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MISSION IN KOSOVO

Maintenance of Orthodox graveyards in Kosovo

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EXECUTIVE SUMMARY

This report presents an overview of the condition and maintenance of Orthodox graveyards in Kosovo. It is the outcome of an assessment conducted by the Organization for Security and Co-operation in Europe Mission in Kosovo (OSCE) during June and July 2010, and is meant to be read in conjunction with the photo catalogue of Orthodox graveyards published by the OSCE.¹ Whereas the photo catalogue is a record of the physical condition of 392 Orthodox graveyards surveyed by the OSCE, the present publication identifies factors that were found to be linked to the poor condition of most of these graveyards and makes recommendations for their improvement.

The report finds that the generally poor condition of Orthodox graveyards in Kosovo was caused, in large part, by the widespread desecration of religious sites which took place in the aftermath of both the 1999 conflict and the March 2004 riots. In addition, many Orthodox graveyards have become dilapidated where the Kosovo Serb population that had traditionally used and maintained them were displaced after the conflict and have not, to date, returned to their homes. The most significant factor found to be linked to the good condition of Orthodox graveyards is, on the other hand, the presence of a Kosovo Serb community in the villages in the vicinity of the graveyards.

The report further analyzes the responsibilities of municipalities in maintaining graveyards, particularly their obligations contained in municipal statutes and/or municipal regulations, highlighting that most municipalities have not allocated specific budget lines for the maintenance of Orthodox graveyards. When municipalities do carry out maintenance work, they tend to do so in an *ad hoc* fashion and only for a small number of Orthodox graveyards. The report also shows that the Kosovo Serb community and the Serbian Orthodox Church (SOC) have played the most important role in the maintenance of graveyards, in particular through the mobilization of local volunteers. The report also notes that other actors - including the Reconstruction Implementation Commission for Orthodox Religious Sites in Kosovo (RIC),² the Kosovo Ministry of Communities and Return, the Serbian Ministry for Kosovo and Metohija and the OSCE - also make important contributions, in the restoration and maintenance of Orthodox graveyards in Kosovo.

With a view to contributing to the creation of conditions conducive to the return of displaced persons and inter-community dialogue, this report recommends to all municipalities to allocate more financial resources for the maintenance of Orthodox graveyards, and calls on relevant institutions and the international community to encourage and support municipalities to improve the condition and maintenance of Orthodox graveyards, in particular in municipalities with a Kosovo Serb community and/or that are potential returns sites.

¹ See "Photo Catalogue – Orthodox Graveyards in Kosovo", OSCE Mission in Kosovo, September 2011.

² The RIC is a European Union funded project managed by the European Commission Liaison Office in Kosovo and implemented by the Council of Europe. For more information on the RIC, see. <http://www.rickosovo.org/> (accessed on 21 March 2011).

1. INTRODUCTION

Widespread desecration of religious heritage sites, including Orthodox graveyards, took place in Kosovo in the aftermath of the 1999 conflict and the March 2004 riots. Acts of vandalism targeting Orthodox graveyards still occur, albeit less frequently than in the past.³

While some of the desecrated graveyards have now been repaired and restored, many are still in a bad condition. During the assessment conducted in June and July 2010, the OSCE found more than 200 Orthodox graveyards and more than 500 tombstones damaged and/or vandalized.⁴

The desecration of graveyards has been recognized as a violation of the right to freedom of thought, conscience and religion⁵ by the United Nations Human Rights Commission through the Special Rapporteur on Freedom of Religion and Belief.⁶ The Commissioner for Human Rights of the Council of Europe has also condemned the desecration of religious graveyards as a violation of the right to freedom of thought, conscience and religion contained in Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.⁷ In Kosovo, two graveyards have been proposed for inclusion under the Law on Cultural Heritage.⁸

The maintenance of the majority of graveyards is assigned to municipalities. According to UNMIK Regulation No. 2007/30 amending UNMIK Regulation No. 2000/45 On Self-government of Municipalities in Kosovo, municipalities are responsible for “the provision and maintenance of public parks and open spaces and cemeteries.”⁹ While Law No. 03/L-040 on Local Self-Government only mentions “the provision and maintenance of public parks and spaces”,¹⁰ it also states that municipalities shall have full and exclusive powers, insofar as they concern the local interest, while respecting the standards set forth in the legislation in “any matter which is not explicitly excluded from their competence nor assigned to any other authority.”¹¹

³ At least seven incidents of vandalism affecting Orthodox graveyards were reported from January to November 2010, including the exhumation and damaging of a recently buried coffin in Gjilan/Gnjilane town, and the desecration and damaging of tombstones in Dečan/Dečan municipality, Fushë Kosovë/Kosovo Polje municipality, Laplje Selo/Llapllasellë village (Gračanica/Graçanicë municipality), Lismir/Dobri Dub village (Fushë Kosovë/Kosovo Polje municipality), Rubofc/Rabovce (Lipjan/Lipljan municipality) and Tomance/Tomancë village (Ranilug/Ranillug municipality).

