

Nominacija Komisije za zaščito nacionalnih spomenikov Bosne in Hercegovine za European Heritage prize, ki jo podeljuje Evropska zveza arheologov

© Predrag Novaković

Univerza v Ljubljani, Filozofska fakulteta, Oddelek za arheologijo, predrag.novakovic@ff.uni-lj.si

Pojasnilo

Zadnja vojna v Bosni in Hercegovini je bila še posebej neprizanesljiva do kulturne dediščine in namerno uničevanje vseh vrst kulturnih spomenikov je dosegalo naravnost nepojmljive razsežnosti ne samo v materialnem, temveč tudi v simbolnem smislu.

Pomen kulturne dediščine - marsikje je bil *casus belli* prav njeno uničevanje in nič manj uničujoče reakcije na prizadetih straneh - je bil povsem jasen tudi tvorcem Daytonskega mirovnega sporazuma iz leta 1996. Že takrat je bilo jasno zaukazano vsem stranem, vpletenim v vojno, da je obnova kulturne dediščine ena od glavnih prioritet za ponovno izgradnjo mirnega sobivanja in sožitja in to je politični kontekst nastanka Komisije za zaščito nacionalnih spomenikov BiH, ene redkih javnih ustanov nasploh, ki še danes deluje na celem področju Bosne in Hercegovine ne glede na številne administrativne meje in težave, ki fragmentirajo to državo.

Bosna in Hercegovina je iz vojne izšla hudo ranjena in močno obubožana, z zelo šibkimi upravnimi in administrativnimi organi in telesi, ki nikakor niso mogla doseči ravni dela iz osemdesetih let; ne samo zaradi novih političnih in administrativno-teritorialnih okoliščin in splošnega pomanjkanja finančnih sredstev, temveč tudi zaradi izjemne kadrovske šibkosti.

Komisija za zaščito nacionalnih spomenikov Bosne in Hercegovine je od sprejetja Aneksa 8 k Daytonskemu sporazumu, s katerim je bila utemeljena, potrebovala kar pet let, da je lahko pričela delovati in okrog leta 2000 se je pričela svojevrstna zgodba o izjemnem trudu, kompetencah in uspešnosti »komisarjev« in drugih sodelavcev te komisije, ki ni ostala neznana mednarodni javnosti. Pravzaprav težko primerljiva z razvojem na drugih področjih javnega delovanja v tej državi.

Pričujoča nominacija za Heritage Prize, ki jo podeljuje Evropska zveza arheologov, je samo ena od nominacij Komisije za različna evropska in svetovna priznanja za izjemen trud in uspešno delovanje. Nam je EAA še toliko bližje, ker je bila ustanovljena prav v Ljubljani leta 1994. Marsikje so nominacije bile uspešne (npr. nagrada za leto 2010 združenja Europa Nostra). To sicer na žalost ni bil primer z nominacijo za EAA - ker je državno telo, Komisija za zaščito nacionalnih spomenikov Bosne in Hercegovine formalno ni mogla biti uvrščena na seznam

kandidatov (napaka predlagatelja) - toda kljub temu menimo, da je besedilo nominacije vredno objave v Arheu. Pri tem gre za več kot informiranje o današnjem stanju arheologije in dediščinskih dejavnosti v Bosni in Hercegovini, temveč tudi za svojevrstno priznanje, ki ga na ta način izražamo kolegom za njihovo izjemno uspešno delo v skrajno zahtevnih okoliščinah.

