

PROTECTION OF THE CULTURAL HERITAGE AND NATURAL RARITIES IN REPUBLIC OF MACEDONIA – CURRENT SITUATIONS AND CHALLENGES

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Abstract: *The current situation regarding the protection of the cultural heritage in Republic of Macedonia is serious and considerably worrying. The emergence of illegal excavators conditions the illegal excavation and sale of valuable artifacts, important objects, icons etc. Therefore numerous operational activities are undertaken by the competent authorities, especially by the Ministry of Interior. As a result of those operations, many perpetrators have been apprehended for many criminal acts, among which the abuse of the official position of persons responsible for the protection of the cultural heritage and of natural rarities.*

The authors of this text analyse the methods of realization of these criminal acts, as well as of the police actions taken, but also give suggestions about how to overwhelm these situations.

Introduction

The protection of the cultural heritage, especially against the incriminated actions is envisaged in the Penal Code, as acts of crime treated in Chapter 24 (articles 264-267), but this problem is also regulated by other laws and bylaws. Thus, the Law on Protection of the Cultural Heritage¹, besides other issues, refers to the methods and instruments of protection of the cultural heritage the regime of protection and use of the cultural heritage as well as surveillance thereof as security aspects of this protection. Article 2 of the said Law defines the notion of “cultural heritage” as “tangible or intangible goods, which, as an expression or witness of people’s creative activities in the past and at present or as joint creative works of Man and nature, due to their archeological, ethnological, historical, artistic, architectural, urban, environmental, technological, sociological and other scholarly or cultural values, properties, contents or function, are of cultural and historic importance and, in view of their protection and use, are placed under the legal system as pursuant to this or some other law.” The basic division of the cultural heritage according to its properties is the one among movable, immovable or spiritual. According to its importance, the cultural heritage can be of special and of other cultural or historic value. As per the degree of endangerment, the heritage can be distinguished as imperiled or safe.

Cultural Heritage Crime Tendencies

The determination of the situation and the crime tendencies regarding the cultural heritage is a considerable problem, mainly due to the lack of a unique system and statistics of dealing with this problem, as well as the fact that the data are not collected and processed at one place and according to previously established methodology. It has to be mentioned that it is an illusion to think that it is possible to reduce protection and surveillance to a maximum, knowing that there are 5150 archeological localities of ancient settlements, around 2,200 immovable cultural monuments, such as monasteries, churches, mosques, tekkes etc., approximately 350 houses witnessing the old urban and rural architecture, as well as 200 other cultural monuments, mainly memorial houses, towers, bridges, inns, aqueducts and the like. It should also be mentioned that there are approximately 430,000 movable objects and documents, of which 22,000 are icons kept in the churches and monasteries. But, the icons of special importance and value, as well as the other valuable objects are located in museums, galleries, libraries, archives and other institutions entitled to keep such objects. Regarding

¹ Law on Protection of the Cultural Heritage („Official Gazette of the Republic of Macedonia “ no. 20/2004, 71/2004, 115/2007).

our cultural heritage and treasure it should be mentioned that the most brutal and shameful theft of valuable and important icons was committed in the period from 1946 until the late 70-ties of the last century. According to some data, five to six thousand icons and a large number of archeological objects of immeasurable cultural and material value were stolen. A large-scale theft and destruction of the cultural heritage took place in 1995 at the location named Suvo Grlo, than in 2001 at the old gold, zinc and plumb mine locations in the Kratovo Region, and in 2005 in the Prilep Region, when governmental officials, using their position, illegally excavated destroyed and ravaged a considerable part of our national and cultural treasure and heritage. As for the evidencing of the movable and immovable objects and buildings which are part of the cultural heritage of Republic of Macedonia, it was carried out in the course of the year 1953 until 1962 by the Regional Institution for Protection of Monuments of Culture, and the evidence included 1,700 churches and monasteries with approximately 1,000 valuable icons, as well as mosques, tekkes, and other buildings of Islamic tradition. But besides the inspection and the filing of the valuable objects and icons by the Regional Institution for Protection of Monuments of Culture, it cannot be precisely said how many and which icons and valuable objects were reported as stolen. The reason for this is the order issued by the Ministry of Interior in 1972 to destroy as obsolete and "meaningless" all files kept on the stolen icons and objects of value. In the recent years the monitoring and the filing methodology referring to the stolen objects of cultural heritage has been improved, but is not on the internationally suggested level.

Protection of the Cultural Heritage and the Natural Rarities – Criminological Aspects

The criminal acts regarding the cultural heritage include illegal excavations, smuggling, thefts, appropriation and other illegal acts, as well as the inadequate conditions of storage, handling, transport, exhibition and other.