⁴ Please note that for the purpose of this catalogue, “vandalized” means the deliberate or intentional destruction or damage to the graveyards or parts thereof.

⁵ Article 18.1 of the International Covenant on Civil and Political Rights.

⁶ See reports submitted by Mr. Abdelfattah Amor, Special Rapporteur, to the 55th session of the Commission on Human Rights, item 11 (e) of the provisional agenda, E/CN.4/1999/58, 11 January 1999; and to the 56th session of the Commission on Human Rights, item 11(e), E/CN.4/2000/65, 15 February 2000; see also the report submitted by Ms. Asma Jahangir, Special Rapporteur, to the 61st session of the Commission on Human Rights, item 11 (e) of the provisional agenda, E/CN.4/2005/61/Add. 1, 15 March 2005.

⁷ See letter from the Commissioner for Human Rights of the Council of Europe to the Interior Minister of the French Government, 8 October 2010, <https://wcd.coe.int/wcd/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=1689577&SecMode=1&DocId=1648720&Usage=2> (accessed on 21 March 2011).

⁸ Law No. 02/L-88 on Cultural Heritage, as promulgated by UNMIK Regulation No. 2006/52, 6 November 2006. Specific sites are not identified in this law. At the time of reporting the body established to produce the inventory of the cultural sites to be included under this law, the Kosovo Council for Cultural Heritage, reports that only two Orthodox graveyards have been considered to date.

⁹ Section 3 of UNMIK Regulation No. 2007/30 on Self-Government of Municipalities in Kosovo, 16 October 2006, amending UNMIK Regulation No. 2000/45, 11 August 2000.

¹⁰ Article 17.1 (p), Law No. 03/L-040 on Local Self-Government, 20 February 2008.

¹¹ Ibid, article 17.1 (s).

The present report focuses on the condition and maintenance of Orthodox graveyards in Kosovo. Section two lays out the applied methodology and geographical coverage of the assessment. Section three describes the role and significance of graveyards in the Orthodox religion. Section four presents the overall condition of Orthodox graveyards, while section five analyzes factors that may influence it. Section six considers the role of the municipalities, the Kosovo Serb community, the SOC and other stakeholders in the maintenance of Orthodox graveyards. The report closes with appropriate recommendations to the municipal and central institutions and other actors.

The report is published alongside a photo catalogue on Orthodox graveyards which provides an overview of the physical condition of Orthodox graveyards in most of the municipalities in Kosovo.

The OSCE considers that improving the condition of Orthodox graveyards in Kosovo and ensuring that they are not vandalized and left without care is instrumental to the freedom of the Serbian Orthodox community to exercise its religious and cultural rights, as well as to the creation of conditions conducive to returns and inter-community dialogue.

2. METHODOLOGY

The OSCE conducted an assessment of Orthodox graveyards during June and July 2010. In the course of the assessment, 392 Orthodox graveyards were visited and documented. In order to facilitate analysis and comparison, each graveyard was graded on the basis of how well it was preserved and maintained. The grading table applied is as follows:

- 1 The graveyard is in a **very good condition**: it is maintained, the grass is cut, there is no garbage on the site and no damage to the tombstones.
- 2 The graveyard is in a **good condition**: it is not regularly maintained, it is covered with high grass or mild vegetation, there is no garbage on the site and no damage or almost no damage to the tombstones.
- 3 The graveyard is in a **decent condition**: it is covered with high grass and mild vegetation, there is a small amount of garbage on the site, and there is damage to some of the tombstones.
- 4 The graveyard is in a **bad condition**: it is covered with high grass and mild to dense vegetation but the tombstones are visible, there is garbage on the site, and there is damage to around half of the tombstones.
- 5 The graveyard is in a **very bad condition**: it is either overgrown with strong or very strong vegetation covering the tombstones, there is garbage on the site, and, if tombstones are visible, there is damage to most or all tombstones.

In addition to the physical assessment of the graveyards, the OSCE conducted structured interviews on the maintenance of the graveyards with municipal officials, SOC representatives and local residents.