PROPOSAL FOR

THE EUROPEAN ARCHAEOLOGICAL HERITAGE PRIZE

2010

Institution considered:

BOSNIA AND HERZEGOVINA COMMISSION TO PRESERVE NATIONAL MONUMENTS

Reasons for receiving the award:

Background information

Within the *General Framework Agreement for Peace in Bosnia and Herzegovina* (also known as the *Dayton Agreement*), in Annex 8 (the agreement was signed on 14 December 1995 in Dayton, Ohio, USA), the parties involved (the Republic of Bosnia and Herzegovina and its two autonomous entities: the Federation of Bosnia and Herzegovina, and Republika Srpska) agreed on setting up a new state body – the Commission to Preserve National Monuments (hereinafter: the Commission). The principle reason was the urgent task of repairing extensive war damage inflicted on the cultural monuments in the country during the civil war. However, it took more than five years for the Commission to be effectively established. On 21 December 2001 the Presidency of Bosnia and Herzegovina issued *Decisions on the Commission to Preserve National Monuments* which on the basis of Annex 8 set out the basic principles, aims and regulations needed to perform the required tasks and obligations.

According to these documents, the Commission was the only all-state body in the field of protection of the cultural heritage acting in the whole territory of the Republic

of Bosnia and Herzegovina. Other, similar bodies or institutes were/are under the authority of the autonomous entities' governments. The Commission is composed of 5 Commissionaires (2 appointed by the Government of the Federation of Bosnia and Herzegovina, 1 appointed by the Government of the Republika Srpska, and 2 appointed by the Director General of UNESCO). At present the serving Commissionaires are: Dubravko Lovrenović (historian, B&H), Amra Hadžimuhamedović (architect, B&H), Ljiljana Ševo (art historian, B&H), Zexnep Ahunbay (architect, Turkey), Martin Cherry (historian UK). Only the commissionaires who are B&H citizens can chair the Commission. The chairing period is 6 months long and is organized on a rotating basis. The Commissionaires (the only officials with voting rights) are not professionally employed by the Commission.

In performing its expert, administrative and technical tasks the Commission are assisted by professional staff of the Secretariat of the Commission. The Secretariat's staff is composed of 10 members: the executive officer and deputy executive officer, four expert officers (for archaeology, moveable heritage, architectural heritage, cultural landscapes), and five officers in charge of legal, financial, and technical matters.

The legal framework for the Commission's status and tasks was the one first established by the Dayton Peace Agreement (Annex 8), and then later (after 2001) transferred and defined in the legislation of the Republic of Bosnia and Herzegovina and of its three autonomous entities (Federation of Bosnia and Herzegovina, Republika Srpska, and District of Brčko). The principal legislative documents are: *Decision of the Presidency of Bosnia and Herzegovina on the Commission to Preserve National Monuments*, 2001; *Rules on the Activities of the Commission to Preserve National Monuments with respect to International Co-operation*, 2002; *Criteria for the Designation of Property as National Monuments*, 2002/2003; *Law on the Implementation of Decisions of the Commission to Preserve National Monuments Established Pursuant to Appendix 8 of the Dayton Agreement*, 2002, adopted by the Federation of Bosnia and Herzegovina; *Law on the Implementation of Decisions of the Commission to Preserve National Monuments Established Pursuant to Appendix 8 of the Dayton Agreement*, 2002, adopted by Republika Srpska; *Law on the Implementation of Decisions of the Commission to Preserve National Monuments Established*

Pursuant to Appendix 8 of the Dayton Agreement, 2002, adopted by the District of Brčko; *The Federation of Bosnia and Herzegovina Law on Spatial Planning*, 2002; *The Republika Srpska Law on Spatial Planning*, 2002. Also a series of international conventions ratified by Bosnia and Herzegovina serve the legal framework, among others: Paris Convention (1972) on protection of the world cultural and natural heritage (Paris 1972), Convention on measurements against illicit trade of cultural objects (Paris 1970); Hague Convention (1954) on protection of cultural property in armed conflicts; European Convention on Culture (Paris 1954); European Convention on protection of archaeological heritage (London 1969); Convention on protection of architectural heritage of Europe (Granada 1985)... Note that the Republic of Bosnia and Herzegovina has still not signed the La Valetta Convention (1992) in spite the efforts of the Commission and other bodies in the country. The process of lobbying for the signature has been under way for already 2 years.

