

SERBIAN-ROMANIAN RELATIONS AND THE STATUS OF THE VLACH MINORITY IN SERBIA

Policy study

PUBLISHER

ISAC fond

International and Security Affairs Centre
Kapetan Mišina 5
11000 Beograd
www.isac-fund.org

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Colografx

BELGRADE

2015

ISBN

978-86-86383-22-8

The opinions and views in this text are those of the publication's authors.

THIS PUBLICATION IS PUBLISHED AS PART OF A PROJECT SUPPORTED BY
THE ROYAL NORWEGIAN EMBASSY IN SERBIA

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List of Abbreviations

AP Vojvodina - Autonomous Province of Vojvodina
CSCE - Conference for Security and Co-operation in Europe
DS - Democratic Party
EU – European Union
FRY – Federal Republic of Yugoslavia
IPA - Instrument for Pre-accession Assistance
Kingdom of SHS – Kingdom of Serbs, Croats and Slovenes
NATO – North Atlantic Treaty Organisation
NOPO – Political party “None of the above”
NSPM - New Serbian Political Thought (web portal)
OSCE - Organization for Security and Co-operation in Europe
REM - Regulatory Authority for Electronic Media in Serbia
ROC - Romanian Orthodox Church
RTS - Radio Television Serbia
RTV - Radio Television of Vojvodina
SAA - Stabilisation and Association Agreement
SFRY – Socialist Federative Republic of Yugoslavia
SOC – Serbian Orthodox Church
SPS - Socialist Party of Serbia
SUSM - State Union of Serbia and Montenegro
USSR - Union of Soviet Socialist Republics (Soviet Union)
VDS -Vlach Democratic Party
VDSS - Vlach Democratic Party of Serbia

Abstract

The issue of bilateral relations between Serbia and its neighbours is very important in the context of Serbia's accession to the European Union. For more than two decades Serbian foreign policy has been burdened with challenges that very few countries had to face, and these challenges need to be addressed through the formulation of clear internal and foreign policies. The EU accession process is therefore seen as a lever by which Serbia's foreign policy orientation can be stabilized, and contribute to the implementation of much-needed internal reforms. Observed in this context, conditioning during the process of negotiation by certain Member States with issues purely bilateral in character, does not substantially contribute to the objectives of the accession process and the spirit of partnership.

Romania's consent to granting Serbia candidate status for EU membership was conditioned upon Serbia's signing of the Protocol (Minutes) of the 2011 Second Meeting of the Intergovernmental Mixed Commission, by which Serbia committed itself to a number of provisions concerning the respect for minority rights of the citizens of eastern Serbia who declare themselves as Romanians. Although the question of identity and uniqueness of the Vlach community, which was also initiated during the dialogue and harmonization of the content of the Protocol, has been put aside for now, it is clear that it is the key disagreement between the two countries.

The document before you considers two aspects of the bilateral issue related to the position and status of the minority communities between Serbia and Romania: a) legal - the level of respect for human and minority rights of citizens who declare themselves as Romanians in eastern Serbia, as well as the agreements reached so far between representatives of Serbia and Romania over this issue, b) the attitude of Serbia and Romania towards the Vlach community, development of the internal debate within the community about issues related to identity and language, as well as possibilities for the full realization of minority rights under international and domestic legal framework.

The conclusion of this document is that Serbia and its competent institutions have to insist on the implementation of the agreement with Romania, primarily related to education and information in Romanian language, as well as about the right to freedom of religion. It would be desirable that these efforts are not ad-hoc moves, but part of a comprehensive reform process that would result in a strategic approach to minority policy, with the ultimate goal of full integration of minorities in Serbian society, with respect for their rights.

Identity issues of particular communities cannot be the subject of a dispute between states if it does not concern the violation of human and minority rights, and no state has the right to impose the identity on any community. In the case of Vlachs, their right to an identity that is distinct from the Serbian and Romanian (including the right to harmonization / standardization of language and script) is undisputed by

all international standards and the legal framework of Serbia. However, these issues can only be decided by the members of the community, through the widest possible consensus achieved on the basis of an inclusive approach and dialogue. In this process, however, any political influence should be eliminated. Serbia and Romania can help this process by promoting dialogue “in good faith” and accepting its results.

An active dialogue between Serbia and Romania, on this and other issues, is a prerequisite for good relations between the two countries and avoiding misunderstandings. Romania is one of the key economic partners of Serbia, and improving relations with it is an opportunity for the establishment of active cooperation in the wider region. In this regard, significant is the recent initiative to create the so-called “Craiova group” as a regional mechanism that is not focused exclusively on the Western Balkans and which helps the dialogue and relations between the two countries. The process of Serbia’s EU accession is a chance for improved dialogue, and any kind of unprincipled conditioning for the purpose of resolving purely bilateral issues delegitimizes the very idea on which the European Union is founded.

Recommendations

Bilateral relations between Romania and Serbia and the issue of the status of minorities in Serbia

1. The governments of Serbia and Romania should encourage further development of partnership between the two countries through the promotion of political dialogue and economic and cultural cooperation. Romania represents one of the most important economic and political partners of Serbia, and any initiative that goes in the direction of strengthening mutual ties is welcomed. The proposal to establish the so-called “Craiova group” consisting of Bulgaria, Romania and Serbia provides a potentially good framework for regional cooperation with neighbouring countries outside the Western Balkans, and represents an additional platform for both the improvement of bilateral dialogue between Serbia and these two neighbouring countries, as well as for aiding Serbia’s EU accession process.
2. Romania should not use the process of Serbia’s European integration for solving bilateral issues between the two countries. The accession path is primarily a process that involves reconciliation (in case of an earlier conflict), strengthening dialogue and partnership, and any conditioning weakens the reputation and potential of the Union.
3. Romania should not condition Serbia or any other country, with its own interpretations of belonging of other different groups to the Romanian nation or to “the Romanian cultural identity”. Identity and belonging to a collective identity represents a personal choice of individuals, and each individual and group have the right to freely express themselves and to demand from others to respect it.
4. Romania and Serbia need to continue to use the good services of the OSCE High Commissioner on National Minorities, and to implement the already achieved agreements reached with him as a mediator. Both countries should continue engaging in active mutual dialogue and cooperation to improve the situation of minorities, and to promote the work of the Intergovernmental Mixed Commission for National Minorities of Serbia and Romania, by stepping up the meetings, providing technical and logistical support for the commission’s work, and monitoring the implementation of conclusions stipulated in the Minutes.
5. Both countries need to carefully consider the recommendations of the High Commissioner on National Minorities of the OSCE from Bolzano (2008) on the role of parent states in the protection of their nationals residing on the territories of neighbouring countries, as well as the Ljubljana guidelines for the integration of diverse societies (2012) on the manner of integration of minorities’ obligations as

obligations of the majority population. Both documents can serve as guidelines for the advancement of minorities and their integration in the society and the state in which they live, as well as an instrument for improving good neighbourly relations.

Minority legislation and the role of national councils

6. Although Serbia has established an advanced framework for the protection and respect of the rights of national minorities, which in some respects goes beyond international standards, what is missing is a systematically established comprehensive minority policy aimed at full integration of minorities into society. It is therefore necessary that state institutions of Serbia conduct a thorough analysis of the constitutional and legal framework of protection and position of national minorities, in order to establish clear responsibilities of institutions dealing with minorities. The Republic of Serbia should adopt a national strategy for the integration of minorities, which would imply that the measures would lead to greater social cohesion. It is also necessary to improve the coordination between local governments with significant percentages of national minorities and state institutions dealing with minorities, in order to harmonize policies and improve minority-majority relations. It is necessary to encourage the teaching of minority languages and employment of national minorities in state administration.
7. It is necessary to open a dialogue about the status and role of the national councils of national minorities in Serbia, as the institution responsible for the implementation of minority non-territorial self-government guaranteed by the Constitution and laws, as well as for ensuring the integration of national minorities into society. It is also necessary to consider the reform of elections for national councils in order to ensure greater overall representation of minority communities that the councils represent. Also, it is necessary to ensure greater transparency of financing of national councils by classifying them as indirect budget users, as well as the transparency of the financing of national councils and other organizations and institutions provided by parent states. State institutions, representatives of minorities and civil society should also take part in the dialogue.
8. It is necessary to sanction the abuse of the right to registration of minority political parties. It is also necessary to reduce the number of signatures required to register minority lists for the parliamentary elections by changing the Law on Election of Members of Parliament. As far as elections for national councils are concerned, it is necessary to prevent abuse of registration of citizens in the special electoral roll for elections for national councils.

Identity and identity issues

9. Serbia must continue its policy of non-interference over the issue of identity of national minorities, and actively seek that this policy is implemented by all employees in the state administration and local governments. State officials in Serbia should refrain from promoting value judgments about the identity of minorities in public.
10. Serbia has no right to deny free expression of individuals and groups, and should support the free self-identification of members of the Vlach national minority. If a broad consensus is established within the Vlach national minority, they should be entitled to harmonization and standardization of the language through a process of open and broad dialogue with the support of professional, academic organizations and individuals. In the same way, it is entitled to adopt Romanian language as their mother tongue. Therefore, the question of possible harmonization and standardization of the Vlach language concerns exclusively the Vlach minority and Serbia should not interfere in any way other than to provide the conditions for unimpeded and open dialogue with the aim of reaching an agreement within the Vlach community on this issue. Serbia and its institutions, including representatives of the Vlach community should be ready to offer good services and expertise in relation to this issue if such a request should come from the Vlach community.
11. Neither Romania nor any other country should interfere in the issue of selection of the mother tongue of the Vlach national minority (or any other national minority). However, Romania can offer good services and expertise on linguistic issues if representatives of the Vlach community so request, taking into account the ethnic and linguistic closeness between Vlachs and Romanians.

Freedom of religion and religious affairs

12. It is necessary to consider changing the legislative framework concerning the operation of churches and religious communities in Serbia to fully allow the freedom of religion and fully ensure the non-interference of state in church and religious issues.
13. The authorities in Serbia should not let the resolution of the issue of the functioning of the Romanian Orthodox Church in Serbia come down exclusively to its dialogue with the Serbian Orthodox Church, but rather seek support from Romania to stimulate the launching and maintaining of a permanent dialogue between the two sides to find a mutually acceptable solution. Poor relations or even termination of relations between the two churches, to which the majority of believers in both countries belong, will have a negative effect on relations between the two countries; therefore an agreement for both sides should be imperative. During the dialogue

neither Church should insist on specific individuals, if that constitutes an obstacle for achieving compromise.

14. The Serbian Orthodox Church should meet the requests of believers for the introduction of services or parts of services in minority languages. It should also be open for the introduction of services in Romanian and Vlach, wherever there is interest and possibility for that. Serbia, as a multiethnic country should, in dialogue with the Serbian Orthodox Church, support the needs of its believers belonging to minority communities.
15. The issue of permits for the construction of religious buildings should not be linked with the views of one or more of the registered religious communities, regardless of how many followers they have or how influential they are. Construction permits should be issued by municipal services, solely on the basis of current legislation and regulations.

Education, information and other issues related to the Vlach and Romanian national minorities in Serbia

16. The issue of education in the Vlach language is most closely linked to the issue of harmonization / standardization of Vlach language. Upon completion of harmonization / standardization (if this process is carried out) it is necessary to provide technical support to academic institutions in Serbia to draft plans, programs and textbooks for all grades for the school subject "Vlach language with elements of national culture".
17. The Ministry of Education and school boards should ensure that surveys conducted in elementary and secondary schools are carried out on the basis of a single/unified survey form for the whole territory of Serbia, regardless of the area or minorities residing in those areas. School boards must take into account the results of surveys in determining their offers of minority languages.
18. National Councils of the Romanian and Vlach national minorities should actively advocate with school boards the introduction of the minority language with elements of national culture in elementary and secondary schools where there is information that there is an interest of parents and students, in order to include the Vlach and Romanian language in the offer of languages of national minorities in timely fashion.
19. It is necessary that the elective course "Mother tongue with elements of national culture" has a special status in comparison to other elective courses, such as computer science or another foreign language (to avoid overlapping) and to be

incorporated into the timetable in such a way that will allow all students to freely attend.