The problem with illegal excavators

One of the worst problems in the protection of the cultural heritage is the illegal excavators of artifacts which are further sold on the black market. This causes multiple damage: besides the illegal acquisition of property and physical alienation of the object, the damage caused to the national treasure of the Republic of Macedonia is yet bigger.

It is supposed that the illegal excavators have ravaged approximately one thousand tombs only from the Marvinci locality in the last 20 to 30 years. A large number of artifacts have been sold in Macedonia but also in Greece, ending up as objects of Greek origin.²

The material profit is the motivation of the illegal excavators because the price of the coins on the black market is from 1,000 to 6,000 MKD per piece, but they reach the price of 5,000 EUR after being processed and placed on the international auctions.

Nowadays, the "invasion" of illegal excavators is weakened to a certain extent, but illegal excavations are not prevented. Thereby, difference should be made between the term of "illegal" and "secret" excavations in quest of some hidden treasure and with the purpose of financial benefit, and "secret archeological excavations" which are illegally performed by experts, archeologists, Government officials. The illegal excavations can be considered as starting and being carried out in several ways, as follows:

- according to somebody's dream;
- according to signs;
- according to maps;
- according to scripts and legends;
- according to marked archeological localities³.

Appropriation of the cultural heritage

The appropriation of the cultural heritage is also an act of crime in which the artifacts become part of individual private collections⁴.

² According to the statement of the Ministry of Interior, see: <http://www.uzkn.gov.mk/dokumenti/Marvinci.pdf>

³ Несторовски Д. Културното наследство и криминалот, Зборник на трудови „Заштита на културното наследство во Република Македонија,, Универзитет „Св.Климент Охридски,,-Битола, Скопје, 2010, стр 156

⁴ Persons from Mrzenci and from Gevgelija were charged with appropriation of cultural heritage. The charge referred to valuable objects originated from the Roman times before the 3rd century B.C. file://zastita/kulturno_nasledstvo.html accessed on 03.10.2010

Smuggling

Smuggling is a serious problem regarding artifacts which are re-sold out of our country. It includes coins, icons, decorations, jewels and other objects. The perpetrators are Macedonian and foreign citizens who deprive Macedonia of a part of its national treasure⁵.

The smuggled goods end up in domestic and foreign private collections. Foreign museums host statues, golden and other artifacts from Macedonia.⁶

Thefts

In the field of protection of the national heritage thefts refer to icons from our churches and monasteries. Extremely valuable icons end up on the black market and in the hands of private collectors on at the world famous international auctions. Thus the Macedonian treasure is alienated and becomes subject of criminal activities.⁷

Organized Groups

If, in the recent past, the illegal excavations were mainly organized by people living in the vicinity of the archeological localities, and their activities consisted of opening and ravaging tombs and offering the stolen objects to dealers connected with foreign purchasers, nowadays there are organized groups for this criminal acts, to the extent of existing of archeological mafia controlling the artifact market of the entire Balkans, including Croatia, Serbia, Macedonia, Bosnia and Herzegovina, Montenegro, Bulgaria, Albania and Romania.

They possess their own sophisticated technology machines, off-road vehicles, explosives, available necessary experts (archeologists, historians, museum staff etc.), connections with people who enable them to safely transport of the artifacts (policemen, Customs officers), persons to find auctions, museums or passionate collectors to purchase the artifacts. Such groups include persons able to contact with Government officials who grant them safe excavation on a certain location. Several operational actions have been organized in Macedonia to identify the perpetrators of such crimes. One of such actions were named Phalanx 1 and Phalanx 2.

Action „Phalanx“

In order to stop the activities of archeological crime perpetrators and protect the cultural heritage, the police keeps taking appropriate measures and activities. They include operational and tactic measures of the wide police instrument, as well as occasional comprehensive activities of larger scale. Such was the Phalanx action in 2010 aimed at larger territory covering activities towards a larger number of perpetrators. The action ended with the arrest of 48 people from Prilep, Stip, Valandovo, Negotino and other places. Among them there were managers, counselors, policemen and businessmen. Around three thousand of coins, 20 statuettes, among them the one representing Maenad, and 160 jewels from the period of 8th to 12th century AD (Fig.1). The criminal group used metal detectors, topographic maps, numismatic books, catalogues and magazines, as well as safes for keeping the excavated objects.

