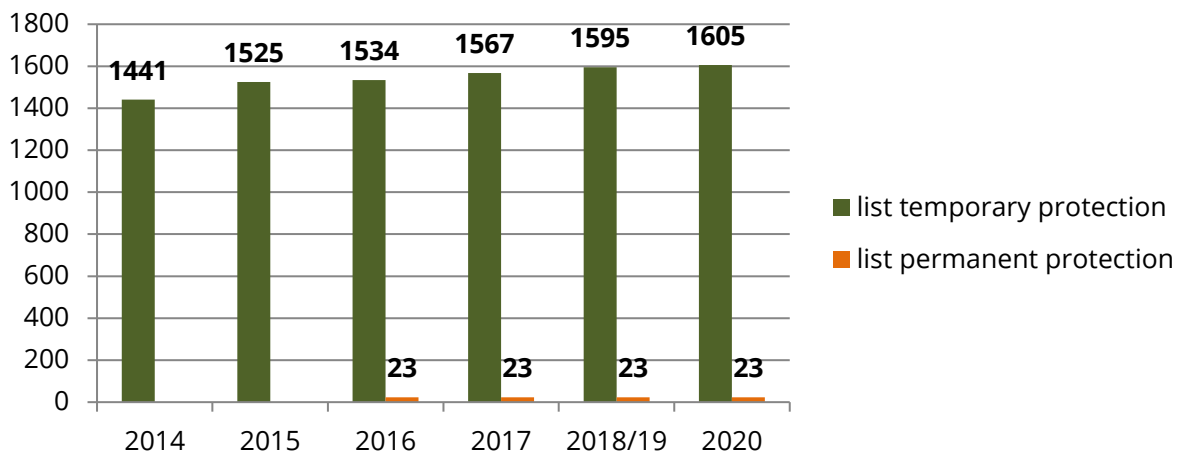


Figure 9: Number of heritage items included in the lists of temporary and permanent protection, 2014-2020. Since 2014 the List of Temporary Protection has continuously grown, while the permanent list was only issued once in 2016 but remains valid henceforth. Please note that the validity of the temporary List of 2018 was extended until October 2019. On 13 October 2020, it was updated by a new List. (Graphics: OSCE)

However, due to the high number of sites included in the temporary list⁶⁶ and the overall limited capacities of cultural heritage institutions in charge of heritage protection,⁶⁷ the MCYS has faced challenges in adequately monitoring and protecting those sites. Furthermore, the inclusion of immovable cultural heritage sites on the list (be it the temporary or permanent list) requires additional efforts by cultural heritage institutions to protect the values of these specific sites: regular monitoring, allocation of necessary funds for their rehabilitation and preventing their dilapidation.

The temporary list needs to be regularly reviewed and updated to reflect the reality on the ground, in order to maintain its credibility. However, some monuments in the temporary protection list have been demolished before being granted permanent protected status. For instance, the Myftiu family house in Prizren, listed in 2018-2019 under the category “Architectural Heritage” was demolished in 2017.⁶⁸ The Ramiz Sadiku house located in Pejë/Peć was torn down in April 2018.⁶⁹ These examples underline the need to review and revise the subsequent temporary list prior to its publication.

66 The 2020 list contains 1,605 assets, out of which around 1,300 archaeological and architectural heritage sites.

67 From the interviews conducted with several cultural heritage institutions, such as Regional Centres for Cultural Heritage, Cultural Heritage Inspectorate, their representatives were pointing out the limited capacities (due to lack of professional staff and equipment, e.g. cars) to duly perform their monitoring tasks. These deficits are affecting not only the quality of the work of the public institutions, but finally also the protection of the cultural heritage sites.

68 In 2017 the unlawful demolition of the Myftiu family house in Prizren Municipality took place, which was listed under Appendix II of the Law on Prizren Historic Centre as a cultural monument of the Prizren Historic Centre with architectural and artistic values. Following its demolition by the owner, a judicial proceeding was initiated. The owner was sentenced with €700 fine for committing a criminal offense of damage, destruction and unauthorized removal of protected monuments or objects. Further, Myftiu family house was still listed in the 2018-2019 list under the category “Architectural Heritage”, though it has been demolished, back in 2017.

69 The demolition of the Ramiz Sadiku house occurred in April 2018, whereas the list entered into force in October 2018.

Most of the categories of cultural heritage included in the temporary lists are built heritage, such as buildings, monuments, and ensembles. As an example, more than 50 per cent of the items in the temporary list of 2018/19 can be classified as architectural heritage (see figure 10).

In 2016, the MCYS included the first 23 cultural heritage assets on the permanent list,⁷⁰ which fulfils a legal requirement in the Law on Cultural Heritage.⁷¹ The permanent list covers a broad range of categories of heritage of the Serbian Orthodox Church, *kullas* (traditional houses), archaeological sites, an ethnological museum, and also technical heritage (like the hydro-electric museum).

Numbers per Categories in the temporary list 2018/2019

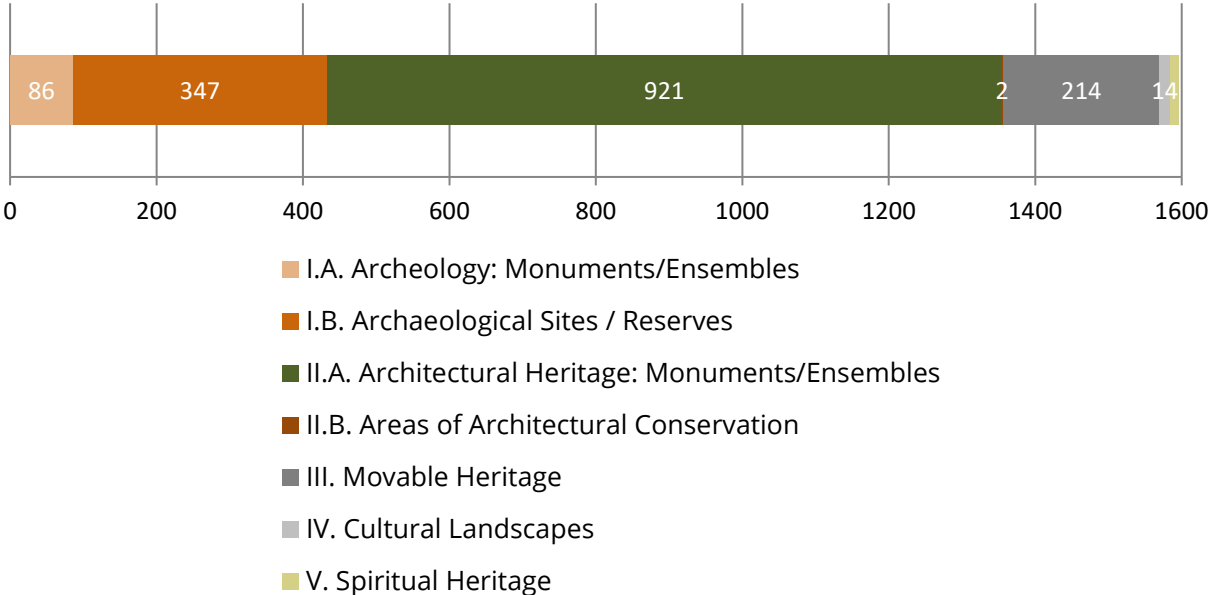


Figure 10: The analysis of the temporary list 2018/19 with its almost 1,600 heritage items shows a preponderance of tangible, immovable heritage objects: More than half of the 1,595 items belongs to individual monuments and ensembles of architectural character (921 items / 58 per cent). A bit more than a quarter (27 per cent) forms part of archaeological heritage (such as ensembles and individual monuments: 86 items and archaeological reserves: 347 sites). While there are more than 200 movable items included in the list (214 / 13 per cent), cultural landscapes including natural sites (14 / 1 per cent) and spiritual heritage (11 entries / 1 per cent) constitute a minority among the heritage categories. The two “Areas of Architectural Conservation” (group II.B.) refer to the both SPZ sites Historic Centre of Prizren and Village of Velika Hoča/Hoçë e Madhe. (Graphics: OSCE)

70 Available (in Albanian) at: https://www.mkrs-ks.org/repository/docs/Mbrojtja_e_perhershme.pdf (accessed 17 August 2020).

71 Article 4, note 1, *supra*.

Further Challenges within the Inventorying Procedure

The identification of undiscovered archaeological sites located underground remains a challenge. Despite several requests to the MCYS, the Kosovo Archaeological Institute still does not own adequate equipment to identify underground structures. It also does not have sufficient funds to purchase the necessary tools.⁷² This is a situation of concern, as undiscovered archaeological sites are subject to destruction caused by earthworks, unauthorized digging and illegal excavations.

However, efforts have been made to catalogue heritage sites through the Cultural Heritage Database⁷³. The database contains information regarding architectural, archaeological and movable heritage. Moreover, the KCCH has developed an electronic platform to propose the designation of cultural heritage under permanent protection, thus enabling cultural heritage professionals to assess and propose cultural heritage under permanent protection electronically in a standardized manner.⁷⁴ However, the platform is neither used by cultural heritage institutions nor by professionals, although trainings have been provided to them on how to operate the platform.⁷⁵ In addition, the temporary list covering the period from October 2018 to October 2019 did not receive an extension of its validity. Therefore, cultural properties lost their protected status for one year. The subsequent temporary list 2020/2021 was published only on 13 October 2020. Due to the absence of the temporary list for 2019/2020, heritage assets were left without legal protection. Any intentional demolition or destruction of cultural heritage – normally qualified as a criminal offence sanctioned under the Criminal Code, or as an offence under the Law on Minor Offenses – was without legal consequence during this period.⁷⁶

Furthermore, these permanent and temporary lists are not made available in all three languages on the website of the MCYS. For instance, the Albanian language website shows links to the temporary lists covering the years 2014 until 2018 (inclusive) and 2020/2021.⁷⁷ However, the English page⁷⁸ only provides the list from 2017 and the Serbian language page⁷⁹ offers the lists from 2017 and 2020/2021. Therefore, it is recommended that the MCYS ensures the publication of both the permanent and temporary lists in all three languages.

After the inclusion of heritage sites in the permanent list in 2016, cultural heritage institutions failed to submit to the KCCH subsequent proposals for permanent protection.⁸⁰ Furthermore, in 2018, the mandate of KCCH board members expired and

72 Information provided by the Head of the Kosovo Archaeological Institute, Mr. Enver Rexha, 1 July 2020.

73 Supported by the British Embassy in Prishtinë/Priština and Cultural Heritage Without Borders. Until summer 2021 the Cultural Heritage Database (CHD) was available on internet in three languages: <https://dtk.rks-gov.net/default.aspx> (Albanian version), https://dtk.rks-gov.net/default_sr.aspx (Serbian version), https://dtk.rks-gov.net/default_en.aspx (English version). Since autumn 2021 the pages cannot be accessed.

74 Highlighted in the 2018 annual report of the Kosovo Council for Cultural Heritage. Likewise confirmed in an interview conducted with the Head of Kosovo Council for Cultural Heritage Secretariat, Mr. Isuf Koci, July 2020.

75 Information provided by the Head of the Kosovo Council for Cultural Heritage Secretariat, Mr. Isuf Koci, July 2020.

76 Article 11.2, note 1, *supra*.

77 Available at: <https://www.mkrs-ks.org/?page=1,153> (accessed 8 May 2020).

78 Available at: https://www.mkrs-ks.org/repository/docs/Cultural_Heritage_List_for_Temporary_Protection_2017.pdf (accessed 8 May 2020).

79 Available at: https://www.mkrs-ks.org/repository/docs/Lista_za_Kulturnu_Bastinu_pod_Privremenom_Zastitom_2017.pdf (accessed 8 May 2020).

80 Information provided by the Head of the Kosovo Council for Cultural Heritage, Mr. Isuf Koci, July 2020.

the board did not function for three years.⁸¹ This task is also highlighted in the Strategy,⁸² which explicitly calls for updating and publishing the temporary list and completing the Cultural Heritage Database (CHD).⁸³ In addition to this, the Strategy also identifies inventorying and digitalization of cultural heritage among the priorities.

Recommendations

To the Ministry of Culture, Youth and Sports:

- Provide the permanent list online in both official languages. Consider publishing both the temporary and permanent lists also in the English language;
- Prior to publication, review and revise the temporary list in order to reflect the situation on the ground;
- Continue to include heritage assets in the permanent list, in line with the National Strategy for Cultural Heritage 2017-2027 and the Law on Cultural Heritage;
- Re-establish access to the database of cultural heritage in Kosovo and publish it on the website of the Ministry of Culture, Youth and Sports.

81 In 2021, the Assembly elected the board members of the KCCH. As the KCCH is now operational, the MCYS should continue to review heritage assets for inclusion in the permanent list.

82 *National Strategy for Cultural Heritage 2017-2027*, available at https://www.mkrs-ks.org/repository/docs/eng_strategy_for_heritage.pdf (accessed 2 May 2020).

83 In December 2021, outside of the reporting period, the MCYS proposed 54 assets for permanent protection to the Kosovo Council for Cultural Heritage.



Old Hamam, Vushtrri/Vučitrn

Chapter 5. Spatial Planning and Inclusion of Cultural Heritage Sites

Measures to protect cultural heritage should include the wider surroundings and must not be limited to the building or the object itself.

In 2011, under the aegis of UNESCO, the *Recommendations on the Historic Urban Landscape* (HUL) were developed.⁸⁴ This “HUL Approach” calls for the protection measures to include the “wider setting” around the protected site. In addition, spatial planning and urban development, with due consideration of sustainable development, are components of monument protection.

In Kosovo, realization of such state-of-the-art approach is facilitated by clear and comprehensive spatial planning instruments. Spatial planning in Kosovo takes place at the government and municipal levels. The instruments at the government level are the *Spatial Plan of Kosovo*, *Zoning Map of Kosovo*, and *Spatial Plans for Special Zones*.

At the local level, municipalities are required to draft *Municipal Development Plans*, *Municipal Zoning Maps*, and *Detailed Regulatory Plans*.

The *Municipal Development Plan* (MDP) constitutes a multi-sectoral document that defines the long-term limits of economic, social, and spatial development of municipalities. The Law on Spatial Planning⁸⁵ stipulates that the MDP’s plan for the development of urban and rural zones shall cover a period of at least eight years. The MDP defines the vision, principles, objectives and priorities of strategic development which forms the basis of the Municipal Zoning Map.⁸⁶

The *Municipal Zoning Map* (MZM) is a spatial planning document that sets out rules for the use of land and areas for development in the entire municipality. The MZM includes construction and development projects around SPZs and other cultural heritage sites. In this regard, Article 10 paragraph 1 of the Law on SPZ requires municipalities and the Ministry of Environment, Spatial Planning and Infrastructure to ensure that spatial plans affecting areas within the Special Protective Zones are in conformity with the provisions of the Law on SPZ. In this context, it should be noted that Articles 5 and 6 of the Law on SPZ list prohibited and restricted activities within SPZ sites.

The Strategy focuses on the inclusion of cultural heritage in spatial planning documents. Spatial planning instruments are supposed to be incorporated into both the protection of cultural heritage and sustainable socio-economic development.⁸⁷ However, this expectation, as formulated in the Strategy, could not be met in full due to a lack of coordination between relevant institutions at different levels.⁸⁸

84 Recommendation on the Historic Urban Landscape, UNESCO, Paris, 10 November 2011, http://portal.unesco.org/en/ev.php-URL_ID=48857&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 7 May 2020).

85 Article 15, paragraph 1, Law no. 04/L-174 on Spatial Planning, 23 August 2013.

86 Ibid, Article 15, paragraph 3.

87 Strategy, objective 2.2, note 8, supra.

88 Interview with the representative of the Kosovo Institute for the Protection of Monuments.

This lack of co-ordination between relevant institutions is demonstrated by the development of the Zoning Map of Kosovo (Zoning Map). The draft Zoning Map reinforces cultural heritage as an important pillar for sustainable development and calls for inclusion of cultural heritage in development plans. With the approval of the Kosovo Spatial Plan, the Zoning Map was expected to incorporate sectorial changes in government policies. The drafting of the Zoning Map, presented for public consultation in June 2019,⁸⁹ could have further advanced cultural heritage protection through spatial planning. However, the process experienced issues such as the data related to the Geographic Information System (GIS) provided by the MCYS not matching the required structure of the Spatial Planning Institute.

Furthermore, only limited progress was observed at the municipal level regarding the inclusion of protected cultural heritage sites in municipal spatial planning documents. The Law on Spatial Planning assigns to municipalities the responsibility for drafting municipal zoning maps. Although most municipalities have either finalized or are in the process of updating municipal development plans, most of them are still lagging behind with the development of municipal zoning maps. Based on OSCE field monitoring, out of the 34 interviewed municipalities,⁹⁰ 21 have approved municipal development plans. In 11 municipalities, the process of drafting municipal development plans is either ongoing or at the final stage. Concerning Zoning Maps, by mid-2020, only the municipalities of Klinë/Klina and Lipjan/Lipljan had finalized the process. However, they are still waiting for final approval from the responsible Ministry.⁹¹ Based on the OSCE's monitoring of spatial planning at the municipal level, there was little interaction between the municipalities and Regional Centres for Cultural Heritage. This often results in a lack of consideration of heritage sites in spatial plans. Furthermore, cultural heritage institutions failed to define buffer zones around cultural heritage sites adequately, thus leaving the definition of such zones to the discretion of municipalities.⁹²

89 The draft *Zoning Map of Kosovo 2020 – 2028+* was compiled by MESP, Institute for Spatial Planning, through an inclusive institutional process that also involved representatives of the MCYS.

90 Out of 38 municipalities in Kosovo, 34 municipalities provided information to the Mission during the data gathering phase.

91 The Ministry of Environment, Spatial Planning and Infrastructure reviews the municipal spatial plans in terms of their compliance with the Law on Spatial Planning including the Law on Special Protective Zones. Consequently, following its compliance, it notifies the respective municipalities on the approval of the municipal spatial plan. (See Article 9, paragraph 2, in conjunction with Article 14, paragraph 5, Law no. 04/L-174 on Spatial Planning, 23 August 2013).

92 On 31 May 2022, outside of the reporting period, the Regulation (MCYS) no. 01/2022 on Determining the Perimeter and Protective Zone of Cultural Heritage Assets and the Conservation and Development Policy was published in the Official Gazette, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=59338> (accessed 2 June 2022).

Number of Municipalities with Municipal Development Plans and Municipal Zoning Maps (2020)

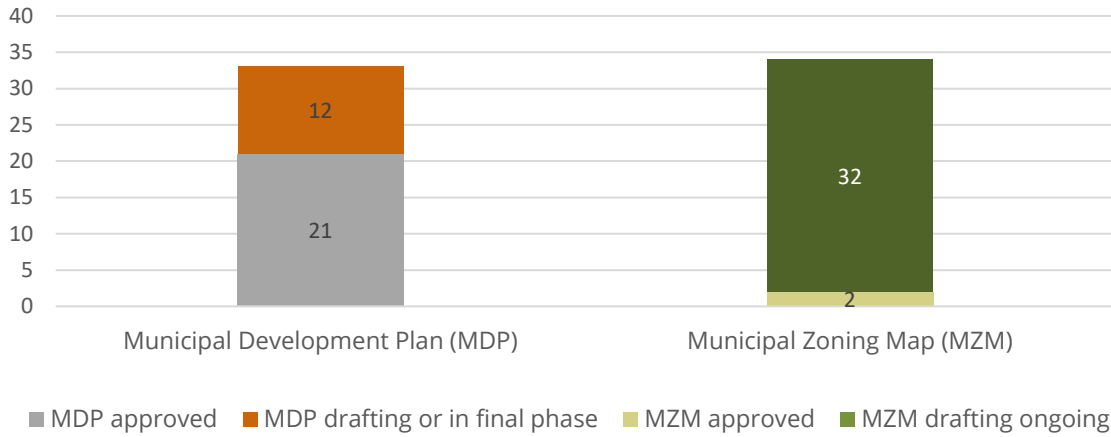


Figure 11: While the majority of municipalities have approved their Municipal Development Plans (MDP), in almost all municipalities, the drafting of the Municipal Zoning Maps (MZM) is still ongoing. Only the municipalities of Klinë/Klina and Fushë Kosovë/Kosovo Polje have finalized their Municipal Zoning Maps. (Graphics: OSCE)

Zoning maps are a useful instrument for better preservation of heritage sites from adverse developments since they foresee detailed zoning and construction criteria, including in the area around heritage sites. This approach reflects the international practice of “buffer zones” (as largely developed in the framework of World Heritage⁹³). Buffer zones, the areas surrounding World Heritage properties, are defined as follows:

An area surrounding the nominated property, which has complementary legal and/or customary restrictions placed on its use and development in order to give an added layer of protection to the property. This should include the immediate setting of the nominated property, important views and other areas or attributes that are functionally important as a support to the property and its protection. The area constituting the buffer zone should be determined in each case through appropriate mechanisms.⁹⁴

⁹³ Originally, the buffer zones served to preserve the visual setting of the World Heritage property (this aspect is mentioned in the definition of buffer zones in paragraph 104, Operational Guidelines 2019). Meanwhile they became a universal instrument to rule out or limit adverse impact on the World Heritage property. Consequently, in some recent World Heritage nominations, different layers of buffer zones are set to serve different protection functions.

⁹⁴ Paragraph 104, Operational Guidelines for the Implementation of the World Heritage Convention 2019; it should be noted that only the World Heritage property is categorised with World Heritage values, but not its buffer zone.

The establishment of a buffer zone should precede the process of drafting the municipal zoning maps. However, the MCYS has not adopted a comprehensive approach in setting up buffer zones around protected cultural heritage sites. As an example, special protective zones in Klinë/Klina municipality are reflected in the municipal zoning map.⁹⁵ Yet, the other cultural heritage sites under protection were left without any legally established perimeter around them as required under the applicable legislation.

Co-ordination of Cultural Heritage and Spatial Planning Challenges

The main challenges to the inclusion of cultural heritage sites in spatial planning are the undefined perimeter of a monument and buffer zone and the lack of guidelines on how to define these perimeters. This results in a lack of harmonization of the cultural heritage legal framework with spatial planning laws in Kosovo.⁹⁶



Figure 12: The relation between the protection of cultural heritage and spatial planning in Kosovo is characterized by a complex structure of different legal instruments: Laws, Regulations and Administrative Instructions. They are not necessarily harmonized but reflect different approaches depending on the wider context of these legal sources. A harmonization would be highly advisable. (Graphics: OSCE)

⁹⁵ See Articles 7.1 (g) and (q), 7.5 (a), note 2, *supra*.

⁹⁶ In applying these regulations, there are many references to take into consideration, e.g.: 1) Law on Cultural Heritage: Articles 2.20 to 2.23 (Definitions); Articles 6.4, 6.5 and 6.6 (Architectural Heritage); Articles 7.11, 7.15 and 7.19 (Archaeological Heritage); Article 8 (Cultural Landscapes); 2) Law on Spatial Planning: Articles 1.13, 1.19, 1.20 and 1.21 (Definitions); Article 14 para 5 (Spatial Plans for Special Zones); Article 21, para 5.16 (Terms of Construction); 3) Law on Special Protective Zones: Article 10 (Spatial Planning); 4) Law on Historic Centre of Prizren: Article 2, para 1.2 (Scope and General Principles); Article 5, Article 23 (Consistency with other Laws); 5) Law on the Village of Hoçë e Madhe/Velika Hoça: Article 5 (Relationship between the Council and municipal and government institutions); 6) Administrative Instruction no. 12/2014 for Establishment, Selection and Responsibilities on Operation of the Council for Cultural Heritage and the Office of Historic Centre of Prizren, 6 November 2014, Article 4.; 7) Administrative Instruction (MESP) No. 11/2014 on the Establishment, Selection, Responsibilities and the Operation of the Council on Velika Hoça/Hoçë e Madhe Village, 6 November 2014: Article 3, para 2.4.; 8) Regulation on Designating Public Cultural Heritage Institutions subordinate to the MCYS as Competent Institutions: Article 11, para 1.16; Article 14, paras 2.9.11 and 2.9.28.

The lack of harmonization between cultural heritage and spatial planning is illustrated by the different terminology used to refer to protected areas. Like the Law on Cultural Heritage, neither the Law on Historic Centre of Prizren⁹⁷ nor the Law on the Village of Hoçë e Madhe/Velika Hoča⁹⁸ (both from 2012) has been updated *vis-à-vis* the Law on Spatial Planning of 2013.

The Law on Cultural Heritage⁹⁹ makes frequent reference to the Law on Spatial Planning 2003, which is no longer in force. However, the legal terms used in the 2006 Law on Cultural Heritage are not the same as those used in the current 2013 Law on Spatial Planning¹⁰⁰ (see beneath Figure 13). As demonstrated in Annex 6, the definition of protected areas used in the 2006 Law on Cultural Heritage is different from that used in the Law on Spatial Planning from 2013. On the other hand, the 2013 Law on Spatial Planning refers to concepts that are different from the wording used in the Law on Cultural Heritage. For example, neither the expression “Protected Zone”¹⁰¹ nor the term “Special Protective Zone” (SPZ)¹⁰² can be found in the 2006 Law on Cultural Heritage.

Consequently, the application of spatial planning in the framework of the 2006 Law on Cultural Heritage leads inevitably to unclear interpretations and weak legal solutions. This is having an adverse impact on the overall credibility of the cultural heritage system in Kosovo and weakens the joint applicability of cultural heritage protection and spatial planning.

The table in Annex 6 shows that the 2006 Law on Cultural Heritage provides different protection areas depending on the category of immovable cultural heritage (architectural and archaeological heritage, cultural landscape). Furthermore, as the 2006 law has yet to be updated to refer to the Spatial Planning Law of 2013, the relationship between cultural heritage protection and spatial planning remains a matter of concern.

97 Law no. 04/L-066, 12 July 2012.

98 Law no. 04/L-062, 12 July 2012.

99 The Law was approved on 9 October 2006.

100 Law no. 04/L-174 on Spatial Planning, 23 August 2013.

101 Article 3, para 1.19, note 26, *supra*.

102 Law on Special Protective Zones, also in Article 3, para 1.21, Law on Spatial Planning.

Many different terms for protected areas: enhanced protection for cultural heritage or confusion of terms?