While every effort was made to visit all known Orthodox graveyards, this report does not represent an exhaustive list of Orthodox graveyards in Kosovo. Some of the graveyards which were abandoned before the 1999 conflict could not be located or identified. Other graveyards were very remote and not accessible. The municipalities of Leposavić/Leposaviq,

Zubin Potok, Zvečan/Zveçan and the northern part of Mitrovica/Mitrovicë have not been included in this assessment.¹²

3. ROLE AND SIGNIFICANCE OF GRAVEYARDS IN THE SERBIAN ORTHODOX RELIGION

The deceased are commemorated in the Orthodox religion and graveyards play an important role in some of the essential aspects of these commemorations, of which there are two major types. The first one is All Souls' Days. Throughout the year, the SOC observes four All Souls' Days, which are dedicated to the deceased and always fall on a Saturday. On these occasions, families remember their deceased relatives and friends. After attending services in a church, they visit the graves, light candles, leave food for the souls of the deceased, and pray for them. On the occasion of All Souls' Days, families clean and maintain the graves of their deceased relatives. The second type of commemorations are those wherein Orthodox graveyards are visited for memorial services. In Kosovo, the first of such services takes place on the day of the burial. After the burial, the close relatives of the deceased usually visit the grave each day during the first forty days.¹³ In addition, visits combined with services take place after six months and one year after the burial, always on Saturdays. After the first year, the family visits the grave for All Souls' Days.

These different rituals involving visits to graveyards illustrate the significance of graveyards in the Orthodox religion and to the Kosovo Serb community. Many graveyards in Kosovo, which are in a very bad condition, are still visited by the Kosovo Serb community, particularly on All Souls' Days. Furthermore, the visit to a village's graveyard is usually part of the agenda of go-and-see visits by displaced Kosovo Serbs.¹⁴

As a consequence, heavily vandalized graveyards and graveyards in a poor condition send a negative signal to the Orthodox community in Kosovo. Many displaced Kosovo Serbs are not able to visit the graves of their ancestors because the graves have been vandalized or otherwise damaged beyond recognition. This represents a disincentive to returns by displaced persons and an obstacle to inter-community dialogue.

4. PHYSICAL CONDITION OF ORTHODOX GRAVEYARDS

The OSCE found that overall the physical condition of Orthodox graveyards in Kosovo is poor. In total 392 Orthodox graveyards were assessed and 229 of these were found to be in a bad or very bad condition (58% of the total). Only 46 graveyards (12%) were found to be in a

¹² Preliminary inquiries by the OSCE indicated that Orthodox graveyards located north of the Ibar/Ibër river do not have significant problems in regards to conditions or usage. This is due to the fact that fewer Kosovo Serbs were displaced from this area after the 1999 conflict and a large Kosovo Serb majority remains. Thus, these graveyards were not assessed.

¹³ Distant relatives and friends of the deceased usually visit the grave on the first three days, on the seventh day and on the fortieth day.

¹⁴ Go-and-see visits provide displaced persons with the opportunity to gather first-hand information on the conditions in their place of origin and to directly interact and engage with the receiving community to make an informed decision about returns or other durable solutions. They are invited to visit their former homes and meet with neighbours, community members and local institutions as part of an organized visit to discuss issues of particular interest, such as housing reconstruction assistance, employment and income generation opportunities, security and freedom of movement, social welfare and pensions, education and other public services. See UNMIK/PISG Revised Manual on Sustainable Return, July 2006, http://www.unmikonline.org/srsg/orc/documents/Manual_ENG.pdf (accessed 21 March 2011).

very good condition and another 83 graveyards (21%) in a good condition. Twenty-four graveyards (9%) were found to be in a decent condition.¹⁵

A number of graveyards were vandalized in 1999 and 2004 and marks of the damage are still visible, with tombstones knocked over and/or broken. Many graveyards near villages where Kosovo Serbs are displaced have not been vandalized but are in bad or very bad condition because of neglect and decay. Those graveyards are overgrown with vegetation and, at times, covered with garbage.

Some of the most heavily damaged graveyards have been partly repaired and restored by the Reconstruction Implementation Commission for Orthodox Religious Sites in Kosovo (RIC). Other graveyards have been repaired and restored by Kosovo Serb communities themselves, at times with funding from municipalities, the Ministry of Communities and Return, the Serbian Ministry for Kosovo and Metohija, and/or the OSCE.

The table below provides a breakdown of the condition of Orthodox graveyards by municipality (1 = very good; 2 = good; 3 = decent; 4 = bad; 5 = very bad).

Table 1. Condition of Orthodox graveyards by municipality.

