

INSTITUTIONAL DOCUMENTATION AND PROTECTION OF HISTORICAL AND CULTURAL HERITAGE MONUMENTS

Pajazit Hajzeri

¹Middle low school "Elena Gjika", Nystret Musa street-First Tunnel,

E-Mail: phajzeri@hotmail.com

Abstract

Albanian territories in general and Kosovo in particular has a treasure of historical and cultural heritage. This legacy steadily, over centuries is exposed to destructive activities, either by nature or human factor. In postwar Kosovo has inherited a state of serious historical and cultural heritage, as a result of inadequate treatment of its urban and architectural vandalism, destruction, devastation which is made and even today historical cultural heritage . Sensitivity to these values, and consequently put them under state protection in developed European countries during the IXth century, while in Kosovo monument concept becomes part of the cultural life after World War II. Putting the protection of monuments in a public space, implies consolidation of works to each ethnic group, which for historical reasons has created an ethnic other territories. Every violation of this principle, it would be extremely negative consequences for the historical truth. In our current and historical lands, are preserved ancient buildings where Greek colonies established by the Illyrian areas, which are protected and treated as other landmarks. The need for conservation of these heritage values is determined by the concrete commitments to realize the organized management of cultural heritage in national and international institutional level. The purpose of documenting the monuments of cultural and historical heritage is a precondition for the fulfillment of putting under institutional protection. Today, we have a large number of documents, conventions, charters, recommendations and laws, which are aimed to protect and safe the cultural heritage of different periods and cultures.

Keywords: *Heritage, Culture, History, Art, Science*

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Cultural heritage in Kosovo presents a rich treasure of architectural, archaeological heritage, of movable and non-movable and of spiritual heritage of different historical periods, hence making the country attractive to residents and visitors.

This richness of inherited cultural (artistic, aesthetic, spiritual) values with indigenous materials by tradition, language, art, mores, sacred, profane, relics, crafts monuments and other phenomena with special values is illustrated with rich diversity heritage. This rich treasure, has coexisted and is inherited through centuries with different architectural and archaeological entirities, such as: towns, castles, churches, monasteries, towers, mosques, baths, tekkes, bridges, civil old houses, etc.¹

According to the legislation of the Republic of Kosovo, the Ministry of Culture, Youth, and Sports has the responsibility of caring for the cultural heritage in Kosovo. The realization of this activity is developed based on the Law on Cultural Heritage, Spatial Planning Law and the Law on Special Protected Areas, also respecting principles and international conventions.

In 2006, the Assembly approved the Law on Cultural Heritage to ensure that all objects with values will be protected and preserved for future generations. In the list of monuments on temporary protection are 1181 monuments, divided into two categories and four sub-categories as: **I. Category: Archaeological Heritage has two sub-categories: a) Subcategory: Monument / Ensemble, and b) Subcategory: Archaeological Locality / reservations. II. Category: Architectural Heritage, has two sub-categories, a) Subcategory: Monument / Ensemble, and b) Subcategory: field of architectural conservation.**² All monuments and fully protected entirities by law will have a protected zone, within which certain activities are prohibited or restricted.³

Kosovo, as well as many other parts of the Balkans, has found itself in the middle of the necessary processes for development and long-term importance of heritage protection and rehabilitation. Social and political unrests of the twentieth century were forced to quickly transform existing urban centers, or to destruct the historic structures sometimes gradually and at times violently. Other areas, with rural and agricultural origin, are being transformed into the administrative centers of different character. Peripheral extension, chaotic development within the city, incoherent architectural expressions, and overloaded infrastructure are other symptoms, all of the devastating effect of the historical essence and monuments both in the physical and contextual aspect. As a result of this is the continuation of neglect, loss, piecemeal destruction of important artifacts, historic buildings and urban landscape.⁴

Historic buildings are the physical manifestation of cultural heritage, but it should be seen where do they come from, and how they respond to the natural topography of its structure, climate, ritual, tradition, events, ideological and technological skills of the people who created them, those who use them and what is the most important thing in their significance for those who have inherited it. Therefore, natural heritage and human heritage give sense and meaning to cultural heritage of artifacts, buildings and urban settlements in a broader context in which they are found. Physical preservation and the maintenance of tangible structures "bricks and mortar" - now is accompanied with the acceptance of its qualities not always tangible and a sensitivity of greater psycho-social aspect of cultural heritage as an indicator of personal and collective identity, the societies that created them and those who have inherited them.⁵

It is well known that the Albanian territories in general and Kosovo in particular is a treasure of historical-cultural heritage. This legacy is exposed steadily to destructive activities through centuries, either by nature or human factor.