Term	Legal Term used in	
	Law on Cultural Heritage 2006	Law on Spatial Planning 2013
Perimeter	Yes (Article 2.20)	Yes (Article 3, para 1.13)
Protective Zone	Yes (Article 2.21)	No
Protection Zone	No	Yes (Article 3, para 1.19)
Protected Area	Yes (Article 2.22)	Yes (Article 3, para 1.20)
Ensembles and architectural conservation area	Yes (Article 6.5)	No
Special Area	Yes (Article 2.23)	No
Special Zone	No	Yes (Article 3, para 1.22)
Special Protective Zone	No	Yes (Article 3, para 1.21)
Buffer Zone	No	No

Figure 13: The range of types of protection sites helps address diverse needs and characters of the different categories of cultural heritage. However, in terms of implementation of the legislation, the presence of many different terms supposedly derived from various contexts often leads to inconsistent approaches and thus questionable solutions. A harmonisation of the legal terms is highly advisable. (Graphics: OSCE)

The need for further harmonisation also applies to archaeological sites, which in most cases still require inclusion in the municipal zoning maps and spatial plans.

Contrary to some historic protection acts in Europe, the protection of immovable heritage in Kosovo is not restricted to the monument itself but follows the two-level approach of World Heritage. World Heritage properties, which constitute the “core zones” with World Heritage values, are surrounded by a “buffer zone”.¹⁰³

¹⁰³ The two-level approach goes back to the protection-scheme of larger nature-protected areas (like Parks), which consist of a strictly protected zone (core zone) and of a surrounding buffer (development) zone.

The Protection around Architectural and Archaeological Heritage according to the Law on Cultural Heritage

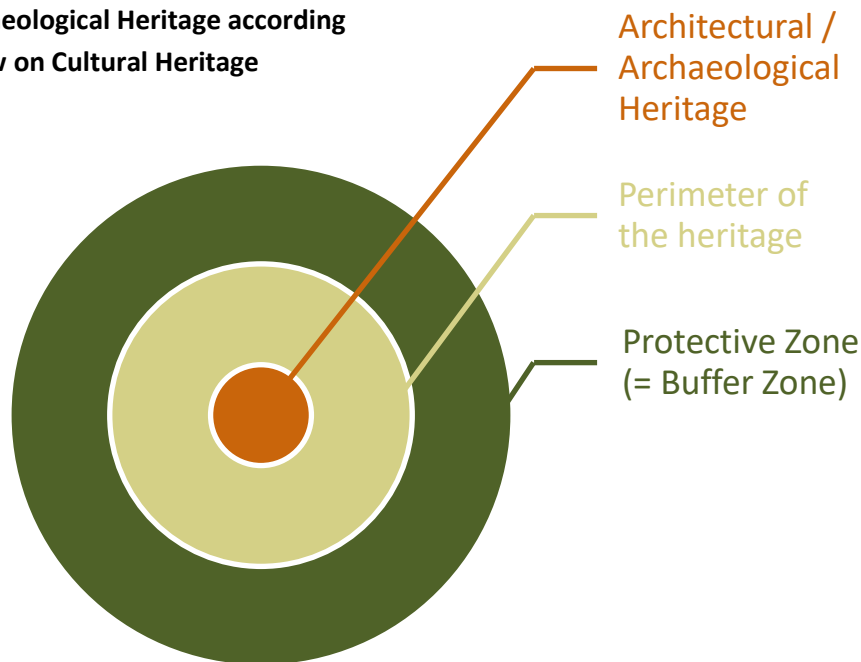


Figure 14: The Law on Cultural Heritage foresees for architectural monuments under either temporary or permanent protection a perimeter around the monument (Article 6.3, Law on Cultural Heritage). Additionally, Article 6.4 of the Law stipulates a buffer zone (legal term “Protective Zone”) 50m from the perimeter, though this distance can be enlarged or reduced but will be mapped in any case and documented in the relevant spatial plan. For archaeological sites the distance of the buffer zone is set at 100m (Article 7.16, Law on Cultural Heritage). (Graphics: OSCE)

The two-level approach was already introduced through an UNMIK decision in 2005¹⁰⁴ and later found an entry in the Law on Cultural Heritage in 2006, in Annex V of the *Ahtisaari Plan* in 2007 and in the Law on SPZ from 2008. While the Law on SPZ refers to SPZ sites mentioned in the preceding Law on Cultural Heritage,¹⁰⁵ the Law on Spatial Planning from 2013 applies a broader concept of two-level protection, including areas of natural heritage and cultural landscapes.¹⁰⁶ Consequently, the two-level approaches from 2006 and 2013 follow different concepts. Harmonisation of this legislation is therefore recommended.

104 UNMIK Executive Decision 2005/5 of 25 April 2005 concerning the Special Zoning Area around Serbian Orthodox Monastery of Visoki Dečani.

105 Article 11, para 11.1 (“Final Provisions”), Law on SPZ: “Special Protective Zones also fully enjoy protection set forth under the Law on Cultural Heritage and its further amendments.”

106 Article 18.1, Law on Spatial Planning: “Protected area defines the long-term protection and preservation of a geographical area with special features of natural resources, flora and fauna, and architectural, archaeological cultural heritage and cultural landscapes, with a potential of social and economic development for the country.”

Concepts of two-level Protection Areas in Kosovo's Legislation

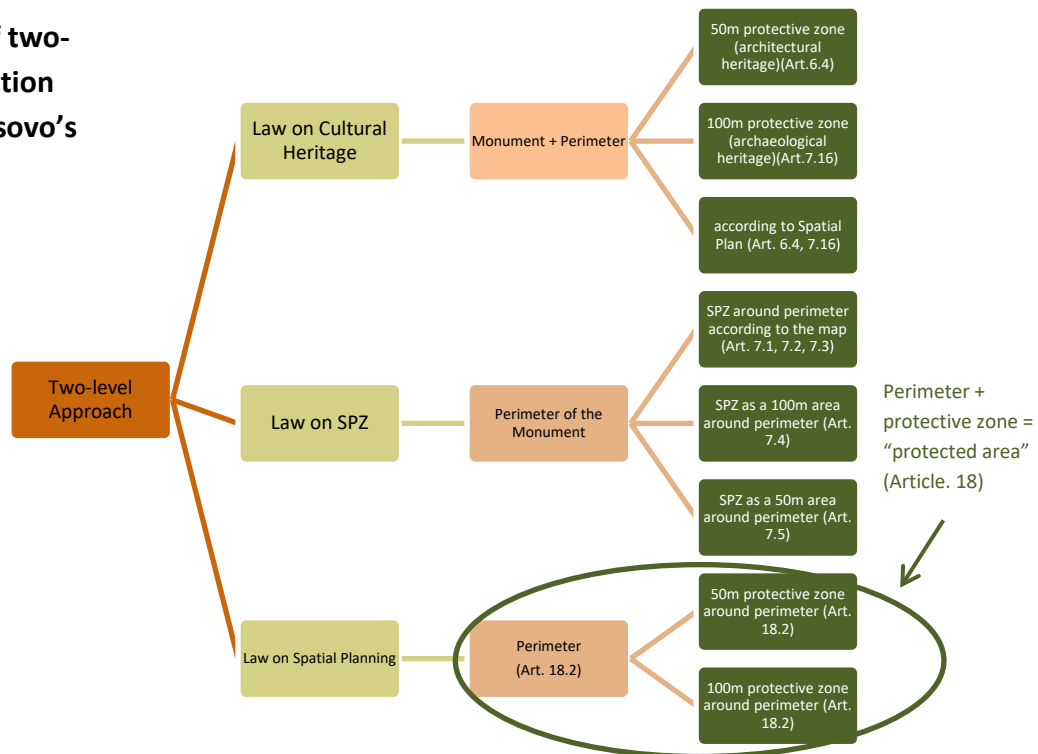


Figure 15: The concept of a two-level protection area: “core zone” (heritage and perimeter = light brown field) and of a surrounding buffer zone (protective zone, SPZ = green field) is integrated in the Law on Cultural Heritage and is also reflected in several other legal acts (= light green field). The distance around the perimeters (50m or 100m) can be adapted to local requirements “according to the map/spatial plan”. A uniform approach should be confirmed. (Graphics: OSCE)

There are considerable challenges to incorporating cultural heritage protection in urban planning through the drafting of municipal zoning maps, despite the importance of such a process. Delays in defining the buffer zones around 1,300 archaeological and architectural heritage assets under temporary and permanent protection¹⁰⁷ leave such sites vulnerable to rapid urban and other development. Although in 2019 the Kosovo Institute for Protection of Monuments began defining buffer zones around cultural heritage sites under protection, to date only three buffer zones have been defined (in Gjakovë/Đakovica municipality). The lack of involvement of appropriate institutions in local spatial planning is among the shortcomings observed by OSCE monitoring. In order to ensure adequate protection of heritage sites, co-operation between municipalities responsible for local spatial planning and cultural heritage institutions during the drafting of municipal zoning maps needs to be strengthened.¹⁰⁸

The Ministry of Environment, Spatial Planning and Infrastructure included the perimeter of protected sites and their buffer zones among the features shown in the maps of the Geoportal of Kosovo.¹⁰⁹ Once defined and included in the GIS system, protected sites and their buffer zones will constitute an integral part of the infrastructure of the cultural landscape. The presence of protected sites and their surrounding perimeters in the Geoportal would facilitate spatial and infrastructure planning, recalling the important

107 MCYS lists of cultural heritage assets under temporary and permanent protection, 10 October 2018 and 10 October 2016 respectively.

108 Interview with the representatives of the Kosovo Institute for Protection of Monuments.

109 <http://geoportal.rks-gov.net/en/search> (accessed 22 May 2020).

status of cultural heritage as an integral part of the landscape. However, this approach has its practical limitations as the perimeter and buffer zone parameters are not registered in the cadastral records. Consequently, the heritage sites, with few exceptions, do not show up in the cadastre.¹¹⁰

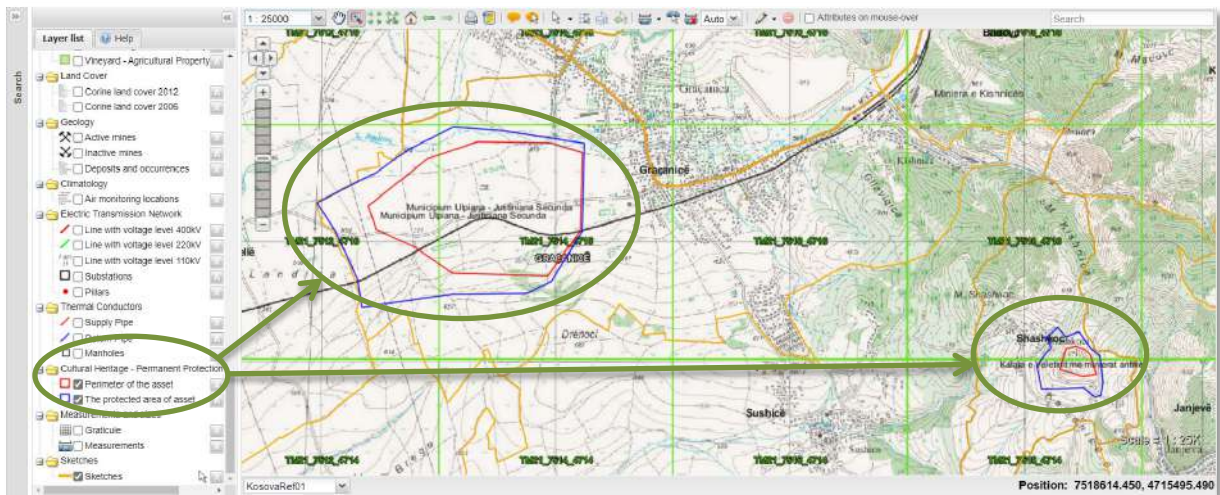


Figure 16: The Geoportal of Kosovo includes in its Layers List also the borders for protected sites (“perimeter” – red lines) and of its protected area around the asset (blue lines). Two of the few examples, which are included in the map, the archaeological site of Municipium Ulpiana and the historic mine at Shashkoc. (Photo: <http://geoportal.rks-gov.net/en/search>, accessed 24 May 2020).

110 Interview with the Director of the civil society organization “Cultural Heritage without Borders”, Mr. Sali Shoshi.

Recommendations

To the Ministry of Environment, Spatial Planning and Infrastructure:

- Finalize the Kosovo Zoning Map in line with sectorial policies, including the National Strategy for Cultural Heritage 2017–2027;
- Provide necessary support to municipalities for drafting local spatial plans to ensure adequate inclusion and protection of cultural heritage sites and special protective zones;
- Establish a working group with the Ministry of Culture, Youth and Sports to harmonize the cultural heritage legal framework with spatial planning laws to achieve more coherent integration of cultural heritage protection in spatial planning.

To the Ministry of Culture, Youth and Sport and its subordinate bodies:

- Expedite work on defining the perimeters of buffer zones around protected cultural heritage sites and provide necessary support to municipalities to fully reflect those protective measures in municipal spatial plans;
- Update the Law on Cultural Heritage to align with the current Law on Spatial Planning (2013);
- Establish a working group with the Ministry of Environment, Spatial Planning and Infrastructure to harmonize the cultural heritage legal framework with spatial planning laws to ensure a more coherent integration of cultural heritage protection in spatial planning.

To the Municipalities:

- Finalize the municipal zoning maps with an inclusive drafting process and emphasizing the inclusion of cultural heritage sites and referencing legal provisions governing the Special Protective Zones.



The Terzi Bridge, Gjakovë/Dakovica

Chapter 6. Monitoring of cultural heritage

The management of cultural (including religious) heritage requires regular monitoring of their state of conservation. Correction measures can be identified by assessing the need, extent, and the technical details of the level of preservation. The legal framework in Kosovo¹¹¹ provides for two types of inspection of cultural heritage sites:

- Inspections conducted by municipal institutions; and
- Inspections conducted by the MCYS.

Inspections undertaken by municipal institutions

The Law on Construction¹¹² regulates monitoring through municipal construction inspectors. They are obliged to report to *“the competent government body”* any constructions observed at cultural heritage sites.¹¹³ At the municipal level, the monitoring conducted by the municipal inspectorates varies. Some municipalities, such as Suharekë/Suva Reka, check compliance with the regulations, including building and other permits, and the required distance between cultural heritage sites and other buildings and public spaces. Other municipalities, such as Rahovec/Orahovac, assess the state of conservation of the building. Yet others, such as Novo Brdo/Novobërdë, check compliance with the regulations and the physical condition of the asset, technical aspects of the recent intervention (including whether appropriate conservation measures were applied), the use of correct material, and the quality of the intervention.¹¹⁴ In conclusion, there is no standardized monitoring approach in use by municipal inspectorates. Such standardization would help to address the needs of municipalities and enhance their effectiveness in this area.

111 Law no. 04/L-110 on Construction, 3 July 2012, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2833> (accessed 24 May 2020) and Law on Cultural Heritage (accessed 24 May 2020).

112 Ibid, Article 29.

113 Challenges in Protection of Immovable Tangible Cultural Heritage Sites in Kosovo, 2014, p. 17.

114 The OSCE conducted in June and July 2020 interviews with representatives of various municipalities (see the List of Resource Persons in Annex 5).

Inspections conducted by the MCYS

The Law on Cultural Heritage and its respective sub-legal acts provide that the Cultural Heritage Inspectorate, along with the Regional Centres for Cultural Heritage (RCCH), monitor the state of heritage sites.¹¹⁵ In practical terms, through the Regional Centres for Cultural Heritage, the MCYS monitors the physical condition of the asset, technical aspects of any intervention (e.g. appropriate conservation measures, correct material, quality of intervention), and compliance with regulations (e.g., building and other permits obtained, required distance to other buildings and public space respected).

In 2018, the MCYS established the Cultural Heritage Inspectorate, as foreseen by the Law on Cultural Heritage. The new Inspectorate is intended to fulfil a legal obligation that was not previously met. Additionally, through a sub-legal act, the MCYS designated the RCCH as the competent institution in charge of monitoring heritage sites.¹¹⁶

The MCYS has undertaken institution-building efforts to establish and further clarify the institutions in charge of heritage monitoring, including the division of competencies and responsibilities.¹¹⁷ Currently, the key competencies of the Cultural Heritage Inspectorate are laid down in sub-legal acts¹¹⁸ or defined by daily administrative practice. However, the definition of these competencies in the new Law on Cultural Heritage would provide a stronger and clearer legal foundation.

Furthermore, the Cultural Heritage Inspectorate needs to enhance its capacity in terms of specialized training and number of staff in order to implement its mandate in heritage protection effectively.¹¹⁹ Furthermore, some RCCH voiced their concerns about the limited capabilities for conducting regular monitoring of cultural heritage sites.¹²⁰

Cultural heritage protection is undermined not only by these shortcomings originating from limited institutional capacities, but also by a lack of knowledge and awareness among the general public. Not only are some municipalities not aware of the protected status of sites, or showed reluctance to co-operate, but also many owners of protected items intentionally destroyed their cultural heritage.

115 Article 4.12, Law on Cultural Heritage, was followed with Regulation No. 01/2020 on Competences, authorizations, inspection procedures and complaints of the cultural heritage inspectorate, 14 December 2020, available at: https://www.mkrs-ks.org/repository/docs/Rregullorja_nr_01.2020_p%C3%ABr_Inspektoriatin_e_Trashigimis%C3%AB_Kulturore.pdf (accessed 18 June 2021), <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=8234> (accessed 22 May 2020), MCYS Regulation no. 06/2017 on Designating Public Cultural Heritage Institutions subordinate to the Ministry of Culture Youth and Sports as competent institutions, 1 August 2017, Article 14, para 2, sub-para 9.6. Available at: <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=16466> (accessed 22 May 2020).

116 Regulation (MCYS) no. 06/2017 on Designating Public Cultural Heritage Institutions, subordinate to the Ministry of Culture, Youth and Sports as Competent Institutions, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=16466> (accessed 24 May 2020).

117 Note: The roundtables on the monitoring of heritage sites in September 2016 and 2017 organized by OSCE Mission in Kosovo indicated unclear division of competencies among inspectorates at different levels.

118 MCYS Regulation on Competencies, authorizations, inspection procedures and complaints of the Cultural Heritage Inspectorate.

119 Within the Cultural Heritage Inspectorate there are currently only three Cultural Heritage Inspectors alongside the Chief. The Inspectorate is in charge of heritage protection Kosovo-wide. Also, no specific case is assigned for the needs of this respective inspectorate. Due to limited capacities, the inspectorate is acting on request basis to initiate certain actions from municipalities and other involved institutions. Interview conducted with the head of Cultural Heritage Inspectorate on 30 June 2020, Mr. Imer Hakaj.

120 Interviews conducted with the Heads of the Regional Centres for Cultural Heritage in Gjilan/Gnjilane and Ferizaj/Uroševac, July 2020.

A series of cases (see Figure 16) demonstrating the intentional destruction or neglect of protected heritage were brought to the attention of the OSCE. They show that intentional destruction of cultural goods through their owners still occurs.

Year of Offence	Location	Offence	Fine
2017	Prizren, Myftiu house	Demolition of listed monument (in Appendix II of the Law on Prizren Historic Centre)	€ 700
2018	Prizren, Hisari house	Demolition (owner requested demolition, but institutions issued instead a renovation permit)	€ 300
2018	Pejë/Peć, Ramiz Sadiku house	Demolition	€ 300
2019	Junik	Demolition of a <i>kulla</i> (traditional house)	€ 1000

Figure 17: Demolitions of protected buildings which were punished through fines were few in number; also the amount of fines imposed was rather limited. These fines do not provide an economic disincentive to perpetrators to destroy cultural heritage. (Table: OSCE)

The low value of fines and a lack of institutional support to owners of protected monuments are among the main reasons for damage to, destruction or unauthorized removal of protected monuments or objects. Such actions violate the laws on cultural heritage, and constitute criminal offence.¹²¹ In comparison to the economic benefits derived from constructing a new building, the low level of fines imposed on owners is insufficient to serve as a deterrence against demolishing a protected building. Therefore, preventive measures have to be strengthened and the policy on fines has to be revised. Several cultural heritage institutions have emphasized the need to issue higher fines.¹²² In case of demolitions with an apparent commercial motive, punitive measures should compensate for the damage caused and prohibit building or using the parcel for commercial purposes for a lengthy period of time. The Cultural Heritage Inspectorate has also emphasized the need to oblige the perpetrator to return the monument to its original state as part of the punitive measure,¹²³ though often this is not feasible.

In addition to unlawful demolitions, unpermitted construction at heritage sites, including at SPZ sites, was noted. An example of this are the cafeterias operating inside the Serbian Orthodox Patriarchate of Peć SPZ (Pejë/Peć municipality). Notably, in April 2014, in a rare move, the municipality removed unpermitted construction inside the Peć Patriarchate SPZ. However, since then, three other cafeterias have continued to operate inside the area. This situation was also brought to the attention of the IMC in 2015. However, no

121 Code no. 04/L-082 Criminal Code, 13 July 2012, Article 363. The Criminal Code of 2012 was abolished following promulgation of the new Code no. 06/L-074 Criminal Code, 14 January 2019. However, the period when the cited cases in this Report occurred was covered by provisions of the 2012 Criminal Code.

122 Such as the Regional Centres for Cultural Heritage in Prizren, Gjilan/Gnjilane and Ferizaj/Uroševac, alongside with the Cultural Heritage Inspectorate. The OSCE Mission in Kosovo conducted interviews with the above institutions in June/July 2020.

123 OSCE Mission in Kosovo conducted interview with the Cultural Heritage Inspectorate, 30 June 2020.

further actions have been reported since. Within the Medieval Town of Novo Brdo SPZ (Novo Brdo/Novobërdë municipality), the construction of a house without a construction permit was noted in 2015. IMC approval was only obtained in 2019, after the construction had already been completed. Meanwhile, a part of the house has been transformed into a restaurant which continues to operate illegally. Additionally, in 2018 the Mission noted also the construction of a cafeteria within the Medieval town of Novo Brdo SPZ, which is also operating illegally.¹²⁴

The above-mentioned cases indicate the need for a swift institutional response in resolving unpermitted construction matters, which are often closely linked to unlicensed economic activities. This would help to prevent similar developments in the future. Lengthy bureaucratic procedures not only encourage owners to circumvent administrative requirements but might also contribute to uncontrolled development negatively affecting heritage sites. Furthermore, inadequate procedures and inadequate sanctions against violations undermine the credibility of public institutions.

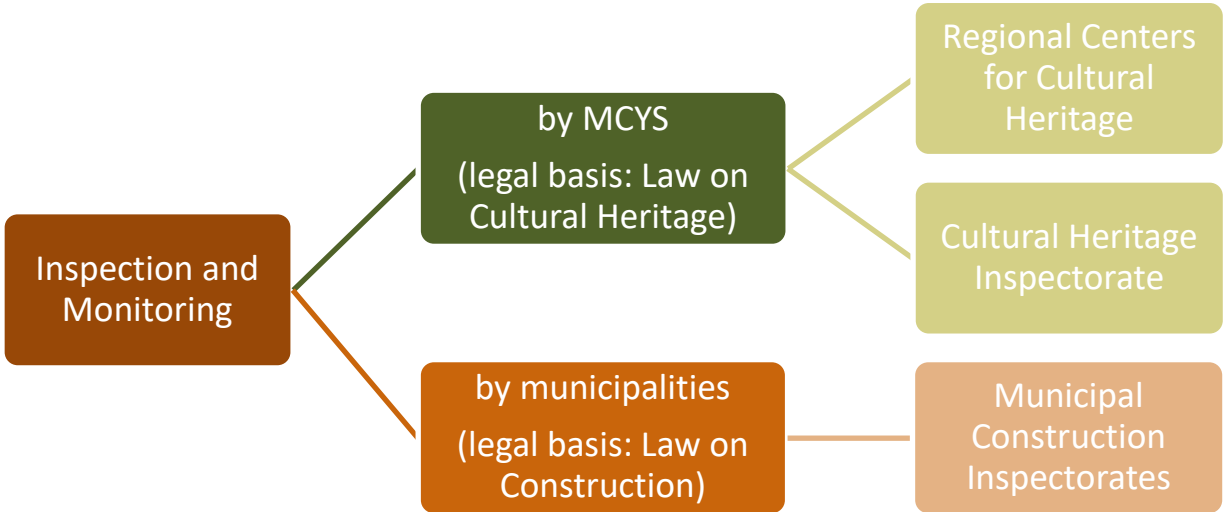


Figure 18: Monitoring and inspection of protected cultural heritage sites is performed by different entities, based on different legal regulations. Consequently, their tasks and responsibilities are different. While MCYS through the RCCHs and the Cultural Heritage Inspectorate apply the Law on Cultural Heritage, the municipal inspectorates implement the Law on Construction. Unfortunately, municipalities and the institutions of MCYS tend to interpret the regulation differently which leads to inconsistent approaches vis-à-vis their inspection-activities. (Graphics: OSCE).

¹²⁴ In line with Article 7.3 of the Law on SPZ the case requires IMC involvement for activities described in Article 6 of the Law on SPZ (restricted activities) in which case the municipality shall consult directly with the IMC. The Mission informed the municipality in this regard.

Recommendations

To the Ministry of Culture, Youth and Sport:

- Allocate sufficient funds for the relatively new Cultural Heritage Inspectorate, to cover specialized trainings, increased staffing and capacity to conduct site visits;
- Clarify key competencies of the Cultural Heritage Inspectorate and its relation with the municipal inspectorate, as per the basic law, the Law on Cultural Heritage, either through amendment of the existing law or through a new law;
- Continue to support the Regional Centres for Cultural Heritage to cover specialized trainings, increased staffing, and capacity to conduct site visits.

To the Ministry of Justice:

- Amend the Criminal Code to include compensation for damage resulting from destruction of protected monuments, as a special provision related to cultural heritage. Prohibit interventions that may worsen the condition of cultural heritage monuments, by including an accessory punishment for perpetrators involved in offences against cultural heritage.

