

Bosnia and Herzegovina: Preventive Archaeology is Still Recovering

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Abstract

The organisation of systems of archaeological heritage services, museums and education in Bosnia and Herzegovina, after the end of Yugoslavia, and especially after the establishment of the post-Dayton peace agreement, radically changed compared to the situation 25 years ago. Major factors for today's abysmal situation are all closely connected with the general state of the country itself: the highly fragmented territorial and administrative organisation; the very challenging political climate; disharmonized laws on various juridical levels, overlaps of jurisdictions of protection of certain monuments leading to potential mismanagements; general poor economic situation preventing any substantial investment and new employment; inadequate and outdated infrastructure, i.e. lack of trained people, equipment, unfinished institutional development.

Keywords: *Bosnia and Herzegovina, recovery, preventive archaeology, heritage protection*

Abstrakt

Organizacija sistema arheoloških servisa baštine, muzeja i obrazovanju u Bosni i Hercegovini, nakon raspada Jugoslavije, a posebno nakon uspostavljanja Daytonskog mirovnog sporazuma, se radikalno promijenila naspram situaciji do prije 25 godina. Glavni razlozi za katastrofalnu situaciju koju možemo danas vidjeti su: izuzetno fragmentirana teritorijalna i upravna organizacija; loša politička klima; neusklađeni zakoni na različitim pravnim nivoima, preklapanja nadležnosti u zaštiti pojedinih spomenika; opšta loša ekonomska situacija koja onemogućava bilo kakve značajne investicije i nova zapošljavanja; neadekvatna i zastarjela infrastruktura, prije svega nedostatak obučenih ljudi, opreme, nedovršen razvoj institucija.

In the 20 years following the Bosnian war (1992-1995) numerous problems have arisen regarding the functioning of the state and public services. In order to fully comprehend the present situation in archaeology in Bosnia and Herzegovina, it is first necessary to address one of the biggest problems arising from the political structure of the country established on the basis of the Dayton Peace Agreement (1996). The problem lies primarily in the fact that there is a very fragmented state and government organization compared to that of the pre-war period. Bosnia and Herzegovina as a state is composed of three political entities: a) the Federation of Bosnia and Herzegovina (hereinafter as FBiH), the Republika Srpska (hereinafter as RS) and the Brčko District. Additionally, FBiH and RS are comprised of 143 municipalities. In FBiH they are grouped together into 10 cantons. A very decentralised system giving cantons rather strong powers exists in FBiH, but the situation in RS is completely the opposite – it is a very centralized system governed from Banja Luka, the entity's administrative center..

All three entities (FBiH, RS and Brčko District), 10 cantons (in FBiH) and the State of Bosnia and Herzegovina have separate autonomous ministries that are frequently opposed to each other, because to different parties run the ministries at different levels. Furthermore, the FBiH and RS are governed by elected officials, but the Brčko District is governed by an internationally appointed representative. A somewhat simplistic illustration of this fragmented state can be seen in figs.1 and 2.

This very fragmented system has led to the existence of a number of laws and executive regulations at different levels, which are not fully compatible with the comparable laws and regulations in other administrative entities. This is also true of preventive archaeology and cultural heritage in general. The general protection of heritage at the state level is still covered by legislation from the pre-war period (1985) (*Zakon o zaštiti 1985*), which is completely outdated in many respects. The situation at the level of the entities is as follows: the law in effect in the FBiH is the same as at the state level (1985), while

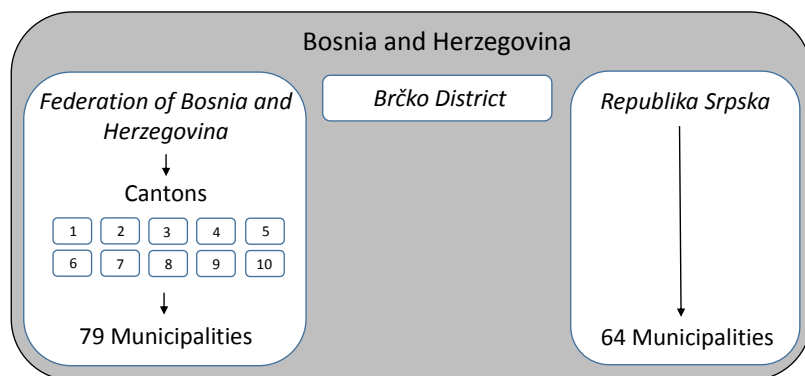


Fig. 1. Illustration of various levels of administrative organisation of Bosnia and Herzegovina.