20. If there is interest, it is necessary to create opportunities for the students attending the course "Vlach language with elements of national culture" to attend the course "Romanian language with elements of national culture", and vice versa. This approach would be desirable since it would mitigate the division that may affect the identity of the community, contribute to the appreciation of the possibility of multi-layered identities and prevent the weakening of regional and cultural specificities of this community.
21. Serbia and local authorities should continue to support the implementation of the agreement between Serbian and Romanian representatives achieved in 2012 with the mediation of the OSCE High Commissioner for Minorities Knut Vollebaek, and to ensure that TV Bor, or some other media house continue to broadcast news program in Romanian and retransmit the program of Radio Television Vojvodina.
22. The process of privatization of media that according to the modified plan of the Ministry of Culture and Information should begin on 1 July 2015 and be completed by November 1, 2015, opened a real danger for the media in eastern Serbia, such as TV Bor or local radio stations that broadcast programs in minority languages to disappear. If these media are not successful in the privatization process, Serbia and local governments should, through sustainable project financing, encourage other media to accept the program schedule of the media in Romanian and Vlach language.
23. Since digitization will make all local electronic media regional (if awarded frequency), the municipalities where there is a significant percentage of citizens belonging to the Vlach national minority, should consider co-ordination of budgetary allocations for projects of the media reporting in minority languages. Through such coordination of allocations, it should be insisted that the media that are granted projects need to invest in raising the level and quality of news programs and production programs in minority languages.
24. Digitalization will enable the public service Radio Television Serbia to broadcast more channels, so it would be appropriate that one of the new channels dedicate a part of its program schedule to minorities. Information programs in languages of numerous national minorities, including the Romanian and Vlach, should be broadcast regularly and on entire territory of Serbia. In case of minorities that have parent countries, Radio Television Serbia should cooperate with those countries to try to retransmit part of the program of their public services, especially content devoted to culture and education.
25. State institutions of Serbia should, in the shortest time possible, be ready to implement all provisions of the law relating to official use of languages and scripts

in the municipalities of eastern Serbia where there are a sufficient number of members of the Vlach and Romanian national minority, including, where such need and possibility exist, communication with local administration and use in court proceedings, issuance of personal documents in minority languages, setting up a multilingual signs/boards etc.

26. In all the municipalities where legally prescribed requirements are met, adequate representation of the Vlach and Romanian national minority in municipal administration, judiciary and the police must be ensured.

Introduction

The complex minority issue in South-East Europe is a product of the region's specific historic heritage and still represents a potential source of instability and a challenge for democratic governments of the states in the region to appropriately implement national and international human and minority rights standards, and formulate policies that will lead to a full integration of minority communities into the society.

Since the end of World War I ethnic issues have been a source of disputes and conflicts between the states in the Balkans, affected by historical, geopolitical, cultural, identity-related and other factors, as was manifest in the recent history of the Western Balkans. After the turbulent nineties and the violent disintegration of socialist Yugoslavia, the independent Republic of Serbia (without the disputed Kosovo territory) is not a mono-ethnic country, with the minorities accounting for more than 16% of the total population according to the 2011 census data. At the turn of the 21st century Serbia adopted a series of reform-oriented laws aimed at facilitating the integration of the minorities into the society, accompanied by guarantees and proactive policies designed to preserve their rights. But the enforcement of these laws and the absence of a comprehensive minority policy faced Serbia with a series of challenges it must rise to on its path to European integration. The issue of Kosovo's status, on the other hand, generates a specific position in some circles of the Serbian elite, which associate the issues of territorial autonomy and minority rights and draw inferences on the possibility of secession of other parts of Serbia's territory.

Romania was also not spared ethnic tensions after the Cold War ended. The Hungarian ethnic minority, concentrated in mostly in Transylvania and border regions of Romania with Hungary, actively claimed respect for its minority rights and even a reestablishment of the Magyar Autonomous Region (which existed from 1952 to 1960); this caused a growing mistrust towards ethnic Hungarians by the majority population and the Government, and even sparked fears of secession.¹ The minority problem grew into inter-state disputes between Hungary and Romania, finally settled by the signing of the Timisoara Treaty (Treaty of Understanding, Cooperation and Good Neighbourliness)² in 1996, which partly resolved the issue; since that time ethnic Hungarians and their representatives play an active part in the country's political system. On the other hand, Romania faced major challenges arising from its autonomy and national independence after World War II. The Soviet Union (USSR) annexed a part of Romania's territory and formed a separate federal republic within the USSR under the name of Moldova. The specific experience drawn from this sequence of historical events, including the creation of a separate Moldovan nation and an attempt at creating a separate language, left

1) See Paul Roe, *Ethnic Violence and the Societal Security Dilemma*, Routledge, 2004, p.145-146

2) See *Treaty of understanding, cooperation and good neighbourliness between Hungary and Romania* (with appendix). Signed at Timisoara on 16 September 1996, internet, [accessed March 12, 2015], <https://treaties.un.org/doc/Publication/UNTS/Volume%201966/volume-1966-I-33604-English.pdf>

a profound imprint on the collective perception shared by all the Romanians of the belonging to the Romanian nation, i.e. the cultural and ethnic elements the Romanian identity comprises. This experience significantly influences Romania's current stance towards Serbia with respect to the minority issue.

Romania and Serbia; Romanians and Vlachs in Serbia

Romania and Serbia traditionally enjoy very good relations, starting as far back as the 19th century. The famous saying about Romania only having two peaceful borders: one with Serbia, the other with the Black Sea is repeated like a mantra at the meetings between the two countries' officials. Despite a cordial relationship, however, there are occasional differences, as witnessed by Bucharest's attempt to make the granting of candidate status to Serbia conditional on the signing of the Protocol (Minutes) of the Second session of the Romania – Serbia Intergovernmental Mixed Commission on national minorities (held on 20 May 2011 in Belgrade). This came as a surprise to the Serbian public, which believed that Serbia had fulfilled all the requirements for being granted the EU candidate status. The reason for this step was, according to Romanian officials, the treatment Serbia reserves to ethnic Romanians/Vlachs in the east of the country.

Although these requests are dominated by legal rhetoric which stresses the respect for human and minority rights in accordance with the international conventions ratified by Serbia, the matter is far more complex and requires a different approach. In this context, this open issue can be divided into two segments:

- 1) Respect for human and minority rights of the Romanian and Vlach ethnic minority in Serbia, pursuant to the international standards, the Constitution and the Serbian statutory framework, giving rise to the issue of identity and right to national self-determination of a specific minority community, in this case the Vlachs and Romanians.
- 2) Divergent understanding of the origin, identity and language of the Vlach community in Serbia.

Romania began to raise the issue of the position and rights of the Vlach minority, and of its equation with the Romanian ethnic minority, back in 2007, after its accession to full membership of the EU (although there are indications that Romania took interest in the matter as early as the 1990s). But the first activities undertaken by Romania to support those who consider themselves ethnic Romanians in Eastern Serbia date back to the first years of the 21st century, right after the signing of the *Treaty between the Federal Republic of Yugoslavia and the Republic of Romania on cooperation in the domain of national minority protection*.³ The broader public became interested in the issue in 2012, when

3) *Law on ratification of the agreement between the Federal Government of the Federal Republic of Yugoslavia and the Government of Romania on cooperation in the field of protection of national minorities*, Official Gazette of Serbia and Montenegro - International Treaties, no. 14, 2004

Serbia's candidacy for full membership of the EU was accepted, and it looks like the topic is going to remain vital in the Serbian-Romanian relationship. The Protocol (Minutes) of the Romania – Serbia Intergovernmental Mixed Commission, signed in Brussels on 1 March 2012, provides for continued monitoring of the position of minorities in countries, fulfilment of the obligations agreed on, and the stepping up of efforts by the Mixed Commission. The political statements that have since reached us from Bucharest, however, still firmly insist on resolving the open issues⁴, with Romania's strong support to Serbia's European integration. Yet it remains unclear how much the concern for the position of the minorities will affect Romania's stance and its support for Serbia's membership of the EU.

Using the EU membership as a lever of influence on a neighbouring country is no novelty, but older EU members increasingly disapprove of such behaviour by other member states bordering on the candidate countries in the Western Balkans. Some EU Member States have several times blocked, or are still blocking, the skipping of steps on the path to the EU. Slovenia blocked Croatia over a territorial dispute.⁵ Greece is still blocking Macedonia over a name dispute. Other than with Romania, the ethnic minorities issue could also prove contentious with other neighbouring EU Member States.

This document will be based principally on the international and national legal framework, and we will therefore treat the two communities, the Vlachs and the Romanians, as separate entities; the use of a name is not intended to express a preconceived notion or a definitive opinion on the degree of difference or resemblance between the groups. We also believe that each ethnic group should have the freedom to self-identify. It will suffice for the purposes of this document to note that there is such a degree of resemblance between Vlachs and Romanians that even among the members of these communities there are those who believe that Vlachs are Romanians, as well as those who claim that Vlachs are a community related to, yet separate from, Romanians.

In other words, we will treat as Romanians those who explicitly declare themselves to be (only) Romanian, while we will treat as Vlachs both those who declare themselves as Vlach (only), and those who claim to be Vlachs/Romanians (taking into account the internal differentiation between the groups, which often overlap). Granted, the

4) In almost every public address in connection with the process of Serbia's European integration and bilateral relations, Romanian officials regularly mention this issue, for example. 2013. Romanian President Traian Basescu criticized Serbia for the position of minorities (Radio Slobodna Evropa August 13, 2013) <http://www.slobodnaevropa.org/content/rumunija-kritikuje-srbiju-zbog-manjina/25074260.html>, or statement by the former Minister of Foreign Affairs Titus Corlătean (b92, March 14, .2013) during a visit of the former Serbian Minister of Foreign Affairs Ivan Mrkić to Bucharest, internet [accessed February 2, 2015] http://www.b92.net/info/vesti/index.php?yyyy=2013&mm=05&dd=14&nav_category=11&nav_id=713555

5) The most drastic example of conditioning was a dispute over the Piran Bay between Slovenia and Croatia, for which Slovenia has significantly slowed the closure of the individual chapters in the Croatian negotiations with the EU. Since then, older members of the EU are very unsympathetic toward this practice, which is probably what prompted Croatian officials, shortly before the country's accession to the EU, to promise that by joining the EU they will not behave in a similar way with other candidate countries.

overwhelming majority of people who declare themselves Romanian in Eastern Serbia do not deny, but rather aver, that they also belong to the Vlach community. Also, in order to distinguish between the Romanian language and Vlach speech/language (which one of the Vlach groups wishes to standardise i.e. normalise/harmonise⁶) we will use the expressions Romanian and Vlach (language), without an intent to express a definitive view on whether or not these are two separate languages.

We will not comment on the questions of ethnogenesis and history of the Vlach community in Eastern Serbia, since this is not vital for the viewpoint from which we wish to examine our main topic, and could open numerous additional issues that could be used in the intra-Vlach debate.

The purpose of this paper is to point out the open issues and their legal aspects and to highlight the state's obligations with respect to human rights and the position of minorities. Another aim is to call attention to the political dimension and motives that may inform policies oriented to finding an acceptable solution. Finally, we wish to offer some recommendations for possible ways to resolve open issues. We would like to emphasise that the objective of a minority policy should be to integrate the minorities into the society while creating the conditions for preserving their independent identity; it should by no means be their segregation or assimilation.

The research on which this study is based was conducted by the research team of the ISAC Fund, and it consisted of qualitative and quantitative analysis of available sources, as well as a series of interviews that the team members performed in Brussels, Bucharest and eastern Serbia.

6) The exact term in Serbian is “normiranje”, which is translated to English as harmonization of language.

1. Romanians and Vlachs as minority communities in Serbia and Romanian-Serbian relations – an overview of a bilateral issue

1.1 Serbian-Romanian Bilateral Relations

Since the official independence of both states from the Ottoman Empire at the Berlin Congress in 1878, Romania and Serbia have been cultivating good neighborly relations. Official diplomatic relations were established in 1879, although the first representatives for communication existed long before independence, during the first government of Prince Milos Obrenovic (1815-1839) in Serbia. The level and the importance of relations between the two countries are reflected in the fact that even two queens of Serbia / Yugoslavia were the Romanian noblewoman: Queen Natalija (Kesko), wife of Serbian King Milan Obrenovic and Queen Mary (Hohenzollern-Sigmaringen), wife of King Aleksandar Karadjordjevic of Yugoslavia.

After World War II, relations between Romania and the Kingdom of SHS were briefly strained over the issue of Banat. Successful diplomatic action produced an agreement on the division of the territory, where a larger part, including Timisoara was given to Romania. Also, out of fear of Habsburg restoration in Austria and Hungary, as well as a possible future Hungarian attempt to revise the Treaty of Trianon (which divided the territory of pre-war Hungary in 1921), the Kingdom of SHS and Romania maintained very close relations. Already in 1920 an agreement on an alliance was signed that has become part of a network of bilateral agreements between the Kingdom of SHS / Yugoslavia, Czechoslovakia and Romania as a base of the defense-political alliance of these three states, later known as the Little Entente. The alliance was cemented by already mentioned dynastic marriage between the Romanian and Yugoslav royal family in 1922. The signing of the Covenant of the new reorganization on the conference in Geneva in 1933 Little Entente was established as a formal tripartite alliance with common institutions, After the assassination of King Aleksandar Karadjordjevic in Marseille in 1934 and the increasing influence of Nazi Germany, the alliance broke up in 1938.