To the Judiciary:

- Adjudicate and impose sentences in cases of destruction of protected monuments, which proportionately correspond to the severity of the damage.



PLAZA HISTORIKO-PAMETARJEVE SHKURTIMET EMBLEMATIKË TË BASHKËTËSIAVE
TË SHKËRITJES TË SHKËRITJES TË SHKËRITJES TË SHKËRITJES TË SHKËRITJES

TAMIR	1897-1981	BEJFISHA	1897-1981
VEJTI	1897-1981	ALLIA	1897-1981
MURAT	1897-1981	HAKHI	1897-1981
SABITI	1897-1981	SABITI	1897-1981
TAMIR	1897-1981	KRASNQI	1897-1981
BUKMINO	1897-1981	SABITI	1897-1981
DEMIR	1897-1981	ATAJSHI	1897-1981
DEHRI	1897-1981	HARADONNAJ	1897-1981

SHKËRITJE TË SHKËRITJES TË SHKËRITJES TË SHKËRITJES TË SHKËRITJES

Haxhi Zeka Kulla, Pejë/Peć

Chapter 7. Implementation of SPZ legislation

The 2008 Law on Special Protective Zones lists 45 Special Protective Zones (SPZs) in Kosovo, including the Historic Centre of Prizren.¹²⁵ Among them are 41 Serbian Orthodox Church sites and four non-religious sites.¹²⁶ An SPZ is an area which *“is surrounding a monument, building, groups of buildings, ensemble village or historic town centre that is safeguarded from any development or activity which could damage its historical, cultural, architectural or archaeological context, natural environment or aesthetic visual setting.”*¹²⁷ The purpose of the SPZ is to *“ensure protection of Serbian Orthodox monasteries, churches, other religious sites, as well as historical and cultural sites of special significance for the Kosovo Serb community, as well as other communities in Kosovo.”*¹²⁸ The Law further states that the protection shall be maintained firstly by prohibiting activities such as the construction of industrial sites or developments, which will cause deforestation or pollution¹²⁹, and secondly by restricting other activities (e.g. commercial activities involving buildings which exceed the size of the protected monuments)¹³⁰. Additionally, two special laws deriving from the Law on Special Protective Zones, namely the Law on Historic Centre of Prizren and the Law on Village of Hoçë e Madhe/Velika Hoča, were promulgated in 2012 and followed by sub-legal acts that were endorsed in 2014.¹³¹ The Law on Village of Hoçë e Madhe/Velika Hoča foresees the creation and implementation of a “Cultural Heritage Conservation Plan”.¹³² This management instrument provides a sustainable tool to protect, develop and promote the built ensemble of Velika Hoča/Hoçë e Madhe, in compliance with the SPZ provisions. While first steps for the creation of such a plan go back to 2017, in 2021 the OSCE supported the Council for Velika Hoča/Hoçë e Madhe and relevant cultural heritage institutions in establishing a coordination mechanism, and starting the drafting of a conservation plan for the village.¹³³

125 The sites were already defined in Annex V, Article 4 of the Comprehensive Proposal for the Kosovo Status Settlement, 26 March 2007, <https://undocs.org/Home/Mobile?FinalSymbol=S/2007/168/Add.1> (accessed 9 March 2022) and subsequently included in Article 7 of the Law on Special Protective Zones.

126 Four of the SPZ sites have also been designated by the World Heritage Committee as World Heritage in 2004 and 2006: Visoki Dečani Monastery, Dečan/Dečane; Peć Patriarchate, Pejë/Peć; Gračanica Monastery, Gračanica/Gračanicë; Church of the Holy Virgin of Ljeviša, Prizren. These four component parts comprise the World Heritage property “Medieval Monuments in Kosovo”. See at: <http://whc.unesco.org/en/list/724/documents/> (accessed 20 June 2020).

127 Article 2, note 2, *supra*.

128 Article 1, *Ibid*.

129 Article 5, *Ibid*.

130 Article 6, *Ibid*.

131 Ministry of Ministry of Environment, Spatial Planning and Infrastructure, Administrative Instruction No. 12/2014 for establishment, selection and responsibilities on operation of the Council for Cultural Heritage and the Office of Historic Centre of Prizren, 29 April 2014, available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10267> (accessed 19 July 2020); Ministry of Environment, Spatial Planning and Infrastructure, Administrative Instruction No. 11/2014 for establishment, selection and responsibilities and the operation of the Council of Velika Hoča/Hoçë e Madhe, 29 April 2014, available at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10264> (accessed 19 July 2020); Administrative Instruction No. (MESP) 03/2013 on the Implementation and Monitoring Council, 12 February 2013.

132 Article 6, Law No 04/L-062 on the Village of Hoçë e Madhe/Velika Hoča, 18 July 2012.

133 The coordination mechanism includes representatives of the Ministry of Culture, Youth and Sports (MCYS), Rahovec/Orahovac municipality, Council of the village of Velika Hoča/Hoçë e Madhe, OSCE Mission in Kosovo and Ministry of Environment, Spatial Planning and Infrastructure (MESPI).

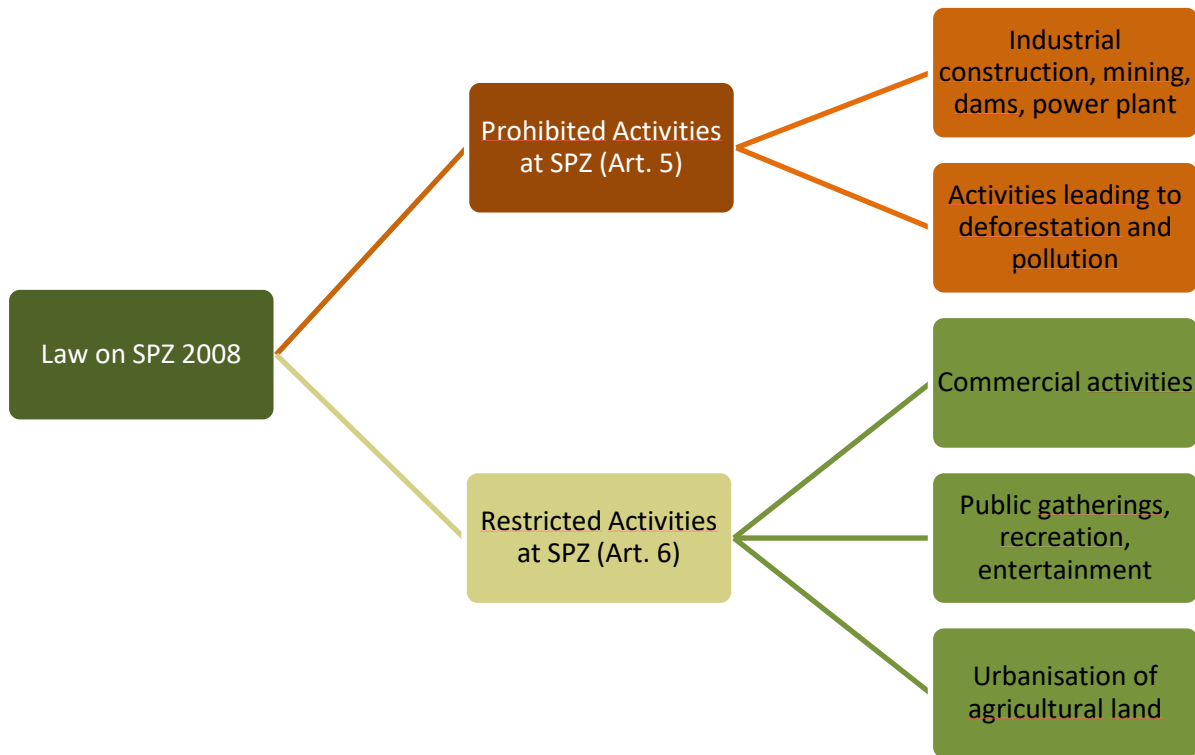


Figure 19: The Law on SPZ differentiates prohibited (Article 5) from restricted activities (Article 6). In order to enable restricted activities, the municipality concerned shall seek the agreement of the Serbian Orthodox Church. If no agreement is reached, the parties shall refer the matter to the IMC for review. (Article 6, Law on SPZ) (Graphics: OSCE).

However, the efficient protection of SPZ sites requires additional instruments, especially in the field of spatial planning. This concept is also enshrined in the Strategy, which foresees the protection of cultural heritage sites through their inclusion in municipal spatial planning documents. By including the affected communities in the consultation process, the drafting of Municipal Zoning Maps follows the Strategic Objectives (“5 C”)¹³⁴ for the proper management of World Heritage sites established by the World Heritage Committee. This approach is also applicable to sites without the UNESCO designation as World Heritage.

In terms of developments around key SPZ sites, the OSCE noted some uncontrolled developments affecting the protection of some SPZ sites. In Prizren Historic Centre SPZ, the unlawful demolition of heritage sites and of traditional houses has had a negative impact on the integrity of the heritage.

Sometimes municipal institutions apply different legislation in the SPZ sites in northern municipalities, such as the Serbian Orthodox Banjska Monastery (Zvečan/Zvečan municipality) and the Serbian Orthodox Monastery of *Saint Petka* SPZ (Leposavić/Leposaviq municipality). The construction works follow the provisions applied by the Belgrade-run institutions in the field of building activities and protection issues. The Belgrade-run institutional structures for protection of cultural heritage provide technical and financial support for the preservation of the sites. Consequently, some legal

¹³⁴ The World Heritage Committee defined the Strategic Objectives for the World Heritage Convention (“5 C”) as follows: Credibility, Conservation, Capacity-building, Communication and Communities, available at: <https://whc.unesco.org/en/partnerships/> (accessed 3 May 2020).

standards applied may not be in conformity with the applicable legislation in Kosovo. Moreover, different technical standards and restricted exchange of data, such as those in the cadastre and land register, hinder the proper application of GIS-based information systems.

In terms of institutional compliance with the SPZ legislation, and despite the strong public opposition at the time of their promulgation,¹³⁵ the OSCE noted that Kosovo institutions took encouraging steps in complying with the provisions of SPZ legislation. To this end, Prizren and Rahovec/Orahovac municipalities provided the necessary support for the establishment and proper functioning of the Prizren and Velika Hoča/Hoçë e Madhe Councils.¹³⁶ To date, these Councils are functional and perform their mandate. There is co-operation between the Councils and the respective municipalities. A number of municipalities comply with the provisions of the Law on Special Protective Zones, such as the municipalities of Lipjan/Lipljan¹³⁷ and Novo Brdo/Novobërdë.¹³⁸ The Prizren Council for Cultural Heritage¹³⁹ continues to provide its recommendations regarding various requests, including requests for construction permits under the provisions of the Law on Historic Centre of Prizren. At the same time good co-operation between the Prizren Council for Cultural Heritage and the municipality contributed positively to proper compliance with the SPZ legislation. The Law on Historic Centre of Prizren foresees the establishment of the Office of Historic Centre of Prizren (OHCP).¹⁴⁰ The purpose of the Office is to co-ordinate actions related to the protection, development, and promotion of the Historic Centre of Prizren as a “touristic destination with a wealthy cultural heritage”.¹⁴¹ On 30 May 2019, the Municipal Assembly approved the decision to establish the Office of Historic Centre of Prizren (OHCP). Following the Municipal Assembly decision, the OSCE supported developing a feasibility study for the OHCP establishment. However, the municipality has not yet formalized the procedures for the establishment of the office.

The OSCE also noted several cases where government institutions did not fully comply with the SPZ legal provisions. For instance, in 2019 the Kosovo Institute for Protection of Monuments (KIPM)¹⁴² organized a public gathering at the ruins of Novo Brdo/Novobërdë Fortress (Medieval town of Novo Brdo SPZ). Public gatherings are considered as restricted activities according to the Law on SPZ,¹⁴³ which classifies the Novo Brdo/Novobërdë

135 Mission Report, *Challenges in Protection of Immovable Tangible Cultural Heritage Sites in Kosovo*, 2014, p. 27.

136 Law on Historic Centre of Prizren, Article 14, respectively the Law on the Village of Velika Hoča/Hoçë e Madhe; Article 4 foresees establishment of the above Councils. Their mandate consists of taking adequate actions towards preservation of heritage sites.

137 The case concerns the request for construction of a “business and residential object” in 2018 on a privately-owned parcel within the *Church of Presentation of the Virgin SPZ*. In line with SPZ legislation, the Municipality duly notified the SOC, which provided its consent in the IMC meeting.

138 Case concerning the request for construction of a house in 2015. The Municipality referred the case to the IMC. In 2019 the case was discussed in the IMC meeting, where consent for the house was provided.

139 Established under the Law on Historic Centre of Prizren.

140 Law No. 04/L-066 on Historic Centre of Prizren

141 Law No. 04/L-066 on Historic Centre of Prizren, Article 21

142 The event included sport activities, traditional games, cooking of traditional food, visit to cultural monuments, etc. and involved around 100 pupils from local primary schools. It triggered strong reaction by the Serbian Orthodox Diocese of Raška-Prizren, who released an official statement, available at: <http://www.eparhija-prizren.com/en/news/diocese-raska-prizren-protests-strongest-possible-terms-against-flagrant-violation-law-special-> (accessed 2 August 2020). The Serbian Orthodox Church’s statement noted that the Kosovo institutions have violated the Law on SPZ by organizing the event.

143 Article 7.3 (c), Law no. 03/L-039 on Special Protective Zones, 4 June 2008. This Article classifies the Novo Brdo/Novobërdë Medieval Town as SPZ, under the category of vernacular sites. This article clearly specifies that the

Medieval Town as SPZ under the category of vernacular sites. The Law on SPZ requires the involvement of the IMC in cases of restricted activities. In this particular case, the gathering organized by KIPM falls under the parameters of restricted activities (public gatherings). Consequently, through the MCYS, the other IMC members should have been informed about the planned gathering in order to seek agreement for the event.

A further example shows a lack of common understanding by the cultural heritage institutions on the legal provisions of the Law on Historic Centre of Prizren. In the municipality of Prizren, in 2018 an attempt was made to construct a residential and business complex. Although the project was not in line with the Law on Historic Centre of Prizren, approval was granted by the Kosovo Institute for Protection of Monuments.¹⁴⁴ Due to the reaction of the Regional Centre for Cultural Heritage in Prizren (RCCH in PZ), the MCYS stopped the project. In fact, the location of the planned construction was part of the architectural complexes which are protected under the Law on Historic Centre of Prizren (Nënkalaja/Podkalaja, Pantelija and Potokmahalla/Potokmahala).¹⁴⁵ The RCCH in Prizren identified the location as an archaeological site which was not sufficiently explored. Furthermore, it pointed out that the planned construction would degrade the area, which is characterized by one- or two-storey buildings.¹⁴⁶ Following these developments, the MCYS annulled further proceedings. The overall provisions of the Law on Prizren Historic Centre underline the preservation of the centre's cultural heritage and respect for consultation procedures involving the Council for Cultural Heritage of Prizren.¹⁴⁷

The case of the construction of the Deçan/Deçane to Plav road is an example of the sensitive and often conflictual relationship between cultural heritage and its environment, especially with regard to the development of infrastructure. The initial plan for reconstruction of the Deçan/Deçane to Plav road dates back to 2007, when the first tender was announced. This was cancelled soon after, following pressure from the international community in light of legal provisions at the time prohibiting the project.¹⁴⁸

In September 2014, the Prime Minister officially inaugurated the start of the works for a bypass road. The idea to construct a bypass road was agreed upon by the IMC as it does not violate the provisions of the Law on Special Protective Zones, which *inter alia* prohibits the construction of transit roads in rural areas. The bypass road could preserve the integrity of Visoki Deçani Monastery SPZ and allow for the continuation of the Deçan/Deçane to Plav road project. Pursuant to this agreement, the works on the bypass road were officially inaugurated in 2014. However, following renewed claims by the municipality that a bypass road is not feasible, the works were suspended *sine die*.¹⁴⁹

only institution to be consulted in case of restricted activities is the IMC. In this particular case, the gathering organized by MCYS and KIPM falls under the parameters of restricted activities (public gatherings). Hence, according to the Law on SPZ, prior to organizing the gathering (manifestation), the request should have been addressed to the IMC for its agreement, through the municipality of Novo Brdo/Novobërdë.

144 Decision no. 67/2019, issued on 14 October 2019.

145 Law on Historic Centre of Prizren, Appendix II, Cultural Monuments in Historic Centre of Prizren, lists four architectural complexes: 1. Mahalla e Marashit/Maraš Mahala, 2. Nënkalaja/Podkalaja, 3. Pantelija, and 4. Potokmahalla/Potokmahala.

146 On 24 October 2019, the civil society organization *Ec Ma Ndryshe* issued a public reaction (in Albanian), signed also by a number of other CSOs: <https://www.facebook.com/ecmandryshe/posts/2576745299106389> (accessed 2 Sept. 2020).

147 Articles 2, 14 and 16, Appendix II, Law on Historic Centre of Prizren.

148 UNMIK Executive Decision No. 2005/5 on Special Zoning Area, 24 April 2005.

149 Construction works for the bypass progressed throughout 2017, when 1.8 kilometres were asphalted and an additional 1.5 kilometres were widened and levelled.

Subsequently, in 2018, the then Ministry of Infrastructure issued a tender for construction of the first segment of the Deçan/Deçane to Plav road, ignoring the previously agreed bypass road solution. In March 2018, the first attempt to inaugurate the road right next to the Visoki Deçani Monastery was strongly opposed by the Serbian Orthodox Church and the international community, triggering an extraordinary IMC session. In April 2018, the Ministry of Infrastructure officially inaugurated the commencement of the road construction for the first segment outside the SPZ. The Serbian Orthodox Church expressed its objection to the project, arguing that, in the absence of the planned bypass road, the new road would essentially have the character of a transit road. Although the official inauguration of the new road took place outside the SPZ, and in spite of assurances given to the IMC that the road would be constructed by adhering to the Law on SPZ, on 25 May 2018 construction activity on the road within the Visoki Deçani Monastery SPZ was noticed. This development triggered concerted reactions by the international community and led to the Serbian Orthodox Church denouncing the roadworks inside the SPZ, which resulted in the halt of construction inside the SPZ.¹⁵⁰

The sensitive nature of this road project re-emerged in July 2020, when the municipality initiated maintenance works on a road segment inside the SPZ. The intervention consisted of removing overgrown vegetation and levelling of the road, along with the placing of pipes for a drainage system and the construction of retaining walls in areas severely affected by landslides. However, this intervention triggered a reaction from the Serbian Orthodox Church,¹⁵¹ which argued that the works performed did not comply with the applicable legislation and were not in line with the previous agreement on the bypass road. Following these developments, the work inside the SPZ was effectively suspended on 16 August 2020. However, on 9 November 2020, the IMC endorsed an arrangement on the rehabilitation of roads in Deçan/Deçane. The arrangement foresees the synchronous development of both an international bypass road external to the SPZ boundaries and of local roads within the SPZ.¹⁵² However, no construction activities stemming from the agreement were undertaken so far, including on the bypass road, which was not included in budget allocations for 2021.

Since 2008, the Deçan/Deçane to Plav road was also reflected in Deçan/Deçane municipal spatial plans, which were not *post facto* aligned with the provisions of the Law on SPZ that prohibits construction of transit roads in rural areas.¹⁵³ To date, the first segment of the road was finalized and the works on its second segment progressed throughout 2021,¹⁵⁴ while parts of the road inside the SPZ remain uncompleted after continuing

150 In July 2019, the then Ministry of Infrastructure issued the contract notice for construction works on the second segment (beyond the SPZ) of the Deçan/Deçane-Plav road. The works on the second segment were halted since 2019, due to alleged technical problems noticed in the execution of the works, and resumed in September 2020.

151 Official statement by the Serbian Orthodox Diocese of Raška-Prizren, available at: <http://www.eparhija-prizren.com/en/news/communiqué-renewed-continuation-illegal-construction-work-deceni-play-highway-within-visoki-dec> (accessed 18 October 2020).

152 The arrangement was facilitated by the Italian Ambassador in Prishtinë/Priština and KFOR Commander and endorsed by the IMC. Official IMC statement available at: https://eeas.europa.eu/delegations/kosovo/88583/node/88583_en (accessed 4 December 2020).

153 See Article 5 (a), note 2, *supra*.

154 According to the Law no. 07/I -041 on the Budget Appropriations for the 2021 Kosovo budget, promulgated on 6 January 2021, €1 million will be allocated for the road in 2021, with additional €1.2 million to be allocated until 2023.

Assessment of the Work of the IMC

The IMC is the only formal mechanism where issues that affect SPZs and the Serbian Orthodox Church sites may be discussed and agreed among the relevant ministries (MCYS and MESPI) and the Serbian Orthodox Church with the international community's support.

The IMC offers a forum for discussion and decision-making among a limited number of participants. Consequently, from 2017 to the end of 2020, its deliberations on cases brought before it were characterized by thorough assessment aiming at practical solutions.¹⁵⁹ The decisions are reached by consensus among all participants.¹⁶⁰ The consensus model is more conducive to the results being, committed to, respected and implemented by all delegations. While the Administrative Instruction¹⁶¹ (AI) stipulates that "MESPI and MCYS shall ensure implementation of IMC decisions", the AI does not provide final legal authority to either ministry to enforce the IMC decisions. Although confidentiality of meetings is not stipulated in the law, in practice a level of confidentiality applies to the meetings to enhance the quality of the deliberations. However, a more proactive approach of the IMC in providing feedback to the concerned parties, including the municipalities, will clearly contribute to the reputation of the IMC as an efficient institution.¹⁶²

MESPI performs the role of the IMC Secretariat and issues minutes of the meetings in three languages. Consequently, a certain level of institutional memory could be achieved. However, from a formal point of view, the work of the IMC is characterized by an irregular meeting schedule in recent years. Since 2014, only 20 IMC meetings have been held¹⁶³ in addition to emergency meetings "if circumstances so warrant"¹⁶⁴ such as in the case of the construction of the Deçan/Dečane to Plav road. While six meetings took place in 2014, the frequency of meetings has since declined. In 2017, no meeting took place. In 2018, the IMC resumed with six meetings, but there were three meetings in 2019 and only one in 2020, while in 2021 no meeting was held.

159 The IMC also undertook on-site visits and invited mayors to the affected SPZ sites in order to obtain accurate information, e.g. concerning the Church of Presentation of the Virgin in Lipjan/Lipljan and the construction of the Deçan/Dečani – Plav road.

160 Article 12, paragraph 4, MESPI Administrative Instruction no. 03/2013 on the Implementation and Monitoring Council, 12 February 2013. However, if no consensus is reached, simple majority of all IMC members present and voting shall be reached.

161 Ibid, Article 12, para 6.

162 Expressed in interviews which were undertaken by OSCE with representatives of cultural heritage institutions, at different levels, June-July 2020.

163 Article 9 para 2, note 187, *supra*.

164 Ibid, Article 9 para 4.

IMC 2014 - 2021 Number of Meetings

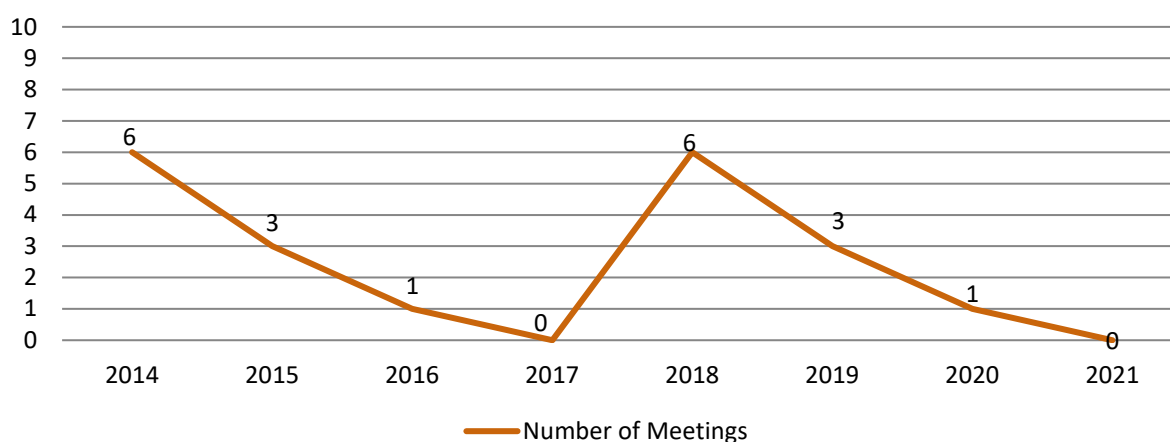


Figure 21: The frequency of meetings since 2014 has varied. While in 2017 and 2021 no meetings were held, in 2014 and 2018, six meetings took place, respectively. (Graphics: OSCE)

Several factors seem to have contributed to this irregular meeting schedule. One of them is Kosovo's application to join UNESCO in November 2015, which was met with strong opposition by the Serbian Orthodox Church. Furthermore, the rejection of the request from the Serbian Orthodox Church for a reconstruction permit for the St. Nicholas Church located within the Holy Archangels Monastery SPZ (Prizren municipality) by Kosovo institutions also affected the work of the IMC and resulted in its inactivity in 2016 and 2017.¹⁶⁵ This also had an adverse impact on relations between the Serbian Orthodox Church and the Kosovo institutions.

In 2018, IMC meetings resumed to discuss the construction of the Deçan/Dečani to Plav (Montenegro) road, which affects the Visoki Dečani Monastery SPZ. Among other important issues discussed in the IMC in 2018 and 2019 was the case of the reconstruction permit of the St. Nicholas Church within the *Holy Archangels Monastery SPZ* (Prizren municipality). After the Serbian Orthodox Church of St. Nicholas¹⁶⁶ submitted several requests for construction to the municipality of Prizren, the issue was brought to the IMC level. However, following the rejection of the Serbian Orthodox Church's request by the Kosovo institutions,¹⁶⁷ there were different interpretations between the MCYS and the

¹⁶⁵ Between 2016 and 2017 only one IMC meeting was held.

¹⁶⁶ The Serbian Orthodox Church submitted three requests relating to the construction of the St. Nicholas Church: on 3 February 2014 (request no. 59), 27 August 2014 (request no. 04-353-79298), and on 13 April 2016 (request no. 04-353-60988).