Fig. 2. Administrative division of Bosnia and Herzegovina.

the law in the RS was only slightly updated (in 1995). However, in addition to this, there is *lex specialis* concerning national monuments at both, state and entity level, which was based on Annex 8 of the Dayton Peace Agreement. Some cantons in the FBiH also have their own cantonal legislation concerning culture. However, most of the cantonal laws do not deal with the protection of cultural heritage, and are less relevant to us.

Due to the fragmented nature of the state of Bosnia and Herzegovina there are also several public institutions responsible for the protection of cultural heritage. On the state level, there is only the Commission to Preserve National Monuments (hereinafter as: Commission), which is responsible for the proclamation of national monuments. It has very limited responsibility and power regarding the management of national monuments. The Federal Institute for the Protection of Monuments (*Federalni zavod za zaštitu spomenika kulture*) is responsible for cultural heritage, in the FBiH, while its equivalent in RS is the Institute for the Protection of Cultural, Historical and Natural Heritage of the Republika Srpska (*Republički zavod za zaštitu kulturno-istorijskog i prirodnog nasljeđa Republike Srpske*). Five of the ten cantons in FBiH have also their own cantonal institutes for the protection of cultural and natural heritage; whilst the Federal Institute is responsible for heritage protection in the other five cantons. The reason for the lack of institutes in five cantons needs to be primarily seen in the incomplete development of public services and in the lack of adequately trained experts, and, last but not least, also in the lack of political will to change the situation.

The biggest problem from a legislative point of view, is still the lack of modern laws defining classes of heritage, protection regimes, public heritage institutions

and their responsibilities and financing. The existing law is so outdated that fines are assessed in the former currency – the Yugoslav Dinar (sic!). There were attempts to prepare a new law, but it still only exists as a draft, because of the lack of political compromise (*Plan 2008/Nacrt 2008*).

As stated above, the only state-level body in the country is the Commission to Preserve National Monuments, which was established according to Annex 8 of the Dayton Peace Agreement (1995). However, it took another six years for this commission to be effectively established (on more details see Novaković 2010). The Commission has limited powers, because it deals primarily with the administrative nomination and proclamation of national monuments and not with the actual protection of heritage under threat. Furthermore, the wording of Annex 8 is such that it is open to a variety of political and other interpretations. Annex 8 can be interpreted as giving responsibilities for cultural heritage to the state, canton or entity. Sadly, this ambiguous interpretation leaves a lot of room for misuse. However, the Commission has the right to apply for international grants for national monuments. In practice, the Commission cannot act alone, but must cooperate with the entity and cantonal institutions. The response and conduct of the latter institutions to the initiatives of the Commission once again often depends on the current political situation. The legal situation is also not much better on the level of the two entities: FBiH still applies the 1985 law, whilst the RS made some changes to this law in 1995, but it still does not approach the modern laws in other European countries.

The third problem also arises from the decentralised state framework. There are also many different political parties and partisan interests in a state, in which so many different bodies have political powers. A problem emerges when a political party sees a particular interest in maintaining or ignoring a certain cultural good and that interest is at odds with the interests of a higher or lower level institution in FBiH. In such cases, many initiatives for the correct protection of heritage are simply blocked. A good example is the development of industrial and trading zones, sponsored by local municipalities, but contrary to a decision of the Commission. This is the case with the industrial zone that was built within the protected area of the medieval cemetery in Radimlja near Stolac¹. The situation in RS is somewhat better due to the centralized nature of the organization of the entity and its public services, as well as the more homogeneous ethnic composition of the population. However developers as well as some public bodies often openly ignore the state law, or interpret it differently in the RS. In addition there is generally great political resistance here to the implementation of any laws that give powers to the state of Bosnia and Herzegovina.