After the war, relations between the two countries went upward, until the Informbiro Resolution in 1948 and the split between Yugoslavia and the USSR. Romania, as one of the countries under Soviet control, had sharpened relations with Yugoslavia. After the death of Stalin, relations significantly improved, especially in the early 1960's when the construction of the Djerdap hydroelectric power plant system on the Danube began, as the Yugoslav-Romanian joint venture. However, the two countries, although similar in outer manifestation of their "separate road to socialism" (i.e. independence or autonomy from the Soviet Union) are quite different in their internal policies. Under Nicolae Caeausescu Romania had suffered heavy economic and political crisis, which ended in 1989 revoltion and execution of Caeausescu.

In the early nineties, Yugoslavia split apart in a bloody conflict and Romania found itself in a difficult situation, because it was trying to maintain good relations with the Federal Republic of Yugoslavia (FRY) primarily because of economic interests. Due to the heavy losses of their economy (estimates are between 7 and 8 billion US dollars), as well as a desire to minimize the humanitarian disaster in Yugoslavia, Romania has actively lobbied the Western partners to ease sanctions against Serbia.⁷ The signing of the Dayton Agreement and the removal of UN sanctions on the FRY, created a climate for improving relations. The two countries signed the *Agreement on friendship, good neighborly relations and cooperation* between the Federal Republic of Yugoslavia and Romania in 1996.

With the arrival of President Emil Constantinescu to power that same year, Romania took a decisive stance towards European and Euro-Atlantic integration, which included tougher attitude towards the Milosevic regime in Serbia after the outbreak of the crisis in Kosovo. During the NATO military intervention in Yugoslavia in 1999, Romania ceded its airspace to planes of the Western Alliance who participated in the intervention.

Relations between the two countries have been improving since 2000. To date, Romania and Serbia have signed 119 bilateral agreements, which places Romania in the second place in terms of agreements with Serbia in relation to other neighbors of the Republic of Serbia.

As already mentioned, in 2002 the *Agreement between the FRY and Romania on cooperation in the field of protection of national minorities* was signed and ratified. This agreement established the Intergovernmental Mixed Commission for National Minorities of Serbia and Romania. Co-Chairs of the Commission are Bogdan Aurescu, Romania's Foreign Minister and Zoran Masic, State Secretary in the Ministry of Education of the Republic of Serbia. However, the Commission rarely meets, and since ratification of the agreement only two meetings were held, the last one in 2011.

The issues of national minorities or the position of the Romanian minority in Serbia and the issue of religious freedom are the only open issues between the two countries. It should be noted that one of the demands of Romania since the early 2000's, was the opening of the Consulate of Romania in Zajecar. The Consulate was finally opened in January 2012.

Romania has supported Serbia in its efforts to preserve the territorial integrity and sovereignty, and is one of five countries in the EU that have not recognized Kosovo's declaration of independence in 2008. This position is strongly supported by most Romanian officials, including former President Traian Basescu. However, since 2013, from the moment the Brussels agreement between Belgrade and Pristina was concluded, mediated by the EU, the current Prime Minister of Romania Victor Ponta has repeatedly

7) Christoffer M. Andersen, *Romania's Response to the Dissolution of Yugoslavia*, Final term paper, Central European University, 2006, p. 6

stated that there is a possibility for the recognition of Kosovo.⁸ Ponta has reiterated this position at the end of May 2015, by “noting that a lot has changed, including the governments”.⁹

There are relatively regular mutual visits at high level between the Prime Ministers of the two countries, as well as regular visits by Ministers of Foreign Affairs. Only in 2014, the Prime Minister of Romania has visited Serbia twice, in July and November. At the meeting held on July 2014, Victor Ponta stressed that “Romania will be the most decisive advocate for Serbia for its membership in the EU”.¹⁰

Of particular importance was the announcement of formation of so-called Craiova group. In fact, in April 2015 during the trilateral meeting of Prime Ministers of Serbia, Bulgaria and Romania in the Romanian city of Craiova, Victor Ponta has proposed the creation of an informal mechanism of cooperation inspired by the Visegrad Four (consisting of Poland, Hungary, Czech Republic and Slovakia). The priority is political cooperation aimed at overcoming misunderstandings and mutual support of Bulgaria and Romania to Serbia on its path towards the EU. Other priority areas are cooperation in the field of energy (i.e. ensuring security of supply of electricity), transport and infrastructure.¹¹

Relations are also improving in other areas. Romania and Serbia are participating in several regional multilateral structures, including: The process of Cooperation in South East Europe, the Organization for Black Sea Economic Cooperation, Central European Initiative etc. It is significant to mention that Romania, along with Bulgaria, has made a political favor to Western Balkan countries, participating in the expansion of the Central European Free Trade Agreement (CEFTA) to the Western Balkans and Moldova in 2006, and thus neutralized political connotations that have arisen in some of the former Yugoslav republics about (partial) restoration of the Yugoslav territory by the EU through the free trade zone of the Western Balkans.

In the cross-border cooperation programs between Serbia and Romania through the Instrument for Pre-Accession Assistance (IPA) 5 districts in Serbia are participating (North Banat, Central Banat and South Banat in Vojvodina and the Bor and Branicevo counties in eastern Serbia) and 3 counties in Romania: Timis, Caras-Severin and Mehedinti.

8) „Ponta: I am in favor of a rapid recognition of Kosovo. Băsescu is more cautious than I am“, Antena.ro, June 4, 2013, internet [accessed February 13, 2015], <http://www.antena3.ro/en/politics/ponta-i-am-in-favor-of-a-rapid-recognition-of-kosovo-basescu-is-more-cautious-than-i-am-216731.html>

9) „Romania “could recognize Kosovo” – PM“, B92 Internet portal, internet [accessed February 13, 2015] http://www.b92.net/eng/news/politics.php?yyyy=2015&mm=05&dd=27&nav_id=94248

10) „Vučić: Srbija očekuje podršku Rumunije na evropskom putu“, Blic online, July 17, 2014, internet [accessed February 13, 2015], <http://www.blic.rs/Vesti/Politika/481197/Vucic-Srbija-ocekuje-podrsku-Rumunije-na-evropskom-putu>

11) „Bulgaria, Romania, Serbia Establish Craiova Group for Cooperation, Novinite, April 24, 2015, internet [accessed May 14, 2015], <http://www.novinite.com/articles/168120/Bulgaria,+Romania,+Serbia+Establish+Craiova+Group+for+Cooperation>

Romania is one of the most important economic partners of Serbia. Economic exchange between the two countries recorded a remarkable growth, and Serbia's export to this country is constantly growing from less than \$ 200 million in 2005 to 934.7 million in 2012 and USD 854 million in 2013.¹² Since 2009, imports from Romania are covered by the Serbian export to Romania, that is, Serbia has constant surplus.

Serbia and Romania jointly manage the Djerdap hydro system, which makes them important partners in the energy sector, and according to ISAC sources, in future the cooperation could be extended to cooperation in connection with the transport of electricity, oil and gas (interconnection). In 2014 the prime ministers of the two states Victor Ponta and Aleksandar Vucic agreed on the construction of the highway Belgrade - Timisoara. As for Romanian investments to Serbia, they are quite small and in the period 2005-2012 the "net cash investments amounted to 38.1 million euros."¹³

1.2 Vlachs and Romanians as minority communities in Serbia

Romanians and Vlachs are officially two separate minority communities living in Serbia, whose national minority status has been officially recognised. Both Romanians and Vlachs have their national councils, institutions that, under the law, have a remit in four areas of non-territorial minority autonomy: culture, education, information and official use of language and alphabet. These institutions are elected every 4 years, pursuant to the *National Minority Councils Act* (adopted in 2009 and amended in 2014); in both communities the national councils are elected in an open election, based on the registration of voters in the national minorities' electoral register. In addition, since 2004 Serbia has transferred to the national councils the right to establish and manage cultural, information and educational institutions of particular importance to national minorities.¹⁴

The Romanian ethnic community is one of the oldest recognised national minorities. According to official census data, the Romanian national minority is for the most part settled in the Autonomous Province of Vojvodina (AP Vojvodina), i.e. in the part of the historic Banat region located within the Serbian borders. This territory was ceded to Serbia, i.e. Yugoslavia, in late 1918; Romanian was subsequently, after World War II,

12) Economic cooperation: Serbia and Romania, Serbian Chamber of Commerce, internet [accessed May 14, 2015] <http://www.pks.rs/MSaradnja.aspx?id=50&p=1&pp=0&>

13) Ibid

14) Even though the automatism of transfer of rights was challenged by the Constitutional Court of Serbia in 2014, the founding rights already transferred remained intact. Also, by law, national councils have the right to establish educational and cultural institutions, while according to the new Law on Information institutions financed from the budget cannot be founders of the media, but can finance their projects by means of public tenders. However, the law leaves room for national councils to be founders of foundations that can then be founders of the media.

recognised as one of the official languages in the AP Vojvodina. The end of the Milošević era, the adoption of new statutes governing minorities, and particularly the signing of a bilateral treaty on minorities protection between Serbia and Romania in 2002, ensured the continuation of implementation of policies promoting the Romanian culture and identity. The national council was established in 2002. However, since that time there has been an ongoing debate on whether the council should also include Eastern Serbian Vlachs, and in what proportion.

A major part of Eastern Serbia, the territory inhabited by Vlachs, has been an integral part of Serbia since it was officially granted autonomy within the Ottoman Empire in 1830, or, in case of the Timok Frontier, since 1833. Early censuses (since 1859) routinely list Vlachs as an ethnic group, until in 1884 they are first recorded as Romanians. The 1921 census taken in the Kingdom of Serbs, Croats and Slovenes (Kingdom SCS) only listed the religious denomination and native language of the population, the latter including a possible choice between Romanian and Aromanian.¹⁵ The first census taken after World War II includes two parallel categories, Romanians and Vlachs, the first group populating mainly Vojvodina, specifically Banat, and the second for the most part inhabiting Eastern Serbia¹⁶. Although in subsequent censuses the number of Vlachs dramatically drops while the number of Romanians remains relatively steady, the fact that the option was provided to choose between these two nationalities denotes a demarcation between the two communities. They have appeared in all subsequent censuses on an equal footing. It should be stressed that during communist Yugoslavia Vlachs were only treated as an ethnic group, but there was no political commitment to maintain their identity, so that it can be inferred that the group was partly assimilated into the majority population.

The number of Vlachs has been increasing in the censuses taken from 1971 on. The first elections for the Vlach national council were held in 2006, and the council was officially registered in 2008. But already the first national council saw bitter disputes arising between the members of the community representing opposing views on the Vlach identity and language.

1.3 Status and respect for minority rights – Serbian-Romanian relationship

The legal framework for mutual cooperation between Serbia and Romania in the area of minority protection was created by the signing and ratification of the *Treaty on Friendship, Good Neighbourliness and Cooperation between Romania and the Federal Republic of Yugoslavia* signed in 1996, subsequently amended by the *Agreement on cooperation in the Field of Protection of National Minorities*, signed in 2002 (ratified

15) Final results of the population census of January 31, 1921, internet [accessed December 2, 2014], <http://pod2.stat.gov.rs/ObjavljenePublikacije/G1921/Pdf/G19214001.pdf>

16) Population by nationality – census taken on March 15, 1948, internet [accessed December 2, 2014], <http://pod2.stat.gov.rs/ObjavljenePublikacije/G1948/pdf/G19484001.pdf>

in 1997 and 2004, respectively). The second agreement established a Romania – Serbia Intergovernmental Mixed Commission on Protection of National Minorities, whose purpose is to consider the matters covered by the Agreement and issue any recommendations on the „steps required for the exercise of the rights by national minorities and the protection of their identity“. According to the Agreement, the Commission is to meet once a year, but it has only had two sessions in the period 2004 - 2015.

There are two aspects relating to the open issues:

- 1) status and rights of the Romanian national minority in Serbia;
- 2) issues relating to the Vlach national minority in Serbia, i.e. the question of whether they belong to the „Romanian cultural identity“ or constitute a partly or entirely separate minority relative to the Romanians, characterised by its own identity, language and culture.