¹⁶⁷ The decision of the KIPM issued on 5 October 2016 rejected the SOC request. In its motivations the KIPM – it stated among other reasons of rejection – the need to preserve authenticity of the site as it is considered as one of the most important archaeological sites in Kosovo; consequently, the SOC project would lack detailed data and sufficient documentation to support the construction of the church. The KIPM did not provide any assessment on the substance of the project proposal submitted by the SOC.

The 5 October 2016 decision of the KIPM on rejecting the SOC request was issued beyond the deadline foreseen by the Law no. 2012/04-L-110 on Construction (19 June 2012) and MESP Administrative Instruction 10/2013 on Setting Procedures for Submission and Review of Applications for Terms of Construction and Construction Permits. Such delay constitutes the so-called administrative silence, which entitles the applicant (the SOC) to commence with the intended construction. The first SOC request for issuance of construction permit was submitted in 2014 and following

Church about the rights and privileges of the Church relating to the management of its properties, including the reconstruction of its sites. As a result, the SOC issued a statement expressing its disagreement with the rejection of its request.¹⁶⁸

Discussions are ongoing about the request of the Islamic Community Council in Lipjan/Lipljan for a construction permit for an administrative office within the Church of the Presentation of the Virgin SPZ (Lipjan/Lipljan).¹⁶⁹

Since the publication of the last OSCE report on cultural heritage in 2014, 15 issues were raised during IMC meetings. Out of this total number, six cases were resolved. The AI on IMC set a timeline for this consultation mechanism to deliberate and reach a decision in 30 calendar days (unless otherwise decided by the IMC).¹⁷⁰ However, in reality cases remain longer than anticipated on the IMC agenda. IMC's inactivity in 2016-2017 combined with the presence of so called "heavy-weight cases" on its agenda, contributed to delays in resolving other pending cases. The above-mentioned Deçan/Dečani to Plav (Montenegro) road construction, which affects the Visoki Dečani Monastery SPZ and also the World Heritage property of Deçan/Dečani Monastery, consumed much of IMC's attention in 2018. In fact, this issue required constant follow-up and co-ordination with the international community to prevent or mitigate any adverse development. Eventually, in the 9 November 2020 IMC meeting, where the IMC endorsed an arrangement on the rehabilitation of roads in the Deçan/Dečane municipality, an agreement was reached between the parties. However, in 2021 the non-enforcement of the Constitutional Court decision concerning the Visoki Dečani Monastery land dispute¹⁷¹ led the Serbian Orthodox Church to issue a statement saying it would no longer attend IMC meetings until the decision was implemented and the road arrangement implemented.¹⁷² Although a lack of political will negatively influences the resolution of some of the IMC's pending cases, the IMC's contribution to facilitating the resolution of issues affecting SPZ and Serbian Orthodox Church sites should be recognized.

a lack of response by the competent authority for more than two years period, the SOC resubmitted the request in April 2016 and commenced the work in August 2016. According to the applicable legislation governing the issuance of construction permits, the SOC was entitled to commence with the construction. Due to its own lack of responsiveness, the KIPM was not anymore in the position to reject the project and halt the construction works. Based on the legislative framework, this would mean a silent consent to the project proposal.

168 Diocesan communique – Kosovo Ministry of Culture bans reconstruction works at Holy Archangels Monastery near Prizren. Available at: <https://eparhija-prizren.com/en/statements/diocesan-communique-kosovo-ministry-culture-bans-reconstruction-works-holy-archangels-mon/> (accessed 23 June 2021)

169 In October 2016, the Islamic Community Council of Lipjan/Lipljan (ICC) submitted a request to the Lipjan/Lipljan Municipality for the issuance of a construction permit to construct an administrative building. The land parcel for the proposed ICC administrative building is located within the area of SPZ Church of Presentation of Virgin (Lipjan/Lipljan Municipality).

170 Article 12, para 1, note 187, *supra*.

171 In 2016, the Constitutional Court issued a decision on a land dispute pertaining to the Serbian Orthodox Church Visoki Dečani Monastery (Monastery). The Constitutional Court decision upheld the previous decisions issued by the Special Chamber of the Supreme Court on Privatization Related Matters that decided in favour of the Monastery in 2012. The Constitutional Court acknowledged the Monastery's ownership rights over 24 hectares of the land around the Monastery, which the Monastery received in 1997 as donation. However, in August 2020, the Monastery officially applied at the local Municipal Cadastral Office to register its ownership rights stemming from the court decisions. To date the Constitutional Court's decision has not been enforced, and in November 2020 was officially addressed to the second instance, the Kosovo Cadastral Agency. However, the case does not primarily touch heritage issues, but refers primarily to a land dispute and registration in the immovable property rights register.

172 Statement of the Serbian Orthodox Diocese of Raška and Prizren - *Kosovo institutions disrespect their own court decisions and laws* – <https://eparhija-prizren.com/en/statements/kosovo-institutions-disrespect-their-own-court-decisions-and-laws-diocese-of-raska-and-prizren/> (accessed 6 July 2021)

IMC 2014-2020 Percentage of Cases Resolved

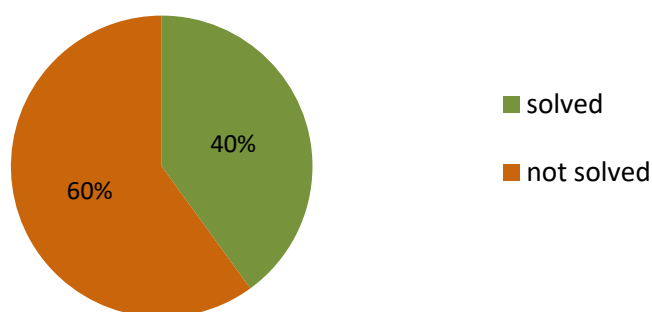


Figure 22: Between 2014 and 2020 the IMC dealt with 15 cases, 40 per cent of them were resolved. (Graphics: OSCE)

Some examples may underline this argument:

- The case involving the Serbian Orthodox Church of Saint Elias in Vushtrri/Vučitrn town concerns a 30m² church property that the municipality expropriated for the purpose of constructing a sidewalk. The issue was resolved by the signing of a Memorandum of Understanding (MoU) between the Serbian Orthodox Church and the MCYS, which was agreed in an IMC meeting. The MoU provides for a swap of an equivalent land parcel of 30m² donated by the municipality for the construction of a wall around the Church compound.¹⁷³ The request by a private investor for a construction permit within the SPZ of the *Church of Presentation of the Virgin* in Lipjan/Lipljan concerned the construction of a “business and residential object” on a privately owned parcel across from the above-mentioned Church. Following the deliberations of the IMC, the case was positively resolved, as the Serbian Orthodox Church expressed no further objections and provided its consent for this building
- Persistent IMC advocacy for the establishment and funding of the respective Councils in charge of the protection of heritage sites in Prizren town and Velika Hoča/Hoçë e Madhe village led to the Councils becoming operational.
- The request for a building permit for the construction of a house for residential purposes in the SPZ of the Novo Brdo/Novobërdë Fortress was finally approved.
- The alignment of Deçan/Deçani spatial planning documents with laws on SPZ and Spatial Planning resulted from the IMC’s deliberations.

Furthermore, beside these cases, the IMC played an important role as a forum for heritage issues related to the Serbian Orthodox Church, including:

¹⁷³ The case involves expropriation. However, based on the legal framework, the Serbian Orthodox Church property (either movable or immovable) shall not be subject to expropriation. (Law no. 04/L-115 on Amending and supplementing the laws related to the ending of international supervision of independence of Kosovo endorsed in 2012, Article 14: Amending and Supplementing the Law no. 03/L-139 on Expropriation of Immovable Property). Para 3 of that Law provides: “Movable and immovable property and other asset of the Serbian Orthodox Church shall be indefensible and shall not be subject to expropriation.” Consequently, the consent of the Serbian Orthodox Church was needed in this particular case.

- the state of implementation of the laws on Prizren and Velika Hoča/Hoçë e Madhe SPZ;
- the update on the draft Law on Cultural Heritage;
- the completion of works which were left unfinished by the Reconstruction Implementation Commission (RIC);¹⁷⁴ and
- lack of implementation of the Constitutional Court decision on Visoki Dečani Monastery land parcels, dating back to May 2016.

The tasks of the IMC reflect a wide range of issues affecting SPZ sites. On the one hand, the IMC provides a forum for broad discussion by allowing all members an equal level of access and equal opportunities in the decision-making process; on the other hand, diplomatic and political deliberations have not always supported (and have sometimes contradicted) expert views on technical standards. Consequently, not all cases could be settled by consensus, which demonstrated some limitations of the IMC.

The working style and character of decision-making sometimes prompted critical attention by the institutions. The OSCE noted that some of the interviewees underlined the lack of information about the work of the IMC,¹⁷⁵ the need for IMC to have regular meetings¹⁷⁶ and to adhere to the timelines while deliberating on respective cases.¹⁷⁷ Furthermore, at the municipal level, the need for better communication of the results of the IMC meetings was highlighted. Consequently, cultural heritage institutions (at government and municipal level) as well as priests from the Serbian Orthodox Church (who serve at SPZ sites, which are subject to IMC deliberations) are not always aware of the IMC's activities and decisions. In order to increase the flow of information about the work of the IMC, some interlocutors proposed to invite relevant stakeholders, including mayors of municipalities where affected SPZ sites are located, to IMC meetings.

174 The Reconstruction Implementation Commission (RIC) was the decision-making body responsible for implementing conservation works on selected sites of the SOC, which were damaged during the riots in March 2004. Available at: <https://reliefweb.int/report/serbia/rehabilitating-heritage-kosovo>, (accessed 30 September 2020). The issue of completion of works left unfinished by the RIC were raised on several occasions during IMC meetings held in 2015 and 2017 where it was established that about 70 per cent of restoration works were completed and that 30 per cent of works remain unfinished, according to this report prepared by the Royal Norwegian Embassy in Prishtinë/Priština: Therefore, the need to revive and continue with the restoration of the remaining SOC sites for which the Government back in 2017 allocated funds was emphasised. However, for the continuation of the works the consent of the SOC was needed. Furthermore, there were discussions to mandate the IMC to foresee the process of the reconstruction works. However, after 2017 no discussions at IMC level took place concerning this particular topic. (see: Council of Europe, Reconstruction Implementation Commission for Serbian Orthodox Religious sites in Kosovo. Strasburg 2011, available at: https://issuu.com/councilofeurope/docs/ric_for_serbian_orthodox_religious_sites_in_kosovo/17, accessed 14 January 2022).

175 Representatives of Gjilan/Gnjilane and Ferizaj/Uroševac Regional Centre for Cultural Heritage and representatives of Štrpce/Shtërpçë municipality. The Mission conducted interview in 2020.

176 Representative of the Ministry of Environment, Spatial Planning and Infrastructure / Construction inspectorate. The Mission conducted the interviews in 2020.

177 Representative of Lipjan/Lipljan municipality. The OSCE Mission in Kosovo conducted the interviews in summer 2020.

Recommendations

To the Ministry of Environment, Spatial Planning and Infrastructure, and municipalities:

- During the review-procedure of drafting spatial plans, continue to apply SPZ legislation properly;
- Support and strengthen the IMC through the Ministry's role as Secretariat;
- Start a review-procedure to propose a strategy and work plan for the IMC to improve its co-ordination and co-operation with other stakeholders.
- Initiate the drafting of management instruments as foreseen in the relevant SPZ legislation and support the establishment of appropriate administrative infrastructure at SPZ sites.



Historic Center of Prizren

Chapter 8. Security at cultural heritage sites

Introduction

Cultural heritage can be endangered by natural decay and neglect, and also by intentional destruction, damage, and theft. Furthermore, religious sites and cemeteries have also been subject to desecration and disturbance. OSCE monitoring activities over many years provide the data for an evidence-based analysis of the security situation at cultural heritage places, including SPZ sites.

The data was extracted from different monitoring reports compiled by the OSCE Mission in Kosovo.¹⁷⁸ This report includes only incidents which targeted heritage sites) or were committed at heritage sites.¹⁷⁹ In most of the cases, the perpetrators were not identified. Hence, their exact motivation remained unclear.

Overview

Between January 2014 and December 2020, 247 incidents committed at cultural heritage and religious sites were reported. It was noted that not all of these sites are classified as monuments under protection as stipulated in the Law on Cultural Heritage or form part of an SPZ. Furthermore, the statistics also include recently (re-)constructed religious buildings (e.g. which were destroyed during the conflict in 1999) which are not yet recognized as “cultural heritage”. While the majority of incidents occurred at places of worship, in 45 cases graveyards of the different religious communities were targeted.

178 OSCE Mission in Kosovo's Daily Security Reports, Daily Regional Centres' (RC) Reports, furthermore direct contacts of the field teams of the *Property, Cultural Heritage and Interfaith Dialogue Section* (PCIS), *Law and Justice Section* (LJS) and *Police Development and Monitoring Section* (PDMS) with religious representatives, police, prosecutor and confirmed media reporting.

179 The notion “cultural heritage” is not limited just to sites officially recognised by the public administration (through their inclusion in the list of temporary or permanent protection or in the Cultural Heritage Database), but also places of worship – regardless of their age (e.g. reconstructed since 1999) or their recognition by the communities already as “heritage” – are counted. Graveyards were also taken into consideration. Offenses directed against persons (regardless if committed against staff of the religious communities or in heritage sites) were not considered. It should be noted that consecutive crimes (e.g. burglary followed by theft) were classified as one act of crime (e.g. as theft). However, various identical crimes of the same perpetrator (e.g. thefts in several religious sites during one day) were counted per each site of crime.

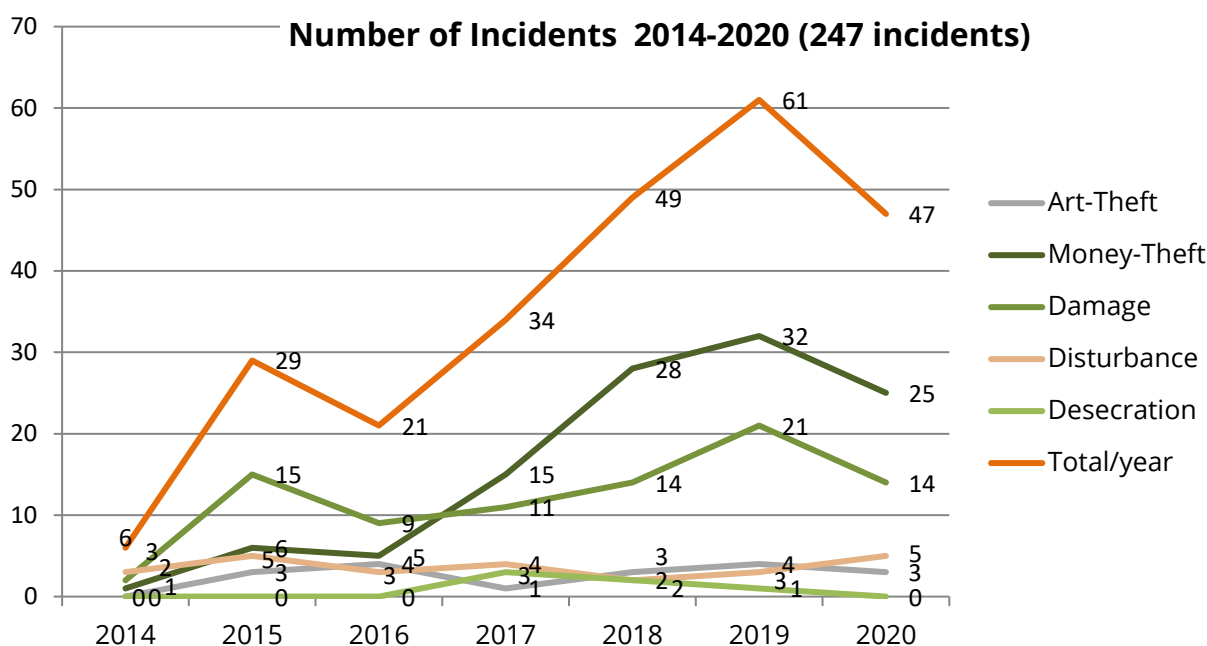


Figure 23: Since 2014 an increase in incidents committed at cultural heritage and religious sites has been noted. While in 2014 six cases were reported, in 2020 47 case were known (in 2019 there were even 61 incidents). However, the increase is mainly caused by an increased number of thefts of monetary nature since 2017. Crimes such as art thefts, disturbances and desecrations remained at a low level. (Graphics: OSCE)

Thefts with economic motivation

Out of a total number of 247, 112 cases are thefts of money or assets. This category includes thefts of donation and offertory boxes, movable items like loudspeakers, cables, and microphones from religious sites, fences from cemeteries. This means that 45 per cent of all recorded incidents point to an economic motivation. Thefts of works of art and of heritage-related items were reported in 17 cases. However, even if thefts are of merely monetary character, they can cause collateral damage to the religious and secular sites.¹⁸⁰ For instance, note the sharp increase of this kind of crime between 2016 (five cases) and 2017 (15 cases).

¹⁸⁰ In the statistics collateral damage caused in connection with monetary thefts was not taken into consideration.

Thefts of economic motivation 2014-2020 (112 incidents) - targeted religious Communities and Secular Sites

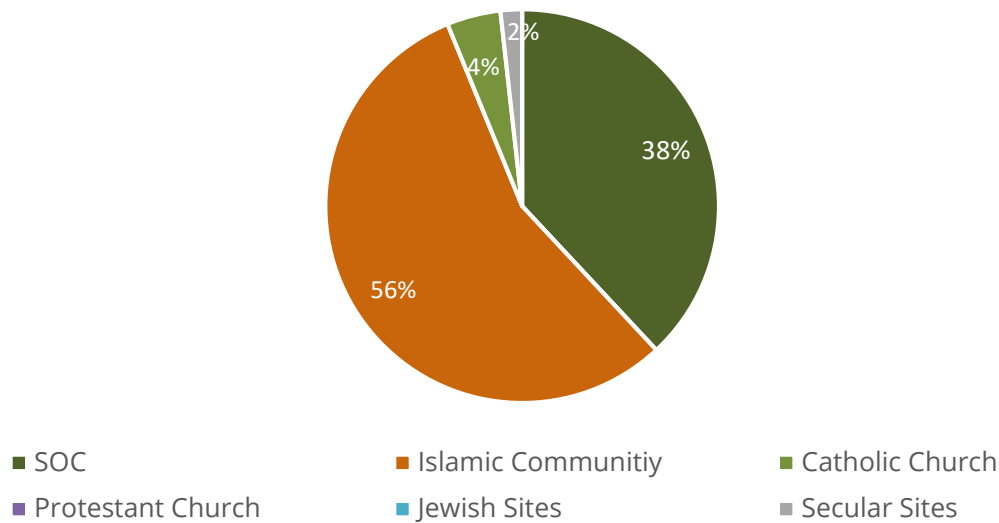


Figure 24: Since 2017 monetary thefts and thefts of items of non-heritage character increased: The 112 known cases occurred mostly in sites of the Islamic Community (63 incidents, 56 per cent) and of the Serbian Orthodox Church (43 incidents/38 per cent). (Graphics: OSCE)

More than half (63 cases or 56 per cent) of economically motivated thefts were committed at mosques. In more than one-third (42 or 38 per cent) of the cases, this kind of theft occurred at places of worship of the Serbian Orthodox Church. Very few cases were reported from Catholic churches (five or 4 per cent) or from secular sites (two or 2 per cent). No thefts of this category occurred at Protestant churches or at Jewish sites. These figures underline the view of Kosovo Police that the majority of such incidents affecting religious sites are economically motivated.¹⁸¹

Incidents against cultural heritage and religious sites for non-monetary motivation

Compared to thefts for monetary motivations, incidents targeting cultural heritage and religious sites with non-monetary motivations show a different trend in that 57 per cent of the remaining 135 cases (of non-monetary character) were committed in churches and cemeteries belonging to the Serbian Orthodox Church, while 24 per cent were directed against religious properties of the Islamic Community. In twelve cases (9 per cent), Catholic churches were the target, whereas secular sites¹⁸² were targeted in only six cases. Jewish sites were affected in three incidents, and a Protestant church was also targeted once.

¹⁸¹ Interview with Mr. Dražo Božović, Head of the Kosovo Police Unit for Securing of Objects of Cultural and Religious Heritage, and Mr. Ilmi Kçiku, Chief of Operations, KP, 4 August 2020.

¹⁸² E.g. in 2015 inside of Vushtrri/Vučitrn castle, unknown person(s) damaged an emblem on a wall, and broke two bathroom doors and a chair. On 19 January 2018 unknown perpetrators broke into the "Visitatorium" located at the medieval cultural heritage site in Donja Budriga/Budrigë e Poshtme in Parteš/Partesh municipality. The interior was vandalised and various items including parts of the heating system were stolen. On 1 October 2018 the security guard of the Novo Brdo/Novobërdë castle reported that unknown perpetrator(s) damaged the entrance door of the medieval castle of Novo Brdo/Novobërdë, but did not manage to break in. Furthermore, on 11 December 2019 at the medieval castle an electricity cable was stolen.

Incidents 2014-2020 excluding economically motivated thefts (in total 135 incidents) according to religious communities

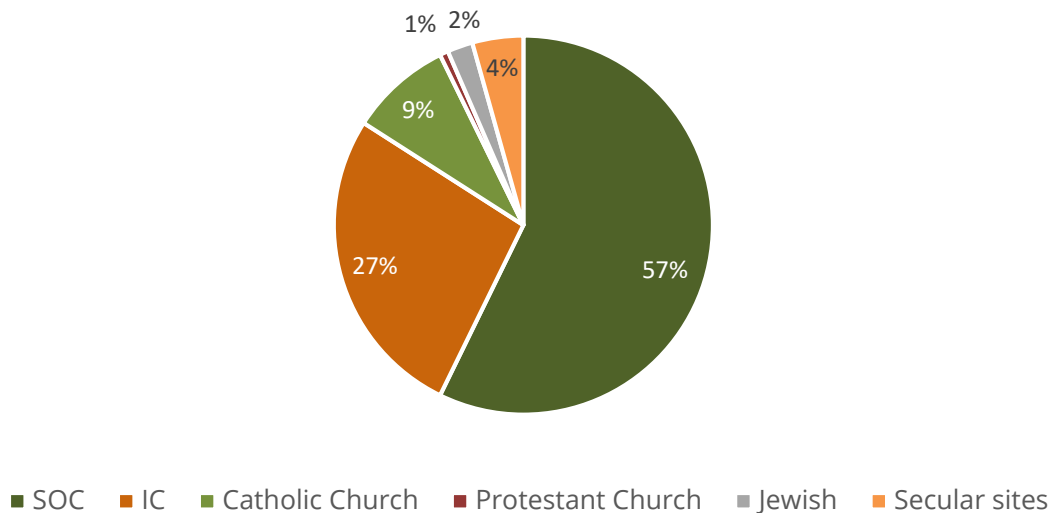


Figure 25: Regarding incidents targeting religious and heritage sites (without economic motivation), 57 per cent (79 incidents) targeted churches and cemeteries of the Serbian Orthodox Church. Mosques of the Islamic Community were targeted in 37 incidents (27 per cent), the Catholic Church 12 times (9 per cent) and in 6 cases (4 per cent) secular heritage sites were involved.

Thefts of art works and other items

Out of the 18 thefts in this category, ten were committed on Serbian Orthodox Church property, while four occurred at sites of the Catholic Church and two at sites of the Islamic Community. One theft was reported from a Jewish site and one from a secular property.

The ten art thefts which targeted the Serbian Orthodox Church included the removal of crosses from churches in the villages of Močare/Moçarë (Kamenicë/Kamenica municipality),¹⁸³ Brod (Štrpce/Shtërpçë municipality)¹⁸⁴ and Babimoc/Babin most (Obiliq/Obilić municipality).¹⁸⁵ Stone crosses serving as landmarks in the landscape were also taken away, which could be seen in the context of the removal from the landscape of symbols of non-majority communities.¹⁸⁶ In several cases, artefacts, such as icons,¹⁸⁷ were stolen from churches¹⁸⁸ and cemeteries.¹⁸⁹

183 Spring 2015.

184 23 July 2018.

185 15 September 2020.

186 Pavlan/Plavljane village, Pejë/Peć municipality, 1 October 2018.

187 Paralovo/Parallovë village, Novo Brdo/Novobërdë municipality, between 24 and 29 July 2020.

188 Ferizaj/Uroševac municipality, spring 2015; church "Holy Virgin", village of Sredska/Sredskë, Pejëçi/Pejëçi neighbourhood, Prizren municipality, spring 2016; Pasjan/Pasjane village, 8 October 2016; Banjskë/Banjska village, Vushtrri/Vučitrn municipality, 31 March 2019.

189 Podujevë/Podujevo municipality, winter/spring 2015.

The Islamic Community suffered in two incidents, including a theft of coins and musical instruments used in religious rituals¹⁹⁰ from a Tekke.¹⁹¹ Furthermore, the burglary of an office of the Islamic Community resulted in the disappearance of various documents.¹⁹²

With regard to the four art thefts at Catholic churches, thieves stole some consecrated items,¹⁹³ including a tabernacle¹⁹⁴. Also, the theft of several icons¹⁹⁵ and a lantern from a graveyard was reported.¹⁹⁶

The only art-related theft which affected the Jewish community occurred in April 2016:¹⁹⁷ a *stela*, placed at the entrance door of the Jewish Association of Kosovo, was removed by unknown persons. In 2015, the same *stela* had been damaged.