Another major problem is the complete lack of definition of preventive archaeology in the existing legislation. The clauses ordering contractors to stop all construction

1 The site inscribed to the UNESCO list (<http://whc.unesco.org/en/newproperties/>).

works in case they find evidence associated with archaeology are the closest that there is to the definition of the concept of preventive archaeology in legislation. However, archaeological remains are frequently ignored or quietly removed due to temporal constraints during construction.

It is also important to note that in many cases, there is 'no archaeology', because there are no archaeologists to monitor construction works and report the discoveries. The contractors are only exceptionally forced to fund archaeological research and, then, only when the endangered site is well known, where it could be visible to the public in urban areas, or when sites have some significance to the local community. In fact, the concept of preventive archaeology is not recognised in any of the existing legislation concerning archaeology. The existing legislation only refers to archaeological research in general.

A further problem stems from the abysmal level of concern for cultural heritage by much of the political elite. With a few notable exceptions, most politicians only express some kind of concern for heritage during election campaigns. These are often merely symbolic gestures in these contexts. The best example of what the political elites are capable of is best illustrated by the situation of the seven national institutions, which were inherited from Yugoslavia (among others also the National Museum, the National Gallery of Bosnia and Herzegovina, the Historical Museum of Bosnia and Herzegovina). These institutions have not been included amongst public institutions, which are funded from the state budget since 1995. They have, instead, been forced to look for funding from various rather insecure sources and grants, which have been themselves influenced by the ebb and flow of the political climate. The most striking example, and one that is particularly relevant for archaeology, is the case of the National Museum. This museum was established in 1888 and moved into the current building in 1914. It has played the paramount role in the development of culture and science in Bosnia and Herzegovina, but was left without a proper legal foundation and funding. The resulting



Fig. 3. The National Museum on 30th December 2013, during the period of closure (Source: Wikipedia commons, made by Watalicom, name: „Posters by people who disagree with the museum closing“, used according to Creative Commons).

political disputes over the legal status of the museum' (state, entity, canton?) and negligence by the ruling parties led to the closure of the museum in 2012. It was re-opened in 2015, albeit with status and capacities that it already had prior to its closure in 2012 (Figure 2). The absurdity of the situation of the Museum was at its greatest in 2014, an election year and also the centenary of the assassination of Archduke Franz Ferdinand in Sarajevo. The politicians wanted to have the Museum opened for a short period of time until the commemoration and elections were over (Hadžihasanović 2014). The legal status of the museum is still unresolved to this day.

Unfortunately, the other public institutions, dealing with heritage and archaeology are not in a much better position, thanks to the poor economic situation. Bosnia and Herzegovina is at the bottom of most of the lists of economic well-being (e.g. Worldbank list (2016), and analysis of Index of economic freedom of the Heritage Foundation (2016)). Most of the public institutions receive only the bare minimum required for maintenance and staff salaries. They are forced to compete for additional funding in the form of grants from public calls for applications posted by the relevant ministries. These grants in average rarely exceed 5000 Euros; larger grants are generally given on a case by case basis. This can also be seen in the recently published data on the funding of preventive archaeology (Novaković 2015: 163). The funding for preventive archaeology in Bosnia and Herzegovina is fifty times smaller than the funding in either Croatia or Slovenia. Another associated problem that plagues all public institutions is a shortage of trained personnel, archaeologists included. Andrew Lawler (2014) has undertaken comprehensive analysis on the state of the art in the field of archaeology, in which he states that there are a minimum 57 of field archaeologist employed in the country (Lawler 2014: 37). Taking into account this number and the number of residents from the last census (2013), it can be seen that there are circa 62.000 people per archaeologist and each archaeologist is on average responsible for 900 km² of Bosnia and Herzegovina. In reality, the ratio is even worse, because some of the archaeologists do not work in the institutions that conduct archaeological research, but are responsible only for legislative and administrative tasks, concerning cultural heritage in general, or are employed in the field of cultural management. As a result a very small number of professional archaeologists have the chance to keep up to date with everything happening in the areas they are responsible for. This is unlikely to change soon, because most of the state-governed institutions are not in a position to employ new archaeologists due to budget constraints. In some cases, new archaeologists cannot be employed, because of political limitations caused by frictions and conflicts between various political parties, which have deeply permeated all public life and institutions.