Region	Municipality	Total number	1	2	3	4	5
Gjilan/Gnjilane	Ferizaj/Uroševac	18	-	1	3	1	13
	Gjilan/Gnjilane	10	1	3	1	1	4
	Hani i Elezit/Đeneral Janković	1	-	-	-	1	-
	Kaçanik/Kaçanik	3	-	-	-	-	3
	Kamenicë/Kamenica	19	-	10	6	1	2
	Klokot-Vrbovac/Klllokot-Vërboç	5	2	3	-	-	-
	Novo Brdo/Novobërdë	24	3	12	7	-	2
	Parteš/Partesh	4	3	-	1	-	-
	Ranilug/Ranillug	15	5	8	2	-	-
	Štrpce/Shtërpçë	18	1	17	-	-	-
Viti/Vitina	16	-	2	1	5	8	
Prizren	Prizren	17	2	4	3	1	7
	Malishevë/Mališevo	1	-	-	-	-	1
	Rahovec/Orahovac	10	1	2	1	-	6
	Suharekë/Suva Reka	9	-	-	-	-	9
Pejë/Peć	Deçan/Deçane	5	-	-	-	-	5
	Gjakovë/Đakovica	4	-	-	-	1	3
	Istog/Istok	29	2	3	2	3	19
	Klinë/Klina	25	-	1	4	-	20
	Pejë/Peć	13	2	1	1	3	6
Prishtinë/ Pristina	Fushë Kosovë/ Kosovo Polje	7	1	1	-	1	4
	Glllogovc/Glogovac	4	-	-	-	-	4
	Gračanica/Gračanicë	19	15	3	-	1	-

¹⁵ See "Photo Catalogue – Orthodox Graveyards in Kosovo", OSCE Mission in Kosovo, June 2011.

	Lipjan/Lipljan	19	-	2	-	2	15
	Obiliq/Obilić	9	4	-	-	1	4
	Podujevë/Podujevo	42	1	-	1	1	39
	Prishtinë/Priština	13	1	5	-	2	5
	Shtime/Štimlje	5	-	-	-	-	5
Mitrovicë/ Mitrovica	Mitrovicë/Mitrovica South	3	-	-	1	-	2
	Skenderaj/Srbica	10	1	2	2	1	4
	Vushtrri/Vučitrn	15	1	3	-	-	11
Total		392	46	83	36	26	201

5. FACTORS CONTRIBUTING TO THE CONDITION OF ORTHODOX GRAVEYARDS

5.1 Condition of Orthodox graveyards compared to their proximity or distance from a Kosovo Serb community

In conducting the assessment, the OSCE recorded whether the graveyards surveyed were in the vicinity of villages with a Kosovo Serb community, or in the vicinity of villages without a Kosovo Serb community¹⁶ (see table below). The findings show that the majority of graveyards located in the vicinity of villages inhabited by Kosovo Serbs (127 out of 193 graveyards) are in a good or very good condition. By comparison, 185 of the 199 graveyards in the vicinity of villages without a Kosovo Serb community are in a bad or very bad condition, and only two are in a good condition.¹⁷

Table 2. Condition of graveyards according to their proximity to a Kosovo Serb community.

Condition of graveyards	Total	1	2	3	4	5
Graveyards adjacent to Kosovo Serb-inhabited villages	193	46	81	24	15	27
Graveyards adjacent to villages without a Kosovo Serb community	199	0	2	12	11	174

Graveyards adjacent to Kosovo Serb-inhabited villages



¹⁶ This refers both to villages where the Kosovo Serb community is displaced as a result of the 1999 conflict and to villages which have been without a Kosovo Serb community since before the conflict.

¹⁷ Notably, these are the two graveyards attached to the Dević Monastery (Skenderaj/Srbica municipality) which have been under KFOR's protection since 1999 and are being maintained by the resident nuns. The graveyard located within the confines of the monastery was destroyed during the March 2004 riots but was repaired and restored by the RIC in 2007.

Graveyards adjacent to villages without a Kosovo Serb community



In relation to the link between proximity of the Kosovo Serb community and the condition of a graveyard, the OSCE has observed three factors which could be of relevance. Firstly, Orthodox graveyards located in municipalities or villages where Kosovo Serbs are a majority¹⁸ are less likely to be vandalized because of the presence and care afforded to the graveyard by the resident Kosovo Serb population. Secondly, once a graveyard is damaged or destroyed, it requires considerable resources to repair and restore it. Thus, where there is no Kosovo Serb community in the vicinity of the damaged graveyard to support its repair and maintenance its condition is often further deteriorated with the passing of time.¹⁹ Thirdly, in the absence of any maintenance by Kosovo institutions, the local community has greatly contributed to the repair and upkeep of Orthodox graveyards. Consequently, where the community is displaced there is no-one to assume this role.

5.2 Condition of Orthodox graveyards compared to their proximity or distance from villages

Out of 310 graveyards located inside or close to a village, the OSCE has found that 108 (35%) are in a good or very good condition and 173 (56%) in a bad or very bad condition. By comparison, out of 82 graveyards situated a long way from a village, only 22 (27%) are in a good or very good condition and 55 (67%) are in a bad or very bad condition (see table below).

