

Konteksti Podcast

Podcast: War's consequences on cultural heritage

Dafina Halili: Hello, I am Dafina, a journalist at Kosovo 2.0, and this is Kosovo 2.0's podcast.

In our series of podcasts in collaboration with the Humanitarian Law Center over the last two years we have explored various aspects of transitional justice in order to cover as many nuances as possible of the debates on this issue. We have documented oral histories of the great efforts of war massacre survivors who continued their life rising from the rubble and the endless search of relatives for the missing persons. We also tried to understand more about post-traumatic stress on war victims and survivors and the work and challenges of institutions in resolving the fate of Kosovo's missing persons.

This time we will stop and talk about a part that is often neglected within the discussion of war crimes such as what is considered the physical manifestation of a community, the people.

We will talk about the cultural heritage of post-war countries with Nora Visoka Weller.

Nora thank you very much for being part of the Kosovo 2.0 podcast.

Nora Visoka Weller: Thank you for inviting me, Dafina.

Dafina: Nora is a lawyer and researcher for the protection of cultural heritage in war zones and post-war societies at the University of Cambridge. At the same university she completed her studies, from Bachelor to Doctorate, in law and archeology. She is also a lecturer in conflict archeology there, having lectured on the case of the war in Kosovo for the first time this year. Nora also teaches at the military and diplomatic academy in Rome, and is often invited as a guest lecturer from various universities around the world, including the University of Prishtina.

Nora, for us, for those that don't have so much knowledge for archeology, what does conflict archeology means?

Nora: A lot of things. I mean, this is the title that the head of the department has chosen this year, but it can mean anything. In this case we are talking about places where the war took place and there were mass graves with victims and forensic archaeologists have been searching for the bodies, the remains. In that context then we also talk about dark heritage or atrocity heritage, a term that I worked with in 2018 in relation to Kosovo. Unfortunately, there is much to say about the dark things that a society has gone through and the traumas that future generations are experiencing in relation to that traumatized and dark past.

Dafina: Regarding the dark heritage, how can Kosovo be contextualized a little more?

Nora: Dark heritage is a term that actually started as a kind of dark tourism in relation to the Second World War and the events of the Holocaust. But then in more contemporary history, let's say so, it also began to attract attention in relation to other countries, where conflict took place, where there were massive crimes against humanity, such as Rwanda, Kosovo or Bosnia.

In Kosovo's context, the dark heritage, from my perspective as a researcher of this topic, is very present and very visible in every corner of the country and tells about the war that took place in 1998-99. There are remnants of that war, in the sense that the society is still facing the destruction, not only physical but also of its more intangible elements in the past.

We have the mass graves that I actually studied in 2018 in Belgrade, the mass graves from where many of the human remains came from. For me that has a meaning for both sides. I mean, we are now more than 20 years after the war. I have interviewed and did research in Kosovo with survivors of crimes that occurred in the years 1998-1999, with mothers in Gjakova, who are still looking for their sons. But at the same time I went to Belgrade, where there is the largest mass grave in the lands of the former Yugoslavia, Batajnica. I saw how people feel in Belgrade in relation to the fact that close to their daily residence there are human remains of innocent people. It has been very important for me to understand the side of the victim, but also the side of the aggressor.

So, to answer briefly to your question, Kosovo has its hands full in relation to the dark legacy of the war, in the sense that it has a lot to do and has to work hard in this regard. First to define in what context it wants to look at this dark heritage, and second to deal more professionally, with people such as anthropologists or historians, for present and future generations to be able to easily process this difficult past that we all had.

Dafina: When we talk about cultural heritage, to the general public, even to those that have constantly heard news for 20 years about transitional justice, about dealing with the past, war crimes, very little correlation is done between cultural heritage and transitional justice. I would love it if you can explain it more, because I am assuming the connection of cultural heritage with the mechanisms of transitional justice has to do with monuments.

Nora: It is about monuments, but it is also about human victims. The reason why it has to do with all, specifically, to me is very interesting because I live every day and work every day with a group of people who work on cultural heritage in the academic context. So we always start with different definitions of cultural heritage.

When I am on the ground, researching outside the academic environment where I am now in Cambridge, I face a different reality. In Kosovo, for example, cultural heritage is automatically linked to architecture and architects are automatically considered those who deal with cultural heritage, while I look at cultural heritage conceptually from both anthropological and legal perspectives. To return to your question, cultural heritage is not necessarily related to the object or building, conditionally speaking.