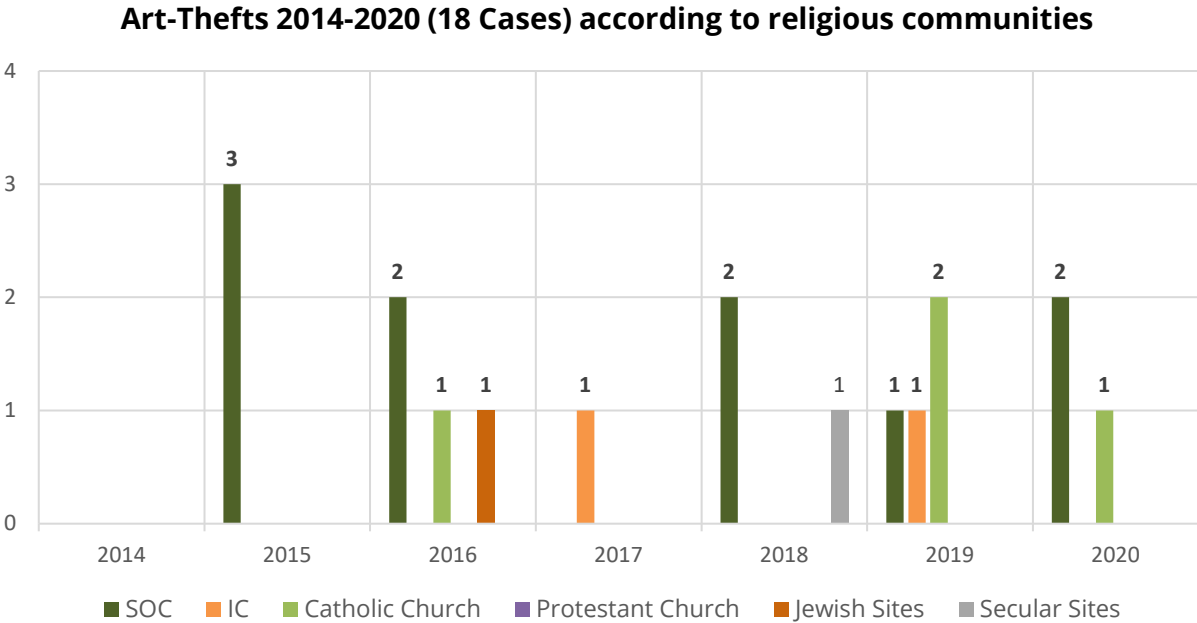


Figure 26: 18 art-related thefts in total could be notified, among them 10 cases targeted the Serbian Orthodox Church, 2 cases the Islamic Community, 4 cases targeted the Catholic Church and one Jewish site as well as one secular site were targets as well. (Graphics: OSCE)

Vandalism

86 incidents of vandalism against religious buildings took place. More than half of them, 48 cases, were directed against religious buildings of the Serbian Orthodox Church, while 25 were committed against the Islamic Community. The type of vandalism was similar across all religious communities, such as stones thrown at windows, damaging of doors and locks, and destructive acts towards graveyards.

190 Gjakovë/Đakovica municipality, 4 February 2018. This tekke is included in the MCYS List of temporary protection.
 191 Prishtinë/Priština, 14 June 2017.
 192 Kamenicë/Kamenica municipality, 12 March 2019.
 193 Non-specified location, spring 2016. On the occasion of that crime objects for liturgical use were thrown on the floor.
 194 Gjakovë/Đakovica municipality, 12 October 2020.
 195 Glllogjan/Glođane village, Pejë/Peć municipality, 14 December 2019. One of two stolen icons was later found in a damaged condition.
 196 Deiq/Deić village, Klinë/Klina municipality, 26 February 2019.
 197 27 April 2016.

The 48 incidents at sites of the Serbian Orthodox Church include the following: breaking of windows in churches,¹⁹⁸ the vandalizing of façades,¹⁹⁹ the breaking of doors, locks and gates,²⁰⁰ and forced entry into buildings.²⁰¹ In many cases, the crimes were committed in connection with thefts. Frequently there was also vandalism of graves and gravestones.²⁰² Furthermore, vandalism of religious symbols of the Serbian Orthodox Church, such as the cross, was reported from the church in Brod village (Shtërpçë/Štrpce municipality).²⁰³ The church of Dresnik/Drnsnik (Klinë/Klina municipality) was burglarized several times in attempts to steal money, and at the same time icons were removed from the wall and damaged.²⁰⁴

A total number of 25 incidents involved vandalism of assets of the Islamic Community, such as intentional damage to gravestones in cemeteries belonging to the Community.²⁰⁵ There were arson and fire cases which also caused damage to mosques. The room annexed to the mosque of Reçak/Raçak village, Shtime/Štimlje municipality, was set on fire. As a result, the door, façade and several carpets were damaged.²⁰⁶ In October 2020 an old mosque in Prishtinë/Priština municipality was burnt. The perpetrator was identified and sentenced to one month custody.²⁰⁷ The fire in the mosque of the village of Runik, Skënderaj/Srbica municipality constituted collateral damage, after a suspect with mental disabilities burnt the house of his neighbour. As a result, the neighbouring mosque also caught fire, causing damage worth some EUR 30.000.²⁰⁸ Furthermore, vandalism targeting windows (by stoning or in the connection of attempted burglaries),²⁰⁹ doors including

198 “Holy Trinity” Church (Sveta Trojica), Bablak/Babljak village, Ferizaj/Uroševac municipality, 24-25 July 2014 and on 8 September 2015; church “St. Elijah”, Kaçanik/Kaçanik municipality, 29 October 2015; Saint Trinity Church, Bablak/Babljak village, Ferizaj/Uroševac municipality, 16 March 2017; “St. Apostles Peter and Paul”, Talinoc i Muhaxherëve/Muhadžer Talinovac village, Ferizaj/Uroševac municipality, 19 April 2017 and 17 May 2018; chapel of the SOC cemetery, Zallq/Žaç Village, Istog/Istok municipality, 7 May 2017; Varosh/Varoš village, Ferizaj/Uroševac municipality, 17 May 2018; Bablak/Babljak village, Ferizaj/Uroševac municipality, 11 February 2019; Krushevë/Veliko Kruševo village, Klinë/Klina municipality, 23 March 2019.

199 Bardhosh/Devet Jugoviča village, Prishtinë/Priština municipality, 29 July 2014; Donja Bitinja/Biti e Poshtme village, Štrpce/Shtërpçë municipality, 22 March 2019; Ferizaj/Uroševac municipality, 5 January 2020.

200 Mitrovicë/Mitrovica (south), 25 August 2015; “Nativity of the Virgin” Church, Ferizaj/Uroševac municipality, 29 October 2015; Sveti Vraci, village of Novak, municipality of Prizren, 21 April 2016; church in Prishtinë/Priština, 9 October 2016; Sveti Petar i Pavle, village of Brod, Štrpce/Shtërpçë municipality, 13 February 2017; Stanišor/Stanishor village, Gjilan/Gnjilane municipality, 16 March 2019; Drajkovc/Drajkovce village, Shtërpçë/Štrpce municipality, 17 March 2019; Donja Bitinja/ Biti e Poshtme village, Štrpce/ Shtërpçë municipality, 22 March 2019; Novak/Novake village, Prizren municipality, 11 May 2020 and also on 28 June 2020.

201 Dresnik/Drnsnik village, Klinë/Klina municipality, 4 July 2015.

202 Sërbicë e Poshtme/Donja Srbica village, Prizren municipality, 21 January 2015; Obiliq/Obilić, 11 February 2015; village of Livoç i Ulët/Donji Livoč, Gjilan/Gnjilane municipality, ca January-February 2015; Dugajevë/Dugajevo village, Klinë/Klina municipality, spring 2015; Rahovec/Orahovac, 27 October 2016; village of Nakaradë/Nakarade, Fushë Kosovë/Kosovo Polje municipality, 18 February 2017; Brestovik village, Pejë/Peć municipality, 16 January 2018; Lipjan/Lipljan municipality, 9 February 2018; St. Nikola church, Gornji Makreš/Makresh i Epërm, Novo Brdo/Novobërdë municipality, 16 September 2018; Nakaradë/Nakarade village, Fushë Kosovë/Kosovo Polje municipality, 25 September 2018; Lipjan/Lipljan municipality, 16 December 2019; Tërpezë/Trpeza village, Klllokot/Klokot municipality, 25 April 2020.

203 Brod village, Shtërpçë/Štrpce municipality, 23 January 2015.

204 Dresnik/Drnsnik village, Klinë/Klina municipality. 4 July 2015, 5 and 7 February 2017.

205 Gremë/Grebn village, Ferizaj/Uroševac municipality, 9 February 2017; Neprogoshtë/Nepregošte village, Zhupë/Župa valley, Prizren/Prizren municipality, 22 February 2017.

206 6 June 2017; a similar case happened in Karaçevë e Poshtme/Donje Karaçevo village, Gjilan/Gnjilane municipality on 2 December 2019.

207 Magurë/Magura village, Prishtinë/Priština municipality, 21 October 2020.

208 17 February 2018.

209 Village Loxhë/Loda, Pejë/Peć municipality, 26 May 2018, Pejë/Peć; 26 November 2018; Kaçybeg/Kacibeg village, Podujevë/Podujevo municipality, 30 January 2019; Prizren, 20 January 2020; Prizren, 25 January 2020; Tërstenik/Trstenik village, Glllogoc/Glogovac municipality, October 2020.

locks,²¹⁰ sound system and surveillance cameras²¹¹ as well as a heating appliance²¹² was reported. Inside the mosque of Llugaxhi/Lugadžija village (Lipjan/Lipljan municipality) parts of the minibar, the pulpit from where the imam delivers sermons, was destroyed and furniture damaged.²¹³ Similar cases were also reported in Prizren.²¹⁴ A shrine outside of a village got intentionally damaged.²¹⁵ The cutting of trees (without taking them away) and pulling of pillars of fences in the yards of the mosque also resulted in damages.²¹⁶

The Catholic Church suffered from eight incidents, mainly intentional damage to gravestones²¹⁷. A church in the historic centre of Prizren, featured on the list of temporary protection, caught fire for the second time.²¹⁸ Moreover, a suspect with mental health problems threw stones against the window of the Saint Mother Teresa Cathedral in Prishtinë/Priština.²¹⁹ In another case the doors and desks of the same church were damaged.²²⁰ Similar cases of vandalism also occurred in other churches.²²¹ Vandalism often occurred outside of churches and cemeteries. For instance, in one case, a cross of 2.5 m was knocked down and a statue of the Mother of God on the top of the village hill was also damaged.²²²

With regard to the Protestant community, only one case was recorded in the town cemetery of Gjilan/Gnjilane, where the plaque of the Protestant community was damaged.²²³

Two incidents occurred at Jewish sites. The stele at the entrance door of the building of the Jewish Association of Kosovo²²⁴ was damaged. This stele was stolen in April 2016. The old cemetery "Kisha Sakse" in the village of Bostan/Bostane (Novo Brdo/Novobërdë municipality), which is included in the list of temporary protection,²²⁵ was also damaged.

Two cases at secular sites were reported: damages to wall decorations, furniture and sanitary installations at the Vushtrri/Vučitrn castle.²²⁶ Damage to the entrance door of the fortress of Novo Brdo/Novobërdë, which is an SPZ site, happened in the context of a theft attempt.²²⁷

210 Peqan/Peçane village, Suharekë/Suva Reka municipality, 29 November 2019.

211 Prishtinë/Priština, 1 October 2018; Llashkobarë/Laškobare village, Ferizaj/Uroševac municipality, 18 June 2019.

212 Maksut Pasha Mosque, Prizren, 18 November 2019.

213 30 June 2018.

214 Namazxhah mosque, Prizren, 27 May 2019; Dëshmorët e Arbanës mosque, Prizren, 3 August 2020.

215 Dush/Duš village, Klinë/Klina municipality, 7 June 2019.

216 Hani i Elezit/Elez Han municipality, 5 December 2020.

217 Prizren, spring 2015; Llapushnik/Lapušnik village, Gillogoc/Glogovac municipality, 22 June 2015; Romajë/Romaja village, Prizren, 1 January 2016.

218 8 April 2016.

219 13 May 2017.

220 10 December 2019.

221 Viti/Vitina municipality, 13 November 2020.

222 Janjevë/Janjevo village, 31 May 2018.

223 19 September 2019.

224 Prizren, 6 July 2015.

225 4 April 2016.

226 Spring 2015.

227 1 October 2018.

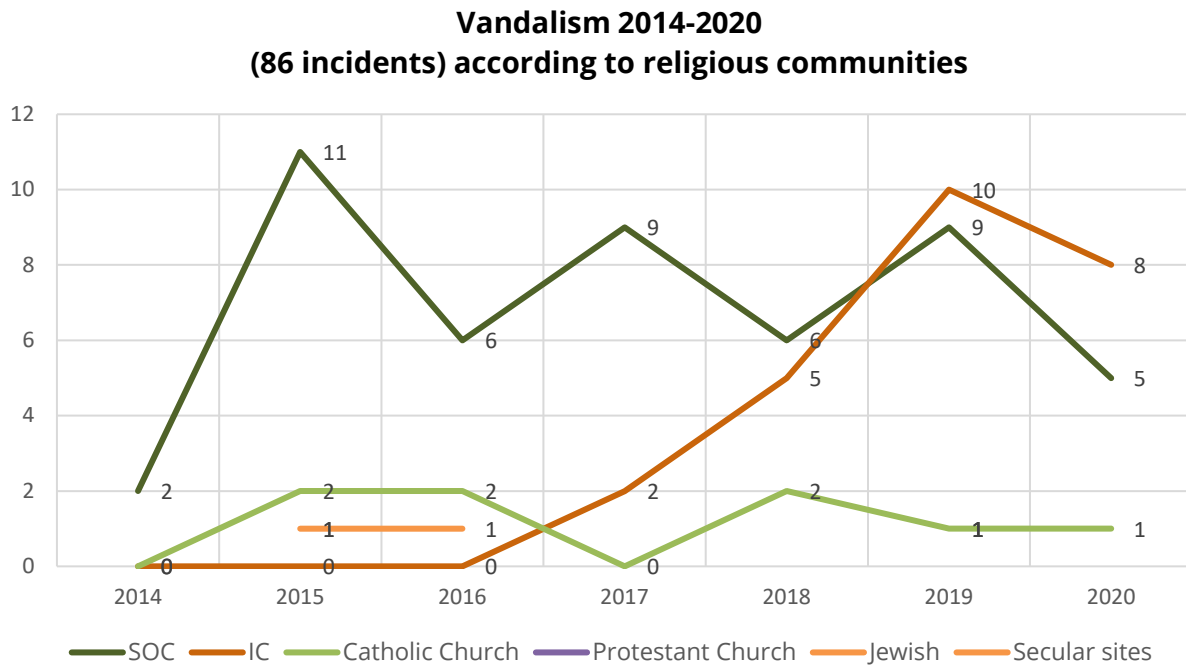


Figure 27: Until 2019, the majority of incidents affected sites of the Serbian Orthodox Church. However, since 2016 the number of incidents in the premises of the Islamic Community rose constantly and overtook in 2019 the number of incidents at Serbian Orthodox Church sites. (Graphics: OSCE)

Disturbances

Twenty-five cases of disturbance were reported. Fifteen (60 per cent) were directed against the Serbian Orthodox Church, while in ten cases (40 per cent) the Islamic Community was targeted.

Regarding the Serbian Orthodox Church, disturbances were committed against Serbian cemeteries²²⁸, with stones thrown against churches²²⁹ and priests' residences²³⁰. Moreover, attacks included graffiti with disturbing messages on walls and doors of Serbian Orthodox Church-related buildings²³¹ and the placing of an Albanian flag at the fence of a Serbian Orthodox Church's cemetery.²³² Also cases of unauthorized entry into churches were reported.²³³ It should be noted that disturbances directed at Serbian Orthodox Church cemeteries and stones thrown at gates on several occasions were publicly condemned.²³⁴ Out of a total of 18 condemnations initiated between 2014 and

228 Viti/Vitina, April 2014.

229 Rahovec/Orahovac, 10 November 2015; Viti/Vitina, 1 September 2020.

230 Rahovec/Orahovac, 14 October 2014.

231 Brod village (Shtërpçë/Štrpce municipality), 23 January 2015; Gjakovë/Đakovica, 17 and 21 February 2015; Istog/Istok, 29 August 2015; Church of St. Nicholas in Prishtinë/Priština, 17 March 2016; Monastery of Zočište, Rahovec/Orahovac, 19 October 2016; an incident on 14 February 2017 at a not specified location

232 Livoç i Epërm/Gornji Livoç village (Gjilan/Gnjilane municipality), 10 January 2020.

233 Binçë/Binaç Village (Viti/Vitina municipality), 26 March 2017; Bresje Village (Fushë Kosovë/Kosovo Polje municipality), 28-29 November 2017; Patriarchate of Peç, Pejë/Peć, 30 May 2018.

234 Following the incidents in Viti/Vitina, April 2014; and in Rahovec/Orahovac, 14 October 2014.

2020, 11 of them were made by representatives from the municipalities (mayor, Municipality Community Security Council - MCSC) after churches and graveyards of the SOC were targeted. In some of these cases, the OSCE had recommended municipalities to issue condemnations).

Regarding the Islamic Community, its buildings were the target of graffiti attacks with politically motivated disturbing slogans.²³⁵ A suspicious bag with some wires and a metal slab found behind a mosque was identified as an explosive device of 2.2 kg.²³⁶ Mosques were also subjected to unauthorized entry²³⁷ and threats to destroy them.²³⁸ Also, the lighting of fire (without causing damage) in a cemetery was reported.²³⁹

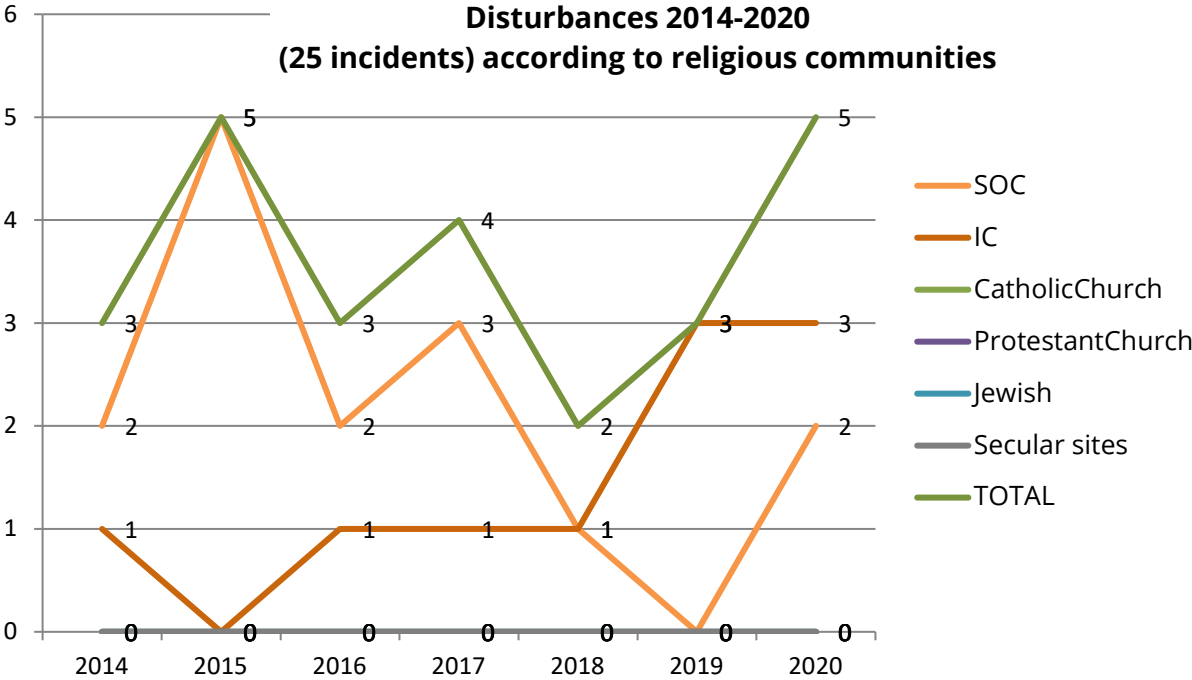


Figure 28: Between 2014 and 2020, 25 cases of disturbance were directed against religious communities, including 15 incidents targeting the Serbian Orthodox Church and 10 incidents targeting the Islamic Community. While the figures for the Serbian Orthodox Church show rather a declining development, acts directed against the Islamic Community increased between 2018 and 2019. (Graphics: OSCE)

Desecration

Six acts of desecration were committed, including one when a Serbian Orthodox church was vandalized²⁴⁰ and five in which cemeteries and gravestones were damaged. In five

235 Unspecified location, 17 March 2017.
 236 Gillogoc/Glogovac, 29 January 2016.
 237 Prishtinë/Priština, 29 March 2018.
 238 Kaçybeg/Kacibeg village (Podujevë/Podujevo municipality), 28 January 2019.
 239 Vërban/Vrban village (Viti/Vitina municipality), 14 April 2020.
 240 "Sveta Petka" Church in Dresnik/Drnsnik village of Klinë/Klina municipality, February 2017.

cases the crimes were directed against sites of the Serbian Orthodox Church²⁴¹ and in one case towards a graveyard of the Islamic Community.²⁴²

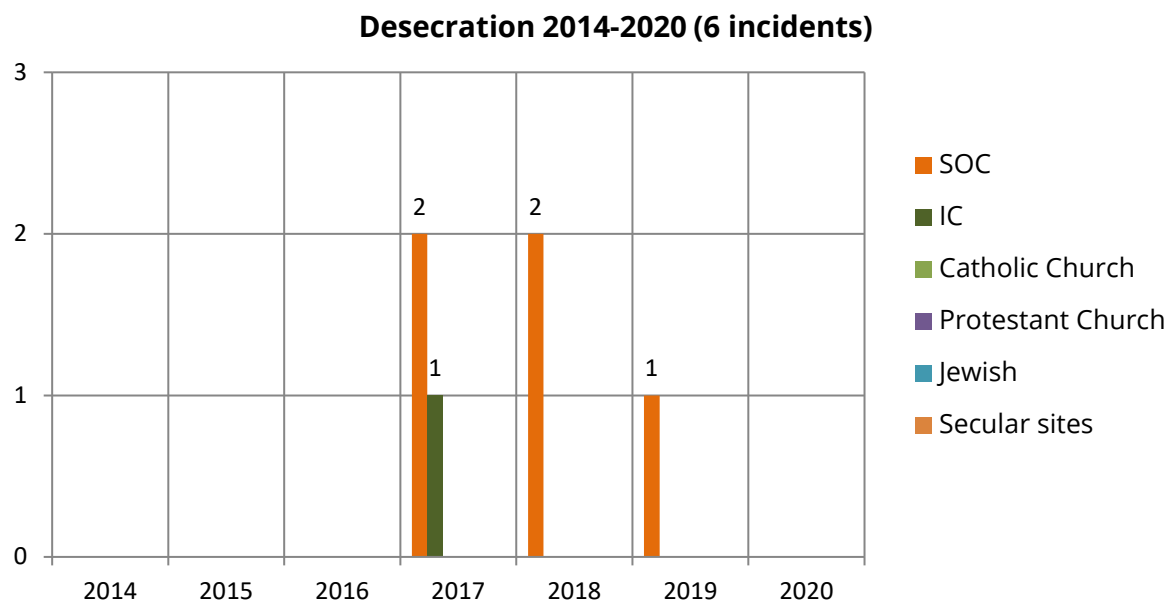


Figure 29: Of the six cases of desecration five were directed against the Serbian Orthodox Church. Additionally, a number of gravestones in a cemetery of the Islamic Community were damaged. (Graphics: OSCE)

Incidents at graveyards

While 78 per cent of the incidents were committed at places of worship, graveyards were involved in 45 of the 247 cases.²⁴³ The violations mostly included intentional damage to gravestones (28 cases) which affected the Islamic Community²⁴⁴ and Jewish Community²⁴⁵ as well as the Catholic,²⁴⁶ Protestant,²⁴⁷ and Serbian Orthodox churches.²⁴⁸ In a few cases, there was also fire which threatened or damaged cemeteries.²⁴⁹ However, this could also

241 Kllokot/Klokot village, Kllokot Vërbovc/Klokot Vrbovac municipality, 4 May 2017; Rahovec/Orahovac, 26 May 2018; village Doganaj/Doganjevo, Ferizaj/Uroševac municipality, 17 July 2018; 10 gravestones damaged at the cemetery of Lipjan/Lipljan municipality, 16 December 2019

242 On 9 February 2017, 42 Muslim graves in the three cemeteries of Gremë/Grebn village, Ferizaj/Uroševac municipality were vandalised.

243 These 45 cases were already mentioned above among the various categories of incidents. However, this chapter shall provide a better overview concerning the specific situation of graveyards.

244 Gremë/Grebn village, Ferizaj/Uroševac municipality, 9 February 2017; Neprogoshtë/Nepregošte village, Zhupë/Župa valley, Prizren/Prizren municipality, 22 February 2017.

245 Old cemetery "Kisha Sakse" in the village of Bostan/Bostane (Novo Brdo/Novobërdë municipality)(included in the list of temporary protection), 4 April 2016.

246 Llapushnik/Lapušnik village, Glogoc/Glogovac municipality, 22 June 2015; Romajë/Romaja village, Prizren, 1 January 2016.

247 Town cemetery of Gjilan/Gnjilane, 16 September 2019.

248 Sërbica e Poshtme/Donja Srbica village, Prizren municipality, 21 January 2015; Obiliq/Obilić, 11 February 2015; village of Livoç i Ulët/Donji Livoč, Gjilan/Gnjilane municipality, ca January-February 2015; Dugajevë/Dugajevo village, Klinë/Klina municipality, spring 2015; Rahovec/Orahovac, 27 October 2016; village of Nakaradë/Nakarade, Fushë Kosovë/Kosovo Polje municipality, 18 February 2017; Brestovik village, Pejë/Peć municipality, 16 January 2018; Lipjan/Lipljan municipality, 9 February 2018; St. Nikola church, Gornji Makreš/Makresh i Epërm, Novo Brdo/Novobërdë municipality, 16 September 2018; Nakaradë/Nakarade village, Fushë Kosovë/Kosovo Polje municipality, 25 September 2018; Lipjan/Lipljan municipality, 16 December 2019; Tërpezë/Trpeza village, Kllokot/Klokot municipality, 25 April 2020.

