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UNESCO AND OHRID PROTECTED AREA: THE COLLAPSE OF THE SYSTEM OF HERITAGE PROTECTION

Abstract: It is not at all simplistic to define precisely what cultural heritage is, and it is even more difficult to manage it. It is obvious that all the confusion begins at the very beginning of the debate - the term cultural heritage consists of two broad terms, which are also difficult to define and there are bitter debates around the world. Perhaps this should also be taken into account when trying to manage the cultural heritage, especially the World Heritage, such as the example of the Ohrid region, which has been recognized by the world and UNESCO since the last century. However, in less than thirty years of rule, the Macedonian system of protection has been able to destroy what had been built decades earlier within the Yugoslav federation.

Key words: Ohrid, culture, heritage, UNESCO, protection.

The scope and content of *mankind's cultural heritage* is closely linked to the principle of the *common heritage of all mankind*, that is, the common good of mankind that was created and developed in the field of international treaties.¹ If,

¹ We find the beginnings of the concept of "cultural heritage of mankind" in the ideas of the French archaeologist, philosopher and art expert Quatremère de Quincy of the late eighteenth century, who opposed the thefts of Italian artworks and their relocation to France. He formulated it in the significant letters addressed to General Miranda. For this in: Forrest, C.J., "Cultural Heritage as the Common Heritage of Humankind: A Critical Re-evaluation", Comparative and International Law Journal of Southern Africa, 40, 2007, 127.

however, we try to find a single definition that would explain the term cultural heritage, we will face a big problem. As we search through the literature we will find that many interpretations of this term. Perhaps the reason for the series of difficulties in its closer determination is that the term is really very broad. It basically consists of two terms, "culture" and "heritage", which also have very broad meanings and are difficult to specify. Some cultural scholars state that culture "encompasses the totality of creations or phenomena in the material and spiritual life of every nation and of humanity as a whole", while cultural heritage is mostly understood as "an inheritance the ancestors left to their descendants."² It can therefore be said that the term cultural heritage refers to the achievements left by the ancestors in folklore, language, literature, architecture, art, also in folk art, music, theater, film, sciences and in other areas, which together represent the entirety of culture. The wider understanding of cultural heritage is represented by Prott and O'Keefe³, saying that the term encompasses manifestations of human life that reflect a certain view of life and testify the history and the quality. Babelon and Chastel⁴, although used only the term "heritage" (French patrimoine) in the title of their study, apparently referred to cultural heritage, and show precisely the ambiguity of that term, which in both official and colloquial use covers all the good of the past. Nafziger⁵, on the other hand, makes distinction in the broad and narrow meaning of the cultural heritage. Thus the broader meaning would refer to the multitude of cultural manifestations that the human race inherited from its ancestors, while in a narrower sense, cultural heritage would be confined to material objects and intangible ideas associated with those objects. All the discussions and debates so far related to the conceptual definition of cultural heritage indicate that it is a dynamic concept that is not always and everywhere understood equally. The meaning of this term, and the manner if its protection depend largely on the social and economic circumstances, as well as on the current cultural awareness in society.⁶ The term continues to evolve steadily, and some new meanings and values are constantly attributed to it. Thus, Gillman, who seeks to explore the term from the point of view of philosophy and political sciences, but also from the point of view of socio-cultural anthropology, finds that "heritage means different things to different people, even within the same culture. Whether driven by temperament or agendas, some are prone to myth, while others focus on historical credibility. Perhaps the biggest problem is that heritage is not, in

² Marasović, T., *Kulturna baština*, sv. I, Split, 2001., 9.

³ Prott, L. V., O'Keefe, P. J., 'Cultural Heritage' or 'Cultural Property'?, *International Journal of Cultural Property*, 1, 1992., 307.

⁴ Babelon, J.-P., Chastel, A., *La notion de patrimoine*, Paris, 1994., 11.

⁵ Nafziger, J. A. R., „Cultural Heritage Law: The International Regime“, in: Nafziger, J. A. R., Scovazzi, T. (ur.), *Le patrimoine culturel de l'humanité/ The Cultural Heritage of Mankind*, Leiden, 2008., 145.