The initial mandate of the Commission was primarily to build up the system of administrative protection of the cultural heritage for the whole state, to make and maintain a list of national monuments and effectively deploy the procedures for their administrative protection. This task included setting up a series of criteria, procedures and data bases on various sites and monuments which had to be carefully discussed, classified and listed. However, soon the Commission became engaged in more active forms of protection exceeding purely administrative issues. So the Commission became in charge of monitoring the state of monuments, writing the reports on the state of cultural property, monitoring the nature and quality of the restoration works, issuing permits for developers and for archaeological and other research projects etc. At present, 8 years after its *de facto* start, the Commission is still the only all-state body (and, effectively, also the institute) in the Republic of Bosnia and Herzegovina, which, in effect, combines the role of principal administrative authority and expert institution for heritage protection. While these two 'jobs' are normally separated in the neighbouring countries, with which B&H shared similar infrastructural frameworks until the cessation of former Yugoslavia, it is primarily due to the peculiar (and still interim) constitutional and administrative structure of the Republic of Bosnia and Herzegovina (which is still based on Annex 4 of the Dayton Peace Agreement!), that the Commission took over both roles.

Reasons for nomination

In the context of the violent dissolution of the former Yugoslavia, the civil (ethnic) war in Bosnia and Herzegovina (1992-1995) was by far the most violent and damaging of all the conflicts in this area, and it was stopped only by great efforts of the international community. Damage inflicted on the population and country's infrastructure was extensive (tens of thousands of people killed, hundreds of thousands of displaced persons, greatly damaged public and economic infrastructure, the economy suffered a great setback...), and it is the International Criminal Tribunal for the former Yugoslavia (ICTY) and local tribunals which are prosecuting and sanctioning the most extreme crimes of this war.

The cultural heritage was not only among the properties upon which very large damage was inflicted, but it also presented one of the issues around which inter-ethnic and inter-religious conflicts exploded and, consequently, it was or has been purposely and systematically destroyed. The Council of Europe already in 1993 issued a report stating that what happened to the heritage in Croatia and Bosnia & Herzegovina is a 'cultural catastrophe of terrible proportions' (*The destruction by war of the cultural heritage in Croatia and Bosnia-Herzegovina presented by the Committee on Culture and Education. Information report, Rapporteur: Mr Jacques Baumel, France, RPR, Doc 6756, 2 February 1993*). Though the exact data has still not been fully collected and processed, it is safe to say that nearly 3,000 architectural heritage properties alone were destroyed, and several other thousands of items stolen, lost or otherwise damaged during the war; 15-19th century monuments suffered the worst destruction (for more details see *Integrated Rehabilitation Project Plan. Survey of the architectural and archaeological heritage (IRPP/SAAH)*).

In the post-Dayton period (since 1996) the country is still undergoing the very slow and fragile process of restoring inter-ethnic co-habitation and democratic politics. At the moment, it seems that a great deal of the functioning of this highly ethnically and administratively divided country relies on special powers delegated to the UN High Representative and EU Special Representative (HR/EUSR) for Bosnia and Herzegovina. However, while this may provide a temporarily stable but only short-term political environment for functioning of the state, it can not provide the basis for any long-term perspective.

The Commission was established in the context of war, as one of the urgent remedies for meeting the catastrophic situation in cultural heritage sector. The recognition of the importance of the cultural heritage and sheer extent of damage was made quite clear by including the establishment of the Commission among the items of the Dayton Peace Agreement.

The circumstances in which the Commission started its work were extremely difficult and unfavourable. The country was not only in ruins and reduced to great poverty, its administrative divisions into two major entities (Federation of Bosnia and Herzegovina, and Republika Srpska) and the Special district of Brčko (NE B&H) and extensive autonomy delegated to these units frequently prevented employment of effective organization and measures at an all-state level. The former National Institute for the Protection of Cultural Monuments could not effectively operate during the war (1992-1995), and due to substantive political and constitutional changes fixed by the Dayton Agreement (1995) it could not be re-instated in its previous form, nor was it technically possible to restart the public heritage service with all the staff the former institute(s).

