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KOSOVO AND UNESCO: FOR A RENEWED FOCUS ON THE DEBATE

The decision by the Executive Board of UNESCO to support Kosovo's bid to go the next, final stage to join UNESCO – a final decision is expected on 9 November – has led to euphoric reactions among Kosovo Albanian governing politicians. The Kosovo government has waged a smart campaign, presenting an image of Kosovo's rich and harmonious multi-cultural heritage and symbiosis.¹ Kosovo's argument for membership focuses on the fact that UNESCO will strengthen existing protection mechanisms in place designed to safeguard cultural heritage sites and provide additional benefits in terms of expertise and funding for restorations and cultural programs.

The Serb community in Kosovo, however, gathered in protests in Gračanica/Gračanicë and Mitrovica/Mitrovicë.² The general argument against Kosovo's UNESCO membership is that the Kosovo leadership has no moral authority to join UNESCO because of acts of vandalism against Serbian cultural heritage after the conflict of the late 1990s, especially during the riots of March 2004. Kosovo's membership in UNESCO would, additionally, pose a threat to Serbian national identity as it would allow Kosovo authorities to take control over important sites of Serbian national cultural that are located in Kosovo.³ Patriarch Irinej of the Serbian Orthodox Church even stated that "if they take away [Serbian Orthodox heritage] by force, we have to everything, through reason or force, to get it back".⁴ Although certainly not representative of the entire argument against Kosovo membership, such a reprehensible statement indicates the sensitivity of the discussion and how easy it can slip into non-reconciliatory and confrontationist rhetoric reminiscent of the 1990s. This contribution aims to focus the discussion and provide counterbalance to rising ethnic tensions that are generated by the question of Kosovo's UNESCO membership.

A first question revolves around the status of the Serbian Orthodox Church and its heritage in Kosovo. The Serbian government and the leaders of the Serbian Orthodox Church in Kosovo have been arguing that the status of the Serbian Orthodox Church in Kosovo should be further arranged through the EU-mediated political dialogue between Serbia and Kosovo before there

¹ <http://www.kosovoinunesco.com>.

² http://kossev.info/strana/arhiva/kosovski_srbi_se_usprotivili_prijemu_kosova_u_unesco/6545;
http://kossev.info/strana/arhiva/pred_zasedanje_izvrnog_saveta_unesco_a_predat_tekst_dopisa_peticije_potpisi_kasne/6539.

³ <http://nokosovounesco.com>;

⁴ http://www.b92.net/info/vesti/index.php?yyyy=2015&mm=11&dd=03&nav_category=640&nav_id=1058790.

can be any talks about Kosovo's membership in UNESCO.⁵ While dialogue to preserve and promote the Serbian cultural heritage in Kosovo and to address its vulnerable position is necessary and favourable, there are firm legal provisions in place to secure the status of Serbian cultural heritage in Kosovo.

The 2008 Comprehensive Proposal for the Settlement of the Kosovo Status (henceforth "Ahtisaari Plan"), adopted by the Assembly of the Republic of Kosovo and reflected in the Constitution of the Republic of Kosovo, set high standards for the protection, conservation, restoration and promotion of cultural heritage in and outside Kosovo. The Ahtisaari Plan guarantees the autonomy and protection of all religious denominations and their sites in Kosovo. The Serbian Orthodox Church, including its clergy, is afforded additional security and protections for the full enjoyment of its rights, privileges and immunities. In addition, it is the sole owner of its property in Kosovo.⁶ In practice, this includes recognition that the SOC in Kosovo is an integral part of the SOC with seat in Belgrade, respect for the name and internal organization of the SOC in Kosovo, inviolability of all property of the SOC, no interference in the matters of the SOC, the freedom to receive financial support and donations from any institutions within or outside Kosovo, and special security measures for Serbian Orthodox religious sites and historical and cultural sites of specific importance for the Kosovo Serb community.⁷

These high standards were reflected in subsequent laws and constitutional provisions adopted by the Assembly of the Republic of Kosovo designed to protect and promote the rights of minority communities in Kosovo.⁸ Of particular importance for religious, cultural and historical sites of importance to the Serb community in Kosovo is the Law on the Establishment of Special Protective Zones,⁹ the Law on the Village of Hoçë e Madhe /Velika Hoča,¹⁰ and the Law on the Historic Centre of Prizren.¹¹