In postwar Kosovo it is inherited a serious state of historical and cultural heritage, as a result of its inadequate treatment, of its urban and architectural vandalism, destruction, devastation and damages that are made even today to the historical and cultural heritage.⁶

According to the time criteria architectural monuments are classified in prehistoric monuments (1.5 million years BC - Vth century BC), ancient monuments (Vth century BC - VIth), Medieval monuments (VIth century - XVth century.), new era monuments (XVIth century – beginning of the XXth century), and contemporary monuments (the beginning of the XXth century onwards). According to the criterion of genres we distinguish these groups: religious, protective, social, engineering, residential and historic monuments of architecture.⁷

In documenting a monument of historical and cultural heritage participate necessary measurements of the monument and its surroundings, which means the survey with sketches of the situation, and plans at all levels, vertical longitudinal and transverse cuts, facades, architectural details, and constructive elements, decorative exterior and interior, then deposition studies, phases of construction, transformation of time, and photographic documentation in digital form.⁸

Landscape with sketches-drawn free hand, completed with measurements, using different methods (partial, successive measurements, the arrangement measurements of diagonals, respectively, triangles, etc., represent the data for the monument location, time and drawing time, the authors of measurements and other information or comments identified during fieldwork.⁹

Restoration and adaptation are creative work but also complex and challenging. Basic research, analysis and valorizations are made on the basis of documentation which is offered by the architectural heritage institutions. Unfortunately, our heritage institutions possess a very modest documentation and still face a serious condition of recording and documenting the rich heritage fund, which risks being lost every day.¹⁰

Institutional protection of cultural heritage monuments

The term monument, in contemporary terms, designates, along with other realities, the architectural or construction works with double historical and cultural values, which as such are protected by law. The concept monument, with the above semantic content is comparatively new in the cultural life of Kosovo, even in those of Europeans and wider.

Sensitivity to these values, and consequently putting them under state protection in developed European countries belongs to the XXth century, while in Kosovo monument concept becomes part of the cultural life after World War II. The concept monument, in terms of cultural and historical evidence, has a wide range, including works of movable heritage and the real estate of the importance of different schools. In this sense the term monument shall include only those acts which the values of their historical and cultural gained a special status protected by law.¹¹

In the huge community of the genres of monuments, in the above sense, with the time span since the twilight of history until today, architectural monuments take an important place in the community of cultural heritage materials. With architectural monuments we understand all construction works, raised entirely by human hand, or adaptations of the natural environment to be used for housing, or other vital functions. These works, at the time of placing under protection, in the quality of the monument, may be in usable condition, or undermine, the latter being generally issued in light of archaeological excavations.¹²

The activity of identifying architectural works, to be qualified as a monument, and therefore to be protected by law is essentially a research activity, which requires high scientific competence in the field of architectural history and knowledge of the history of space in which are carried the researches.

Identification of monuments through their selection, the construction community of the past and present, in countries with a tradition in this area, was not a single act, but a very long process.¹³

In practice, while identifying the monuments, we often encounter cases when damages of varying degrees are done or even destruction of historical and cultural values in the period between identification of work to be put in defense and the declaration of official act that implements protection.