⁶ Pallas, N. C., *Maritimer Kulturgüterschutz*, Berlin, 2004., pg. 30. et seq.

essence, an objective fact for the world, but rather a social construction, in which historical and religious narratives, customs, and individuals have acted in their own ways.⁷

Not every cultural heritage can be declared a heritage of mankind or accepted as a World Cultural Heritage. It has to meet a number of criteria confirmed by extensive documentation made by professionals who have been researching and working for years. The state that has demanded certain good in its territory to be recognized and declared by UNESCO as World Cultural Heritage, needs to have a serious system of protection in place that will guarantee the preservation of the integrity and authenticity of the good and its Outstanding Universal Value (OUV).⁸ In short, once these key features are respected, the heritage can then be declared a World Heritage by UNESCO, which, of course, does not mean that UNESCO will directly protect it. In 1979 - 1980⁹, SFR Yugoslavia, i.e. SR Macedonia had established a serious system of cultural heritage protection and by signing the World Heritage Convention they guaranteed that they will protect and present Ohrid and Lake Ohrid and preserve them for future generations. Of course, this status of a protected region could not be permanent, and it would depend on the level of care by the community and society. The World Heritage Center together with the ICOMOS Cultural Heritage Advisory Body is in charge to follow the applied changes, to monitor the conditions of the heritage, i.e. the disturbances in its integrity and authenticity.

The fall of socialism in Eastern Europe after 1989 brought changes in the SFR Yugoslavia, but also in the new states that emerged from it, in all spheres of life, and thus in the pursuit of cultural policy. In Macedonia, in the early years of pluralism, the power of politics from the former state was still felt, but soon as the years passed, this doctrine was losing strength under the "blows" of the new age. The Macedonian Ministry of Culture, which, in fact, exists and aims to continue to play the main role in the creation of cultural policy in Macedonia, has already lost the primacy and advantage it had gained in the previous system. Thus, despite the presence of the Ministry of Culture and the institutions that have been working for more than forty years in the field of culture and cultural heritage issues, there was an absence of genuine ideas. Also, there is a noticeable

⁷ Gillman, D., *The Idea of Cultural Heritage*, Cambridge, 2010., pg. 60. et seq.

⁸ Operational Guidelines for the Implementation of the World Heritage Convention, 2013. Authenticity refers to the cultural heritage and is assessed through the degree of preservation of the original or genuine forms, which reliably confirms OUV. Integrity, on the other hand, is the overall coherence and wholeness of the particularity, the absence of a threat to them, that is, the absence of influence on the natural and cultural heritage and their properties. Accessible at: <http://whc.unesco.org/archive/opguide13-en.pdf>, accessed 4.09.2019.

⁹ Natural and Cultural Heritage of the Ohrid region (the Former Yugoslav Republic of Macedonia) (99ter), Paris, 2017, 14.

lack of investment in culture by the state and a diversion of resources to areas, which, according to the relevant factors, were much more important and related to the survival of the state. Thus, the culture and cultural heritage were marginalized. According to the Bulgarian cultural expert Ivaylo Znepolski¹⁰, who talks about the place of culture in the postsocialist societies in the Balkans, the ministries of culture in the first fifteen years were unable to contribute to culture for many reasons, primarily because no one expected them to do so. According to this researcher, the impacts of the ministries were reduced to bare distributors of pieces of the “state subsidies cake”. They have been transformed, he says, into something between major cultural accountants and waterless firefighters torn between ever-growing tension points. Even if human resources are left aside, they still cannot launch any sustained initiatives, innovations or programs to consolidate the cultural space, create quality, establish the perspectives of the cultural system.¹¹

The complete carelessness towards the Macedonian heritage in these thirty years begun “to take its toll”, and this is especially visible in the region of Ohrid, which was declared as a World Cultural Heritage. Despite numerous warnings in the past from NGOs working in the field of heritage protection, the Macedonian authorities have neglected their requests and recommendations and worked according to party and commercial interests while neglecting state and national policies. In 2017, UNESCO sent a monitoring mission to Ohrid, which soon wrote a draft report¹², outlining 19 priority recommendations that had to be fulfilled in two years by the authorities in Ohrid and Macedonia. “Irresponsible construction, coupled with disproportionate urban development, inappropriate exploitation of the coastal zones, increased pollution, disruption and destruction of the environment, as well as uncontrolled urban development caused by tourism pressure” were the main remarks in the report. In the area of cultural heritage, the major remark was the construction of new buildings on Plaoshnik, in the old part of the city, which were said to “have a negative effect on the heritage”.¹³