Thus, graveyards which are geographically distant from residential areas (i.e., towns or villages) tend to be in poorer condition than those which are adjacent to residential areas as the former are often more difficult to maintain. However, this factor should not be overestimated as many graveyards adjacent to residential areas are also in bad condition where the local Kosovo Serb community is displaced.

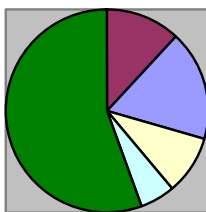
Table 3. Condition of graveyards according to their proximity to a village.

Condition of graveyards	Total	1	2	3	4	5
Village graveyards	174	24	29	17	16	88
Graveyards in the vicinity of a village	136	21	34	12	4	65
Graveyards far from a village	82	2	20	5	8	47

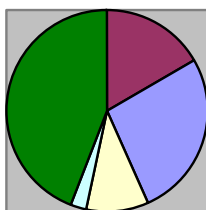
¹⁸ For example, Gračanica/Gračanicë, Štrpce/Shtërpçë and Klokot-Vrbovac/Kllokot-Vërboc municipalities.

¹⁹ See Section 6.1 below for a discussion of financial support by municipalities in Kosovo Serb inhabited areas compared with those areas where there are no Kosovo Serbs living.

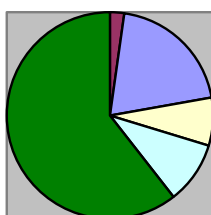
Village graveyards



Graveyards in the vicinity of a village



Graveyards far from a village



6. MAINTENANCE OF ORTHODOX GRAVEYARDS

6.1. Responsibilities of the municipalities

6.1.1 Legal provisions

UNMIK Regulation No. 2007/30 attributes to municipalities “the provision and maintenance of public parks and open spaces and cemeteries.”²⁰ Law No. 03/L-040 on Local Self-Government only mentions “the provision and maintenance of public parks and spaces”²¹ but also states that municipalities shall have full and exclusive powers, insofar as they concern the local interest, while respecting the standards set forth in legislation in “any matter which is not explicitly excluded from their competence nor assigned to any other authority.”²²

²⁰ Section 3 of UNMIK Regulation No. 2007/30, 16 October 2006, amending UNMIK Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo, 11 August 2000.

²¹ Article 17.1 (p), Law No. 03/L-040 on Local Self-Government, 20 February 2008.

²² Ibid, article 17.1 (s).

The obligation to maintain graveyards at the local level is often stipulated in the municipal statute and/or a municipal regulation. In 13 out of 33 municipalities surveyed, the municipal statute mentions the municipality's responsibility in maintaining graveyards in detail. Another 11 municipal statutes mention the municipality's responsibility in maintaining graveyards implicitly, e.g., the responsibility to maintain public spaces or cultural heritage sites. With regard to regulations, 22 municipalities passed a municipal regulation on the maintenance of graveyards. The only municipality with no mention of graveyard maintenance either in its statute or in a regulation is Štrpce/Shtërpçë.²³ However, all recorded Orthodox graveyards in Štrpce/Shtërpçë municipality, which has a Kosovo Serb-majority, are in a good condition.

Where municipal statutes and/or regulations explicitly recognize responsibility vis-à-vis graveyards, usually a municipal body is charged with overseeing the condition of graveyards and maintaining them. In most municipalities, this body is the Directorate for Public Services.²⁴ In the municipality of Lipjan/Lipljan, the responsibility for graveyards has been assigned to the Directorate for Urbanism and Cadastre, and in the municipalities of Prishtinë/Priština and Mitrovicë/Mitrovica to the Directorate of Inspection. Some municipal regulations or statutes hand over the responsibility for graveyards directly to a public utility company (e.g., in Shtime/Štimlje and Fushë Kosovë/Kosovo Polje municipalities).

6.1.2 Budget

Despite the obligations of municipalities, however, limited financial resources have been put into maintaining graveyards, both Orthodox and non-Orthodox. In 2010, only seven municipalities allocated budgets for the clean-up and maintenance of graveyards,²⁵ and in four of these the clean-up and maintenance of graveyards was part of a larger budget for public spaces or for the protection of the environment with no specific budget line earmarked for graveyards. For example, the municipality of Prishtinë/Priština allocated €250,000 for the maintenance of parks and public spaces, including graveyards, and the municipality of Gjilan/Gnjilane set aside €100,000 for the maintenance of the town's parks and graveyards. In the municipality of Rahovec/Orahovac, the maintenance of graveyards was included in the €45,000 budget for urban planning and inspection. The municipality of Fushë Kosovë/Kosovo Polje allocated €15,000 for the protection of the environment, including for maintenance of graveyards. This lack of a specific budget line for graveyards means that there is no guarantee that any of the funds set aside for public spaces or for the protection of the environment will be used for graveyards.