To avoid damage of cultural heritage values for the above reasons must exist prior concept of defense, with fixed term, which legally has all the attributes of legal protection of the monument.¹⁴

Many military campaigns, have aimed for the robbery of cultural heritage. Even today in many museums of modern world cultural values are exposed (unjustly) because they do not belong to the people or territory in which the museum is. This has resulted in the need to adopt laws that sanction this field.¹⁵

Putting the monuments under protection in a state space implies consolidation of works of every ethnic group, which for historical reasons has created in other ethnic groups. Any violation of this principle would be with extremely negative consequences for the historical truth. In our current and historical lands, are preserved ancient buildings established by Greek colony in the Illyrian areas, which are protected and treated as equally as other landmarks. Putting the protection of monuments in developed European countries is an activity which occurs in the early nineteenth century, being naturally associated with their protection legislation and restorative care.¹⁶

The need for conservation of these heritage values is determined by the concrete commitments to realize the organized management of cultural heritage in national and international institutional level.

So in order to prevent devastation of the cultural wealth inherited, Pope Pius II with a special decree on April 28, 1462, on behalf of the Papacy, marks the first law for the protection of monuments.¹⁷

Three hundred and thirty two years later it is approved the law of the year 1794 in France which governs the protection of monuments.¹⁸ In international terms, since 1877 to 1999, many documents have been approved in the form of cards, conventions and recommendations. These documents have an international, regional and national level. In chronological order these documents are presented to us:

Between 1877-1904, two documents, between 1930 - 1939, four documents, between the years 1950 - 1959, four documents, between the years 1960 - 1969, seven documents, between the years 1970 - 1978, twelve documents, between the years 1980 - 1989 , thirteen documents, between the years 1990 - 1999, thirty-three documents.¹⁹

So, in a period of 122 years about 75 papers have passed to us with international character, which regulate many areas of cultural heritage.

In our ethnic lands, history of caring for heritage began with the first archaeological discoveries, ranging from XVth century, with "Anona's Cyriacus"²⁰ mainly engaged in unprofessional level from different travelers, researchers, geographers, etc.²¹

Later in Albania for the protection of monuments as not to lag behind other countries is the normative act of the Ottoman Empire, the internal regulation dated 05.01.1889 (1305 H), Royal Museum for regulation. This regulation with 43 sections has not found even the slightest effect in Albania. The same fate had the law dated 09/07/1912 (H 1328) "On protection of monuments", under which fortresses, and everything else that is old is called a monument.²²

With the Independence of Albania, the first act in this direction for asset protection of material culture is the Ministry of Education circular no. 932 dt. 19/06/1922, advising the inspectors of education and care for the preservation of shabby findings.

Full legal act issued by governments before World War II is the law on "National Monuments", no. 129, no. 05.28.1929. This law, which almost did not find any significant application, as it has shown by the analysis, apparently, is copied from other countries.

The first real normative act to protect the cultural heritage of our country belongs to the period after World War II, it is the Law no. 568 dated. 03.17.1948, Nr. 609 dt. 24.05.1948, "On the protection of cultural monuments and rare natural objects", which approved the Decree no. 568 dt. 17/03/1948.²³ With this law becomes the first list of monuments on the territory of political Albania.²⁴ In 1955 came the Regulation "On the protection of cultural monuments". Of particular importance for research, for the protection of laying new monuments, especially city museums, was a decision of 1959, which included the measures in the field of historical monuments, cultural and artistic. In 1961 was put under state protection in the quality of city museums, towns of Berat and Gjirokastra.²⁵ In 1963, the State University of Tirana announced a new list of monuments, far greater in number and the important what is involved in a variety of genres such objects, such as buildings of historical significance, historical landmarks, and folk dwellings. In 1971 the new law "On the protection of cultural and historical monuments and natural rarities." It was followed by a special regulation in 1972.²⁶

By decision of the Council of Ministers of 1974, construction popular with architectural and historical value and ethnographic village and the city should assemble in an organized manner by a number of institutions that were commissioned for this purpose, and this work must be completed within years 1978-80.²⁷

With the fall of the communist regime as a result of the economic difficulties that followed and thorough restructuring of the state apparatus it had a reduction in state care of cultural property. However to reinforce achievement of cultural assets in 1994 was adopted law "On the protection of cultural property and movable property",²⁸ which was followed by the new Law number 9048, dated. 07.04.2003.²⁹