Furthermore, national legislation and other regulative frameworks in Bosnia and Herzegovina were (and still are) very weak and frequently not implemented, or are difficult to implement, and the authority and legal powers of public bodies are frequently not respected.

Additional aggravating circumstances in the cultural heritage sector emerged with large-scale development (building, replacing and reconstruction of public and private infrastructure, road systems, industrial plants...) which not only threatened the cultural heritage but, indeed, contributed much to its further destruction in the post-war years. Unfortunately, the general culture of respecting regulations dealing with cultural sites and monuments was very low, and cultural properties were frequently ignored, or else their value was greatly underestimated in favour of state, public or private development projects.

Another important factor which had a great impact on cultural heritage protection was the lack of local experts in a number of heritage disciplines (e.g. archaeology, art history, history, architecture etc.), especially at regional and local levels. The reason for this was either in mass

emigration of the experts and university trained population, or in the closing down of a number of institutions or working posts during the war, and in the post-war period due to the general poverty of public services.

And last, but not least, there was (and still is) another very acute problem, nowadays almost forgotten outside B&H - that of land mines. The reports of the Bosnia and Herzegovina Mine Action Center in 2005 recorded the existence of some 18,000 mine fields with an estimated 1.2 million land mines and unexploded objects in the country (see more in K. Fitzgerald, Bosnia and Herzegovina, *Journal of Mine Action* 11.1., 2007). The *Landmine Impact Survey* published by Handicap International France (2005), reported that more than 45% of all communes in the country are to various degrees affected by land mines (see in http://www.sac-na.org/pdf_text/bosnia/BiH_FinalReport.pdf). It is clear that such a threat prevents almost any kind of fieldwork in the areas affected by this problem and, in spite of large efforts in de-mining, hundreds of areas will become mine-free only after the 2050s with the natural decomposition of explosive materials.

The very modest means and material conditions in which the Commission started its work were just one side of the coin, the other problem was probably even larger and had to be approached with great caution and wisdom. The very idea of re-establishing a framework for a common (and shared) cultural heritage in a country in which the ruling politics of the major ethnic groups involved in the conflict (Muslims, Serbs, Croats) attempted systematic annihilation of the other groups and of evidence of their centennial presence and culture, seemed an almost insurmountable task. A quote from the address by Donald Hayes, Senior Deputy High Representative of the UN at the celebration of the first anniversary of the Commission in (5 May 2003) well illustrates this issue:

...First and foremost -- recovery needs reconciliation. Where there's a will there's a way -- and the continuation of wartime hatred and resentment and bitterness and anger all make it more difficult to develop the political will to get things done in BiH. Restoring monuments is a task that directly addresses the legacy of bitterness and systematically diminishes it.

By rebuilding monuments we dismantle grounds for continuing anger. Secondly, this work is fraught with potential difficulties, which can take on a life of their

own and derail the broader political process. Assembling the political and legal and practical consensus to rebuild individual monuments requires dedication, firmness, clear benchmarks and a commitment to justice -- because opponents of reconciliation in BiH, those who would condemn their fellow citizens to repeat the tragic failures of the recent past, have sought to sabotage this consensus building at every step. They have sought to make it a new kind of battleground, a source of political dislocation and communal ill feeling...

...And it is because the Annex Eight Commission has done its job effectively that these opponents of reconciliation and reintegration have not succeeded.

The Commission's work has a direct bearing on the success of efforts to increase the momentum of refugee return, to foster the rule of law and to protect minority rights. Its work will determine whether or not Bosnia and Herzegovina becomes a normal European democracy...