In 2010, only three municipalities had specific budget lines for the maintenance of graveyards. The municipality of Mitrovicë/Mitrovica allocated €30,000 and the municipality of Vushtrri/Vučitrn €6,000 for the maintenance of graveyards, both Orthodox and non-Orthodox. The municipality of Obiliq/Obilić allocated €10,000 specifically for the clean-up and maintenance of Orthodox graveyards.

Other municipalities have allocated funds on an *ad hoc* basis. For instance, the municipality of Prizren set aside €4,500 to clean-up the town's Orthodox graveyard. In 2007 the

²³ For an overview of municipal statutes and regulations on graveyard maintenance, see Annex I.

²⁴ The name of this directorate can slightly vary among municipalities, e.g., directorate of urbanism, public services and environment (Podujevë/Podujevo municipality), directorate for public services, agriculture, forestry and emergency (Gračanica/Gračanicë municipality), directorate for environment, public services, agriculture and rural development (Prizren municipality), and directorate for municipals works and technical services (Pejë/Peć municipality).

²⁵ These were the municipalities of Fushë Kosovë/Kosovo Polje, Gjilan/Gnjilane, Mitrovicë/Mitrovica, Obiliq/Obilić, Prishtinë/Priština, Rahovec/Orahovac, and Vushtrri/Vučitrn.

municipality of Istog/Istok allocated some €2,000 to fence the Orthodox graveyard in Zhakovë/Žakovo village because a landslide had caused a collapse of its lower side. In other municipalities (e.g., Ferizaj/Uroševac, Kamenicë/Kamenica, Viti/Vitina and Klinë/Klina), small funds have been provided over the last few years for the cleaning or fencing of Orthodox graveyards also on an *ad hoc* basis and in response to requests from the Kosovo Serb community. The cleaning and fencing work has usually been done by Kosovo Serb volunteers in collaboration with the SOC.

Even in municipalities where the maintenance of graveyards is budgeted for (either specifically or as part of a larger budget) many Orthodox graveyards remain in a poor condition, as the funds allocated are used only for a small number of Orthodox graveyards within the municipality (e.g., those located in towns as opposed to those in villages). Furthermore, the budgets often only take into account the cleaning of the graveyards and not substantial repairs to heavily damaged tombstones. For example, Prishtinë/Priština municipality has hired a public maintenance company to clean-up the town's graveyards four times a year, including the Orthodox graveyard attached to the Church of Saint Nicholas (which was vandalized in 1999 and 2004) and a graveyard containing Orthodox, Catholic and Jewish sections. Both graveyards are nevertheless in bad condition.²⁶ Mitrovicë/Mitrovica municipality has hired a public maintenance company to clean the Orthodox graveyard at the entrance to the town twice a year. The graveyard is nevertheless in a very bad condition as most of the tombstones are broken or knocked over.

In conclusion, while all municipalities but one have recognized their responsibility for the maintenance of graveyards in municipal statutes and/or regulations, the majority of them have failed to fulfil their obligations by not allocating budgets for this purpose. Furthermore, in the few municipalities where budgets have been allocated, or *ad hoc* funds have been provided for specific maintenance projects, these have not been sufficient to maintain and/or repair most of the Orthodox graveyards within their remit. It should also be noted that the provision of funds for graveyard maintenance has only taken place in municipalities that are inhabited by Kosovo Serbs.

7. ROLE OF OTHER ACTORS

7.1 Contributions of the Kosovo Serb community

While undertaking its assessment, the OSCE observed that the Kosovo Serb community has been playing the most important role in the preservation and maintenance of Orthodox graveyards by mobilizing local volunteers to carry out clean-up and maintenance works e.g., in towns and/or villages in the municipalities of Fushë Kosovë/Kosovo Polje, Lipjan/Lipljan, Obiliq/Obilić, Prishtinë/Priština and Štrpce/Shtërpçë.

In Shalinoc/Šaljinovica, Sinajë/Sinaje, Tomoc/Tomance and Tuçep/Tučep villages (Istog/Istok municipality), and in Brestovik/Brestovik, Lëvoshë/Ljevoša, Sigë/Siga villages and Pejë/Peć town (Pejë/Peć municipality), the clean-up and maintenance of Orthodox graveyards has been done by Kosovo Serb returnees.

In Kosovo Serb-inhabited municipalities, clean-up and maintenance works usually take place on a regular basis. In other municipalities, these activities mostly take place before Orthodox

²⁶ The graveyard attached to the Church of Saint Nicholas was partly repaired by the RIC in 2007.

religious holidays or before go-and-see visits by potential returnees and other displaced persons.²⁷

7.2. Contributions of the Serbian Orthodox Church

The SOC and its local priests work closely with the Kosovo Serb community for the maintenance of Orthodox graveyards. Indeed, it is usually the local churches that mobilize the local Kosovo Serb communities and graveyard maintenance rarely takes place without the local priest's involvement. Some churches also employ a caretaker for the purpose of graveyard maintenance.