Another challenge for preventive archaeology lies in the fact that archaeologists effectively cannot act preventively, but they have to wait for something to happen before they can act. In most cases this is due to financial constraints in public institutions, an excessive workload, or the nature of the institutions, in which they are employed.

One possible remedy to the shortage of professional archaeologists might be the development of commercial entities providing archaeological service. However, the legal framework concerning archaeological research makes no reference to commercial archaeological enterprises. There is only a vague term referring to a *legal entity*, but this term is so vague that it could refer to both public and commercial institutions. The closest legal entities to commercial entities are foundations and associations, which could employ an archaeologist to conduct limited archaeological research. However, the size of these interventions is nowhere near the scale of preventive archaeological research, undertaken by the commercial sector in other European countries.

The great shortage of professional archaeologists has also another facet, that of the relatively low level of training in preventive archaeological fieldwork of the archaeologist in Bosnia and Herzegovina in comparison to the rest of Europe. The reasons for this are many: poor economic conditions, lack of funding in higher education, lack of modern technological equipment, the small number of local archaeologists in higher education, etc. The problem here also lies in the rigid regulations regarding the training of public officials (e.g. curators, conservators etc.). Most of the public sector training is concerned with the general training of civil servants and is not concerned with the transmission and acquisition of the specialized expert knowledge required for the correct level of expertise.

Prior 2008 the situation with archaeological staff was heavily impacted by the war in Bosnia, during which most archaeologists either fled the country, or their institutions stopped working. Those who remained faced the immense task of rebuilding the destroyed archaeological infrastructure. Most of the remaining archaeologists had worked for 20 or more years before the war and were approaching retirement. However, their posts and other vacant posts could not easily be filled with new personnel, because there was no pool of upcoming archaeology graduates due to the war, because it was impossible to study archaeology in Bosnia and Herzegovina. Thus, one of the most urgent tasks was to establish a full university curriculum in archaeology, because this had not existed in Bosnia and Herzegovina before. The Department of Archeology at the University of Sarajevo was established in 2008, with full Archaeology degree courses to Bachelor and Master level. The University of Mostar, also established a combined degree course in Archaeology and Art history to Bachelor level at approximately the same time. The situation has begun to improve. The EU (TEMPUS) funded project BIHERIT (Curricular Reform of Heritage Sciences in Bosnia and Herzegovina) was instrumental in this change during its two year duration (2012-2014). It led to considerable improvements in many areas such as modern equipment, the education of young scholars at foreign universities, the publication of manuals, textbooks and similar works, exchange grants for students, the intensive engagement of foreign teachers at the Sarajevo, Banja Luka and Tuzla universities, to name but a few.

In conclusion, questions should be posed about the profile of archaeologists since the prospects for future careers are still very insecure: What kind of young archaeologists in Bosnia and Herzegovina are needed to challenge the 25 years of lagging behind the rest of Europe?

- It requires archaeologists who are capable of understanding the relevance of archaeology and of preventive archaeology in particular, as well as understanding the commercial/private sector, ie. their view of time constraints, deadlines, financial losses caused by unforeseen cessation of construction, pressure to continue with work, etc. This kind of knowledge is applicable both in cases where archaeologists work in public institutions, or in the commercial sector.
- It requires archaeologists who are more than willing and capable of studying and applying new methods both in fieldwork and theoretical archaeology, while still understanding and using old methods, when appropriate.
- It is essential that archaeologists engage with local communities, local and state politicians to reform old and outdated laws, so that they can be clearly understood and efficiently implemented.

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