This job, extremely important in re-establishment of the atmosphere and conditions for peaceful co-habitation of the mixed ethnic and religious population of Bosnia and Herzegovina, could not be accomplished without appointing to the Commission highly trained and credible experts with great scientific and public authority and integrity. After almost a decade of its existence, the Commission has indeed succeeded in this, of course, not without large problems.

In very harsh political and economic conditions, the Commission has gradually acquired its reputation and authority as a highly competent body, able not only to introduce modern standards of heritage protection but also to contribute much to the development of longer-term strategies in this field. Some basic data on the work done in the last 8 years will be presented below, but what needs to be emphasized here is that the Commission has also succeeded in making the network of regional and local heritage institutes (subordinated to the autonomous entities' governments) much more efficient and cooperative. It is true, that the Commission could not achieve many of its goals without the considerable support of the international community and the UN High Representative, and other individuals who have contributed their knowledge, networking, and other means. However, the major merits have to be accorded to the local experts, and especially

to the Commissionaires from Bosnia and Herzegovina.

At present, the Commission has succeeded in finishing all the necessary expert, administrative and technical procedures for listing nearly 800 sites and monuments on the national list of protected monuments. Among them there are some 70 archaeological sites and structures (medieval architecture and urban landscapes are not included in this figure).

Since its establishment, the Commission has held 47 meetings (last update on December 1-4, 2009), and made some 70 official inspection trips to various places in the country; members of the Commission and its Secretariat, and associated experts have participated at more than 50 various international meetings (conferences, workshops, business meetings etc.); the Commission was partner in the project ARCHEOSITES funded by the CADSES INTERREG III B Program (2003-2006) and in the Regional Cultural and Natural Heritage Programme for South Eastern Europe (Integrated Rehabilitation Project Plan/ Assessment of Architectural and Archaeological Heritage (IRPP/SAAH).

The Commission has also been very active in the legislative fields and, most importantly, it contributed greatly to those aspects of the Law on Spatial Planning which deal with cultural heritage. According to this Law:

...spatial planning must be coordinated by means of special regulations on the protection of the cultural, historical and natural heritage. It also requires a list of the buildings and areas of architectural and natural heritage designated as national monuments by the Commission to Preserve National Monuments. Similar decisions are applied in Republika Srpska. The Law on Spatial Planning also regulates that the cultural and historical heritage must come under special protection. The protected sites are determined by the Commission in its decisions and by regional and town plans and are governed by regulatory plans. In response to the Council of Europe's recommendations on measures to assess and protect the cultural heritage, the Bosnia and Herzegovina Spatial Plan includes a list of the most valuable archaeological and architectural heritage assets...

At present, in the legislative field, the Commission's members are intensively working on the Law on the Protection and Preservation of Cultural Monuments in

Bosnia and Herzegovina, the aim of which is to establish the legal framework at the all-state level.

Another critical issue with which Commission had – and still has – to deal was the building of capacity of institutions in Bosnia and Herzegovina dealing with the cultural heritage. Here the Commission participated in the wider project in defining activities regarding the preparation of legal and institutional framework for protection of the heritage in Bosnia and Herzegovina within the international Project on Expanding the Effectiveness of the Institutions in Bosnia and Herzegovina (2003-2005).

The Commission is also regularly monitoring the status of listed heritage objects and publishes the list of threatened sites and monuments, thus informing other experts and the wider public about the present conditions of the individual cases, and raising public awareness and sensibility towards cultural property. In this respect, the Commission launched several campaigns and public events (e.g. exhibitions, round tables, multimedia presentations etc.) for raising awareness about the values of the cultural heritage and ways of its protection and inclusion in modern development. The largest such campaign was the Campaign for Protection of Heritage at Risk, launched in 2004, which was accompanied by an exhibition which visited all major towns in the country and was also presented in Barcelona in 2005. Since 2005, the Commission has also been publishing its journal - Baština (Heritage).