The first aspect mainly concerns the compliance with the standards laid down by the national laws and international standards, where some of the main issues raised are the following: insufficient number of Romanian minority representatives in municipal administration bodies, courts and police, insufficient number of teachers and available textbooks. In addition, official Bucharest believes that Serbia should devise a system that would allow minorities to be directly represented in the Serbian National Assembly.

The other aspect concerns the status of the Vlach national minority, mainly concentrated in the east of Serbia, between the right bank of the Morava River and the Romanian border. Romania believes that ethnic Vlachs do not exist, i.e. that they form part of Romanian ethnic stock. However, due to the specific historical heritage and political views on the issue of Romanians living outside Romanian borders, which we will consider in one of the following chapters, Romania allows the minority which it believes belongs to the „Romanian cultural identity“ to use a different ethnonym (i.e. does not force them to call themselves Romanians), nevertheless insisting that this minority cannot have a standardised language separate from Romanian, or a cultural heritage treated separately. Romanian officials have reiterated in numerous statements that the Vlach minority in Serbia forms part of Romanian ethnic stock, particularly vulnerable to assimilation.¹⁷

However, as the international standards, Serbian laws and the bilateral agreement treat the issue of identity as a matter of individual choice, states have no right to interfere or impose identities on individuals, as confirmed by the Protocol (Minutes) of the second session of the Intergovernmental Mixed Commission and other documents published

17) For example, statement of the former Romanian president Traian Basescu of August 13, 2013; „President of the Romania: Serbia still has many stpes to go before becoming a democratic country“, Blic online, August 12, 2013, internet [accessed November 25, 2014], <http://www.blic.rs/Vesti/Politika/398622/Predsednik-Rumunije-Srbiji-treba-jos-mnogo-koraka-da-bi-postala-demokratska-drzava>

by the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE).

Thus Romania's public policy since 2012 has been focused on inadequate implementation, lack of implementation or even intentional obstruction of Serbian laws governing human and minority rights of the Serbian Vlach community members declaring themselves as Romanians. Their complaints concern the following:

1. being prevented or hampered in forming primary and secondary school classes offered the possibility to attend classes in Romanian where the prerequisite conditions exist;
2. insufficient opportunities to obtain information in their native language;
3. obstruction of their freedom of worship;

and, particularly, outside the scope of human and minority rights, the twin issues of the influence of political parties on minority councils, in this case Vlach national council, and minority representation in the Serbian National Assembly, referred to above.

All these points will be discussed in detail in the following chapters, as well as the issues related to position and identity of the Vlach community.

2 Romanian view of eastern Romance minorities and their languages in South-East Europe

The Romanian position on the Romance minority groups speaking eastern Romance languages in South-East Europe is largely shaped by the history of Romanian state formation, specific experiences during and after World War II and the relationship with the Republic of Moldova after the Cold War in Europe, and the fate of eastern Romance minorities throughout the Balkans. This position somewhat dictates Romania's approach to Vlachs and Romanians in Serbia and to Serbia's policies towards the two minority groups. We use the term eastern Romance groups to denote groups of Romance population in the Balkans, and the term eastern Romance languages to denote their languages, without an intent to express a definitive view on whether these groups consider themselves to be ethnic Romanians or not, or whether they consider their language to be a dialect of the standard Romanian language or a separate language.

2.1 Eastern Romance minorities in South-East Europe and Romania's position - short historical overview

Eastern Romance languages have survived in some parts of the Balkan Peninsula, mainly mountainous regions, due to isolation and absence of mixing with other language groups. It can be safely assumed that these languages were once widely spread, but have been lost due to continuous contact and mixing with other languages. Populations that used to speak them mainly did not have a sufficiently developed ethnic or national awareness to identify themselves as separate ethnic groups. A key factor in self-identification, practically until the end of the 19th century, was religious denomination, which in cases of these groups was usually the same as that of the ethnic groups surrounding them. The members of these groups supported the emancipation of the Balkan nations and often formed an important part of their elites, as was the case in Greece, Albania and Serbia. The identity they assumed in public was usually that of their surroundings, while the mother tongue and customs were mainly preserved in the home, and gradually lost over time. It can therefore be safely assumed that eastern Romance languages were far more widely spread in the Balkans a century ago than they are today.

The only part of South-East Europe where an eastern Romance language – Daco-Romanian imposed itself as dominant was the territory of today's Romania. The formation of the principalities of Wallachia and Moldavia in the 13th and 14th centuries marked the creation of the two political entities on which today's Romania was built. Although vassal states during the Ottoman period, Wallachia and Moldavia managed to preserve their internal identity. The two states united at the beginning of the second half of the 19th century, first through a personal union by electing a common ruler, and

then also formally, taking the common name Romania. The national awakening that took place in the 19th century apparently brought a widely spread awareness of Romania's specific role in the protection of the minorities speaking eastern Romance languages (which Romania treats as the official dialects of its standard language) throughout South-East Europe. These were primarily Aromanians (Tsintsars) and Megleno-Vlachs (Megleno-Romanians), as well as various groups called Vlachs and similar names.

These activities were particularly intensive in the territory of Ottoman Macedonia and parts of Albania, which, from the 1878 Berlin Congress to the 1912-1913 Balkan Wars, served as the preferred territory for the Balkan states competing for influence over the population living in the region. Romania pursued an active policy of support to Aromanian schools and churches. Ties had been forged earlier and many members of these minority groups were in touch with Romanians in the territory of Wallachia and Moldavia, forming a basis for concrete political actions Romania subsequently took to protect them. These actions were not entirely unilateral, but were frequently taken at the request of the minority groups themselves, which saw Romania as the natural protector of their interests.¹⁸ However, Romanian policy's principal attention was focused on providing support to Romanians living in the then Austria-Hungary, that is parts of the Banat, Transylvania and Bukovina regions, as well as Bessarabia (mainly the territory of today's Moldova), which was a part of the Russian Empire.

After World War I, Romania expanded significantly to the regions of Austria-Hungary and the Russian Empire inhabited mainly by Romanian population, integrating into it a large number of ethnic Hungarians, concentrated mostly in central Transylvania. The activities aimed at supporting eastern Romance minorities were mainly focused on the position of Aromanians in Greek Macedonia, Albania and Bulgaria. Thus, for instance, a large number of Aromanians were, mostly due to economic difficulties, relocated to Romania in the period starting from the signing of the Lausanne Peace Treaty between Greece and Turkey and ending with the beginning of World War II.¹⁹

The course of World War II itself dramatically changed Romania's situation. At the end of the war, Romania was forced to cede Moldavia (as Bessarabia was called since 1815) and parts of Bukovina and Dobrogea. Liberated by the Soviet Union army, Romania becomes a part of the Soviet sphere of influence, which subsequently evolved into the Eastern Bloc. Due to highly polarised international relations, Romania was not in a position to pursue an active policy of support to eastern Romance communities in South-East Europe.

The possibility to adopt a new and more active policy opens up with the fall of the Iron Curtain. At the beginning, Romanian policy focused on the possibility of unification or cooperation with the Republic of Moldova, as well as the internal issue of the position of

18) Alexandru Gica, „The Recent History of the Aromanians in Romania“, in *Society Farsarotul Internet portal*, internet [accessed December 2, 2014] http://www.farsarotul.org/NL31_1.htm#_ftn3

19) Ibid

the Hungarian national minority. A more active engagement in Serbia begins in the early 2000s, after the fall of the Milošević regime.

2.2 Romania's minority policy – short overview

Romania's minority policy is grounded primarily in its Constitution (adopted in December 1991), i.e. its following Articles: Article 6 „Right to Identity“ by virtue of which Romania recognises the right of national minorities to „the preservation, development and expression of their ethnic, cultural, linguistic and religious identity“; Article 32 „Right to Education“ which grants the national minorities the right to be educated in their mother tongue; Article 62 (formerly Article 59) „Election of the Chambers“, which lays down that all recognised minorities have the right to one deputy seat each in the Parliament (Chamber of Deputies), if they fail to obtain the required number of votes for representation; Article 73 (formerly Article 72) „Legislative Scope“ sets out that, among others, an organic law regulating national minorities will be passed (it has not been until this day). The Constitution was amended in October 2003 by adding Articles 120 „Basic Principles of Public Administration“ and 128 „Use of Mother Tongue and Interpreter in Court“. In 1995 Romania signed the Framework Convention for the Protection of National Minorities of the Council of Europe.

Although it does not have an all-encompassing law governing national minorities, Romania regulated their rights by separate statutes – the Education Act, Public Administration Act, Elections Act, Police Act and others. In addition, the 90s and the beginning of the 2000s saw the establishment of the government's Council of National Minorities, the Department for the Protection of National Minorities, the Ombudsman and the National Council for Combating Discrimination.

The official use of minority languages is permitted in all municipalities where minorities present 20% of the population; they thus have the right to address the public administration bodies and receive the response in their mother tongue and to be informed in their mother tongue; further, the representatives of local authorities are entitled to use their mother tongue at official meetings. In addition, all signs in these municipalities must be in both Romanian and the language(s) of the national minorities exceeding 20% of the population in the relevant municipality.

As an organic National Minorities Act has not yet been adopted, the Election to the Romanian Parliament (Chamber of Deputies and Senate) Act practically defines what ethnic groups, other than Hungarians, Romania recognises as national minorities, which have the right to establish organisations (in the form of non-governmental minority organisations, and not political parties) participating in the elections. There are a total of 21 of them, namely Albanians, Bulgarians Croats, Greeks, Armenians, Germans, Italians, Poles, Roma, Lipovans or Lipovan Russians, Serbs, Czechs, Slovaks, Tatars, Turks, Ukrainians, Macedonians and Ruthenians. The Act is among the most liberal in

Europe when it comes to the right of the minorities to be represented in the national parliaments²⁰, and the number of recognised minorities keeps growing.

2.3 Romanian policy towards eastern Romance groups inside and outside Romanian borders

Romanian position on the eastern Romance minorities issue has been finally determined in the Law on the support granted to the Romanians living abroad (also known as the Law on support to Romanians everywhere). The Law was adopted in 2007, entered into force in 2009, and was finally amended to its current content in 2013. The Law stipulates Romania's support to emigrants or their descendants residing abroad, or those Romania considers to be a Romanian minority in the countries of South-East Europe. The Law lays a foundation for Romania's foreign policy action in the context of support and protection of those the country believes to be a part of its nation although they live outside Romanian borders.

The Law defines the groups official Bucharest considers as Romanians, or, as Article 1 states, „those belonging to the common Romanian linguistic and cultural stock regardless of what they are called“, and then provides an exhaustive list of the groups considered Romanian living abroad: Aromanians, Bessarabians, Bukovinians, Cutzo-Vlachs, Daco-Romanians, Farsherots, Hertzans, Istro-Romanians, Danube Latins, Macedo-Romanians, Maramures natives, Meglenites, Megleno-Romanians, Moldovans, Moldo-Vlachs, Rromanians, Rumanians, Wallachians, Vlachs, Volons, Macedo-Armans, „as well as all the other lexical forms semantically related to those above“²¹.

Thus all the minority groups in South-East Europe speaking eastern Roman languages have been officially recognised as a part of Romanian ethnic stock. This also eliminates the possibility of any of these groups, and primarily Aromanians, being recognised as a minority that sufficiently differs from the majority nation to be granted official national minority status in Romania (see sidebar).

Further, paragraph 2, point a) stipulates that persons belonging to national minorities, linguistic minorities and other ethnic groups living in the neighbouring countries are also considered to be Romanians, regardless of the ethnonym used to describe them. This recognises the factual situation in the field, i.e. the existence of groups using different ethnyonyms, which Romania considers as part of its stock, and provides Bucharest with the freedom to take proactive steps regarding these minority groups in South-East Europe. Article 3 defines the international legal framework for the activities

20) Dr. Oleh Protsyk, *Representation of minorities in the Romanian parliament*, PU and UNDP, Mexico, 2010, internet [accessed December 2, 2014] <http://www.ipu.org/splz-e/chiapas10/romania.pdf>

21) Law no. 299/2007 on support to Romanians living abroad

official Bucharest may undertake in the future, which are based on: bilateral treaties, the Framework Convention for the Protection of National Minorities of the Council of Europe, the Report on the Preferential Treatment of National Minorities by Their Kin-State, and the recommendations issued by the OSCE Office of the High Commissioner on National Minorities and its activities. The implementation of the Law is based on the principles of territorial sovereignty, good neighbourliness, reciprocity, *pacta sunt servanda*, respect for human rights and fundamental freedoms and non-discrimination (Article 2).

