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FUNCTIONING OF THE KOSOVO STATE ARCHIVES' AGENCY

Izvleček:

Delovanje Državne agencije za arhive Kosova

Članek predstavlja način delovanja Državne agencije za arhive Kosova od januarja 2009, ki se je izkazalo kot zelo učinkovito in produktivno. Arhivska služba na Kosovu je povsem centralizirana, upravlja pa jo Državna agencija, ki spada k Vladi Republike Kosova. Takšno organizacijo so predlagali strokovnjaki PAI iz Anglije na osnovi izkušenj zahodnih držav, še posebej Anglije. V prvem delu članka avtor v nekaj točkah predstavi organizacijo arhivske službe na Kosovu in arhivsko zakonodajo, ki je bila sprejeta.

Ključne besede:

agencija, pravne določbe, delovanje, organizacijska in arhivska mreža.

Abstract:

Functioning of the Kosovo State Archives' Agency

This paper deals with the manner of functioning of the Kosovo State Archives' Agency applied in Kosovo since January 2009. Such functioning has been very efficient and productive. Hereupon, the archival service of Kosovo is fully centralized and managed by the Kosovo State Archives' Agency, which falls under the Government of the Republic of Kosovo. Such organization was proposed by two experts from PAI in Britain, based on some of the experiences of the western countries, especially Britain. In the first part of the paper the author presents the organization of archival service in Kosovo in short points and archival legislation that was applied and is applied now in Kosovo.

Key words:

agency, legal provisions, functioning, organization and archival network.

INTRODUCTION

The organization and functioning of the archival service is an important factor for the development and organization of archives. On the other hand, the archival network is one mechanism for the overall archives' functioning as well as their territorial competences in protecting the archival material.

Kosovo has faced difficult periods in the historical past, where many invaders have not only committed killings and massacres, but have also destroyed the cultural heritage, including archival documents, and not to mention the protection of the archival material, respectively the archival service.

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ARCHIVAL SERVICE IN KOSOVO

The organization of the archival service in Kosovo dates to 1948, when within the framework of the Provincial Committee for Education and Culture, the Archival Center was established, which was responsible for the protection and registration etc, of archival material. The State Archives of Province was established on 20th March 1951 according to the Law on State Archives, and upon the decision of the National Provincial Committee, nowadays the State Archives of Kosovo in Pristine. Since the beginning of its establishment, until 1968, respectively 1970, when the archival network was established on inter-municipal and municipal basis, the Archives has exercised its function in the entire Kosovo.

This system of functioning and organization has continued until March 1989, when the autonomy of Kosovo has been revoked. The Serbian power following the revocation in a perfidious manner of the Kosovo's autonomy in 1989 has suspended the institutions of Kosovo at all levels from the local to the higher ones such as state, political, economic, educational, cultural, sports etc. In the same way it acted also towards the Kosovo Archives against which violent measures were taken.

On 26th June 1990, the Assembly of the Republic of Serbia has approved the Law on the Procedure to be Followed by Republican Organs in Special Circumstances. According to this Law, the SFRY constitutional-juridical order was ruined, the Kosovo's political-juridical and economic autonomy was revoked, and all its legislative, executive and judicial competences were transferred to the organs of the Republic of Serbia. These violent measures towards Kosovo lasted until 1999. In this period of time some archival fonds and collections of special value were taken in order to be transferred outside of Kosovo. A number of archival documents were also taken from other institutions, especially from cadastre, civil state, internal affairs etc. in order to be transferred to Serbia.

But, during the war in Kosovo a great number of archival documents was destroyed, in particular the documents that were preserved in different institutions. After the war ended, in 1998-1999, the consolidation of the archival service in Kosovo has begun. In 2001, the Archives of Kosovo was accepted in the International Council of Archives in the A category, as a national archives. In 2003, the Law on Archival Material and Archives was approved (Law 2003/7).

ARCHIVAL LEGISLATION

The constitutional changes were made in the socialist Yugoslavia until 1974 when Kosovo won the constitutive element in Yugoslavian federation; the legal provisions at the level of Yugoslavian federation and the Republic of Serbia were implemented. In 1976 the Law on Archival Material and Archival Service was approved for the first time and was published in the Official Gazette of SAPK no. 16/76. Based on this Law, other legal and sub legal acts were approved: Law on the Organization of the Archival Network in Kosovo, Law on the Archives of Kosovo, Regulation on the Protection, Evidence, Classification, Receipt and Preservation of the Archival Material and Regulation for the Selection of Archival Material and Disposal of Invalid Registered Material. Law on the Archival Material and Archives was valid until 1990 when through special laws of the Republic of Serbia all the legitimate rights of the former Socialist Autonomous Province of Kosovo were revoked, including the archives. From this time until 1999 the Law on the Protection of Cultural Goods of the Republic of Serbia was implemented.