If an object of cultural, scientific or educational importance to a group of people is destroyed in the context of conflict, for instance in war, with purpose, violently, then in fact it is not just the walls of that building or that important cultural object that are being destroyed. The goal is to destroy something beyond that, something valuable for the society that kept that object. There is an immediate detachment between the past and the future for the younger generations.

In that context, the individuals surrounding an important cultural heritage site that has been violently and intentionally destroyed are victims of that destruction. And when I say they are victims, they are victims in several ways. They are victims of the fact that a part of their culture has been destroyed, with which they could not establish immediate connections. Secondly, if the object is of religious or spiritual significance, then even then it is also a victimization of a certain group. The destruction of cultural heritage in this context does go far beyond physical

destruction. And for that reason, documentation is very important in order to create an opportunity to be effective even in the sense of transitional justice, if such a process starts in a certain society. And here a connection between the two can be made. I'm not sure if I answered your question.

Dafina: Yes, you said it very well because in Kosovo there is a wrong idea that often when we talk about cultural heritage we only talk about the part or work that belongs to the architects. And in fact, this is also what's meant by dealing with the past, and with transitional justice there is always uncertainty about how the interconnection of cultural heritage is done. Or even when there is some clarity it is completely limited within the existence of a monument or the destruction within a certain monument.

Nora: To add something else, there is another point of view that I can offer. Cultural heritage is often considered a phenomenon of the past, but in essence it is entirely a matter of the future. That is why we are talking about cultural heritage, especially in recent times. Even at the same time, transitional justice aims to ensure that the future will be better than the suffering past. So, there is a comparison that could naturally relate to each other, I think.

Dafina: The Deçan Monastery is an important part of Kosovo's cultural heritage, and also one of the most polarizing issues. The monastery has been in legal battles with state institutions of Kosovo for the last 20 years, for land use rights, especially in connection with the road development project that connects the municipality of Deçan with the city of Plava, Montenegro. The international community has constantly put pressure, and has given great criticism to the authorities of Deçan, where also the criticism and pressure is not absent from the various governments of Kosovo, constantly appealing to the municipality of Deçan to implement the decision of the Constitutional Court and allow the Monastery to register the land in the cadastre. This has been an issue that has been repeated and discussed throughout the last year. How did you see the different views of the authorities?

Nora: Yes, the Monastery of Deçan is really becoming a social phenomenon for researchers. I think so. Because inside the Monastery of Deçan it is a very quiet place, and it really gives the feeling of a spiritual place, quiet and safe. Also, the nearby community that surrounds the Monastery is not disturbed by it, at least by the studies and visits I have made in recent years.

All the insecurity and turbulence of the Monastery is created outside the walls of the Monastery, oftentimes even outside the borders of Kosovo, in foreign international organizations such as the organization Europa Nostra or even in UNESCO in fact. So, there are many misunderstandings in relation to the Monastery of Deçan. Then there are many different political interests that make it seem, in one way or another, to the interest that one or the other party has in relation to the Monastery of Deçan.

Here then are created some misunderstandings or confusions about what endangers the Monastery as such, and what is the position of the Monastery in Kosovo. For example, if we mention the land, the international authorities or certain ambassadors in Kosovo automatically react immediately that the decision of the Supreme or Constitutional Court in Kosovo should be implemented, in relation to the land of the Monastery or the land requested by the Monastery as its own.

But in the moment when we talk about the land, we still talk about the security of the Monastery. These two issues are confusing. Because, as I have said before, the land of Monastery has to do with the right of property, the owner of that property and the property in question. Which

means that this is another matter of cultural heritage protection and cultural heritage management as such. So these two issues need to be separated. And here, often international and local authorities confuse two things.

If we talk about the land in question, then we should look at the law on property, and why that decision of the Constitutional Court is not being implemented in principle. Any decision of the Constitutional Court must be accepted and if someone made a mistake, before in Kosovo, it is a misfortune that they made that mistake. But the decision of the Supreme Court is a decision of the Supreme Court and must be respected. But the issue of land should not be confused with the security and protection of cultural heritage in this context, and in this specific case, with the management of the Church or Monastery of Deçan and here the mistake is made frequently.

As for the road, this is just another issue, which no longer has to do with property, but with international regulations for the protection of a space that in Kosovo is the cultural heritage and that is listed in the UNESCO World Heritage List. There is a law of protection of these cultural heritage sites everywhere in the world. The area surrounding the cultural heritage needs to be protected for a variety of reasons. And in principle, these reasons are to protect the environment that surrounds that object of cultural heritage.

