

URBANISM WATCH

Urbanism of Prizren under

Constant Watch

10 June 2014, Prizren

Communiqué #14

PRESS RELEASE

Laws failing to protect Historic Centre of Prizren

EC Ma Ndryshe, within the “Urbanism of Prizren under Constant Watch project, has looked at the legislative and institutional framework for the protection of cultural heritage within the Historic Centre of Prizren. A substantial number of laws and documents of both levels of government were adopted recent years, which are meant to guarantee protection and development of the Historic Centre. With this entirely advanced legislative and institutional framework, the Historic Centre of Prizren continues to be systematically downgraded. EC Ma Ndryshe believes and recommends that only the option of punitive measures (by fine or imprisonment) for the criminal act of “damage to cultural heritage” could save the Historic Centre from complete destruction. The full text of the analysis “Laws failing to protect Historic Centre” can be read at, http://online-transparency.org/repository/docs/Ligjet_nuk_po_e_mbrojne_QH.pdf.

Kosovo 2013 Progress Report released by the European Commission has confirmed the concerns of civil society in Prizren and Kosovo on the degradation of cultural heritage. The report explicitly notes that, “*business interests frequently prevail over interests of the cultural heritage*”, referring to illegal constructions. At the same time, the European Commission, in the **cultural rights** section of its report, has reiterated that, “*robust action needs to be taken to stop illegal construction and to correct illegal construction which has already taken place.*” This degradation is an indicator of institutional failure to protect the Historic Centre of Prizren and a confirmation of the finding that the laws are insufficient to ensure urban order and protection of cultural heritage in this Centre.

Law on Historic Centre of Prizren provides that natural and legal person performing construction, demolition, interventions to infrastructure or any other prohibited activity shall pay all necessary costs of recovering the damaged building of the cultural and religious heritage into its pre-damage state. According to this law all fines as set forth by the Law on Spatial Planning and the Law on Construction shall be doubled in the case of violations/minor offenses within the Historic Centre of Prizren, whereas there are implemented the approbatory measures as foreseen in the Law on Cultural Heritage. Also the Criminal Code of Kosovo is quite clear in relation to damage, destruction and unauthorized removal of protected monuments or objects out of the Republic of Kosovo. According to the Criminal Code whoever damages or destroys a protected cultural, historical, religious, scientific or natural monument or object shall be punished by a fine or by imprisonment of up to two (2) years. Moreover, if a protected monument that has a unique value or if the offense results in serious damage, the perpetrator shall be punished by a fine or by imprisonment of up to three (3) years.

With all this legal framework and institutional system, Historic Centre of Prizren is being continuously degraded. State institutions have failed in enforcing the laws, and, above all, on punishing the perpetrators. Damage and destruction of cultural heritage, due to the ongoing practice of impunity, is considered a minor offence (at the best case). The impunity continues to encourage other degrading actions towards cultural heritage. Construction of hotels within the Historic Centre in the last 3-4 years (almost all of them exceeding permitted layout) clearly proves the recurrence of infringements in cases when the first ones are not

punished. The inaction of institutions has created and developed a culture of impunity in Prizren. Historic Centre is among the obscurest areas of the rule of law in Prizren, with a total lack of transparency and accountability.

Protection and development of the Historic Centre of Prizren is a shared responsibility of both levels of government and a large number of other institutions. Therefore, EC Ma Ndryshe recommends coordination between state institutions for setting urban order in this zone. Such coordination must be applied on several levels, including one within the Municipality of Prizren (departments), municipality in relation with RCCH and respective ministries (culture, spatial planning and local governance), justice and law enforcement institutions and parliamentary oversight in relation to the government and the municipality. Along with this, we believe in the necessity of civic organization for articulating pressure towards state institutions for transparency and accountability in relation to the Historic Centre.

The main recommendation is the enforcement of laws through punitive measures that would serve as a preventive pattern. Damage or destruction of cultural heritage constitutes a criminal offence and impunity means institutions' inability to ensure the rule of law. EC Ma Ndryshe believes and recommends that only the option of punitive measures (by a fine or imprisonment) for the criminal act of "damage to cultural heritage" could save Historic Centre from total destruction.

With regards,

Valon Xhabali, Project Coordinator
NGO EC Ma Ndryshe
Saraçët 5 – 20000 Prizren
Perandori Dioklecian 14, (5th floor), 10000 Pristina
www.ecmandryshe.org & info@ecmandryshe.org
+381 38 224 967 & +381 29 222 771

URBANISM WATCH

Urbanism of Prizren under

Constant Watch

is financially supported by the Kosovo Foundation for Open Society



Fondacioni i Kosovës për Shoqëri të Hapur
Kosovo Foundation for Open Society
Kosovska Fondacija za Otvoreno Društvo