The graveyards which are located inside the compounds or adjacent to Orthodox monasteries (e.g., Gračanica/Gračanice monastery, Deviç/Deviç monastery in Skenderaj/Srbica municipality and Zoqishtë/Zočiste monastery in Rahovec/Orahovac municipality) are maintained by the resident nuns or monks.

7.3. Contributions by other actors

7.3.1 The Ministry of Communities and Return

Although the provision and maintenance of public parks and spaces falls within the mandate of the municipalities, the Ministry of Communities and Return has provided financial support for the repair and restoration of a number of Orthodox graveyards in Kosovo.

In the last two years it has funded the rebuilding of the fence of a graveyard in Prishtinë/Priština municipality containing Orthodox, Catholic and Jewish tombstones. In addition it financially supported the cleaning up of the Orthodox part of Prizren town's graveyard. In 2010, it also provided financial support for the Kosovo Serb community living in Gjilan/Gnjilane municipality to clean and partly restore the town's Orthodox graveyard, and for the ongoing construction of a new chapel in the Orthodox graveyard in Koretište/Koretishtë village (Novo Brdo/Novobërdë municipality).

7.3.2 The Reconstruction Implementation Commission for Serbian Orthodox Religious Sites in Kosovo²⁸

The RIC, which was established in 2005, is planning and overseeing the implementation of reconstruction works at 34 Orthodox religious sites damaged during the March 2004 riots.

In recent years, the RIC has partly repaired and restored vandalized or otherwise heavily damaged graveyards in Talinoc i Muhaxherëve/Muhadžer Talinovac village and Ferizaj/Uroševac town (Ferizaj/Uroševac municipality), Gjakovë/Đakovica town, Bellopojë/Belo Polje village (Pejë/Peć municipality), Prishtinë/Priština town, and at Deviç Monastery (Skenderaj/Srbica municipality).

7.3.3 The Serbian Ministry for Kosovo and Metohija

In October 2009, the Serbian Ministry for Kosovo and Metohija announced a three-year plan to clean and restore Orthodox graveyards in Kosovo. On the basis of this plan, in 2010 the

²⁷ The OSCE assessment shows that in the last few years go-and-see visits to Orthodox graveyards have taken place, for instance, in Miradi e Epërme/Gornje Dobrevë village (Fushë Kosovë/Kosovo Polje municipality), Balloc/Balovac, Zakut villages and Podujevë/Podujevo town (Podujevë/Podujevo municipality), Sërbicë e Epërme/Gornja Srbica village (Prizren municipality), Zoqishtë/Zočiste village and Rahovec/Orahovac town (Rahovec/Orahovac municipality), and Mushtisht/Mušutište and Reç/Reçane villages (Suharekë/Suva Reka municipality).

²⁸ See footnote 2 supra.

Ministry provided funds for the cleaning or rehabilitation of Orthodox graveyards in Novo Brdo/Novobërdë town, Zoqishtë/Zočiste village (Rahovec/Orahovac municipality), Mushtisht/Mušutište village (Suharekë/Suva Reka municipality) and Vushtrri/Vučitrn town.

8. ACTIVITIES BY THE OSCE MISSION IN KOSOVO

As part of its mandate, the OSCE has made efforts to contribute to sustainable return by improving the cultural and religious environment of potential return sites, including by providing funding for the repair of Orthodox graveyards. As such, in 2010 and 2011, the OSCE provided funding for the rehabilitation or cleaning and fencing of Orthodox graveyards in Fushë Kosovë/Kosovo Polje town, Dragoljevc/Dragoljevac and Muzhevinë/Muževina villages (Istog/Istok municipality), Staro Gracko/Grackë e Vjetër village (Lipjan/Lipljan municipality), Drajcici/Drajçiq, Novake/Novak and Sërbicë e Poshtme/Donja Srbica villages (Prizren municipality), and Zoqishtë/Zočiste village (Rahovec/Orahovac municipality). The OSCE has also been active in facilitating dialogue on the maintenance of Orthodox graveyards between municipalities and the Kosovo Serb community and the SOC.

9. CONCLUSION

This report provides a general assessment of the condition of Orthodox graveyards based on the data gathered by the OSCE during the period June–July 2010. As a result of this assessment, the OSCE visited 392 Orthodox graveyards and found that a majority of them was in a bad or very bad condition.