Article 4 of the Law, however, set out a framework for the steps Romanian authorities are „obliged“ to take, the following among them being of most interest:

- Maintain, affirm and promote ethnic and cultural, linguistic and religious identity of the Romanian minorities;
- Foster ties between the Romanian minorities and their kin-state by providing an „appropriate framework to uphold the identity and specifically Romanian spirituality“;
- Support cultural organisations and associations of Romanian minorities with the aim of promoting Romania among the members of the Romanian minority groups;
- Support vulnerable and endangered Romanian communities threatened by assimilation or a significant and continuous shrinking in numbers; and
- Set up a legal and institutional framework that will allow Romania to act in the interest of these minorities.

In addition, Article 5 of this document defines the level of rights individuals having freely declared that they assume the „Romanian cultural identity“ (through the defined procedure) may claim from Romania. These include the right to study at Romanian universities, improve their Romanian language skills, and knowledge required to culturally and scientifically affirm their Romanian identity, request financing to purchase textbooks and books in Romanian, support media programmes in Romanian, reconstruct and build religious and educational institutions, etc.

The Law also sets out the institutional mechanism implementing the foregoing objectives and obligations.

Throughout the text the emphasis is put on international and European standards and the territorial sovereignty of the states in which the foregoing groups live. This certainly stems from Romania’s specific situation, arising from interstate tensions between Romania and Hungary during the 1990s over the position and status of the Hungarian national minority in Romania. But the Law allows Romania to pursue a more aggressively active policy of protection of the Romanian national minority and the groups related to Romanians than similar statutes allow other countries. On the other hand, such policy puts into question the freedom of personal choice granted to all these groups Romania considers to be a part of the „Romanian cultural identity“.

Case study: Official Bucharest's stance towards the Aromanian community (the so-called Tsintsars) in Romania and other South-East Europe countries

In the context of the respect for the rights of the national minorities in Romania, it should be noted that such rights are not recognised to groups speaking eastern Romance dialects inside Romanian borders. The most obvious example is that of the Aromanian community (sometime referred to as Tsintsars in Serbia and Macedonia). The community was once widely spread in the territories of today's Albania, Bulgaria, Greece and Macedonia, and, to an extent, Serbia. In the early 20th century, after the 1923 Lausanne Peace Treaty ended the Greek-Turkish war, there was a significant emigration of Aromanians from the territory of today's Greece (and, partly, Albania and Bulgaria) to Romania. Due to the fact that most emigrants were settled in the same region in Romania, the Aromanian dialect and identity were partly preserved to this day. Although a large number of people, around 25,000 or more according to some estimates, declare themselves as Aromanians, they are not officially recognised the minority status in Romania, nor are they included in the official statistical census data. The members of the community are divided among themselves, as a large number of them identify as Romanians and mainly define their membership of the Aromanian community through their belonging to a specific cultural and historical heritage. There is thus a fundamental disagreement within the community itself around its future status. In a way this reflects the division within the wider Aromanian community in South-East Europe during the first half of the 20th century (in Greece – the division between pro-Greek and pro-Romanian Aromanians; in Albania – the split between pro-Albanian and pro-Greek Aromanians, etc.).

In 1997 the Council of Europe issued Recommendation 1333 on the Aromanian Culture and Language, inviting the Balkan states to help preserve the Aromanian language and culture, through support to education and media in Aromanian, religious services in Aromanian and support for the group's cultural associations. The Recommendation also includes a series of concrete measures proposed to the Balkan states in order to achieve the foregoing objectives.

In April 2005, a group surrounding the Aromanians Association in Romania, which claims to have around 7,000 members (significantly more than some of the officially recognised national minorities in Romania), initiated the procedure to obtain the national minority status. However, as the initiative was rejected by the administration, the group instituted a proceeding against the Romanian Government before the European Court of Human Rights. In the 2007 Law on Romanians Everywhere, Romania annulled the Aromanian community's right to launch initiatives to be recognised as a national minority. It is also interesting to note that some Aromanian communities outside Romanian borders, such as the one in Macedonia (which is recognised as a separate national minority) accept support from official Romania in the context of education and culture, for the purpose of preservation of the community. However they do not recognise Romanian identity as being identical to the Aromanian and hence do not entirely recognise their own belonging to broader Romanian ethnic stock.

Overview of Moldovan-Romanian relations and Romania's influence on other eastern Romance groups

It seems that Romania's view of the position of the Romance minorities in South-East Europe was largely affected by its relationship with the Republic of Moldova, i.e. the evolution of a separate Moldovan identity. A major part of today's Moldovan territory split from the territory of the principality of Moldavia and was annexed to the Russian Empire by the signing of the Bucharest Peace Treaty in 1812, forming a new territorial unit the Russians named Bessarabia, after a part of the annexed territory. This created the foundation for the policy of Russification of the population in the region and a subsequent construction of Moldovan identity.

With the February Revolution in 1917 Russian control of the region began to dissolve and after an initial indecision, a union with Romania was announced in 1918 with the backing of the Romanian army. Furthermore, the Trianon Treaty redistributed Erdely – Transylvania – and a part of Banat, formerly territories of the Kingdom of Hungary, to Romania, which then went on to gain Bukovina by means of the Treaty of St. Germain, thus creating between-the-wars Romania, also called the Greater Romania (Romania Mare).

The Secret protocol to the Molotov-Ribbentrop Pact on non-aggression between the Soviet Union and Nazi Germany in 1939 provided for the carving up of the two countries' zones of influence in Eastern Europe, ceding Moldova/Bessarabia to the USSR as a sphere of interest. After the ultimatum issued by Moscow to the Government in Bucharest in 1940, the territory of Bessarabia was ceded to the Soviet Union, which established, adding to it other smaller territories, the Moldovan Soviet Socialist Republic, which it held onto after the war. It is precisely the Soviet policy of de-Romanisation, i.e. Moldovisation of the population in Moldova and Ukraine that contributed to forging the Moldovan identity. A particular role in this policy was played by the introduction of the Cyrillic alphabet (following the Russian model, rather than the old 19th century Romanian) as the official alphabet instead of the Latin used by Romanians in Romania, which was kept until 1989. However, since Romania was a member of the Warsaw Pact and a de facto Soviet Union satellite, the issues of unification with Moldova, language and identity were rarely raised.

Only after the Soviet Union crumbled were the conditions created for a warming of relations and a potential unification, which, however, never materialised. A series of events, in which the key role was played by the Popular Front, an opposition movement which practically took power after the single-party election held in March 1990, led to the declaration of Moldovan sovereignty. The Popular Front members actively promoted the unification of Moldova and Romania in 1990. But the nationalist ideas disseminated by the Front led to a nationalist backlash in Gaguzia and Transnistria, which declared their independence as early as the second half of the same year. This caused the leading members of the old communist elite, including the first Moldovan President, Mircea

Snegur, to act with more caution and take a more pro-sovereign stance not levelled at the unification of „Bessarabia with Romania“. Although the first signals coming from Moldova went in this direction (explicit mention of Romanian as the language of the citizens of Moldova in its Declaration of Independence, adopting the same national anthem as Romania and a virtually identical flag with the Moldovan coat of arms), the victory of Snegur as an independent candidate at the presidential elections and his subsequent adherence to the pro-sovereignty Agrarian Party, as well as the outbreak of a war in Transnistria, put a stop to the unification movement. The Transnistrian conflict boosted the Russian influence in the country, additionally stifling the unification tendencies. On the other hand, in a gesture opening a path for reunification, the Romanian Parliament adopted on 28 June 1991 a declaration proclaiming all the territorial changes resulting from the secret protocol to the Molotov-Ribbentrop Pact null and void. This was followed by the adoption of the Citizenship Act, recognising the right to Romanian citizenship to all those whose citizenship was withdrawn against their will, and their descendants up to the third degree.

Also, Romania was the first country to recognise Moldovan independence and introduce a simplified visa regime for Moldovan citizens travelling to Romania, and the only country that supported Moldova in the Transnistria civil war.

In 1994 Moldova held a referendum at which the citizens declared themselves in favour of a sovereign Moldova, putting a stop to the early unification movement. This was followed by the adoption of a Constitution defining Moldovan as the official language (although this never took root in practice). The Romanian side continued to pursue a „single nation in two states“ policy. Moldova has since been balancing between the EU and Russia, through some sort of neutrality that was never fully formed.

This divide materialised on the religious plane in the 1990s with the re-establishment of the Bessarabian Metropolis within the Romanian Orthodox Church (ROC), operating simultaneously in the same territory with the Chisinau Archdiocese of the Russian Orthodox Church. The co-existence of two metropolises led to the politicisation of the issue, until the Bessarabian Metropolis was officially recognised by the authorities following a 2002 judgment by the European Court of Human Rights adjudicating the claim filed by the Bessarabian Metropolis against Moldavia.²²

The minority policy in Ukraine, particularly the Budjak region, where the local eastern Romance population has separated into two groups, one identifying as Moldovans and the other as Romanians, additionally complicated matters for official Bucharest

22) See Case of Metropolitan Church of Bessarabia and others v. Moldova - 45701/99, The European Court of Human Rights, 27.03.2002, internet [accessed March 15, 2015], [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59985#{"itemid":\["001-59985"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59985#{) for more about the whole case see Lucian Turcescu, Lavinia Stan, *Church-state conflict in Moldova: the Bessarabian Metropolitanate*, Elsevier Ltd, 2003, internet [accessed March 15, 2015] https://www.academia.edu/183570/Church-State_Conflict_in_the_Republic_of_Moldova_The_Bessarabian_Metropolitanate

Under the pro-Russian President Vladimir Voronin, Moldova continued to keep a distance to the idea of a possible unification with Romania. It also took a series of steps to further establish Moldovan identity as separate from Romanian. Romania continued to recognise the right to citizenship to the majority of Moldovan citizens.

The election of Traian Basescu as President of Romania in 2004 marked the strengthening of the Romanian-led initiative for the two countries to unify.

Only after the parliamentary elections in 2009, followed by civil unrest due to „electoral fraud“, a space has opened for the beginning of a new era in the relations between the two countries. The protests were sparked by the preliminary results of the election in which Moldovan communists won over a half of the vote. The election was followed by civil unrest throughout Moldova, with protesters trying to occupy the parliament and presidential buildings in Chisinau. The protests quickly spread to other cities. The Government and the President accused the opposition of treason and attempted coup, and the Government in Bucharest for its support to the protesters. Shortly thereafter a visa regime was introduced for Romanian citizens. However, as the situation remained tense, the members of the newly-elected parliament could not reach a compromise on the election of a new president and the parliament was dismissed and new elections were scheduled. The communists again won the majority of the votes, although significantly less than in the previous election, which allowed a united opposition to take power.

The newly-formed coalition government was still indecisive with respect to the relations with Romania, so that the public was constantly exposed to opposing information. Yet the cooperation between the two countries keeps growing stronger; since 2009 there has been an upward trend of cooperation and support lent by Romania to Moldova on its path to European integration. The Romanian President Traian Basescu has been asserting the possibility of unification since the change of power in Moldova, inviting the Moldovan elite to embrace its Romanian identity. The Moldovan and Romanian civil society formed the „Action 2012“ coalition with the aim of exerting pressure on the two countries' parliaments to begin working on the unification. The initiative was upheld by a part of the Moldovan intellectual elite, but received no broader support from the governing structures. It seems, however, that the majority of the electorate is still indecisive with respect to unification with Romania and that the Moldovan identity is still firmly rooted.

In the following year, 2013, Moldova signed the Association Agreement with the European Union, thus drawing further from Russia's influence, especially after the onset of the Ukraine crisis; this could result in stronger ties with Romania.

Although there are strong ethno-cultural, historical and linguistic arguments in favour of the Romanians and Moldovans being one and the same people, it is revealing that until this day there has been a lack of actual political will by Moldovan citizens to identify as Romanians, although they recognise Romanian as their language.

2.4 Romanian elite and stance towards the issue of status and position of Vlachs in Serbia

It appears the stance towards the Vlach minority community in Serbia is one of the points of consensus between the political parties in Romania. They are unanimous in their opinion that the Vlach minority belongs to Romanian ethnic stock, and that the state of Romania therefore has a mission and an obligation to ensure respect for their rights. As explained above, this approach was mainly developed based on the specific historical experience relating to the founding of the Romanian state and its contacts with other eastern Romance groups in South-East Europe, and to its stance towards the Republic of Moldova and the issues of Moldovan language and church. It is noteworthy that, since the extremist Greater Romania (Romania Mare) Party was elected out of the parliament in 2008, none of the parliamentary parties has brought into question the territorial integrity of the neighbouring countries, including Serbia. The majority of them believe that the minority issue bears no relation to sovereignty and territorial integrity, having learned a lesson from the separatist tendencies Romania has itself been a victim to.

Therefore we can mainly discuss the positions of individual politicians, who built their own political platforms and political identities partly on advocating for the minority rights of the Romanians living in the neighbouring countries.