In Kosovo, institutional care for the evaluation of monuments begins after World War II. In this context, in 1945 enters into force "Decision on the protection of monuments", which a year later is reinforced to strengthen law on "Protection of Cultural Monuments and Natural rarities". In Kosovo, in 1977 came into force the Law on "Protection of cultural monuments".³⁰

Two flats placed under state protection and one of which today is the former headquarters of the Academy of Sciences and Arts of Kosovo. These two units are respectively placed under state protection in 1955 and 1957.³¹

The liberation of Kosovo in 1999 and the safe way for independence have created conditions for a careful reevaluation of the situation in the field of material and the spiritual cultural heritage.³²

In the system of administration of the Republic of Kosovo, protection of cultural heritage is regulated by the legal framework by presenting the following:

- **Constitution of the Republic of Kosovo,**
- **Law on Cultural Heritage (No. 02/L-88, 2006)**
- **Spatial Planning Law (Law No. 2003-14 and No.. N.03/L-106, no. 2003-14)**
- **Construction Law (Nr.2004/15)**
- **Document of the Kosovo Status - (Ahtisaari package, PH) Annex V (2007)**
- **7 Bylaws (MKRS/2008)**
- **Law on special protected areas (No. 03/L-039 2008)**
- **Criminal Code of Kosovo.**

Primary purpose of the legal framework is the protection of cultural heritage regardless of ethnic background, religion or historical period.³³

The basic platform through which regulates the activity of protecting cultural heritage of the Republic of Kosovo is the Law on Cultural Heritage (No. 02/L-88, 2006). Law framework consists of 12 main sections, including: general provisions, terms, inventory, documentation and temporary protection of cultural heritage protection and legal measures, funding and fiscal measures for cultural heritage, architectural heritage, archaeological heritage, cultural landscapes; movable heritage; spiritual heritage / intangible, sanctions, and final provisions.³⁴

Since October 2008, the World Heritage List includes 878 assets that form a part of the cultural heritage which the World Heritage Committee considers as exceptional universal values.³⁵

The list includes 679 cultural wealth, 174 natural resources and 25 mixed wealth in 145 signatory countries. Since November 2007, 185 States Parties have ratified the World Heritage Convention.³⁶ From the monuments of Albanian heritage in list of UNESCO are: Albania, Butrint (1992, 1999, 2007), Historic Centre of Berat and Gjirokastra (2005, 2008), Kosovo: Medieval Monuments in Kosovo (2004, 2006).

Resume

Production, Documentation, and Institutional Protection of Monuments of Historic and Cultural Heritage, aims the recognition of history of institutional protection of monuments of culture in our countries both in Albania and in Kosovo. In the paper are reflected data from official documents issued by relevant ministries that are directly involved in the field of heritage and current legislation that protects and lead this very important area for the prosperous past of the Albanian people.

Kosovo, for nearly 100 years was occupied by Serbian-Slavic neighbors, where monuments of cultural heritage were not treated the same as those belonging to Albanians or those that were occupied by Serbs and actually belonged to them unfairly. Lack of protection of these monuments has resulted in the disappearance of a great number of them, and today we are only left with toponyms, microtoponyms, but no trace of the past. Therefore, with the liberation of Kosovo the area of heritage has begun to recover slowly, despite the fact that cultural heritage in Kosovo is the most politicized field in terms of culture.

Even forgeries made by the Serbian regime in Kosovo today receive the green light from our institutions as true and damage the truth of our very rich past. Therefore documentation of any monument, and the true history of cultural and historical values, should be protected by law from competent institutions subordinate to the field.

There should be no divergence in the field of heritage but a monument belongs to a different ethnic grouping or located in another area of interest, because heritage of a people is the legacy of everyone, regardless of nationality, religion, or race. Cultural heritage of a country is the legacy of the place where the character notwithstanding no matter the period or the character dedicated to it. All of this is tied to the institutional protection of heritage monuments, always referring to the relevant laws and the international norms.