Furthermore, the OSCE has identified that the most significant factor found to be linked to the poor condition of Orthodox graveyards is the absence of a Kosovo Serb community in the vicinity of those graveyard locations. First, much of the responsibility for the cleaning and maintenance of graveyards, in practice, is borne by the relatives of the deceased or by the community at large. Thus, where the Kosovo Serb community is displaced, there is no-one to maintain the graveyards. Second, municipalities without a Kosovo Serb community have generally been less willing or able to provide resources for the maintenance of Orthodox graveyards.

Despite the obligations of municipalities concerning the maintenance of graveyards - both Orthodox and non-Orthodox - found in the legislation and in municipal statutes and/or regulations, only seven municipalities had allocated budgets for this task in 2010. In addition, these budgets were generally used only for a small number of Orthodox graveyards (and not for all of the municipalities' Orthodox graveyards), and only for the cleaning and maintenance of these and not for substantial repairs to heavily damaged tombstones.

While the obligation to maintain graveyards falls with the municipalities, the OSCE acknowledges that, in practice, the Kosovo Serb community and the SOC have played the most significant role in the maintenance and repair of Orthodox graveyards in Kosovo. The RIC, the Kosovo Ministry of Communities and Returns, the Serbian Ministry for Kosovo and Metohija and the OSCE have also contributed by funding repair work.

Overall, the majority of Orthodox graveyards in Kosovo are found to be in a poor condition and there is a need for intervention. The OSCE considers that long-term and sustainable improvement of the conditions of Orthodox graveyards, as well as ensuring that they do not

become dilapidated or vandalized, would provide an environment more conducive to returns and inter-community dialogue.

10. RECOMMENDATIONS

To municipalities:

- Assign clear responsibilities regarding the maintenance of graveyards, including Orthodox graveyards;
- Allocate more and specifically earmarked financial resources for the maintenance of Orthodox graveyards, in particular in municipalities with a resident Kosovo Serb community and/or in potential returns sites where inter-ethnic relations and non-Albanian returns can be positively affected by graveyard maintenance;
- Ensure consultation with the Kosovo Serb community and local SOC representatives on how they can co-operate to sustainably maintain or improve the condition of Orthodox graveyards.

To the government:

- Through the Ministry of Communities and Returns, continue to encourage and support municipalities in improving the condition of Orthodox graveyards, especially in return/potential return sites;

To the international community:

- Encourage municipalities to invest more resources in maintaining the condition of Orthodox graveyards;
- Support wherever possible projects to repair Orthodox graveyards that have been heavily damaged.

ANNEX I: Overview on municipal statues and regulations on graveyard maintenance

Municipality	Graveyard maintenance in statute?		Regulation on graveyard maintenance
	Explicitly	Implicitly	
Gjilan/Gnjilane Region			
Ferizaj/Uroševac	--	✓	2007
Gjilan/Gnjilane	--	✓	2005
Hani i Elezit/Đeneral Janković	✓	--	No
Kaçanik/Kaçanik	✓	--	No
Kamenicë/Kamenica	--	✓	2006
Klokot-Vrbovac/Klllokot-Vërboc	✓	--	No
Novo Brdo/Novobërdë	✓	--	2005
Parteš/Partesh	Not available (N.A.)	N.A.	N.A.
Ranilug/Ranillug	--	✓	No
Štrpce/Shtërpçë	No	No	No
Viti/Vitina	--	✓	2005
Mitrovicë/Mitrovica Region			
Leposavić/Leposaviq	Not part of assessment (N.P.A.)	N.P.A.	N.P.A.
South Mitrovicë/Mitrovica Jugore	✓	--	2006
Skenderaj/Srbica	✓	--	No
Vushtrri/Vučitrn	No	No	2006
Zubin Potok	N.P.A.	N.P.A.	N.P.A.
Zvečan/Zvečan	N.P.A.	N.P.A.	N.P.A.
Peja/Peć Region			
Deçan/Deçane	No	No	2007
Gjakovë/Djakovica	✓	--	2006
Istog/Istok	✓	--	2006
Junik	N.A.	N.A.	N.A.
Klinë/Klina	No	No	2006
Pejë/Peć	No	No	2005
Prishtinë/Priština Region			
Fushë Kosovë/Kosovo Polje	--	✓	2005
Gllgovc/Glogovac	--	✓	No
Gračanica/Gračanicë	✓	--	No
Lipjan/Lipljan	--	✓	2006
Obiliq/Obilić	--	✓	2006
Podujevë/Podujevo	✓	--	2007
Prishtinë/Priština	✓	--	2006
Shtime/Štimlje	✓	--	2006
Dragash/Dragaš	No	No	2005
Malishevë/Mališevo	--	✓	2006
Mamuša/Mamushë/Mamuša	N.A.	N.A.	N.A.
Prizren	✓	--	2006
Rahovec/Orahovac	✓	--	2008
Suharekë/Suva Reka	--	✓	2006