249 Vërban/Vrban village (Viti/Vitina municipality), 14 April 2020.

have been the result of an uncontrolled forest clearance. Six cases included thefts, four of which were economically motivated, such as the stealing of gates and fences. In two cases heritage items were stolen.²⁵⁰ Disturbances were committed in two instances against Serbian cemeteries.²⁵¹ They included also the placing of an Albanian flag at the fence of a cemetery.²⁵² Desecrations of the specific character of graveyards as places of remembrance were noted six times. In five cases, desecrations were committed through systematic damaging of gravestones and of larger areas of cemeteries.²⁵³

**Categories of Incidents at Graveyards 2014-2020
(45 cases)**

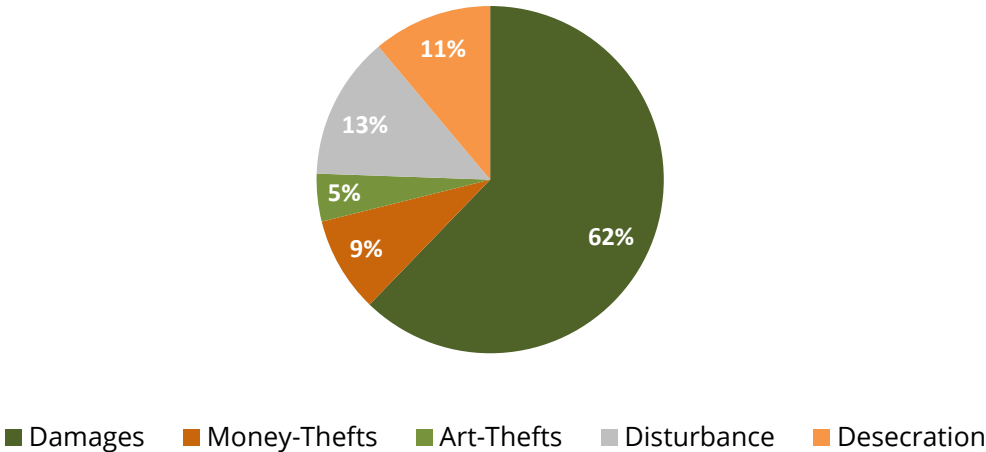


Figure 30: Almost two-thirds of the incidents at graveyards refer to damage to gravestones (62 per cent) while the other categories of incidents (theft, disturbance and desecration) contribute between 11 and 14 per cent. (Graphics: OSCE)

More than half of the 45 incidents were directed against cemeteries of the Serbian Orthodox Church (25 cases),²⁵⁴ followed by incidents in graveyards of the Islamic

250 At the cemetery of the SOC in Podujevë/Podujevo municipality, during winter/spring 2015 and of a lantern at the Catholic cemetery of Deiq/Deiç village, Klinë/Klina municipality, 26 February 2019.

251 Viti/Vitina, April 2014.

252 Livoç i Epërm/Gornji Livoç village (Gjilan/Gnjilane municipality), 10 January 2020.

253 Kllokot/Klokot village, Kllokot Vërbovc/Klokot Vrbovac municipality, 4 May 2017; Rahovec/Orahovac, 26 May 2018; village Doganaj/Doganjevo, Ferizaj/Uroševac municipality, 17 July 2018; 10 gravestones damaged at the cemetery of Lipjan/Lipljan municipality, 16 December 2019. On 9 February 2017, 42 Muslim graves in the three cemeteries of Gremë/Grebn village, Ferizaj/Uroševac municipality were vandalized.

254 E.g. the cemeteries in Viti/Vitina municipality; Krushevc/Kruševac; Sërbica e Ultë/Donja Srbica; Livoç i Epërm/Gornji Livoç and Livoç i Ulët/Donji Livoç (Gjilan/Gnjilane municipality); Podujevë/Podujevo; Dugajevë/Dugajevo village (Klinë/Klina municipality); Cërnice/Cernica (Gjilan/Gnjilane municipality); Videjë/Vidanje (Klinë/Klina municipality); Rahovec/Orahovac municipality; Nakarad/Nakarade (Fushë Kosovë/Kosovo Polje municipality); Zallq/Zac (Istog/Istok municipality); Kllokot/Klokot (Kllokot Vërbovc/Klokot Vrbovac municipality); Lokvicë/Lokvica (Prizren municipality); Prishtinë/Pristina municipality; Brestovik/Brestovnik (Pejë/Peç municipality); Lipjan/Lipljan municipality; Doganaj/Doganjevo (Ferizaj/Uroševac municipality); Nakaradë/Nakarade (Fushë Kosovë/Kosovo Polje municipality); Pejë/Peç municipality; Gracke e Vjetër/Staro Gracko (Lipjan/Lipljan municipality); Tërpezë/Trpeza village (Kllokot/Klokot municipality).

Community (13).²⁵⁵ In a few cases the graveyards of the Catholic church (five cases²⁵⁶) were targeted. The Protestant church²⁵⁷ and the Jewish community²⁵⁸ were each affected in one case.

Combating Violations and Crimes against Cultural Heritage

Law enforcement institutions, such as the KP, Prosecutors and Courts, play an important part in preventing, reducing or sanctioning crimes against cultural heritage and its stakeholders. Currently the Kosovo Police Unit for Securing of Objects of Cultural and Religious Heritage monitors 24 religious sites and monuments on a 24 hours/7 days basis. This number includes 10 SPZ sites. With regard to the Monastery of Visoki Dečani, KFOR continues to guard and monitor the site.²⁵⁹ In order to perform these duties efficiently, 32 static points (mostly kiosks) were installed.²⁶⁰ Moreover, other monuments are patrolled regularly by the local police station.

Following up on a recommendations of the 2014 report, *namely to "Provide regular patrols also at cultural heritage sites not belonging to the Serbian Orthodox Church affected by security incidents"*,²⁶¹ the KP focuses not only on sites of the Serbian Orthodox Church, but also the Gazimestan Memorial Monument (Obiliq/Obilić). After the specialized unit for the protection of cultural heritage and religious sites of the KP was established in 2013, 200 KP officers were recruited out of 207 planned positions by the end of 2020. Adequate training and equipment are being provided by the Ministry of Internal Affairs and donors to perform the foreseen tasks. The specialized unit was established in co-operation with the MCYS, representatives of the religious communities, especially the Serbian Orthodox Church, and local institutions. The MCYS contributes financially to cover some basic costs such as electricity and water. The presence of the KP at these observation points is based on a risk analysis.²⁶² Due to their low number, crimes like art smuggling and the international black market for art and archaeological items are not currently a big concern in Kosovo. Nonetheless, co-operation with specialized institutions in the field of cultural heritage on an international level, such as INTERPOL, could be strengthened.

The KP brought all incidents directed against cultural and religious heritage to the attention of the Prosecutor. However, only a limited number were further processed and forwarded to the judiciary. In a majority of cases, either the perpetrator could not be

255 Gremë/Grebn (Ferizaj/Uroševac municipality); Neprogoshtë/Nepregošte (Zhupë/Župa valley, Prizren/Prizren municipality); Istog/Istok municipality; Mitrovica/Mitrovicë north municipality; Berivojçë/Berivojce (Kamenicë/Kamenica municipality); Mirash/Miraš (Ferizaj/Uroševac municipality); Gjakovë/Đakovica municipality; Bellopojë/ Belo Polje village (Pejë/Peć municipality); Vërban/Vrban (Viti/Vitina municipality); Saraishtë/Sarište village (Ferizaj/Uroševac municipality); Ribar i Madh/Veliko Ribare village (Lipjan/Lipljan municipality); Obrangj/Obrandža village (Podujevë/Podujevo municipality).

256 Prizren; Llapushnik/Lapušnik (Glllogoc/Glogovac municipality); Romajë/Romaja (Prizren municipality); Pjetërq i Poshtëm/ Donji Petrić (Klinë/Klina municipality); Deiq/Deić (Klinë/Klina municipality).

257 In Gjilan/Gnjilane municipality.

258 "Kisha Sakse", village of Bostan/Bostane (Novo Brdo/Novobërdë municipality).

259 Visoki Dečani Monastery in Deçan/Dečane municipality.

260 This number derives from the fact that in some of these 24 sites several observations points have been installed (e.g. in Pejë/Peć Patriarchy: 4 static points).

261 In the Cultural Heritage Report 2014, p. 29.

262 Interview with Mr. Dražo Božović, Head of the Unit for Securing of Objects of Cultural and Religious Heritage, KP, and Mr. Ilmi Kçiku, Chief of Operations, KP, 4 August 2020.

identified or the damage was minor. As previously highlighted, the majority of violations are of economic motivation and not motivated by intentional destruction of cultural heritage or intimidation of residents. However, as most of the perpetrators could not be identified, their individual motivations in targeting cultural heritage apart from instances of monetary-related thefts remains unclear.

The Law, especially the Criminal Code, provides sanctions for criminal offences committed against cultural property. However, the long duration of the judicial proceedings and inappropriate penalties or even acquittals do not deter potential perpetrators from committing crimes against cultural heritage and religious communities.²⁶³

Number of Cases recorded by KP and further processed by Prosecution

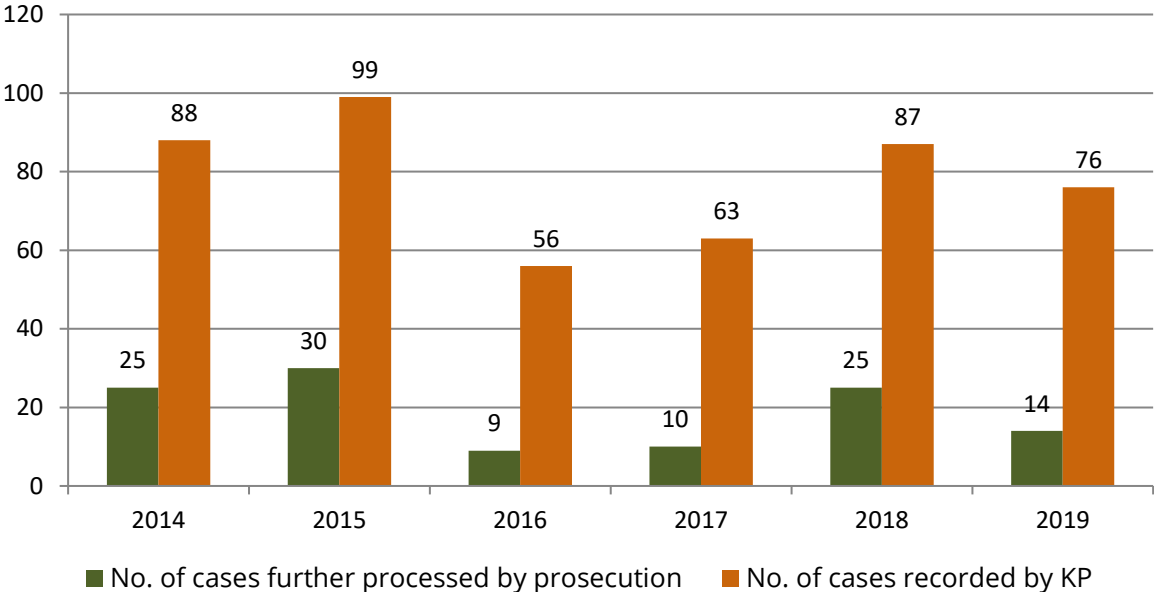


Figure 31: While KP recorded up to a hundred cases per year concerning cultural and religious heritage crimes, the number which was prosecuted remained low.

Public Condemnations of Incidents

Condemnation of incidents by public institutions represents another aspect of sanctioning unlawful behaviour. The importance of condemning criminal acts, especially regarding sites of non-majority communities, was already recommended to the MCYS²⁶⁴ and to the municipalities²⁶⁵ in the Mission’s 2014 report. According to OSCE monitoring, since 2014 18 of the 247 incidents were condemned by representatives from the municipalities such as the mayor or the Municipality Community Security Council (MCSC). The OSCE Mission in Kosovo continues to advocate with relevant institutions to issue such

263 Interview with Mr. Dražo Božović, Head of the Unit for Securing of Objects of Cultural and Religious Heritage, KP, and Mr. Ilmi Kçiku, Chief of Operations, KP, 4 August 2020.

264 “Advise municipalities, including through public statements, that security incidents at cultural heritage sites, in particular of non-Albanian communities, shall be publicity condemned”, in Report 2014, p. 29.

265 “Condemn all security incidents affecting cultural heritage sites, in particular of non-Albanian communities, and undertake timely outreach activities with the aim of reassuring affected communities”, in Report 2014, p. 29.

condemnations consistently.²⁶⁶ Municipal institutions have initiated condemnations, often after desecrations of graveyards connected to the Serbian Orthodox Church or after thefts from mosques of the Islamic Community. Other institutions, groups, and political parties (like Eparchy, *Srpska Lista*) also condemned these incidents.

Condemnations on Municipal Level of Incidents against Religious Sites 2014-2020

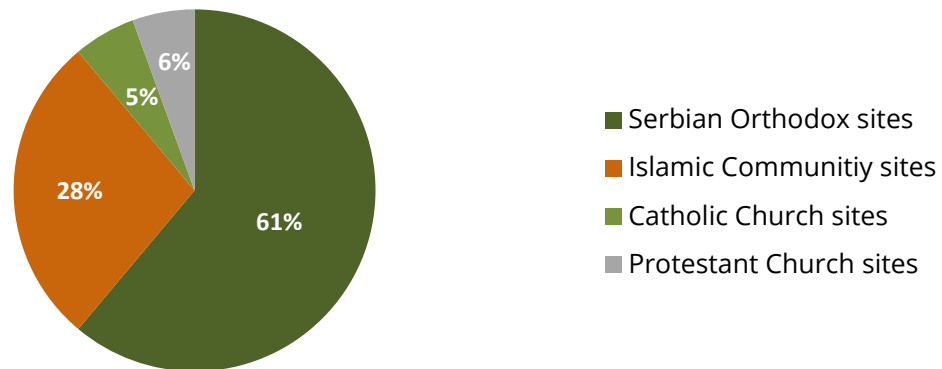


Figure 32: 11 of the 18 public condemnations undertaken by the municipalities related to acts directed against the Serbian Orthodox Church, while five condemnations were issued after thefts affected the Islamic Community. Moreover, one incident against the Catholic and one against the Protestant Church were also condemned. (Graphic: OSCE)

As acknowledged and recommended in the 2014 report, co-operation between the MCSC, the Local Public Safety Committees (LPSC) and of the community representatives with KP plays a crucial role in re-assuring affected communities. An example, which demonstrated co-operation between the municipality and KP and also led to public condemnation, was an incident in 2019 directed against the Serbian Orthodox Church and the Islamic Community:

[On 3rd February 2019] *Unknown suspect has forcibly entered a mosque and the Serbian Orthodox Church in Babimoc/Babin Most village. During this incident a charity box in the mosque containing approximately €100 was stolen, while no robbery was reported from the church causing only damage to the entrance door. Kosovo Police (KP) deputy commander in Obiliq/Obilić informed that the KP opened two cases, respectively for the burglary in the mosque as the case of "aggravated theft" and for the incident in the church as the case of "attempt of aggravated theft." Of note, there are no identified suspect/s insofar, while the KP is working on both cases.*

On 5 March, the municipal community safety council (MCSC) chaired by the acting deputy mayor [of Obiliq/Obilić] Ibush Mjekiqi met for the first time in 2019. Following the report by the Kosovo Police station commander, Sejdi Zeqiri, regarding recently occurred thefts on 3 February in the Mosque and the Serbian Orthodox Church in Babimoc/Babin Most, the MCSC members unanimously condemned the recent burglaries targeting religious buildings.²⁶⁷

²⁶⁶ See: Ministry for Communities and Returns (MCR), Ministry of Internal Affairs (MoIA) and Ministry for Local Governance and Administration (MLGA), *Guidelines: Responses by Local Level Mechanism to Incidents affecting Communities* [without year].

²⁶⁷ Incident report from Regional Centre Prishtinë/Priština, OSCE, February-March 2019.

Recommendations

To the Municipalities:

- Strengthen efforts to publically condemn incidents against religious and cultural heritage sites.

To the Ministry of Culture, Youth and Sport:

- Enhance the co-operation of the Ministry of Culture, Youth and Sports with municipalities, Kosovo Police and KFOR to assure appropriate monitoring of cultural heritage and religious sites;
- Contribute to raising awareness amongst religious communities and cultural institutions to report incidents to Kosovo Police and other law-enforcing agencies;
- Support the religious communities and the owners of cultural heritage by enhancing security of their heritage objects;
- Through appropriate media coverage, raise awareness of the unlawful character of committing crimes against cultural heritage and religious sites. Strengthen efforts to publically condemn incidents against religious and cultural heritage sites.

To the Ministry of Internal Affairs:

- Strengthen support to Kosovo Police, especially the special unit for cultural property, to fulfil their tasks, e.g., through training and equipment, and facilitating access to international best practices;
- Strengthen efforts to publically condemn incidents against religious and cultural heritage sites.



Jewish Cemetery, Prishtinë/Priština

Chapter 9. Promotion of Cultural Heritage

The promotion of cultural heritage covers a broad range of activities. It serves to increase knowledge about heritage sites and assets, but aims also to enhance cultural diversity in an open and multicultural society. The adoption of the *National Strategy for Cultural Heritage 2017-2027* in 2016 constituted an important step towards raising awareness about cultural heritage. The promotion of cultural heritage is included in Objective 4 of the Strategy and was incorporated in the Government Programme 2015-2018.²⁶⁸ The proposed actions also followed the recommendations of the Work Plan for Culture of the EU (2015-2018). The MCYS adopted an open approach to disseminating information about cultural heritage protected by law. For instance, the “Cultural Heritage List for temporary protection”²⁶⁹ and the “Database of Cultural Heritage in Kosovo”²⁷⁰ are partly accessible in three languages (Albanian/Serbian/English), while the List for Permanent Protection is available in Albanian on the MCYS website. Furthermore, the Ministry of Environment, Spatial Planning and Infrastructure included the perimeter of protected sites and of its protection zones in the map features of the *Geoportal of Kosovo*.²⁷¹ These perimeters provide complementary information on the infrastructure of the region, and also indicate the importance of cultural heritage as part of the cultural landscape. In line with the Strategy, the drafting of the management plan for the Historic Town of Prizren also includes a promotion strategy.

Following the commitment formulated in the Strategy to increase the number of publications, guides, and virtual media, the MCYS launched a comprehensive and systematic study of cultural heritage, which included also:

*“... objective interpretation of most important sites in Kosovo with the aim of opening the prospects for the promotion of real socio-cultural and economic values of cultural heritage of Kosovo. The evaluation of cultural heritage sites has been done in line with the Burra Charter and the by-laws of MCYS. The generated data from this study have been published either as documents, documentaries or other media such as in the public cultural heritage database”.*²⁷²

Kosovo institutions adopted an inclusive and holistic approach to the recognition of cultural heritage, including a broad range of heritage in the database such as technical

268 Measure 4.2.3., Protection, preservation and promotion of cultural heritage, see https://dtk.rks-gov.net/tkk_hyrje_en.aspx (accessed 7 May 2020).

269 English version): https://www.mkrs-ks.org/repository/docs/Cultural_Heritage_List_for_Temporary_Protection_2017.pdf (accessed 7 May 2020). Please note that the most recent version from 3 October 2018 is displayed only in the Albanian version (https://www.mkrs-ks.org/repository/docs/Lista_e_Trashgegimise_Kulturore_per_Mbrojtje_te_Perkohshme_2018.pdf), while in the English- and Serbian versions only the Lists dated 10 October 2017 are accessible.

270 Database of Cultural Heritage in Kosovo: https://dtk.rks-gov.net/tkk_hyrje_en.aspx (accessed 7 May 2020). However, the database is not accessible since autumn 2021.

271 <http://geoportal.rks-gov.net/en/search> (accessed 22 May 2020).

272 MCYS, information provided to OSCE, July 2020.

heritage (e.g. mills²⁷³) and of transport infrastructure (e.g. bridges²⁷⁴). With regard to the heritage of non-majority communities, religious sites of the Serbian Orthodox Church form the majority of the 45 SPZs. Additionally, the heritage of a society covers also remarkable personalities from the past. In Kosovo, not only “great sons” but also “great daughters” receive public recognition and are widely appreciated. An example is Anjezë Gonxhe Bojaxhiu, known globally as Mother Teresa of Calcutta. Memorials, streets and public spaces, schools and other important infrastructure are often named after these remarkable individuals to honour their achievements. Furthermore, the entry of traditional food²⁷⁵ (traditionally prepared by women) in the list of temporary protection as spiritual cultural heritage recognize the status and the role of women in the daily life of past centuries. Efforts should be made to promote heritage as a feature of an inclusive society. In this regard, the heritage of the Kosovo Roma, Kosovo Ashkali and Kosovo Egyptian communities has not yet received the necessary attention and recognition.

As stipulated in the Strategy, the MCYS invested in improving the professional capacities of cultural heritage employees by introducing a scholarship scheme in 2017.²⁷⁶ Four scholarships for individuals were awarded to experts who have either worked for the MCYS or were employed by the MCYS upon their return. The scholarships covered the study of archaeology and anthropology. Apart from these scholarships, the MCYS constantly supports its employees financially to enhance their expertise through activities.

Museums and collections play a crucial role in promoting cultural heritage. In 2016, the MCYS established Kosovo’s first archaeological park, *Municipium Ulpiana - Justiniana Secunda*, which aims at improving the preservation, management and promotion of archaeological heritage in Kosovo.²⁷⁷ However, the Law on Museums, already announced in the Government’s Programme 2015-2018,²⁷⁸ in early 2022 is still pending adoption. Furthermore, the Ethnological Museum in Prishtinë/Priština faced temporary closure due to extensive renovation works.

273 Mill in Tabakhane, Prizren, no. 000431; Mill of Bubli Bridge, Malishevë/Mališevo, Damanek, Çupeve, no. 003417; Mill of Jetish Mala, Skënderaj/Srbica, Lower Kopiliq Village, no. 002579; Mill of Mulliq Village, Gjakovë/Đakovica, no. 001436; Mill of Tahir Lush Bërdynaj, /Pejë/Peć, no. 000806; Metehia Mill, Podujevë/Podujevo, Metehi, no. 003291.

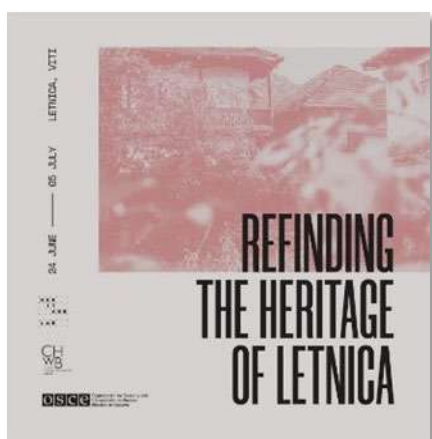
274 Bridge over Lumbardh Gorge, Prizren, Jabllanica, no. 062858.

275 “Traditional Food”, entry-no. 1566, in: MCYS, *Cultural Heritage List for Temporary Protection, (period 10.10.2017-10.10.2018)*, https://www.mkrs-ks.org/repository/docs/Cultural_Heritage_List_for_Temporary_Protection_2017.pdf (accessed 20 August 2020).

276 Outside of the reporting period, the Scholarship programme has continued in 2020, 2021 and 2022.

277 Regulation (MCYS) no. 11/2016 on the Establishment and Administration of the Archaeological Park “Municipium Ulpiana - Justiniana Secunda”, 24 October 2016, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=15164> (accessed 24 May 2020).

278 Government Programme 2015-2018, Prishtinë/Priština 2015, p.72; <https://bit.ly/3HZeDNo> (accessed 24 August 2020).



Universities also play a role in disseminating the value of cultural heritage. In 2018 and 2019 students from the University of Pristina prepared and drafted a development plan during a “Heritage Lab Workshop” in the village of Letnicë/Letnica. The workshop was supported by the OSCE and the CSO Cultural Heritage without Borders. The program consisted of key conservation, development, and tourism lectures with practical exercises. The development plan was published by OSCE in 2020.²⁷⁹

Figure 33: The 2019 Workshop took place between 24 June and 4 July in Letnicë/Letnica. 20 Students from the University of Pristina participated, focussing in two groups on physical conservation efforts at the mill, and on developing ideas and mapping for development. (Photo: OSCE)

In the frame of the European Union (EU)/Council of Europe (CoE) joint programme *Ljubljana Process II: Rehabilitating our Common Heritage*, Kosovo institutions benefited from a series of initiatives during the reporting period. Under the EU/CoE funded scheme *Support to the Promotion of Cultural Diversity* (PCDK), implemented by CoE, several case studies were elaborated, including the urban rehabilitation of Junik,²⁸⁰ landscape protection and planning in Klinë/Klina,²⁸¹ the impact of civil society on heritage,²⁸² exhibition guides,²⁸³ and the valorization of the mining heritage in Stan Tërg/Stari Trg.²⁸⁴ The Manual on the relation between cultural heritage and diversity²⁸⁵ and four *Regional Heritage Plans*²⁸⁶ covering different regions in Kosovo, all published in 2015 are worth mentioning.

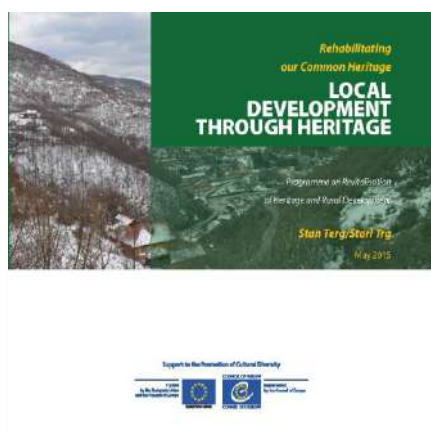


Figure 34: Under the programme scheme *Support to the Promotion of Cultural Diversity* (PCDK) funded by EU and CoE, a number of publications supporting the protection and promotion of cultural heritage in Kosovo were issued. The concept for the preservation and valorization of the

279 OSCE, *Heritage Lab Rediscovering the Heritage of Letnicë/Letnica - Development Workshop Report*. Prishtinë/Priština: OSCE, 2020, <https://www.osce.org/mission-in-kosovo/461197> (accessed 28 October 2020); in the same year OSCE published also the *Guidebook on Standards for Drafting Cultural Heritage Management Plans*. Prishtinë/Priština: OSCE, 2020, <https://www.osce.org/mission-in-kosovo/461188> (accessed 28 October 2020).