¹ Zonat e mbrojtura dhe zonat e veçanta të mbrojtura, Të kujdesemi për trashëgiminë kulturore të Kosovës, Ministria e Mjedisit dhe Planifikimit Hapsinor, ICO, Ministria e Kulturës Rinis dhe Sportit, 2010, p. 3.

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- ² Republika e Kosovës, Ministria e Kulturës, Rinisë dhe Sportit, Lista e Trashëgimisë Kulturore për mbrojtje të përkohëshme, 1 tetor, 2012, pp. 1, 48.
- ³ Ibid. p. 4.
- ⁴ Portrete të zonave historike në Kosovë dhe rajonin e Ballkanit, Zyra e Përfaqësuesit Special të Bashkimit Europian në Kosovë (EUSR), Trashëgimia Kulturore pa Kufij (CHwB), Prishtinë, 2011, p. 1.
- ⁵ Ibid. p. 1.
- ⁶ Arkitektura tradicionale, dhe metodat e dokumentimit, CHwB, Prishtinë, 2010, p. 16.
- ⁷ Emin Riza. Teoria dhe praktika e restaurimit të monumenteve të arkitekturës, Instituti i Monumenteve të Kulturës, Tiranë, p. 17.
- ⁸ Ibid. p. 21
- ⁹ Ibid.
- ¹⁰ Ibid. pp. 18,19.
- ¹¹ Emin Riza, Monumentet e Kosovës, Monumentet e arkitekturës dhe identifikimi i tyre, Prishtinë, 2005, p.12.
- ¹² Ibid. p. 12.
- ¹³ Ibid. p. 13.
- ¹⁴ Ibid. pp. 19, 20
- ¹⁵ Baki Svirca, Monumentet e Kosovës, Politikat drejtuese në fushën e trashëgimisë, Prishtinë, 2004, p. 24.
- ¹⁶ Emin Riza, Monumentet e arkitekturës, op cit. p. 22.
- ¹⁷ Jukka Jokilehto, A History of Architectural Conservation, England, 2005, p. 31.
- ¹⁸ Ibid. p. 15.
- ¹⁹ Baki Svirca, Politikat drejtuese op cit, p. 25.
- ²⁰ Stilian Adhami, Muzeologjia shqiptare, Titanë, 2001, p. 13.
- ²¹ Baki Svirca, Politikat drejtuese op cit, p. 26.
- ²² Aleksandër Meksi, Restaurimi i monumenteve të arkitekturës, Tiranë, p. 32.
- ²³ Ibid. p. 32.
- ²⁴ Emin Riza, Teoria dhe praktika, op cit. p. 26.
- ²⁵ Ibid. p. 27.
- ²⁶ Aleksandër Meksi, Restaurimi, op cit, pp. 32,37.
- ²⁷ Pirro Thoma, Emin Riza, Ali Muka, Vendbanimet dhe banesa popullore shqiptare I, Vendbanimet dhe banesa fshatare, Tiranë, 2004, p. 11.
- ²⁸ Ibid. p. 39.
- ²⁹ Baki Svirca, Politikat drejtuese op cit, p. 28.
- ³⁰ Emin Riza, Njazi Halimi, Banesa qytetare kosovare e shek. XVIII – XIX, Prishtinë, 2006, pp. 313,314.
- ³¹ Ibid. p. 316.
- ³² Ibid.
- ³³ Gjejlane Hoxha, Mbrojtja e Trashëgimisë Kulturore, Sesion Trajnimi, CHwB, 12 nëntor 2011, Dranoc, p. 3.
- ³⁴ Gazeta Zyrtare e Republikës së Kosovës, Ligji për Trashëgimin Kulturore, Prishtinë, viti III / NR. 29 / 1 Korrik 2008, pp. 44, 53.
- ³⁵ Jukka Jokilehto, Bernard M. Feilden, Udhëzues për menagjimin e trashëgimisë kulturore botërore, ICCROM, UNESCO, ICOMOS, Cultural Heritage without Borders CHwB, 2010, p. 145.
- ³⁶ Ibid. p. 145.

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