Among the major achievements of the Commission at the international level, listing of the historical urban area of the town of Mostar on the UNESCO world heritage list (15 Jul 2005) should be noted; furthermore the election in 2007 of Amra Hadžimuhamedović (one of the members of the Commission) to the position of Vice-President of the General Assembly of the International Centre for the Study of the Preservation and Restoration of Cultural Property – ICCROM, is also a clear indication of the international recognition of the Commission's achievements.

Summary

To conclude, in less than 8 years the Commission has evidently succeeded and accomplished the most strategically important tasks for which it was established. Without doubt, it has become the most efficient institution in the field of heritage protection in the whole

Republic of Bosnia and Herzegovina, thus overcoming the ethnic and administrative divides and obstacles which in this country still present a major obstacle to its development. In doing so, the Commission could actually serve as a model for many similar initiatives and institutions and for the politics ruling the country and its entities.

Furthermore, for its efficiency and competency (particularly of the Commissionaires from Bosnia and Herzegovina) the list of tasks of the Commission has been enlarged far beyond the initial range, from the administrative onto the field of more active forms of heritage protection. The figures of the cases of the cultural heritage which this Commission has processed or monitored is impressive, especially when considering the political, economic and administrative conditions in which the Commission acts, and even more so taking into account the fact that Commissionaires are not only employed by the Commission, but they also regularly work at their home institutions (e.g. University of Sarajevo, Institute of Heritage Protection of Republika Srpska).

It is our opinion that the achievements of the Commission do meet the high standards required for the European Heritage Prize. Since its establishment in very unfavourable conditions, and its effective start less than 8 years ago, having almost no prior infrastructure and means (we should not forget that a great deal of documentation on the cultural heritage was destroyed during the war), the Commission, nevertheless, has succeeded in imposing high standards of protection (administrative and active) of the cultural heritage in Bosnia and Herzegovina (archaeological heritage included).

By doing this, the Commission was beyond any doubt the key institution in Bosnia and Herzegovina which preserved or helped in preserving some of the most unique cultural and historical features of the contact region between the three major religions (Ottoman, Catholic and Orthodox) which by far exceed regional or national levels of importance. And last, but not least, its genuine contribution to the co-habitation of the major ethnic and religious groups in the area is difficult to overestimate.

Although the Commission's sphere of activities was that of cultural heritage in general, the archaeological heritage was given great importance. In the country which suffered a catastrophic war and entered the year 2000 with less than 10 active professionals in archeology in

all public institutions combined (four times less than in the 1980s!) the role and endeavours of the Commission proved to be essential in the recovery of this discipline and of its public service.

If my first first-hand impressions from the year 2006 (when I first visited Bosnia and Herzegovina after the war 1992-1995) were close to despair regarding the state of the cultural and archaeological heritage and archaeological discipline in general, yet now, after maintaining close contacts with B&H colleagues in the last four years, I can foresee much better prospects. I could witness huge steps being made in the recovery of the archaeological discipline in all its aspects (heritage and academic), which could not have been possible without the intense engagement and endeavours of the Commission and its Secretariat, and associated experts.

In the near future, it may well happen that – due to the constitutional changes of the Republic of Bosnia and Herzegovina – the Commission may cease to exist in its present form and role. It should not be forgotten, however, that it was established in the context of war, as an urgent remedy to the damage inflicted to the cultural heritage and for establishing systematic strategies in heritage protection in the immediate post-war period, but also with the vision of contributing in its own way to the ethnic co-habitation in Bosnia and Herzegovina. Nevertheless, whatever might be a future institution or body which may succeed the Commission, the results and achievements of the Commission definitely provide a stable base for further advancement of the heritage protection in this country.

The EAA European Heritage Prize would be an appropriate form of international recognition of the Commission's outstanding endeavours and achievements.

Proposer: Predrag Novaković, honorary member of the EAA

More information on the Commission can be obtained from its official web site: <http://www.aneks8komisija.com.ba/index.php?lang=4>