After the war ended, a special organ to govern Kosovo, called UNMIK was established upon a special decision of the United Nations Security Council. Upon the decision of the Special Envoy of the United Nations Secretary-General for Kosovo, all discriminative laws were revoked and hence the implementation of legal provisions that were into force prior to revocation of the Kosovo's autonomy has begun. This was also applied to the archival service, when the Law of 1976 begun to be implemented. In 2003, the Assembly of Kosovo approved the Law on Archival Material and Archives (Law no. 2003/7). The amendments and supplements to this Law were made in 2006 (Law no. 02L-8) and 2008 (Law no. 03/L-077, dated 7th November 2008). Based on this Law, the Government of Kosovo approved these administrative instructions: administrative instruction on receipt-delivery of the archival material and Regulation for the Selection of Archival Material and Disposal of Invalid Registered Material.

ORGANIZATION OF THE ARCHIVAL SERVICE

The archival service of Kosovo was decentralized until 2003. The Archives of Kosovo performed the function of a host archives in the professional aspect. Each archives in Kosovo functioned independently in the administrative and financial aspect.

According to the article 2 of the Law on Archival Material and Archives (Law 2003/7) archival services in Kosovo are unique, integral and inseparable and they are performed on the basis of international standards and are implemented within the entire Kosovo. Based on the Article 27.2 of this Law the Kosovo Archives Directorate was established within the Kosovo Archives, responsible for the organizational system of archival network and professional work at the archives of Kosovo. This directorate functioned within the framework of the Archives of Kosovo, under the Ministry of Culture, Youth and Sport. All archives were directly financed by the Ministry of Culture and have functioned independently. Within the framework of this Ministry, the Archives of Kosovo did not receive deserved treatment. It was considered only as one service within the Department of Culture, respectively the Division of Cultural Heritage.

Based on the importance of the archives as institutions of national importance and based on world experiences, the Assembly of Kosovo, on 13th July 2006 approved the Law no. 02/L-80, on the amendment and supplement to the Law no. 2003/7, when the archives of Kosovo were brought within the framework of the Government of Kosovo -Office of Prime Minister. Nevertheless even with this Law, the archives were not provided with the due competences, they were almost as one office-department within the framework of the Office of Prime Minister.

There were some obstacles in the realization of some duties, especially regarding the independence at international co-operation, management of finances, procurement, personnel etc. Upon persistence of the managerial staff of the Directorate of Archives of Kosovo, the Assembly of Kosovo issued the Law no. 03/L-077, dated 7th November 2008, on the supplement and amendment to the Law 2003/7 on the Material Archive and Archives. According to the Article 1 of this Law, the Directorate of the Archives of Kosovo is transformed into Kosovo State Archives' Agency. Upon this supplement and amendment to this Law, the archival service has been entirely centralized.

FUNCTIONING OF AGENCY

According to this supplement-amendment to the Law, the State Archives' Agency was established as a central institution, within the framework of the Government of the Republic of Kosovo - Office of the Prime Minister, which organizes, leads and supervises the activities of the archival network in the entire country. Kosovo State Archives' Agency is a legal person, has a seal with the emblem of the Republic of Kosovo and its designation. Activities of the Agency are led by the Chief Executive Officer of the Agency, who reports and responds to the Prime minister.

According to this Law, the Kosovo archive institutions are as follows:

- State Archives' Agency;
- Kosovo State Archives
- Inter-municipal Archives;
- Municipal Archives;
- Special Archives and
- Private Archives.

Based on this organization, the Board of Archives as a legitimate organ comprised of the members of the archives and some education, cultural and scientific institutions of Kosovo approved the organogram of the Kosovo State Archives' Agency and organogram of the archival network of the archives of Kosovo.

Based on the organogram, the following departments led by directors, function within the Kosovo Archives' Agency:

1. Department of Administration, Finances and Personnel which performs the functions for all archival service in the territory of Kosovo. This department is divided into divisions and hence into services.
2. The Professional Department of the Kosovo Archives' Agency. This department is consisted of divisions: processing of archival material, technical protection of the archival material, archives' storage and documentation of international organizations. The divisions are divided into respective sectors.
3. Department of inter-municipal, municipal and special archives. This department manages in the professional aspect all archives functioning in Kosovo.
4. Department of inspection, planning, information and international co-operation. This department is divided into divisions and manages the entire archival service in Kosovo.

As regards to the archival network in Kosovo within the framework of the Agency besides the Kosovo State Archives there are also regional archives in Prizren, Pristine, Peja, Gjakova, Mitrovica and Gjilan. These archives cover the territory of some municipalities in the respective region.

The English experiences were taken as regards to the organization of such archival service in Kosovo, given that two representatives of the Agency for Development and Reconstruction PAI have worked several months in the Government of Kosovo, respectively in the Archives of Kosovo and had given such proposal.

However their proposal was modified and adjusted to the circumstances and conditions in Kosovo.

CONCLUSION

Based on the hitherto experiences, the organization and functioning of the archival service in Kosovo has been very functional and efficient. It was effective in the engagement of staff in the administration, finances and in general in the supporting duties in regional archives. The financing of archives is made from one source, which is unique for the entire Kosovo. The implementation of standards and professional work methods is much easier. The continuance of discipline at work and realization of duties is very efficient as well in the other issues.

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