As for the minority groups living in Serbia, this issue was not perceived as key for the relations between the two countries until 2012. Nevertheless some politicians highlighted this issue even earlier, preparing the public for making Serbia's EU candidacy conditional on it, which was to come in 2012. Thus Viorel Riceard Badea, a Liberal Democratic Party senator in the period 2008 - 2012, in his capacity as the chairman of the Senate's Committee on Romanians outside Romanian borders, advocated most strongly for the rights of Romanians in Moldova and Serbia. Badea particularly championed a better treatment of the Romanian church and its priests in Eastern Serbia. In one of his speeches before the Senate he said that, „Romania supported Serbia in the process of European integration and the regional initiatives and stressed that, „in the future, there must be a will on both sides to jointly identify and resolve the ongoing issues“.²³ The Romanian media broadcast his 2011 statement that consensus has been reached in the Senate between all its members that „as concerns the voting for the ratification of Serbia's Stabilisation and Association Agreement (SAA), the Senate makes it conditional on the respect of the rights of Timok region's Romanians by the Serbian authorities“.²⁴

23) R. Badea Speech before the Romanian Senate, 2009, internet [accessed March 15, 2015], <http://www.senat.ro/PDFIntrebari/2.03%20%20V-R%20Badea.pdf>

24) „U Senatu postoji jedinstvo što se tiče položaja Rumuna u Srbiji i sporazuma o pridruženju Srbije Evropskoj Uniji“, Internet portal Timocpress, internet [accessed September 12, 2014], <http://www.timocpress.info/sr/?p=3124>

Probably the most media-exposed Romanian politician who made a stand for a greater respect for minority rights of the Serbian, as well as Moldovan, Romanians, was the former Romanian President Traian Basescu. Already in 2011, in his visits to Serbia Basescu began to press for an upgrade of the educational system and the introduction of classes taught in Romanian, as well as media and churches with services held in Romanian.²⁵ It should be noted, however, that he did not at the time make the connection between Serbia's EU accession or candidate-country status and the so called „Vlach issue”.²⁶ But in 2013 he emphasised that Romania's support to Serbia's further EU integration process is conditional on the implementation of the Protocol (Minutes) of the Intergovernmental Mixed Commission signed in Brussels in March 2012.

Even after the Protocol (Minutes) had been signed, this topic continued to attract the attention of some Romanian politicians.

One of the politicians who opened the issue of the Romanian minority in Serbia on several occasions was the member of the European Parliament and of the Romanian National Liberal Party Cristian Busoi, who stated that Romania was wrong to reopen this issue just before the adopting of the decision on Serbia's candidate-country status, as this could compromise the friendly ties between the two countries. According to him the matter should have been raised at a carefully chosen moment.²⁷ A similar position was taken by Corina Crețu, also a member of the European Parliament and of the Romanian Social Democratic Party, who stated that „Serbia clearly still has a problem with recognising the national minorities' rights”, but she believes that „Serbia will resolve them in accordance with the European principles”, and she herself is „not in favour of a tougher policy and increasing the tension in the relations with Serbia over this issue”. Quite the contrary, she said, if „Romania takes a hard-line approach on the issue and hinders Serbia on its path to the EU membership, this will certainly not help the Vlachs, nor will it improve Romania's reputation in the Union”.²⁸

Viktor Ponta, the Prime Minister of Romania and the President of the Social Democratic Party, voiced on several occasions the opinion that there are challenges as regards the respect for the rights of the Romanian minority in Serbia, which are mainly reflected in the issues relating to the education and information in their native language, as well as religious services in Romanian. But unlike other politicians, he clearly stated during

25) „Basesku u Timočkoj Krajini”, Internet portal Radio televizije Srbije, November 2, 2011, internet [accessed December 14, 2014], <http://www.rts.rs/page/stories/sr/story/9/Politika/983702/Basesku+u+Timo%C4%8Dkoj+Krajini+.html>

26) „Tadić primio Baseskua”, B92 internet portal, November 1, 2011, internet [accessed December 14, 2014], http://www.b92.net/info/vesti/index.php?yyyy=2011&mm=11&dd=01&nav_category=11&nav_id=554071

27) „Cristian Bușoi salută acordarea Statutului Serbiei de țară candidată”, PNL website, March 24, 2011, internet [accessed December 15, 2014] <http://www.pnl.ro/stiri/cristian-busoi-saluta-acordarea-statutului-serbiei-de-ara-candidata&page=1>

28) „Corina Crețu: Nu era cazul să folosim problema vlahilor pentru a lovi indirect în Olanda”, Mediafax internet portal, February 29, 2012, internet [accessed December 15, 2014], <http://www.mediafax.ro/politic/corina-cretu-nu-era-cazul-sa-folosim-problema-vlahilor-pentru-a-lovi-indirect-in-olanda-9354764>

his visits to Serbia in 2012 and 2014 that he was against the imposing of conditions on Serbia's path to the EU.²⁹

The members of the civil society in Romania were divided on the issue. Cristian Ghinea, the Director of the Center for European Policies, believes that the Government's tactic to exert pressure on Serbia to promptly address the Vlach issue is essentially good, but it should not have evolved into an obsession, since Serbia's membership in the EU is one of Romania's strategic goals. In this sense he affirmed that Romania would do all in its power for Serbia and Moldova to become EU members, because the situation in which Serbia is a black hole in Europe benefits only Moscow.³⁰

Dr. Marius Diaconescu, a Bucharest professor, maintains that Romania had an historic opportunity in 2012 to ensure the recognition of the Romanian minority in the Timok valley. In his opinion, Romania should do what it did in 1912 in relation to Bulgaria, after the signing of the Bucharest Peace Treaty, when it forced Bulgaria to recognise the Romanian minority. He believes that Vlachs and Romanians are one and the same people and that Serbia should recognise them as such, while all of Romania's political parties should overcome their differences and unite to achieve this goal. He also stated that it should be borne in mind that Vlachs in Serbia are not the only Romanian group that is not recognised; Aromanians in Greece have the same status.³¹

29) Premierul Victor Ponta, presedintele PSD, a efectuat o vizita oficiala in Republica Serbia", PSD website, July 17, 2014, internet [accessed December 15, 2014], <http://www.psd.ro/media/evenimente/premierul-victor-ponta-presedintele-psd-a-efectuat-o-vizita-oficiala-in-republica-serbia-2/>

30) Paul Ciocoiu, Simona Mătieș, „Cristian Ghinea: Problema vlahilor nu trebuie să devină o obsesie, e în interesul nostru ca Serbia să adere la UE“, Internet portal EVZ, March 1, 2012, internet [accessed December 15, 2014], <http://www.evz.ro/cristian-ghinea-problema-vlahilor-nu-trebuie-sa-devina-o-obsesie-e-in-interesul-nostru-c-969239.html>

31) “Prietenia” Serbiei fata de Romania – adevarul istoric, de aceasta data“, Internet portal historia, internet [accessed December 15, 2014], http://www.historia.ro/exclusiv_web/general/articol/scandalul-care-incaierat-romania-serbia-germania-vlahii-timoc-sunt-roma

3 Status and position of national minorities in eastern Serbia – Vlachs and Romanians

3.1 The Framework of Minority Policy in Serbia

In the Federal Republic of Yugoslavia, the legal status of national minorities was defined more liberally than during the existence of the Kingdom of Yugoslavia, with the establishment of a broad personal and cultural autonomy of nationalities (another name for national minorities) which was introduced by the so called “ethnic key” for their representation in certain political and cultural bodies. During the twentieth century, the former Yugoslavia disintegrated into ethnic and national conflicts. Serbia was led by ethno-nationalistic policy that resulted in the NATO intervention and Kosovo’s de facto separation. Kosovo’s unresolved status directly impacted the political situation in Serbia by preventing its full institutional and constitutional consolidation in hampering the transition from a nationalist-authoritarian to a democratic system of government. At the same time, the growing ethnification of politics during the conflicts and wars in the 1990s created a general sense of insecurity and animosity, as well as mistrust between ethnic communities in the country.³² Also, one of the consequences of the disintegration of multinational states such as the Austro-Hungarian Empire or Yugoslavia was the creation of “new minorities”, i.e. those ethnic groups that remained outside the boundaries of the newly formed states in which they had the status of “old minorities” or “constituent peoples” and who were forced to adapt to the new situation.³³ After the democratic changes in 2000, Serbia, that is the Federal Republic of Yugoslavia (FRY), became party to a number of international agreements governing the protection of human and minority rights (the Framework Convention for the Protection of National Minorities and the European Charter on Regional and Minority Languages) and signed bilateral agreements for protection of minority rights with the neighbouring countries (Croatian, Hungary, Romania, Macedonia). The FRY also adopted the Law on Protection of Rights and Freedoms of National Minorities (2002), which since 2006, after the independence of Montenegro, applies to Serbia.

Serbia adopted a new Constitution in 2006, the Law on National Councils of National Minorities in 2009 (amended in 2014) and the Anti-Discrimination Act (2009). Serbia has also adopted the following laws that closely define the rights of national minorities: Law on the Official use of Language and Script (1991, amended 2010), the Law on the Basis of the Education System (2009, amended 2013), the Law on Textbooks and other Teaching Materials (2009), the Law on Culture (2009), the Law on Churches and

32) Nevena Gojković, *System Of Minorities’ Protection In Serbia*, Konrad Adenauer Foundation, Belgrade, 2008, p. 1 http://www.kas.de/upload/auslandshomepages/serbien/Gojkovic_en.pdf

33) Dr Dušan Janjić, *Ideology, politics, violence; Crises of the National Identity and Ethnic Conflicts*, HESPERIAedu, Belgrade, 2009, p. 56

Religious Communities (2006), the Law on the Protector of Citizens (2005) and the Local Government Act (2007, amended 2014).

The current Constitution of Serbia defines Serbia as a “state of the Serbian people and all citizens who live in it”, while the rights of national minorities have a dedicated special section of the Constitution. The Constitution explicitly protects the rights of national minorities and guarantees that the state will “guarantee special protection to national minorities for the purpose of achieving full equality” (Article 14) and to provide full equality with other citizens, and that it will help to preserve their identity and to ban discrimination. The Constitution in the section Human and Minority Rights and Freedoms provides the necessary legal framework and guarantee the basic rights of national minorities and their members, while leaving to specific laws to specify the modalities and conditions of the Constitutions application.

Persons belonging to national minorities, in addition to the rights that the Constitution guarantees to all citizens, have additional individual or collective rights guarantees. In other words, they have the right to directly, or through elected representatives, decide on issues related to their culture, education, information and official use of language and script in accordance with the law. In order to achieve self-government in culture, education, information and official use of language and script, members of national minorities may elect their national councils in order to fulfil these rights (Article 75). However, the Constitution does not specify the national minorities, nor does it define the criteria which groups have the right to establish national councils.

The Law on Protection of Rights and Freedoms of National Minorities (2002) was positively received and comprehensively regulated the issues of law and legal position of national minorities. Furthermore, it broadly defines what constitutes a national minority, as stated in Article 2 (Definition of National Minorities) of the Act:

“A national minority in the sense of this law is any group of citizens of the Federal Republic of Yugoslavia, which is sufficiently representative, although in a minority on the territory of the Federal Republic of Yugoslavia, belonging to a group of residents having a long term and firm bond with the territory of the Federal Republic of Yugoslavia and possesses characteristics such as language, culture, national or ethnic belonging, origin or religion, upon which it differs from the majority of the population and whose members are characterised by their concern over the preservation of their common identity, including culture, tradition, language or religion.”

“National minorities in the sense of this law shall be any group of citizens who consider or define themselves as peoples, national and ethnic communities, national or ethnic groups, nations and nationalities, and meet the requirements of paragraph 1 of this article.”

It is important to emphasize that the Act provides: 1) freedom of national affiliation and expression; 2) prohibits any kind of discrimination; 3) provides for affirmative action measures; 4) forbids assimilation, encouraging a spirit of tolerance and provides

protection from threats or discrimination; 5) provides for the selection and use of personal names; 6) the right to use the mother tongue and the official use of language and script; 7) the right to foster national culture and traditions; 8) public information in the languages of national minorities; 9) the right to education in their mother tongue; 10) the right to effective participation in social life and in public affairs; 11) prohibition of changes of the ratio of the population; 12) protection of guaranteed rights.