280 PCDK, *Case Study on Urban Rehabilitation: Neighbourhood of the Regional Tourism Centre in Junik*. Prishtinë/Priština, PCDK [without year].

281 PCDK, *Landscape Protection Management & Planning: Klinë/Klina Initiative*. Prishtinë/Priština, PCDK, April 2015.

282 PCDK, *Our Common Heritage: A Civil Society Review*. Prishtinë/Priština, PCDK, 2013

283 PCDK, *Exhibition: The Circle of Life / Emin Gjiku Ethnographic Museum*. Prishtinë/Priština, PCDK, May 2014.

284 PCDK, *Rehabilitating our Common Heritage: Local Development through Heritage – Programme on Revitalisation of Heritage and Rural Development, Stan Tërg / Stari Trg*. Prishtinë/Priština, PCDK, May 2015.

285 PCDK, *The Heritage and Diversity Programme: Coordination Manual*. Prishtinë/Priština, PCDK, Oct. 2014.

286 PCDK, *Regional Heritage Plan East 2015-2018*. Prishtinë/Priština; PCDK, May 2015, PCDK, *Regional Heritage Plan Central 2015-2018*. Prishtinë/Priština, PCDK, May 2015; PCDK, *Regional Heritage Plan North 2015-2018*. Prishtinë/Priština, PCDK, May 2015; PCDK, *Regional Heritage Plan South 2015-2018*. Prishtinë/Priština, PCDK, May 2015.

mining heritage in Stan Tërg/Stari Trg near Mitrovicë/Mitrovica refers to the rich technical heritage in Kosovo, whose potential as resource for income is not yet recognized. (Photo: OSCE)

Fortunately, promotional activities for cultural heritage are not limited to the public sector, but also enjoy broad support from CSOs and individuals.

Cultural Heritage without Borders (CHWB)²⁸⁷ is a CSO active throughout Kosovo offering an extensive programme for the preservation and promotion of tangible and intangible cultural heritage in the region, including capacity building activities like the organization of workshops, training seminars and public events such as, its bicycle “Tour de Culture”. In addition to this, guidebooks, management plans and textbooks for children are to be published by CHWB. Its main achievements include *inter alia* the restoration of more than 50 monuments since 2014, initiating inter-municipal co-operation to explore possibilities of heritage utilization and the creation of “Heritage Space”, a platform which offers a possibility for young artists to apply their ideas on promoting and reviving heritage.



Figure 35: The brochure about the monuments of Vushtrri/Vučitrn published by CHWB is addressed to children between the ages of five to eight. (Photo: OSCE / <http://chwb.org/kosovo/wp-content/uploads/sites/3/2015/11/Trashegimia-Kulturore-Vushtrri.pdf>, accessed 3 May 2020)

Other local CSOs, like *Ec Ma Ndryshe*, promote cultural tourism, initiate restoration campaigns, and enhance the visibility of cultural landmarks by placing information boards and signposts.

Granting awards to personalities, recognizing their merits in protecting cultural heritage, could further contribute to increasing the visibility of the rich untapped potential of cultural assets in Kosovo. As a step in this direction, the *Administrative Instruction (MCYS) on Specifications for Marking of Cultural Heritage and Tourist Sites* from February 2019 should be mentioned.²⁸⁸ Furthermore, through the adaptation of school curricula, heritage education should be promoted from childhood.

Recommendations

To the Ministry of Culture, Youth and Sport:

- Promote cultural heritage in Kosovo as a necessary contribution to an inclusive and open society, and as common heritage of all communities in Kosovo;
- Prepare the Law on Museums for adoption by the Assembly;
- Re-establish access to the database of cultural heritage in Kosovo and publish the link on the website of the Ministry of Culture, Youth and Sports;
- Enhance heritage education in school curricula;
- Create a label displaying the sites included in the lists of temporary and permanent protection as “Protected Cultural Heritage”;
- Grant an award to personalities recognizing their achievements in protecting cultural heritage.

²⁸⁷ <http://chwb.org/kosovo/> (accessed 3 May 2020).

²⁸⁸ Administrative Instruction (MCYS) No. 01/2019 on Specifications for Marking of Cultural Heritage and Tourist Sites, 11 February 2019, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=21855> (accessed 30 September 2020).



Old City Bazaar, Gjakovë/Dakovica

Chapter 10 Conclusions

Policy and Legal Framework

In the *National Strategy for Cultural Heritage 2017-2027*, the Government stated its intention to enhance co-operation at the international level and apply international normative standards provided by the EU, the Council of Europe and UNESCO. While the current legal framework on cultural heritage is generally in line with international standards and best practices, the Law on Cultural Heritage should be amended to encompass primary and secondary legislation and to ensure a uniform approach in the protection, preservation, and promotion of cultural heritage. The Government, and specifically the Ministry of Culture, Youth and Sports, has the authority to enact secondary legislation regulating certain fields. However, it is essential that the primary legislation should provide an institutional framework that is aligned with international standards.

Inventory

The Law on Cultural Heritage includes regulations to set up an inventory and list protected assets. The inclusion of cultural heritage sites in both temporary and permanent inventory lists requires that cultural heritage institutions establish appropriate management standards. Also needed are regular monitoring, the allocation of necessary funds, and the prevention of further dilapidation. Therefore, inventorying should serve as a tool for effective monitoring and intervention planning.

Spatial Planning

Although the integration of spatial planning tools in monuments preservation constitutes a more recent protection concept, the lack of inclusion of cultural heritage sites in local spatial plans is still a concern. Municipalities are behind with the adoption of new municipal spatial plans. There are also delays from relevant institutions in defining the perimeters of protected monuments and buffer zones. The Ministry of Environment, Spatial Planning and Infrastructure, along with the municipalities, should thus expedite the amendment of spatial plans to delegitimize projects which hinder implementation of the Law on Special Protective Zones.

Monitoring of cultural heritage

Intentional demolitions and other violations of various laws aimed at the protection of cultural heritage (e.g. unpermitted constructions) underscore the need for effective monitoring of cultural heritage. Municipal institutions will monitor on the basis of the Law on Construction, while Regional Centres for Cultural Heritage Protection will monitor based on the Law on Cultural Heritage. These monitoring activities could benefit from better co-ordination by the engaged institutions. Furthermore, the inspectorates need more funds and equipment (e.g. cars).

Implementation of the Law on Special Protective Zones

The OSCE noted positive steps in institutional compliance with the Law on Special Protective Zones. However, uncontrolled developments, mainly illegal constructions and demolition of heritage sites, remain a concern because of how they impact protection of Special Protective Zone sites. Political commitment to adopt efficient administrative measures would improve implementation of the legal framework. Such measures could include regular inspections by relevant institutions and the imposition of adequate fines for perpetrators who damage heritage sites.

The IMC constitutes a permanent institution of five members, which enables dialogue between the Serbian Orthodox Church and government institutions under the auspices of international stakeholders. IMC decisions are made by consensus, which facilitates the implementation of its decisions by all members. However, the creation of a strategy and work plan would contribute to greater efficiency in decision-making.

Security at cultural heritage sites

Thefts and vandalism constitute the most frequent incidents targeting cultural heritage and religious sites, while desecration, disturbances and threats remain less common. Recent years have seen an increase in thefts at mosques. Financial gain has been one motivation for criminal acts against religious sites. Moreover, the increased number of cases reported to Kosovo Police is also a result of greater awareness about the unlawfulness of offences directed at cultural and religious sites. Meanwhile, the Kosovo Police specialized unit for cultural heritage became operational and continues to patrol some 24 Serbian Orthodox Churches, monasteries and other monuments. In several cases, representatives of municipalities have publicly condemned incidents against religious heritage. However, we recommend consistent condemnation by institutions.

Promotion of Cultural Heritage

The adoption of the *National Strategy for Cultural Heritage 2017-2027* in 2016 constitutes an important contribution to enhancing awareness about cultural heritage. This Strategy places high importance on the promotion of cultural heritage. The Ministry of Culture, Youth and Sports has undertaken efforts to achieve broad and comprehensive recognition of cultural heritage included in the lists of temporary and permanent protection. The critical role of museums should be emphasized in the adoption of the Law on Museums, which would also enhance the management of these institutions. Civil society contributes significantly to the promotion of cultural heritage. *Cultural Heritage without Borders* makes valuable contributions to restoration activities, training courses and public events.



Peja/Peć Patriarchate

Chapter 11 Recommendations

Chapter 3: Policy and Legal Framework

To the Ministry of Culture, Youth and Sports:

- Amend the Law on Cultural Heritage to align with the National Strategy for Cultural Heritage 2017–2027 and international standards. This should be done through an inclusive process that would clearly define the institutional framework and better describe institutional duties in protection, preservation and promotion of cultural heritage;
- Prepare the Law on Museums to be adopted by the Assembly;
- Engage actively in the implementation of international conventions for the protection of cultural heritage.

Chapter 4: Inventory of Cultural Heritage

To the Ministry of Culture, Youth and Sports:

- Provide the permanent list online in both official languages. Consider publishing both the temporary and permanent lists also in the English language;
- Prior to publication, review and revise the temporary list in order to reflect the situation on the ground ;
- Continue to include heritage assets in the permanent list, in line with the National Strategy for Cultural Heritage 2017-2027 and the Law on Cultural Heritage;
- Re-establish access to the database of cultural heritage in Kosovo and publish it on the website of the Ministry of Culture, Youth and Sports.

Chapter 5: Spatial Planning and Inclusion of Cultural Heritage Sites

To the Ministry of Environment, Spatial Planning and Infrastructure:

- Finalize the Kosovo Zoning Map in line with sectorial policies, including the National Strategy for Cultural Heritage 2017–2027;
- Provide necessary support to municipalities for drafting local spatial plans to ensure adequate inclusion and protection of cultural heritage sites and special protective zones;
- Establish a working group with the Ministry of Culture, Youth and Sports to harmonize the cultural heritage legal framework with spatial planning laws to achieve more coherent integration of cultural heritage protection in spatial planning.

To the Ministry of Culture, Youth and Sport and its subordinate bodies:

- Expedite work on defining the perimeters of buffer zones around protected cultural heritage sites and provide necessary support to municipalities to fully reflect those protective measures in municipal spatial plans;
- Update the Law on Cultural Heritage to align with the current Law on Spatial Planning (2013);
- Establish a working group with the Ministry of Environment, Spatial Planning and Infrastructure to harmonize the cultural heritage legal framework with spatial planning laws to ensure a more coherent integration of cultural heritage protection in spatial planning.

To the Municipalities:

- Finalize the municipal zoning maps with an inclusive drafting process and emphasizing the inclusion of cultural heritage sites and referencing legal provisions governing the Special Protective Zones.

Chapter 6: Monitoring of cultural heritage

To the Ministry of Culture, Youth and Sport:

- Allocate sufficient funds for the relatively new Cultural Heritage Inspectorate to cover specialized trainings, increased staffing, and capacity to conduct site visits;
- Clarify key competencies of the Cultural Heritage Inspectorate and its relation with the municipal inspectorate, as per the basic law, the Law on Cultural Heritage, either through amendment of the existing law or through a new law;
- Continue to support the Regional Centres for Cultural Heritage to cover specialized trainings, increased staffing, and capacity to conduct site visits.

To the Ministry of Justice:

- Amend the Criminal Code to include compensation for damage resulting from destruction of protected monuments, as a special provision related to cultural heritage. Prohibit interventions that may worsen the condition of cultural heritage monuments, by including an accessory punishment for perpetrators involved in offences against cultural heritage.

To the Judiciary:

- Adjudicate and impose sentences in cases of destruction of protected monuments, which proportionately correspond to the severity of the damage.

Chapter 7: Implementation of SPZ legislation

To the Ministry of Environment, Spatial Planning and Infrastructure, and municipalities:

- During the review procedure of drafting spatial plans, continue to apply SPZ legislation properly;
- Support and strengthen the IMC through the Ministry's role as Secretariat;

- Start a review procedure to propose a strategy and work plan for the IMC to improve its co-ordination and co-operation with other stakeholders.
- Initiate the drafting of management instruments as foreseen in the relevant SPZ legislation and support the establishment of appropriate administrative infrastructure at SPZ sites.

Chapter 8: Security at cultural heritage sites

To the Municipalities:

- Strengthen efforts to publically condemn incidents against religious and cultural heritage sites.

To the Ministry of Culture, Youth and Sport:

- Enhance the co-operation of the Ministry of Culture, Youth and Sports, with municipalities, Kosovo Police and KFOR to assure appropriate monitoring of cultural heritage and religious sites;
- Contribute to raising awareness amongst religious communities and cultural institutions to report incidents to Kosovo Police and other law-enforcing agencies;
- Support the religious communities and the owners of cultural heritage by enhancing security of their heritage objects;
- Through appropriate media coverage, raise awareness of crimes against cultural heritage and religious sites. Strengthen efforts to publically condemn incidents against religious and cultural heritage sites.

To the Ministry of Internal Affairs:

- Strengthen support to Kosovo Police, especially the special unit for cultural property, to fulfil their tasks, e.g. through training and equipment, and facilitating access to international best practices;
- Strengthen efforts to publically condemn incidents against religious and cultural heritage sites.

Chapter 9: Promotion of Cultural Heritage

To the Ministry of Culture, Youth and Sport:

- Promote cultural heritage in Kosovo as a necessary contribution to an inclusive and open society, and as common heritage of all communities in Kosovo;
- Prepare the Law on Museums for adoption by the Assembly;
- Re-establish access to the database of cultural heritage in Kosovo and publish the link on the website of the Ministry of Culture, Youth and Sports;
- Enhance heritage education in school curricula;
- Create a label displaying the sites included in the lists of temporary and permanent protection as "Protected Cultural Heritage";
- Grant an award to personalities recognizing their achievements in protecting cultural heritage.



Church of the Holy Saviour, Prizren

ANNEXES

Annex 1: LIST OF SPECIAL PROTECTIVE ZONES SITES

Name in bold: guarded by Kosovo Police (as of November 2021, except the Serbian Orthodox Monastery of Visoki Dečani, which is guarded by KFOR)

Region	Special Protective Zones (SPZs)
Gjilan / Gnjilane region	<ul style="list-style-type: none">- Draganac Monastery, Novo Brdo/Novobërdë- Monastery of Saint Uroš, Nerodime/Nerodimlje- Church of Saint Nicholas, Štrpce/Shtërpçë- Church of Saint George, Štrpce/Shtërpçë (Biti e Epërme/Gornja Bitinja)- Church of Saint Theodore, Štrpce/Shtërpçë (Biti e Epërme/Gornja Bitinja)- Church of Saint Nicholas, Štrpce/Shtërpçë (Gotovushë/Gotovuša)- Church of the Holy Virgin, Štrpce/Shtërpçë (Gotovushë/Gotovuša)- Monastery Binač, Viti/Vitina (Buzovik)- Medieval town of Novo Brdo, Novo Brdo/Novobërdë
Pejë/Peć region	<ul style="list-style-type: none">- Serbian Orthodox Patriarchate of Peć, Pejë/Peć- <u>Serbian Orthodox Monastery of Visoki Dečani, Deçan/Deçane (guarded by KFOR)</u>- Gorioč Monastery, Istog/Istok- Monastery of Holy Virgin of Hvosno, Istog/Istok (Studenicë/Studenica)- Church of Saint Nicholas, Istog/Istok (Gjurakoc/Đurakovac)- Budisavci Monastery, Klinë/Klina- Dolac Monastery, Klinë/Klina- Hermitage with Church, Uljarice, Klinë/Klina and Malishevë/Mališevo
Prishtinë / Priština region	<ul style="list-style-type: none">- Gračanica Monastery, Gračanica/Gračanicë- Church of Presentation of the Virgin, Lipjan/Lipljan- Gazimestan memorial monument, Obiliq/Obilić
Mitrovicë / Mitrovica region	<ul style="list-style-type: none">- Monastery of Saint Petka, Leposavić/Leposaviq- Monastery of the Holy Healers, Leposavić/Leposaviq- Sočanica Monastery, Leposaviq/Leposavić- Devič Monastery, Skënderaj/Srbica- Vojnović Medieval bridge/Old bridge, Vushtrri/Vučitrn- Duboki Potok Monastery, Zubin Potok/Zubin Potok- Banjska Monastery, Zvečan/Zveçan- Zvečan medieval fortress, Zvečan/Zveçan- Sokolica Monastery, Zvečan/Zveçan
Prizren / Prizren region	<ul style="list-style-type: none">- Holy Archangels Monastery, Prizren- Church of Saint Nicholas, Prizren (Bogoševci)- Church of Saint Nicholas, Prizren (Drajçiq/Drajçiçi)- Church of Saint George, Prizren (Gornje Selo/Gornjasellë)- Monastery of Saint Mark, Prizren (Korishë/Koriša)

- Hermitage of Saint Peter of Koriša, Prizren (Korishë/Koriša)
- Church of Saint Nicholas, Prizren (Mushnikovë/Mušnikovo)
- Church of the Holy Apostles (or Saint Petka), Prizren (Mushnikovë/Mušnikovo)
- Village of Velika Hoča/Hoçë e Madhe, Rahovec/Orahovac
- **Zočište Monastery, Rahovec/Orahovac (Zoqishtë/Zočište)**
- Church of Saint George, Prizren (Sredskë/Sredska)
- Church of Saint Nicholas, Prizren (Sredskë/Sredska)
- Church of Holy Virgin, Prizren (Sredskë/Sredska)
- Church of Holy Virgin Hodegetria, Suharekë/Suva Reka (Mushtisht/Mušutište)
- Trinity Monastery, Suharekë/Suva Reka (Mushtisht/Mušutište)
- Historic Centre of Prizren, which includes:
 - o **Church of the Holy Virgin of Ljeviša**
 - o Old “Maraš Mahala”
 - o Church of the Holy Saviour
 - o Orthodox Seminary of Saints Cyril and Methodius
 - o **Episcopal Residence Complex**

Annex 2: BIBLIOGRAPHY / RECOMMENDED READING

- CSCE, *Document of the Cracow Symposium on the Cultural Heritage of the CSCE Participating States* (28 May – 7 June 1991), available at: <https://www.osce.org/files/f/documents/a/a/24396.pdf> (accessed 4 January 2022)
- Council of Europe, *Rehabilitating the Heritage in Kosovo*, 13 Nov. 2006, <https://reliefweb.int/report/serbia/rehabilitating-heritage-kosovo> (accessed 30 September 2020)
- Council of Europe, *Reconstruction Implementation Commission for Serbian Orthodox Religious sites in Kosovo*. Strasburg 2011, https://issuu.com/councilofeurope/docs/ric_for_serbian_orthodox_religious_sites_in_kosovo/17 (accessed 14 January 2022)
- Cultural Heritage without Borders, *Trashëgimia Kulturore Vushtrri – Vushtrri Cultural Heritage*. Prishtinë/Priština: CHwB, 2014, <http://chwb.org/kosovo/wp-content/uploads/sites/3/2015/11/Trashëgimia-Kulturore-Vushtrri.pdf> (accessed 22 May 2020)
- Europa Nostra, *Press release: Dečani Monastery included in the “7 Most Endangered”*, <http://7mostendangered.eu/sites/decani-monastery-kosovo/> (accessed 10 April 2021)
- European Union, *Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a Work Plan for Culture (2015-2018)*. In: Official Journal of the European Union, C 463/4, 23.12.2014, [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XG1223\(02\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XG1223(02)&from=EN) (accessed 7 May 2020)
- Kosovo Government, *Letter to the National Delegations at UNESCO in Paris*, Prishtinë / Pristina, 7 Oct. 2015

- Kosovo Government Programme 2015-2018, Prishtinë/Pristina 2015, <https://bit.ly/34QjzGe> (accessed 24 August 2020)
- Kosovo Government, *National Strategy for Cultural Heritage 2017-2027*, 30 Dec. 2016, https://mkrs-ks.org/repository/docs/eng_strategy_for_heritage.pdf (accessed 24 May 2020)
- Kosovo Government, *Concept Document for Cultural Heritage*, 6 July 2018
- Kosovo Council for Cultural Heritage, *2018 Annual Report*. Available at: https://kktk.rks.gov.net/UserFiles/PublishedDocuments/3/2263cb0c-5fdc-4a87-b63f-6d9b53930efa636928367699211869Raporti_vjetor_i_pun%C3%ABs_se_KKTK-s%C3%AB_p%C3%ABr_vitin_2018.pdf (accessed 24 May 2020)
- Ministry for Communities and Returns (MCR), Ministry of Internal Affairs (MoIA) and Ministry for Local Governance and Administration (MLGA), *Guidelines : Responses by Local Level Mechanism to Incidents affecting Communities* [without year]
- OSCE, *Challenges in the Protection of Immovable Tangible Cultural Heritage in Kosovo*. Prishtinë/Priština: OSCE, 2014 (Cultural Heritage Report 2014), <https://www.osce.org/kosovo/117276> (accessed 21 July 2020)
- OSCE, *Guidebook on Standards for Drafting Cultural Heritage Management Plans*. Pristina/Pristina: OSCE, 2020, <https://www.osce.org/mission-in-kosovo/461188> (accessed 28 October 2020)
- OSCE, *Heritage Lab Rediscovering the Heritage of Letnicë/Letnica - Development Workshop Report*. Prishtinë/Priština: OSCE, 2020, <https://www.osce.org/mission-in-kosovo/461197> (accessed 28 October 2020)
- PCDK, *Guidelines on Cultural Heritage : Technical Tools for Heritage, Conservation and Management*. Prishtinë/Priština, PCDK, 2011, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae4a9> (accessed 20 September 2020)
- PCDK, *Local Development Pilot Project - Pejë/Peć Region : Cultural Heritage Tourism Development, Feasibility Study Report*. Prishtinë/Priština, PCDK, May 2011, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae4a7> (accessed 20 September 2020)
- PCDK, *A Collection of short Stories venerable Voices*. Prishtinë/Priština, PCDK, September 2012, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae505> (20 September 2020)
- PCDK, *What is heritage; an Alien concept?* Prishtinë/Priština, PCDK, September 2012, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae4a5> (accessed 20 Sept 2020)
- PCDK, *A Handbook for Teachers : Cultural Heritage and Cultural Diversity Lessons*. Prishtinë/Priština, PCDK, September 2012, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae503>, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae502> (appendixes) (accessed 20 September 2020)
- PCDK, *University Module: Heritage & Diversity*. Prishtinë/Priština, PCDK, September 2012, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae504> (accessed 20 September 2020)

- PCDK, *Regional Heritage Plan for Kosovo West 2012-2015*. Prishtinë/Priština, PCDK, September 2012, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae4ea> (accessed 20 September 2020)
- PCDK, *Conservation Basis for the "Historic Centre" of Prishtinë/Priština. Case study on integrated conservation*. Prishtinë/Priština PCDK, September 2012, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae6ae> (accessed 20 September 2020)
- PCDK, *Our Common Heritage : A Civil Society Review*. Prishtinë/Priština, PCDK, 2013, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae6c4> (accessed 20 September 2020)
- PCDK, *Training program : Teaching Cultural Heritage and Cultural Diversity – Trainer's Guide, prepared by Jenny Otting and Veton Sylhasi*. Prishtinë/Priština, PCDK, Oct. 2013, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae6af> (accessed 20 September 2020)
- PCDK, *Implementing the Heritage Plan process in the regions of Pristine/Priština, Mitrovicë/ Mitrovica, Gjilan/Gnjilane and Prizren as developed in the Kosovo West region to facilitate Local Economic Development. Feasibility Study Report*. Prishtinë/Priština, PCDK, ca 2014, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae4a8> (accessed 20 September 2020)
- PCDK, *The Heritage and Diversity Programme : Coordination Manual*. Prishtinë/Priština, PCDK, Oct. 2014, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae6c2> (accessed 20 September 2020)
- PCDK, *Rehabilitating Our Common Heritage: Rivers that Shape – Education, Recreation and Rehabilitation Programme on Landscape and Environment Klinë / Klina*. Prishtinë/Priština, PCDK, April 2015, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae698> (accessed 20 September 2020)
- PCDK, *Regional Heritage Plan East 2015-2018*. Prishtinë/Priština, PCDK, May 2015, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae6b2> (accessed 20. September 2020)
- PCDK, *Regional Heritage Plan Central 2015-2018*. Prishtinë/Priština, PCDK, May 2015, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae6b1> (accessed 20 September 2020)
- PCDK, *Regional Heritage Plan North 2015-2018*. Prishtinë/Priština, PCDK, May 2015, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae6b3> (accessed 20 May 2020)
- PCDK, *Regional Heritage Plan South 2015-2018*. Prishtinë/Priština, PCDK, May 2015, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae6b4> (accessed 20 September 2020)
- PCDK, *Rehabilitating our Common Heritage: Local Development through Heritage – Programme on Revitalisation of Heritage and Rural Development, Stan Tërg / Stari Trg*, Prishtinë/Priština, PCDK, May 2015,