To be protected because it is possible that an object of the 13th-14th century, or earlier or later, cannot survive the great urban development around and such movements. And this must be respected because it has nothing to do with the specific claim of the Deçan Monastery against the municipality of Deçan, but it has to do with legislation that is international, that Kosovo has accepted, and according to the Ahtisaari plan accepted at the highest level of state legislation, and must implement it. There is nothing wrong with that, I mean, it's actually quite simple because it just doesn't have to move the road that is there. It has to stay the way it is, to be maintained the way it is and to be used the way it has been used so far. If a larger route is needed then another alternative must be found.

What the local authorities of Deçan did wrong is that they have this case to present the Church as the development of Deçan and that is not true. I think it has been an unnecessary, untrue statement and it unnecessarily incites hatred and division of the object from the community that surrounds it.

Dafina: Do you think that it could be an additional factor for the listing of international cultural heritage organizations at the beginning of the year, when they placed the Deçani Monastery as one of the seven most endangered cultural heritage sites in Europe?

Nora: Actually that was for Europa Nostra, the organization that accepted the listing, because the listing for the Decan Monastery was made by another organization that deals with religious heritage. And let's not forget that the Monastery of Deçan has a large network of organizations that support it, both religious and from state. Then Europa Nostra accepted that nomination from that religious heritage organization, and one of the reasons was actually the widening of the road. The widening of the road was in fact, one of the simplest points and the only point that was true, in the context that it happened, while the other points listed by Europa Nostra were not factual and were not true. I personally addressed Europa Nostra and their board as a professional in this field, because in Kosovo it seemed that no one was reacting. But one of the reasons was the ISIS attack, an attack by the terrorist organization ISIS in Kosovo, in 2017 I think it was.

Dafina: In 2016-2017 seems to me that it was. There have been speculations which have never actually been proven as such, or confirmed.

Nora: Those speculations have been strongly denied by all KFOR officers and leaders that defend it 24/7, and have not been true. Then, there was also one of the reasons the monastic community was held hostage, and this terminology was used in fact, that the monastic community is actually held hostage and do not move freely, which is not true because we all know that the community monastic moves freely, and he, Father Sava [Sava Janjić] has a car with Kosovo registration, ID card and everything else. Even speaks openly that moves openly. Another issue that has been set as a condition is that it should be considered the Deçan Monastery should be set as a point to be discussed in future negotiations for the normalization of relations with Serbia, or Serbia-Kosovo.

This simply shows that there is a campaign between the Decani Monastery and the authorities in Serbia in relation to the position of the Monastery in Kosovo, because it is probably in their interest for the current status to change. But in this case, Kosovo has many real arguments that the Church is defended. Besides, it is being defended by KFOR, and KFOR does not think that it is necessary to stay there 24/7. In the last conversations I had with the KFOR general, he told me that in fact they discussed sometimes that they do not need to stay there at all because, like other sites of the Serbian Orthodox Church in Kosovo, Kosovo Police can guard it as well.

In the background there are interests to change the current status, and for that reason this object is deeply politicized and there is confusion in international affairs in relation to Kosovo. In general the message given to the international audience regarding the topic of Deçan, but also with other objects of the Orthodox Church in Kosovo was wrong. In this regard, Kosovo should be well acquainted with its legislation that protects this facility and other facilities that exist and are in place, and argue on the basis of what exists by law. And I think that is the point on which the local and central authorities in Kosovo should be based.

Dafina: An issue that you have commented on in some TV appearances but also through articles, is the memorization of the legacy of the war in Kosovo. And your criticism is that the memorial landscape of Kosovo, this memorialization is fragmented and dominated by the memorials of heroes and martyrs, and is failing to properly portray and properly commemorate the tragic events experienced by innocent people and war victims. Is there still time for the state to intervene?

Just a few days ago we had the news that the government had allocated a budget to continue the works at the Adem Jashari Memorial Complex in Prekaz, which is dedicated to the Prekaz massacre. Can such budget allocations for work in the ground be used to make appropriate interventions?

Nora: Yes, I hope that the budget allocation does not mean that it is done by the state, because in many cases when state authorities intervene with a certain purpose, then the whole memorialization process fails. The process of documenting the past cannot be resolved, as it happened in Kosovo, based on the always changing authority of the time and what he or someone thought. I am saying "he" because in general the leadership of Kosovo is dominated by men and the voice of women is not heard much in this respect. For that reason we have many more busts and monuments of men than women warriors, even though I recently read that another bust has been made in Kosovo for a woman.

The process should be based on the research done by professionals in the survivor community. I personally have a very close relationship with the survivors of the Jasharaj family. That is how the story connects me with them because I was in those parts a few hours after the attack in that neighborhood ended.