⁵ Upon control of a car trunk of a Croatian citizen, the Customs officers at the Tabanovce border crossing found archeological objects of value from Macedonia. Experts from the Institute for Protection of Cultural Heritage concluded that the objects were of great national value. The archeological objects were found on Macedonian territory and are part of the cultural heritage of the country. The smugglers owned the imposing number of 560 coins, decorations, objects and jewels. file:///zastita/sprecen_sverc.html
Accessed on 03.10.2010

⁶ According to the Protection of Cultural Heritage around 20,000 valuable icons have been scattered from Macedonia throughout the world. The British Museum hosts a large number of Macedonian bronze objects from the 5th and 6th century. Among them is the statue of Aeschylus. The Paris Museum is the location of even larger number of ethnological objects from Macedonia. France hosts the two of the oldest Macedonian Paleolithic tools, over 800 000 years old. Some New York private collectors own bronzes from Demir Kapija. Besides the two golden masks, the Sofia National and Archeological Museum hosts 257 objects of value. The Belgrade Museum includes 187 objects besides the two golden masks. Sofia hosts a very valuable collection of the Ohrid Archbishop, and Belgrade marble statues, bronze objects etc. from almost all Macedonian localities. Such objects can be found in Zagreb, Split, Dubrovnik etc. However, it seems that the most frequent, but least controlled destination of the Macedonian artifacts from antiquity to the 20th century is Turkey and its museums. <file:///Macedonium.aspx.htm> accessed pn 03.10.2010

⁷ More at: <http://www.novamakedonija.com.mk/NewsDetal.asp?vest=7810102282&id=12&prilog=0&setlzdanie=22028> accessed on 05.10.2010



Fig. 1. Confiscated artifacts in the *Phalanx* action

***Phalanx 2* action**

In the *Phalanx 2* action, the Centre for Organized and Serious Crime arrested a 19-member criminal group in 2013. The group was illegally excavating on the archeological localities in Demir Kapija, Sveti Nikole, Kavadarci and Skopje, was selling the archeologically valuable objects in the country and abroad. They also sold icons from the churches of immeasurable value for the cultural heritage of the Republic of Macedonia (Fig.2).

The measures taken identified two persons, Serbian citizens cooperated with the members of the criminal group, buying valuable objects and selling them in West Europe.

The criminal group included two employees from the Institution for protection of the Cultural Heritage and two employees from the Museum of Macedonia and Museum of Demir Kapija, and one was a policeman from Veles. They issued information about the importance, value and security level, enabled for unhindered transport of the archeological objects, concealing the object and their sale outside Macedonia⁸.



Fig. 2. Confiscated artifacts in the *Phalanx* action

⁸ <http://press24.mk/mvr-razbi-19-chlena-kriminalna-grupa-koja-trguvala-so-artefakti-eve-gi-detalite> пристапено на 7.10.2014 год

Material value

Material value is one of the main components of illegal excavations of the archeological localities in Macedonia and of the numerous thefts of the churches and monasteries, aiming at icons and valuable objects which are then offered at the West European markets. An indicator of this is the 3 billion USD insurance covering the exhibition of the Macedonian icons in USA in 2006. The exhibition presented 14 original icons from the 13th and 14th centuries, as well as the price of 500-800 EUR per centimeter of a well-made and preserved bronze statue from the 7th to 3rd century B.C. This amounts to the price of 5,000 to 8,000 EUR for a 10-cm statue, depending on the degree of its preservation.

Destruction due to Hiding and Neglect or for Fear and Lack of Informaiton

It is a fact that there are strict legal measures for protection of the cultural heritage in Macedonia, but there is almost no cooperation with the population to raise its awareness thereof and the compensations for cooperation in this field barely exist. This is an important segment in the protection of the cultural heritage. If a person finds an archeologically interesting object while working on the land, the object is most often reported to illegal excavators, destroyed or concealed.

The most frequent reasons thereof are the following:

- lack of information;
- fear of property deprivation;
- fear from police oppressions and fees;
- lack of an appropriate compensation;
- idea of individual or organized quest for treasure or alienation of the found artifacts etc.

A considerable part of the cultural treasure objects can be found in the open on arable land, having been taken to the surface of the soil during the agriculture works⁹. (Fig. 3-5). But these objects are often destroyed or remain unfiled due to some of the reasons given above. Such cases are most frequently present in the villages in Macedonia.



Fig. 3. Confiscated artefacts from other illegal excavations

⁹ Велкоски С. Недостатоци и можности за заштита на културното богатство во Република Македонија, Зборник на трудови „Заштита на културното наследство во Република Македонија, Универзитет „Св.Климент Охридски, -Битола, Скопје, 2010



Fig. 4. Confiscated artifacts from other illegal excavations



Fig. 5. Legal archaeological excavation in Stobi

Conclusion

It is necessary to organize a widespread activity in Macedonia to enable for building of a successful network of all responsible organisms and institutions in view of the realization of a common strategy of prevention of criminal acts in protection of cultural heritage. For that purpose, it is necessary to professionally train the personnel, equip the services, provide for security protection of the locations as well as taking other measures and activities for the purpose of successful prevention of the organized criminal groups that illegally excavate steal and appropriate the artifacts belonging to the cultural heritage of Republic of Macedonia.

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