- <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae4fd> (accessed 20 September 2020)
- PCDK, *Deçan/Deçane: EU/CoE Joint Project - Support to the Promotion of Cultural Diversity – Local Economic Development component / Pilot Actions*. Prishtinë/Priština, PCDK, [without year],
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae472> (accessed 20 September 2020)
 - PCDK, *Gjakovë/Đakovica: EU/CoE Joint Project - Support to the Promotion of Cultural Diversity – Local Economic Development component / Pilot Actions*. Prishtinë/Priština, PCDK, [without year],
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae473> (accessed 20 September 2020)
 - PCDK, *Istog / Istok : EU/CoE Joint Project - Support to the Promotion of Cultural Diversity – Local Economic Development component / Pilot Actions*. Prishtinë/Priština, PCDK, [without year],
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae474> (accessed 20 September 2020)
 - PCDK, *Junik/Junik: EU/CoE Joint Project - Support to the Promotion of Cultural Diversity – Local Economic Development component / Pilot Actions*. Prishtinë/Priština, PCDK, [without year],
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae475> (accessed 20 September 2020)
 - PCDK, *Cultural Itinerary Initiative*. Prishtinë/Priština, PCDK, [without year],
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae4a6> (accessed 20 September 2020)
 - PCDK, *Rehabilitating our Common Heritage : Stones that talk – Education and Rehabilitation Programme on Heritage / Junik, an Integrated Approach to Heritage Rehabilitation and Management*. Prishtinë/Priština, PCDK, [without year],
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae500> (accessed 20 September 2020)
 - PCDK, *Klinë/Klina : EU/CoE Joint Project - Support to the Promotion of Cultural Diversity – Local Economic Development component / Pilot Actions*. Prishtinë/Priština, PCDK, [without year],
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae476> (accessed 20 September 2020)
 - PCDK, *Pejë/Peć: Support to the Promotion of Cultural Diversity – Local Economic Development component / Pilot Actions*. Prishtinë/Priština, PCDK, [without year],
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae477> (accessed 20 September 2020)
 - PCDK, *Coffee Talks on Heritage and Diversity*. Prishtinë/Priština, PCDK, [without year],
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae4a4> (accessed 20 September 2020)
 - PCDK, *What my Grandparents told me: Children Stories*. Prishtinë/Priština, PCDK, [without year],
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806ae4fc> (accessed 20 September 2020)

- PCDK, *Case Study on Urban Rehabilitation: Neighbourhood of the Regional Tourism Centre in Junik*. Prishtinë/Priština, PCDK, [without year], <https://www.coe.int/en/web/culture-and-heritage/pcdk-publications> (accessed 20 September 2020)
- UNESCO, *Protection and preservation of cultural heritage in Kosovo*. Paris: UNESCO 2005, <https://unesdoc.unesco.org/ark:/48223/pf0000139567> (accessed 30 September 2020)
- UNESCO/World Heritage Centre, *The Strategic Objectives of the World Heritage Convention ("5 C", 2007)*; <https://whc.unesco.org/en/partnerships/> (accessed 3 May 2020)

Annex 3: LEGAL SOURCES (in chronological order)

3.1. International Sources

- Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, UNESCO, Paris, 14 Nov. 1970, http://portal.unesco.org/en/ev.php-URL_ID=13039&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 21 May 2020)
- Convention concerning the Protection of the World Cultural and Natural Heritage, UNESCO, Paris, 16 Nov. 1972, http://portal.unesco.org/en/ev.php-URL_ID=13055&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 21 May 2020)
- European Convention on the Protection of the Archaeological Heritage (revised), Council of Europe, Valetta, 16.1.1992, <https://www.coe.int/en/web/culture-and-heritage/valetta-convention> (accessed 17 August 2020)
- Convention for the Safeguarding of the Intangible Cultural Heritage, UNESCO, Paris, 17 Oct. 2003, http://portal.unesco.org/en/ev.php-URL_ID=17716&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 21 May 2020)
- Convention on the Protection and Promotion of the Diversity of Cultural Expressions, UNESCO, Paris, Oct. 2005, http://portal.unesco.org/en/ev.php-URL_ID=31038&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 21 May 2020)
- Comprehensive Proposal for the Kosovo Status Settlement ("Ahtisaari Plan"), Annex V (Religious and cultural heritage), 26 March 2007, <https://undocs.org/Home/Mobile?FinalSymbol=S/2007/168/Add.1> (accessed 9 March 2022)
- Recommendation on the Historic Urban Landscape, UNESCO, Paris, 10 Nov. 2011, http://portal.unesco.org/en/ev.php-URL_ID=48857&URL_DO=DO_TOPIC&URL_SECTION=201.html (accessed 7 May 2020)
- Guidance on Heritage Impact Assessments for Cultural World Heritage Properties, ICOMOS, Paris, 2011, https://www.icomos.org/world_heritage/HIA_20110201.pdf (accessed 7 May 2020);
- European Union, EU Work Plan for Culture (2015-2018), <http://data.consilium.europa.eu/doc/document/ST-16094-2014-INIT/en/pdf> (accessed 22 May 2020)

- Operational Guidelines for the Implementation of the World Heritage Convention (UNESCO/WHC.19/01 - 10 July 2019), <https://whc.unesco.org/en/guidelines/> (accessed 22 August 2020)

3.2. Legislation in Kosovo

- UNMIK Executive Decision 2005/5 of 25 April 2005 concerning the Special Zoning Area around Serbian Orthodox Monastery of Visoki Dečani
- The Constitution (9 April 2008), <https://gzk.rks-gov.net/ActDetail.aspx?ActID=3702> (accessed 17 September 2020)
- Law No. 02/L-88 on Cultural Heritage, 1 July 2008, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2533> (accessed 24 May 2020)
- Law No. 03/L-039 on Special Protective Zones, 4 June 2008, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2529> (accessed 3 May 2020)
- Regulation no. MCYS Regulation no. 01/2020 on Competences, authorizations, inspection procedures and complaints of the cultural heritage inspectorate, 14.12.2020, https://www.mkrs-ks.org/repository/docs/Rregullorja_nr_01.2020_p%C3%ABr_Inspektoriatin_e_Tras_higimis%C3%AB_Kulturore.pdf
- MCYS Rule No. 05/2008 on Registration, Documentation, Assessment and Reselection of Cultural Heritage for Protection, 14 November 2008, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=8235> (accessed 22 May 2020)
- Law No. 04/L-110 on Construction, 3 July 2012, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2833> (accessed 24 May 2020)
- Code no. 04/L-082, Criminal Code, 13 July 2012, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=2834> (accessed 20 May 2020)
- Law No. 04/L-066 on Historic Centre of Prizren, 18 July 2012, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2836> (accessed 24 May 2020)
- Law No. 04/L-062 on the Village of Hoçë e Madhe/Velika Hoça, 18 July 2012, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2835> (accessed 24 May 2020)
- Administrative Instruction (MESP) No. 03/2013 on the Implementation and Monitoring Council, 12 February 2013, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=9778> (accessed 30 September 2020)
- Law No. 04/L-174 on Spatial Planning, 23 August 2013, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=8865> (accessed 17 September 2020)
- Administrative Instruction (MESP) No. 12/2014 for Establishment, Selection and Responsibilities on Operation of the Council for Cultural Heritage and the Office of Historic Centre of Prizren, 6 November 2014, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10267> (accessed 30 September 2020)
- Administrative Instruction (MESP) No. 11/2014 on the Establishment, Selection, Responsibilities and the Operation of the Council on Velika Hoça/Hoçë e Madhe Village, 6 November 2014, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10264> (accessed 30 September 2020)
- Regulation (MCYS) no. 11/2016 on the Establishment and Administration of the Archaeological Park "Municipum Ulpiana - Justiniana Secunda", 24 Oct. 2016, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=15164> (accessed 24 May 2020)

- Regulation (MCYS) no. 06/2017 on Designating Public Cultural Heritage Institutions, Subordinate to the Ministry of Culture, Youth and Sports as Competent Institutions, 1 August 2017, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=16466> (accessed 24 May 2020)
- Law no. 06/L-024 on Treatment of Constructions without Permit, 8 August 2018, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=17767> (accessed 24 May 2020)
- Administrative Instruction (MCYS) no. 01/2019 on Specifications for Marking of Cultural Heritage and Tourist Sites, 11 February 2019, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=21855> (accessed 30.09.2020)
- Law no. 06-I/133 on Organization and Functioning of State Administration and Independent Agencies, 1 March 2019, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18684> (accessed 24 May 2020)
- Administrative Instruction no. 01/2021 on Procedures for Archaeological Excavation, 12 November 2021, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=50632> (accessed 06 June 2022)
- Administrative Instruction on technical and professional standards for the protection and preservation of movable cultural heritage, 05 January 2022, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=51787> (accessed 06 June 2022)
- Administrative Instruction on Criteria, Requirements, Rules and Procedures related to the issuance, administration and revocation on Licensing of Natural and Legal Persons in the field of Cultural Heritage, 06 January 2022, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=51792> (accessed 06 June 2022)
- Regulation (MCYS) no. 01/2022 on Determining the Perimeter and Protective Zone of Cultural Heritage Assets and the Conservation and Development Policy was published in the Official Gazette, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=59338> (accessed 2 June 2022)

Annex 4: ONLINE LINKS

- Cultural Heritage Without Borders, Kosovo, <http://chwb.org/kosovo/who-we-are/history/> (accessed 16 August 2020)
- Database of Cultural Heritage in Kosovo: https://dtk.rks-gov.net/tkk_hyrje_en.aspx (accessed 7 May 2020)(in February 2022 not accessible)
- EC Ma Ndryshe, <https://www.ecmandryshe.org/> (accessed 3 December 2021)
- Ministry of Environment, Spatial Planning and Infrastructure, *Geoportal of Kosovo*, <http://geoportal.rks-gov.net/en/search> (accessed 22 May 2020)
- Ministry of Culture, Youth and Sports; (Albanian language version) <https://www.mkrs-ks.org/?page=1,1>, (English version) <https://www.mkrs-ks.org/?page=2,1>, (Serbian language version) <https://www.mkrs-ks.org/?page=3,1> (accessed each 8 May 2020)
- Ministry of Culture, Youth and Sports, *Cultural Heritage List for Temporary Protection, (period 10.10.2017-10.10.2018)*, https://www.mkrs-ks.org/repository/docs/Cultural_Heritage_List_for_Temporary_Protection_2017.pdf (accessed 20 August 2020)

- Museum of Kosovo, <https://www.facebook.com/museumofkosovo/> (accessed 20 August 2020)
- UNESCO, *World Heritage property "Medieval Monuments in Kosovo"*, <https://whc.unesco.org/en/list/724> (accessed 5 May 2020)

Annex 5: LIST OF RESOURCE PERSONS AND INSTITUTIONS

- Sanije Ahmeti, Directorate of Urbanism, Municipality of Skënderaj/Srbica
- Skender Ahmeti, Director, Inspectorate Department, Municipality of Viti/Vitina
- Lulzim Aliu, Director, Urban Planning and Environmental Protection Department, Municipality of Ferizaj/Uroševac
- Vjollca Aliu, Head of Cultural Heritage Department, Ministry of Culture Youth and Sports
- Kreshnik Bajraktari, Officer in charge for Spiritual Heritage, Kosovo Council for Cultural Heritage
- Shkëndije Ballata, Division of Spatial Planning and Construction Inspection, Ministry of Environment, Spatial Planning and Infrastructure Elida Bejtullahu, Head, Urbanism Directorate, Municipality of Gjakovë/Đakovica
- Petrit Bekaj, Director, Municipal Inspectorate, Municipality of Klinë/Klina
- Dražo Božović, Head, Cultural Heritage Unit, Kosovo Police
- Pajtim Cakolli, Municipal Inspector, Constructions, Municipal Inspection Office, Municipality of Ferizaj/Uroševac
- Edona Durguti Gashi, Director, Regional Centre for Cultural Heritage, Prishtinë/Priština
- Donika Lama Efendia, Chief, Construction Inspection, Municipality of Gjakovë/Đakovica
- Zoran Garić, Director, Provincial Institute for the Protection of Cultural Monuments
- Shpresa Gjonbalaj, Director, Regional Centre for Cultural Heritage, Pejë/Peć
- Osman Gojani, Director, Regional Centre for Cultural Heritage, Gjakovë/Đakovica
- Suzana Goranci, Head of the Spatial Planning Division, Ministry of Economy and Finance
- Ismet Hajrullahu, Head, Kosovo Institute for Protection of Monuments
- Imer Hakaj, Director, Cultural Heritage Inspectorate
- Artnet Haskuka, Chairperson, Council for Cultural Heritage of the Historic Centre of Prizren, Prizren
- Besnik Hoti, Director, Municipal Inspectorate, Municipality of Rahovec/Orahovac
- Arton Hoxha, Director, Regional Centre for Cultural Heritage, Gjilan/Gnjilane
- Samir Hoxha, Director, Regional Centre for Cultural Heritage, Prizren
- Nadica Hristov, Head, Urbanism Office, Municipality of Zvečan/Zveçan
- Ilmi Kçiku, Chief of Operations, Kosovo Police
- Isuf Koci, Head, Secretariat of the Kosovo Council for Cultural Heritage
- Florije Kqiku, Division of Spatial Planning and Construction Inspection, Ministry of Environment, Spatial Planning and Infrastructure
- Sanie Kuqi, Director, Directorate of Urbanism, Municipality of Suharekë/Suva Reka
- Merita Kuraja, Directorate of Urbanism, Municipality of Pejë/Peć

- Goran Lazović, Director, Urbanism Office, Municipality of Leposavić/Leposaviq
- Avni Manaj, Architect, Kosovo Institute for Protection of Monuments
- Ramë Melaj, Director, Municipal Inspectorate, Municipality of Deçan/Deçane
- Xhevat Mehmeti, Head, Inspectorate Department, Municipality of Novo Brdo/Novobërdë
- Selim Metkamberi, Municipal Directorate of Urbanism, Municipality of Rahovec/Orahovac
- Dragomir Milosavljević, Construction Inspector, Municipality of Štrpce/Shtërpçë
- Afërdita Mormorina, Municipal Directorate of Urbanism, Municipality of Prizren
- Maliq Muharremi, Legal Officer, Inspection Office, Municipality of Ferizaj/Uroševac
- Arsim Mulhaxha, Architect, Regional Centre for Cultural Heritage, Pejë/Peć
- Leotrim Murtezaj, Director, Municipal Inspectorate, Municipality of Pejë/Peć
- Bojan Pavlović, Chairperson, Council for Cultural Heritage of Hoçë e Madhe / Velika Hoča
- Bojan Perić, Director, Urbanism and Cadastre Department, Municipality of Novo Brdo/Novobërdë
- Dimitrije Račićević, Director, Urbanism and Cadastre Department, Municipality of Štrpce/Shtërpçë
- Enver Rexha, Director, Kosovo Archaeological Institute
- Shpresa Rizvanolli, Municipal Directorate of Urbanism, Municipality of Pejë/Peć
- Jehona Rrafshi, Director, Municipal Inspectorate, Municipality of Suharekë/Suva Reka
- Emina Rexhiq, Director, Directorate of Urbanism, Municipality of Lipjan/Lipljan
- Imer Rrustemi, Director, Directorate of Inspection, Municipality of Lipjan/Lipljan
- Berat Sadiku, Directorate of Urbanism, Municipality of Vushtrri/Vučitrn
- Ajet Sallahu, Director, Urban Planning and Environmental Protection Department, Municipality of Viti/Vitina
- Nexhat Shahini, Director, Regional Centre for Cultural Heritage, Ferizaj/Uroševac
- Sali Shoshi, Executive Director, CSO "Cultural Heritage without Borders"
- Teodosije Šibaić, Bishop of the Serbian Orthodox Diocese of Raška and Prizren
- Mirjana Stanojević, Director, Directorate of Urbanism, Municipality of Gračanica/Graçanicë
- Veron Tara, Representative of CSO "THY"
- Islam Thaqi, Director, Municipal Inspectorate, Municipality of Prizren
- Qazime Vata, Division of Spatial Planning and Construction Inspection, Ministry of Environment, Spatial Planning and Infrastructure
- Rrezarta Loxha Vitaku, Director, Regional Centre for Cultural Heritage Sites, Mitrovicë/Mitrovica
- Pajtim Zogaj, Cultural Heritage Inspector

Annex 6: DISCREPANCIES IN LEGAL TERMINOLOGY

Category of Cultural Heritage	Name of Protected Area as mentioned in Law on CH	Technical Specification in the Law on CH 2006 (or in other legal acts) (terms highlight in bold by author)	Legal Source / Legal Specification / Comments
Architectural Heritage (defined in Article 2.2. Law on CH)	Perimeter of a Monument	Definition in Law on CH: "boundary of the protected area associated with the protected cultural heritage to be defined on a plan by the Competent Institution"	Article 2.20. Law on CH
		Definition in Law on Spatial Planning 2013: "official boundary of a territory with common characteristics of development, protection and preservation"	Article 3, para 1.13. Law on Spatial Planning 2013 Differences in the definition of the term between Law on CH 2008 and Law on Spatial Planning 2013
	Protective Zone	"Area of land as is defined in Article 2 of the Law on Spatial Planning (Law No. 2003/14) which is surrounding the perimeter of protected immovable cultural heritage that may be safeguarded from any development or activity which could damage the visual setting or otherwise damage the cultural heritage."	Article 2.21. Law on CH The reference to Article 2 Law on Spatial Planning 2003 is outdated, as the Law from 2003 is replaced by Law on Spatial Planning 2013: "Protective Zone" is not a legal term in the current Law from 2013.
		"Protective Zone which is 50 meters from the perimeter of the monument. This Protective Zone can be extended or reduced and will be defined on a plan by the Competent Institution and in the	Article 6.4. Law on CH Also here, reference to Article 2 Law on Spatial Planning 2003 is outdated.

		relevant spatial plan in accordance with Article 2 of the Law on Spatial Planning "	
	Protected Area	"area which may include protected natural or environmental resources, or immovable cultural heritage as is defined in Article 2 of the Law on Spatial Planning "	Article 2.22. Law on CH The reference to Article 2 Law on Spatial Planning 2003 is outdated; term "Protected Area" is now defined in Article 3, para 1.20. Law on Spatial Planning 2013 as follows: "The part of the territory determined for purposes of preservation of natural resources of cultural heritage, protection from environmental pollution or creation of spatial conditions for exercise of activity without impediment, and for security of residents and surrounding zones that should be specified by the National Spatial Plan and the Zoning Map of Kosovo, and that may be classified by the Ministry as a Special Zone."
		(Specific Regulations for ensembles and architectural conservation areas under protection in rural or urban environments): "Buildings included in ensembles and such areas are protected externally, and shall be defined as Protected Areas in accordance with Article 2 of the Law on Spatial Planning (Law No. 2003/14) and may be classed as a Special Area	Article 6.5. Law on CH Reference to Article 2 Law on Spatial Planning 2003 is outdated, as the term "Protected Area" is now defined in Article 3, para 1.20. Law on Spatial Planning 2013. Also, reference to Article 12 Law on Spatial Planning 2003 is outdated, moreover, in the current Law on Spatial Planning

		in accordance with Article 12 of the Law on Spatial Planning (Law No. 2003/14)."	2013 the term "special area" does not exist.
	Special Area	"area defined by spatial plans that require a particular organization, development, use or protection as is defined in Article 12.2 of the Law on Spatial Planning"	Article 2.23. Law on CH Reference to Article 12.2 Law on Spatial Planning 2003 is outdated, moreover, in the current Law on Spatial Planning 2013, the term "special area" does not exist.
		"Ensembles and architectural conservation areas under protection may be in rural or urban environments. Buildings included in ensembles and such areas are protected externally, and shall be defined as Protected Areas in accordance with Article 2 of the Law on Spatial Planning (Law No. 2003/14) and may be classed as a Special Area in accordance with Article 12 of the Law on Spatial Planning (Law No. 2003/14)."	Article 6.5. Law on CH References to Article 2 (concerning term "protected areas") and Article 12, Law on Spatial Planning 2003 are outdated: the term "Protected Area" is now defined in Article 3, para 1.20. Law on Spatial Planning 2013, whereas the term "Special Area" does not form part of the current Law on Spatial Planning 2013
Archaeological Heritage (defined in Article 2.3. Law on CH)	Protective Zones	"Protective Zones shall be determined around known archaeological heritage sites"	Article 7.15. Law on CH "Protective Zone" is not a legal term in the current Spatial Planning Law 2013.
		"Radius of Protective Zones: shall be 100 meters from the perimeter of the protected archaeological heritage site. This Protective Zone can be extended or reduced and will be defined on a plan by the Competent Institution and in accordance with Article 2	Article 7.16. Law on CH Reference to Article 2 Law on Spatial Planning 2003 is outdated (Article 2 Law on Spatial Planning 2003 defines generally the scope of the Law)

		of the Law on Spatial Planning ”	
		(The Kosovo Archaeological Institute) “in cooperation with responsible RCHC, specify the radius (borders) of the protected cultural and archaeological heritage zone, which shall be 100 m in its perimeter. During this process, the radius of the protected zone may be increased or decreased in accordance with Article 7 (paragraph 16) of the Law No. 02/L-088 on Cultural Heritage.”	Article 11, para 1.16, Regulation no. 06/2017 on Designating Public Cultural Heritage Institutions subordinate to the MCYS as Competent Institutions, 1 August 2017 This Regulation defines finally the “Competent Institution” which is not further defined in Article 7.16 Law on CH 2008.
	Protected Areas	“Areas of potential archaeological heritage importance shall be determined during the inventory process, according to Article 3 of this Law, and will be designated as Protected Areas in accordance with Article 2 of the Law of Spatial Planning (Law No. 2003/14) . An application for permission to construct a building and other developments in such areas will be determined according to the provisions of Article 7.4 of this Law.”	Article 7.19 Law on CH Reference to Article 2 Law on Spatial Planning 2003 is outdated. The term “Protected Area” is now defined in Article 3, para 1.20. Law on Spatial Planning 2013 as follows: “The part of the territory determined for purposes of preservation of natural resources of cultural heritage, protection from environmental pollution or creation of spatial conditions for exercise of activity without impediment, and for security of residents and surrounding zones that should be specified by the National Spatial Plan and the Zoning Map of Kosovo, and that may be classified by the Ministry as a Special Zone.”

Cultural Landscapes (defined in Article 2.4. Law on CH)	Special Areas	“Cultural Landscape <i>may</i> be defined as Special Areas in accordance with Article 12 of Law on Spatial Planning 2003 ”	Article 8 Law on CH The reference to Article 12 Law on Spatial Heritage 2003 is outdated; moreover, the term “special area” does not exist in the current Law on Spatial Planning 2013.
---	---------------	---	--

Annex 7: LIST OF ILLUSTRATIONS

Figure 1: The first report of the OSCE Mission in Kosovo on cultural heritage “Challenges in the Protection of Immovable Tangible Cultural Heritage in Kosovo” (2014)...13

Figure 2: The “Universe of Cultural Heritage” (Graphics: OSCE) ...14

Figure 3: The five objectives of the National Strategy for Cultural Heritage 2017-2027 (Graphics: OSCE) ...18

Figure 4: The responsible institutions as designated by the “Regulation (MCYS) No. 06/2017 on Designating Public Cultural Heritage Institutions, subordinate to the Ministry of Culture, Youth and Sports as Competent Institutions” (Graphics: OSCE) ...20

Figure 5: The tasks of the specialized institutions subordinated to the MCYS (Graphics: OSCE) ...21

Figure 6: Municipium Ulpiana – Justiniana Secunda, the first archaeological park in Kosovo (photo: OSCE) ...22

Figure 7: Bottom-up procedure for the protection of cultural heritage (Graphics: OSCE) ...26

Figure 8: Selection-procedure to identify heritage assets for protection (Graphics: OSCE) ...26

Figure 9: Increase of numbers of heritage items included in the lists of temporary and permanent protection, 2014-2020 (Graphics: OSCE) ...28

Figure 10: Analysis of the list of temporary protection 2018/19 according to heritage-categories (Graphics: OSCE) ...29

Figure 11: Number of Municipalities with Municipal Development Plans and Municipal Zoning Maps (2020) (Graphics: OSCE) ...35

Figure 12: The complex relation between cultural heritage protection and spatial planning (Graphics: OSCE) ...36

Figure 13: Different technical terms used in the Law on Cultural Heritage 2006 and in the Law on Spatial Planning 2013 (Graphics: OSCE) ...38

Figure 14: The Protection around architectural and archaeological heritage according to the Law on Cultural Heritage 2006 (Graphics: OSCE) ...39

Figure 15: Concepts of two-level protection areas in Kosovo’s legislation (Graphics OSCE) ...40

Figure 16: The layers for the perimeter and the protected area in the Geoportal of Kosovo (Source: <http://geoportal.rks-gov.net/en/search>) ...41

Figure 17: List of demolitions of protected buildings which were punished through a fine (Source OSCE) ...46

Figure 18: Structure of monitoring by the MCYS and the municipalities (Graphics OSCE) ...47

Figure 19: Pattern to assess the applicability of articles 5 AND, Law on SPZ (Graphics OSCE) ...51

Figure 20: Orthophoto of the SPZ site Serbian Orthodox Monastery of Visoki Dečani, Deçan/Dečane (Source: Law on SPZ, Annex) ...55

Figure 21: IMC 2014 – 2021: Number of Meetings (Graphics OSCE) ...57

Figure 22: Percentage of the cases resolved by the IMC 2014 – 2020 (Graphics OSCE) ...59

Figure 23: Number of incidents 2014 – 2020 according to categories of crimes (Graphics OSCE) ...64

Figure 24: Number of thefts with economic motivation 2014 – 2020 according to the targeted religious communities and secular sites (Graphics OSCE) ...65

Figure 25: Number of incidents 2014 – 2020 excluding economically motivated thefts according to religious communities (Graphics OSCE) ...66

Figure 26: Art-Thefts 2014 – 2020 according to religious Communities (Graphics OSCE) ...67

Figure 27: Vandalism 2014 – 2020 according to religious Communities (Graphics OSCE) ...70

Figure 28: Disturbances 2014 – 2020 according to religious Communities (Graphics OSCE) ...71

Figure 29: Desecration 2014 – 2020 according to religious Communities (Graphics OSCE) ...72

Figure 30: Categories of Incidents at Graveyards 2014 – 2020 (Graphics OSCE) ...73

Figure 31: Number of Cases recorded by Kosovo Police and further processed by Prosecution (Graphics OSCE) ...75

Figure 32: Condemnations on Municipal Level of Incidents against religious Sites 2014 – 2020 (Graphics OSCE)...76

Figure 33: Cover of the programme of the Workshop for Students in Letnicë/Letnica in 2019 (Photo: OSCE) ...81

Figure 34: Brochure for the valorization of the mining heritage in Stan Tërg/Stari Trg under the programme scheme “Support to the Promotion of Cultural Diversity”, funded by EU and CoE (Photo: OSCE) ...81

Figure 35: Brochure about the monuments of Vushtrri/Vučitrn published by CHWB (Photo: OSCE) ...82

All chapter photos:
OSCE/Arben Llapashtica

Design and Layout:
OSCE/Yllka Fetahaj