The final decision on the draft report was taken by UNESCO in July 2019 at a conference of the World Heritage Committee in Baku. What was worrying before the conference in Baku was that the team, instead of strengthening its

¹⁰ Ivaylo Znepolski, “Immersed in Political Power”, Interview with Ivaylo Znepolski, *Margina*, no. 57/59, Skopje, 2002, <http://www.templum.com.mk/margina/sodrzina/margina57/ivajlo.htm>, last accessed on 3.3.2010.

¹¹ Davorin Trpeski, *Who Owns the Past? Protection of Cultural Heritage in Post-socialist Macedonia*, PMF - Institute of Ethnology and Anthropology, Skopje, 2013, 114.

¹² Natural and Cultural Heritage of the Ohrid region (the former Yugoslav Republic of Macedonia) (99ter), Paris, 2017, 14, <https://whc.unesco.org/en/documents/158740> Accessed on 5.09.2019.

¹³ *Ibid.*

professional capacities in the field of cultural heritage protection, was only politically strengthened with the capacities of the newly established Ministry of Political System. Under such circumstances, the delegation received much criticism from several expert NGOs (such as Ohrid SOS) that criticized the team and its performance in Baku: "The Macedonian government at the 43rd session of the World Heritage Committee Baku, Azerbaijan did not save the Ohrid region from the List of World Heritage in Danger. It did not go for it, but for the sake of saving itself and the interests of those who need to profit unhindered for the sake of national wealth."¹⁴ Despite the recommendations of the World Heritage Center to put the Ohrid region on the List of World Heritage in Danger, it did not happen. However, the Center noted with concern that little progress had been made in meeting the Committee's urgent requirements and recommendations of 2017, including the deferral of key points, leading to irreparable cultural heritage transformations and seriously eroding its exceptional universal value as a universal heritage. After all, the Committee made a political decision not to include the Ohrid region on the UNESCO list of endangered goods, and decided to re-discuss the region at its next session in 2020, along with the expanded region in Albania.

The recommendations of the Macedonian NGOs, on the other hand, were that the Ohrid region should be urgently included on the List of World Heritage in Danger and to take advantage of the chance and opportunity to receive international assistance, to take rigorous corrective measures, to get expert assistance by world-class professionals in the field of cultural heritage protection, and even have opportunity to obtain foreign financial support.¹⁵ Today, one month after the Baku Conference, the future of the only immovable Macedonian cultural good that was on the UNESCO World Heritage List has not been resolved. The only Macedonian heritage that the world has recognized as *the common heritage of all mankind* remains in the hands of Macedonian politicians and their understanding of the significance of heritage. The idea from the previous years to have more cultural assets placed on the World Heritage List (whether tangible or intangible) is becoming irrelevant despite the seeming successes it achieved. So, despite UNESCO's acknowledgments, the Macedonian state apparently lacks the capacity to maintain such a status on a longer term. The example with the Ohrid region confirms this.

¹⁴ Ohrid SOS: The Government in Baku sacrifices international rescue aid for Ohrid UNESCO region, MKD, <https://www.mkd.mk/makedonija/politika/ohrid-sos-vladata-vo-baku-ja-zhrtvuva-mozhnosta-za-thoghunarodna-pomosh-za-spas>, Accessed on 14.09.2019.

¹⁵ Government to seek international assistance to keep the status of Ohrid region as UNESCO-protected, Ohrid SOS, <https://sdk.mk/index.php/dopisna-mrezha/vladata-da-pobara-megunarodna-pomosh-za-da-ostane-ohridskiot-region-pod-zashtita-na-unesko-povika-ohrid-sos/> Accessed on 14.09.2019.

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