Dafina: You have also worked as a translator for international media?

Nora: I worked as a translator for the American diplomatic mission, and I have a close relationship with the Jasharaj family, and recently was there, in June or so, and they are not involved at all. I mean, they might have spoken with one or two family members, but they are a very large family and each of them has their story and their eyes have seen different things in that particular period. I'm talking about those who were old enough to remember what happened at that time; most of those who are 25-26 or 30 years old today were very young. But those who had 10 years or more, who understood that something had happened and what they saw with their own eyes, it is important to talk to all of them.

As I said in that last article, we need to understand that the purpose of creating such an object or space there is to commemorate the tragic event that happened to the Jasharaj family, because what happened to them describes in one way or another the tragedy that happened to all the people of Kosovo. And the reason why such a space is created, is that people who visit it and other generations understand a part of Kosovo's history. So, as in a museum, if an exhibition takes place, the goal is to provoke a reaction to the visitor.

These memorial spaces are meant to create the strongest reaction to the visitor, whoever he is. But, if a visitor goes now to that memorial space in Prekaz, it does not give much a feeling that something tragic happened there, because it has actually become a commemorative cemetery with excellent marble. The marble is the same size for a five-year-old girl as for an 85-year-old, and same for a woman, for a man, it is a cemetery. I remember very well the place when it was completely in cinder and ashes, but I do not understand why they polished it. They cleaned and removed the evidence of violence and aggression that that whole family experienced and that is a symbol of violence against the whole society.

So, regarding this new budget that has been allocated, I recently heard that x architect works in this project, meaning again that this is not a matter of the architect, this is a matter of experts dealing with commemorative spaces, and such experts exist.

Dafina: It means that, while the oral history must be properly done, it has to be collected and listened to.

Nora: Definitely. This is a combination on several levels, research is done with the survivors who are still there today. I personally have material from that time, I have material recorded both in video and in audio. Then, there are experts who have made such commemorative spaces, in Berlin, regarding the Second World War and the Holocaust, in America, also in Bosnia. And if something must be built, then architects are invited and given instructions on what is required of them. And then a budget is allocated keeping in mind the goal and who is going to execute it.

I hope such a thing has been done, but I have the impression that it's not the case in Kosovo, now or in the past, and for that reason, tragically, very little is said in the academic world about the suffering experienced by the people of Kosovo, but also about all victims. That's what's more important, to tell the story of people who have suffered and are still suffering from that undocumented past.

Dafina: Nora, finally, I think it is very important to hear your opinion about how the destruction of cultural heritage is considered internationally, especially by international law and international criminal courts. I remember especially during the war in Syria, where, unfortunately, a very large part of the cultural heritage was destroyed on a large scale in different cities. There were many comments, articles, analyzes, calling the destruction of cultural heritage a crime against humanity. Should it even be counted as such?

Nora: Yes, in fact, it should be counted as such. There is a case at the international court in The Hague, the case "Al-Mahdi." It has to do with that group leader in Mali and the destruction of cultural heritage, and it is internationally considered a crime against humanity. However, we should keep in mind that, in fact, the destruction of cultural heritage in the territories of the former Yugoslavia is considered as well because Serbian forces deliberately and violently targeted cultural heritage. Dubrovnik is mostly known internationally, but also Bosnia the cultural heritage was thoroughly and systematically destroyed.

In Kosovo, too, they destroyed cultural heritage. In Milošević's case at the Hague Tribunal, there were two international witnesses, specialists, to testify of the destruction of cultural heritage. And it is already considered a crime. But again, as I said at the beginning, the destruction of cultural heritage is a crime for the damage that is done to the society not just physically but in terms of the intangible aspect of the value of cultural heritage.

The fact is that it creates a disconnection with that part of the past and deprives future generations of a connection they should have with that legacy, and that is naturally considered a crime against humanity. In Kosovo, especially in the case of Kosovo, over 600 objects were destroyed, 200 or more no longer exist, and what is most terrible is that many ancient books and documents of the Ottoman era, which were also valuable, were destroyed.

And again, this shows that the war was not only to eliminate the people as such, but to eliminate every historical and cultural aspect of their existence. The most important part is in fact, culture, what brings us all together, is the essence that allows a society to move forward. Every kind of cultural destruction has the goal to eliminate such an essence in a society.

Dafina: Thank you Nora, it was a great pleasure talking with you.

Nora: Thank you too!

Dafina: This podcast has been produced with the financial support of the European Union and its content is the responsibility of Kosovo 2.0 and the Humanitarian Law Center in Kosovo, and does not necessarily reflect the views of the European Union