The law expressly recognizes the collective rights of minorities and provides protection from all forms of discrimination and establishes instruments that provide and protect the special rights of minority self-government in areas that are important for the survival and development of minorities, namely: culture, official use of language and script, education and information. This and the Law on National Councils virtually defines the framework of minority self-government through which members of national minorities exercise four collective rights:

1. The right to official use of language and script - in municipalities and areas where ethnic minorities make up at least 15% of the population belonging to a national minority have the right to use their language and script, which means “the use of the minority language in administrative and court proceedings and conduct of administrative proceedings and the court proceedings in the minority language, the use of the minority language in the communication of the public authorities with citizens; issuance of public documents and keeping official records and collections of personal data and the languages of national minorities and the acceptance of those public documents as legally valid, the use of language on ballots and voting material, the use of languages in the work of representative bodies” (Article 11 of the Law on Protection of Rights and Freedoms of National Minorities).

The Law on Official Use of Language and Script regulates the use of language and script of national minorities at the municipal level. In areas where the minority language is in official use, the names of public institutions, local government units, settlements, squares and streets and other toponyms are also featured in the minority language, according to their tradition. In addition, in Vojvodina, it is possible that a minority language becomes an “official” one and at the level of individual settlements, when it comes to a national minority which makes up at least 25% of the population, regardless of the percentage of the total population of the municipality that includes the settlement. The law stipulates that the members of national minorities whose number reaches at least 2% can contact the state authorities in their own language and have the right to receive a reply in that language, while a member of parliament has the right to make an address in their own language.

2. The right to education in their native language - minorities are entitled to education in their own minority language at all “pre-school, primary and secondary education levels.” Other laws prescribe the minimum number of students per class, but that number can be reduced if it is approved by the relevant ministry. The law also leaves the possibility for bilingual classes or schooling in Serbian with additional language (or conversational) courses of a national minority language with elements of national

history and culture for persons belonging to national minorities (Article 13 of the *Law on Protection of Rights and Freedoms of National Minorities*). In developing the curriculum for the courses which express uniqueness of national minorities in the language of national minorities as well as learning the languages of national minorities, national councils must be included. *Law on the Basis of the Education System* stipulates that, if 15 students of a school decide to do education in their native language, the state is obliged to introduce the school education program (for that one class) in this minority language. National minorities have the possibility to use textbooks in their native language by translating textbooks used in the Serbian curriculum, create their own textbooks or import textbooks from the "kin state".

3. The right to practice their culture and traditions - members of national minorities have the right to "establish specific cultural, artistic and scientific institutions, societies and associations in all areas of cultural and artistic life", with a goal to preserve and develop national and ethnic cultural specificities (Article 12 of the *Law on Protection of Rights and Freedoms of National Minorities*);

4. The right to information - members of national minorities have the right to full and impartial information in their native language, and the state is obliged to provide "information, cultural and educational contents in the language of national minorities" (Article 17 of the *Law on Protection of Rights and Freedoms of National Minorities*). The state is obliged to ensure that the public radio and television broadcaster has cultural and educational programs in national minorities' languages, and it is also responsible for financing special radio and TV stations. Amendments to the *Law on Information* in 2014 proclaim that the state can remain the owner only in the state and provincial public service, while other media will be privatized and the programs will be financed through projects. It also foresees the possibility of setting up foundations which can be founders of the media, enabling the national councils of national minorities to establish foundations, through which the financing the media will be done.

In order to ensure the rights to the minority self-government, establishment of national councils of national minorities is guaranteed by the Constitution and prescribed by laws. National councils participate in the management of educational institutions in which schooling is conducted in the language of the national minority and in institutions of culture which are of special importance for the national minority. The organs of the state, territorial autonomy or local self-government are obliged, when deciding on issues related to the official use of language, education, information in the minority language and culture, seek the opinion of the council.

National councils are elected for four years by direct elections or through the assemblies of electors. Direct elections for the National Council are held when the special voters' list includes up to 40% of the total number of persons belonging to national minority registered at the last census minus 20%. If that number is not reached, the elections are organized through electors and to become an elector, it is necessary to collect 100 signatures of members of the national minority.

The electoral system in Serbia is proportional with a single-constituency electoral district and the threshold of 5%. The Law on Amendments to the Law on Election of MPs from 2004 provides, as a measure of affirmative action, a “natural threshold” for entrance of political parties and coalitions of parties of national minorities in the Assembly. However, changes in the law did not prescribe the reducing of the number of signatures for nomination of minority lists for the elections, leaving the threshold of 10,000 certified signatures required for candidacy list, which is the same condition like with all the other political parties. The representatives of ethnic minority parties, after this Law on Amendments to the Law, can enter the parliament if the minimum number of votes is obtained, and that number is calculated by dividing the total number of voters in the elections with the number of seats in the parliament. For example, if the total voter turnout was four million, minority parties would have to win 16,000 votes to obtain an MP in the Assembly. This was an easy solution for the largest national minorities in Serbia, such as Hungarians, Bosniaks and Albanians, but in reality it prevented representation of other, less numerous national minorities in the Assembly.

National councils are, in almost all minorities, proved to be very susceptible to the influence of both minority and majority political parties. Because of the competencies given to them by law and the budget at their disposal, national councils are an additional tool of political influence of the political parties on the minority community that the parties frequently use.

Also, the existing concept of minority self-government has resulted in a tendency of “ethno-nationalistic closing of national communities” which leads to reduced or no interaction with the majority population and members of other minority communities. This situation complicates the integration of minorities into social and political life of the wider community, preventing the creation of a cohesive society, which in the long run could represent a major challenge to society in Serbia.

“By adopting the concept of guaranteed individual and collective rights, in particular guaranteed rights to national self-government and by introducing of the national councils of national minorities as institutions of self-administration of collective rights, Serbia has stepped into the line of the leading European countries when it comes to resolving the issue of the status of national minorities.”³⁴ However, despite good legal and institutional solutions, effective diversity management and legal and institutional system of minority protection is still not fully developed in Serbia and it requires constant improvement. Also, implementation of legislation is often characterized by the mismatch of procedures and conflict of jurisdictions.

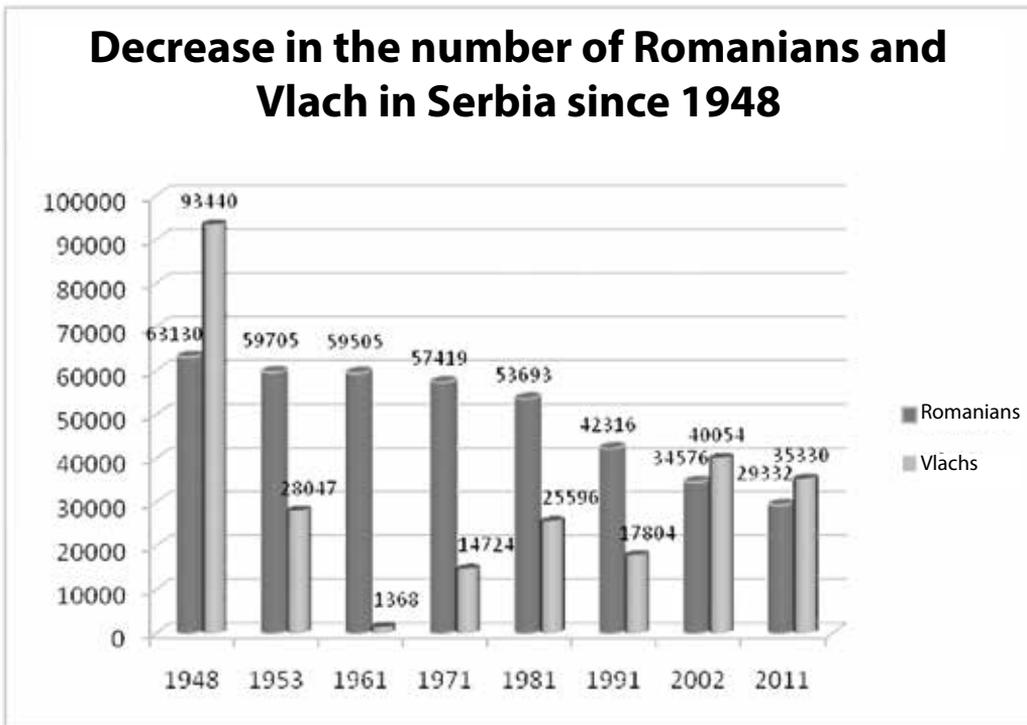
Bearing all this in mind, it is necessary to formulate a comprehensive minority policy in Serbia in order to best achieve the harmonization of different „realities“ in which individual national minorities live, the level of development and capacity of the institutions that represent them, and to ensure the linking of various minority communities - between themselves as well as with the majority community. This policy

34) *Minority Policies and Integrations in Serbia; Analyses and Recommendations for Improving of the Minority Policies and the Processes of Integrations in the Republic of Serbia*, Forum for Ethnic Relations, Belgrade, Serbia, 2014

should be aimed at creating a cohesive society in which minorities are fully integrated. However, it must be pointed out that under the integration, the assimilation of ethnic minorities is by any means considered, but rather a two-way road of full realization of the rights and obligations of minority and majority communities.

3.2 Numbers and perceptions. How Vlachs perceive themselves?

In all post-war official censuses which were carried out in Serbia and Yugoslavia, Vlachs and Romanians were officially classified as two separate minority groups (in censuses in the Kingdom of SHS / Yugoslavia citizens were enumerated according to language and religion, so in 1921 there were 231.068 speakers of Tsintsar and Romanian language, while in the 1931 census population was recorded only according to religion). Data of the 2011 census shows that there are 35.330 Vlachs and 29.332 Romanians in Serbia, which represents a decrease compared to the previous census carried out in 2002 – in the case of Vlachs -11.79% and -15,17% in the case of Romanians. According to Vlach organizations, regardless of whether they are, conditionally speaking, Vlach or Vlach / Romanian, census numbers do not match the actual number of Vlachs, which they ascribe to the so called “national mimicry”, that is, to the fact that Vlachs, and even those who actively speak their mother tongue, largely declare themselves as Serbs. According to their estimates the number of Vlachs in Serbia is manifold higher, over 200 000, while some cite up to 350 000 citizens of Vlach nationality.



If we compare the numbers of all post-war censuses, measured from the 1953 census there is a sharp drop in the number of Vlachs, which may be a consequence of the split between communist Yugoslavia and Soviet Union and communist states of the Soviet bloc in 1948. Since 1971 the number of those who declared themselves as Vlachs is on the rise, and in the 2002 census 40,054 citizens declared themselves as members of this ethnic minority, which is the highest number since 1948.

According to the results of the 2011 census Vlachs are concentrated in three districts in Eastern Serbia, in Bor where they make up 10.65% of the population, Branicevo where they make up 21.7%, and Zajecar district where they make up 21.5%. In these same three districts the number of those who declared themselves as Romanians is less than one percent - 0.63% in Bor, 0.4% in Branicevo and 0.26% in the Zajecar district.

2011 census	Declared as Vlachs	Declared as Romanians
Bor district	10.65%	0.63%
Bor	13.78%	0.6%
Majdanpek	13.07%	0.36%
Kladovo	3.82%	0.74
Negotin	9.13%	0.74%
Branicevo district	7.21%	0.4%
Golubac	5.09%	0.56%
Zabari	3.8%	0.67%
Zagubica	22.07%	0.56%
Kucevo	25.31%	0.68%
Malo Crnice	4.15%	0.49%
Požarevac	0.23%	0.12%
Veliko Gradiste	2.17%	0.37%
Petrovac na Mlavi	14.74%	0.69%
Zajecar district	5.21	0.26%
Boljevac	25.83%	0.71%
Zajecar	4.8%	0.34%
Pomoravlje district	0.9%	0.11%
Despotovac	2.95%	0.15%
Jagodina	0.19%	0.06%
Paracin	0.1%	0.15%
Svilajnac	1.18%	0.27%
Cuprija	2.24%	0.08%