On 12 February 2013, the Minister of Environment and Spatial Planning (MESP) established the Implementing and Monitoring Council (IMC), as foreseen in the Law on the Establishment of Special Protective Zones. The IMC monitors and facilitates the implementation of the provisions of legislation relating to the protection of the Serbian Orthodox Church's religious and cultural heritage in Kosovo. The IMC has five members: one representative each from MESP, the Ministry of Culture Youth and Sports, the European Union, the OSCE, and the Serbian Orthodox Church.¹²

These laws and mechanisms identify religious, cultural, and historic sites of importance to the Serb community in Kosovo and guarantee the special status of these sites, including that these sites will receive special protection and that the government will not interfere in any way in the management of these sites. To be sure, the implementation of this legal framework is flawed and Serbian cultural heritage in Kosovo remains in a vulnerable and insecure position. However,

⁵ <https://koha.net/?id=27&l=80606>;

http://kossev.info/strana/arhiva/odlozite_odluku_o_zahtevu_kosova_za_prijem_u_unesco/6682.

⁶ *Comprehensive Proposal for the Settlement of the Kosovo Status* (2007), Art. 7.

⁷ *Comprehensive Proposal for the Settlement of the Kosovo Status* (2007), Annex V.

⁸ *Constitution of the Republic of Kosovo*, Art. 9, 38 and 59.

⁹ 'Law no. 03/L-039 on the Establishment of Special Protective Zones' (20 February 2008);

¹⁰ 'Law no. 04/L-062 on the Village of Hoçë e Madhe /Velika Hoča' (20 April 2012).

¹¹ 'Law no. 04/L-066 on the Historic Centre of Prizren' (20 April 2012).

¹² OSCE Mission in Kosovo, 'Challenges in the Protection of Immovable Tangible Cultural Heritage in Kosovo' (March 2014), p.12.

eventual membership of Kosovo in UNESCO will not change anything to these special revisions pertaining to Serb cultural sites in Kosovo nor does it prevent further political dialogue between Serbia and Kosovo on this matter. Rather to the contrary, it should provide welcome incentives to improve the implementation of the legal framework in place for the protection and promotion of these cultural heritage sites in a spirit of cooperation and sharing of culture and to tackle to continuously vulnerable and insecure position of Serbian cultural heritage in Kosovo.

Second, discussions about the moral right of Kosovo or Serbia to protect cultural heritage in Kosovo in essence boil down to blaming the other side of being guilty of vandalising the cultural heritage of the other during the past, while at the same silencing or reducing any wrongdoings on the own side. Such a discussion is beside the point. UNESCO membership does not recognize the moral authority of this or that party based on how it treated cultural heritage in the past; if that were the case very few states could claim the moral authority to become member of UNESCO. Membership rather carries moral obligations to protect and promote cultural heritage, regardless of national, ethnic or religious divides. Indeed, UNESCO was established in the wake of the Second World War on the insight that “ignorance of each other’s ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war”.¹³

And, finally, UNESCO is about much more than protection of cultural heritage alone. It enables international cooperation and knowledge sharing in the domains of education, culture and science, with a view to increase mutual understanding and communication between peoples. The current discussion about Kosovo’s UNESCO membership indicates that much work remains to be done in that regard.

*Through the **Kosovo Communities Issues Monitor**, ECMI Kosovo monitors, analyses, and provides recommendations on developments and concerns related to the position of minority communities in Kosovo, within the framework of international and domestic minority rights legislation. The analyses presented in the Monitor rely on close monitoring of media and interviews with relative stakeholders. While ECMI Kosovo strives at all times to provide accurate and nuanced information and to present the views and perceptions of all sides, the objective of the Monitor is not to provide journalist or factual coverage, but to offer an additional analytical element to the debate, reflecting ECMI Kosovo’s longstanding experience with communities issues in Kosovo and the domestic and international legal framework in place.*

¹³ UNESCO, [Constitution of the United Nations Educational, Scientific, and Cultural Organisation](#), preamble.

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About ECMI Kosovo

ECMI Kosovo is the principal non-governmental organisation engaged with minority issues in Kosovo, with the overarching aim to develop inclusive, representative, community-sensitive institutions that support a stable multi-ethnic Kosovo. ECMI Kosovo contributes to the developing, strengthening and implementation of relevant legislation, supports the institutionalisation of communities-related governmental bodies, and enhances the capacity of civil society actors and the government to engage with one another in a constructive and sustainable way.