Source: Statistical Office of the Republic of Serbia

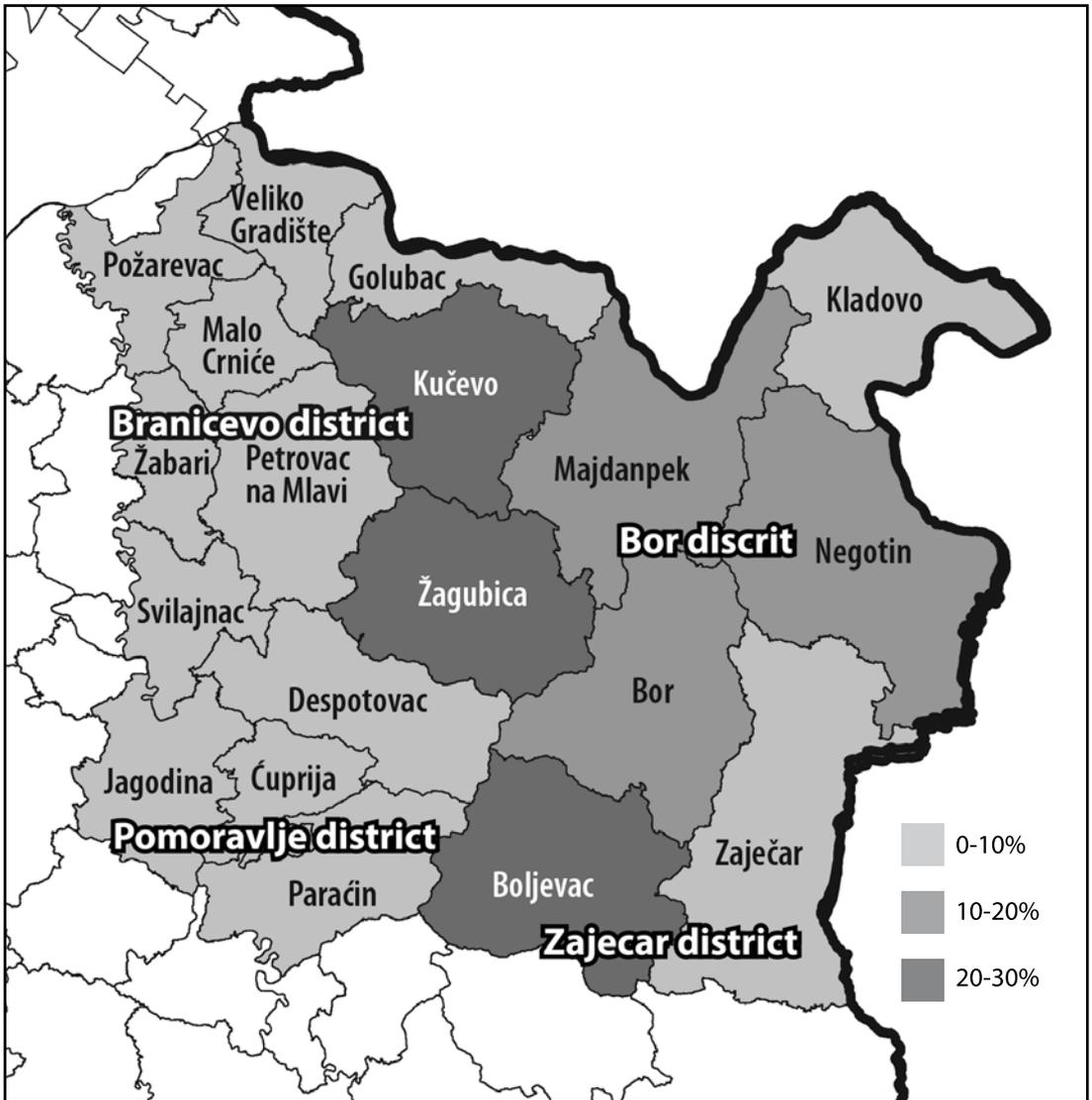
According to the 2011 census (and the 2002 census) Vlachs do not constitute a majority in any of the municipalities of Eastern Serbia. However, a significant percentage of them are in the following municipalities: Bor, Majdanpek, Negotin, Petrovac, Zajecar, Golubac, Zabari, Zagubica, Kucevo, Malo Crnice, Boljevac, and a small number in Pomoravski district (0,9% of Vlachs and 0,11% of Romanians).

As for the citizens who have declared Vlach as their mother tongue, they are considerably more numerous than those who declared themselves as Vlachs – 43.095 or expressed in percentages, the speakers of Vlach language make up 13.9% of the population - 8.75% in Braničevo and 5.19% Zaječar district. The number of citizens who declared Romanian as their mother tongue in these three districts is 1967, which amounts to less than 1% per district, i.e. 0.65% in Bor, 0.44% in Braničevo and 0.28% in Zaječar district.

2011 census	Vlach mother tongue	Romanian mother tongue
Bor district	13.9%	0.65%
Bor	11.94%	0.55%
Kladovo	7.83%	0.78%
Majdanpek	14.64%	0.35%
Negotin	19.51%	0.86%
Braničevo district	8.75%	0.44%
Golubac	11.01%	0.71%
Zabari	4.86%	0.75%
Zagubica	22.16%	0.85%
Kučevo	30.06%	0.79%
Malo Crniće	6.55%	0.5%
Pozarevac	0.2 %	0.12%
Veliko Gradište	3.74%	0.36%
Petrovac na Mlavi	17.72%	0.8%
Zaječar district	5.19%	0.28%
Boljevac	23.11%	0.79%
Zaječar	5.34%	0.32%
Pomoravlje district	3.13%	0.19%
Despotovac	3.13%	0.19%
Jagodina	0.32%	0.24%
Paracin	0.1%	0.15%
Svilajnac	1.67%	0.3%
Cuprija	4%	0.09

Source: Statistical Office of the Republic of Serbia

However, these numbers do not reflect the essence of the debate within the Vlach community. A large part of the Vlach community holds that Vlachs share a common Daco-Roman origin with the Romanians, but there are differences in the understanding of identity development. One faction believes that the term Vlach is synonymous with terms used in the Serbian language for Romanian and Romanians. Another faction of the same population believes that the issue relates to different ethnic (but close) groups



Areas where the Vlach community is situated

that speak different (although close) languages. The smallest faction strictly declares themselves as Romanians, rejecting the very use of the term Vlach.³⁵³⁶

The differences between these groups are not fully differentiated, and often they even intertwine. A faction of the Vlach community sees their identity as a part of an identity-building process that requires careful consideration in order to come up with a solution that would be acceptable to all, through dialogue and involvement of academic institutions. This approach has received the least support from the opposing sides of the Vlach issue, as well as institutions of Serbia and Romania. In other words, for the most part no dialogue ever took place, although there was plenty of time and opportunities.

3.3 Key identity watershed – the issue of language and script

The key issue regarding the political dispute over the selfhood of the Vlach national minority relates to the issue of language and script, as one of the main features of identity. There is an ongoing dispute within the Vlach community on whether Vlachs should have their own language and script separate from Romanian i.e. whether there are sufficient differences to allow the standardization of Vlach dialects into a separate language and script.

35) This polarization is reflected in the issue related to the name – in Vlach language or speech, the word for „Vlach“ is „Rumân“ (Rum'n) (APHI Transcription), while in Romanian language the word for the same term is Român (Rom'n). As explained by Mr. Dragomir Dragić from Vlach Forum, the point is that the term Romanian (Român) is the name adopted in 1862 after the United Principalities of Moldavia and Wallachia were established, for the purpose of creating a parallel with the Romans and Roman heritage, while the common name (which was rejected) prior to standardization was Rumân (r Rum'n). Vlachs of eastern Serbia did not participate in this process and therefore their consciousness of belonging to the Romanian nation remained undeveloped. See „Platform-terminology-binding definitions“ in *Declaration on affirmative action of institutions of Serbia on development of the Vlach community*, Assembly of the Cultural Forum of Vlachs, March 20, 2011, internet [accessed March 15, 2015] <http://www.paundurlic.com/pdf/FKV-Deklaracija.pdf>. See also, *Platform of the National council of Vlachs on binding definitions and terminology for the purpose of self-identification and emancipation of the Vlach community, its development and promotion, as a common denominator of bodies of cultural autonomy*, National council of Vlachs, 2011, Internet [accessed March 15, 2015] <http://www.nacionalnisavetvlaha.rs/zadownload/Platforma%20Nacionalnog%20saveta%20Vlaha.pdf>

36) As previously stated, authors' intention is not to open a discussion on the ancestry of Vlachs, or make any judgments. However, in order to provide information to readers on elements of the debate within the Vlach community, we will mention three basic theories that are being used. One part of the Vlach community elite advocates the theory (backed to by historical sources and scientific studies) that their ancestors mostly came to eastern Serbia from the principalities of Moldova and Wallachia during the twenty years of Austrian administration over Serbia, Branicevo region and Negotin Krajina in the first part of the 18th century (these two regions were part of a newly formed Timisoara Banat region, which existed until 1778). Second group, which advocates the so-called autochthonous view (thus referring mostly to ancient and medieval historical sources) that is that Vlachs are ancestors of the Romanised population that resided on the territory of eastern Serbia before the Slavs came to the Balkans. Third group (also referring to opinions of several historians), argues that today's population almost entirely descends from Serbs who fled from Turks to the territory of today's Romania, where they partially lost their national identity, but later returned to eastern Serbia.

Representatives of the Republic of Serbia have argued, both officially and unofficially, that the Vlach minority in Serbia speaks Vlach language.³⁷ However, they have always emphasized the right of each national minority to self-determination.

The Republic of Romania strongly opposes the standardization of Vlach language, arguing that Vlach dialects spoken in Serbia essentially represent the two existing dialects of the Romanian language – Banat Romanian dialect spoken mostly from Branicevo to Porec (area around Donji Milanovac) and Bor, and Oltean/ Muntenian (Walachian) dialect spoken mostly in Negotinska krajina, the latter being the foundation of the present-day Romanian language. This view is shared by several Vlach organizations and individuals in Eastern Serbia, some of them being members of the first Vlach national council, established in 2006, that has decided by a majority vote that the Vlach mother tongue is Romanian. Next year, the same National council submitted an initiative for the introduction of classes taught in Romanian.

However, in 2010, the newly-elected National council of the Vlach national minority annulled the decisions of the previous convocation of the council and adopted the Vlach language as official. As it is not a standardized language, the council assumed the obligation to standardize it and adopt a separate script. It should be noted that in both convocations of the council several members were opposed to making any decisions pertaining to the language in use but were outvoted. The attitude of the new majority was that the Vlach language is distinct from Romanian, in terms of that unlike Romanian it did not undergo the “re-Romanization” process which, observed from the standpoint of literary Romanian language, is the reason its lexical framework is archaic, containing many words actively used in non-Romance languages. Also, the council’s decision defines two dialects of the Vlach language – Krajina-Timok and Branicevo-Homolje. The decision also stipulates that in accordance with the Statute of the National council (article 12), standardization of the Vlach language will ensue, and until such time the council will officially use the Serbian language.

In January 2012, at the proposal from “Gergina”, a non-governmental organization from Negotin, the National council adopted the decision on the introduction of the Vlach script in both Latin and Cyrillic versions, which contains 35 letters and, as claimed by the authors, can be used to transcribe words of both dialects of the Vlach language. However, the same decision states that it is council’s opinion that the offered solution adopted is solely as an “initial step in a new search toward the final version of the Vlach script, which will be achieved through further improvement, upgrading and application”³⁸.

37) See „Vlasi istočne Srbije – od asimilacije do rumunizacije”, *Politika* daily, May 18, 2009, Internet [accessed January 12, 2015], <http://www.politika.rs/rubrike/Politika/Vlasi-istocne-Srbije-od-asimilacije-do-rumunizacije.lt.html> and „SE: Srpska delegacija zadovoljna”, October 2, 2008., Internet [accessed 12.1.2015] http://www.b92.net/srbija2020/vesti/tema.php?id=171&start=30&nav_id=321669

38) *Decision of the Vlach national council of January 24, 2012*, page 3.

Harmonization of the Vlach language (which, according to ISAC fund collocutors is a process preceding the standardization process) is the main goal in the upcoming period. However, despite the fact that the process of harmonization is not complete, the National council has initiated a project to introduce the subject "Vlach language with elements of national culture" in elementary schools, thus utilizing one of the two statutory possibilities related to the matter of education in mother tongue.

However, these two positions only represent two opposing poles of the debate. For the past several decades some members of the Vlach minority have been advocating for a broad discussion on the issue of Vlach language and script that would primarily include national scientific institutions, as well as all interested parties. Most prominent among them is Mr. Paun Es Durlic, ethnologist from Majdanpek who is the editor of the online forum Vlachs of Serbia³⁹, an important source on these issues. Durlic argues that it is necessary to preserve local Vlach dialects both through education and script. At the same time he does not hold the view that Vlach dialects represent the basis of a language different from Romanian, but points out that the Romanian literary language has become estranged due to the lack of interaction with Vlachs in Serbia.⁴⁰ According to him, Vlachs are ethnically and culturally Daco-Roman population (i.e. descendants of the population whose majority has created Romania and the Romanian nation), but in terms of their identity they have embraced Serbian national consciousness, since they were not a part of the process that led to the creation of the Romanian nation (unlike Romanians in the Serbian part of Banat).⁴¹

In his *Compendium for the introduction of Vlach language in primary schools*, Paun Es Durlić proposed the use of Cyrillic and Latin alphabets based on the phonetic principle (one letter, one sound), along with the use of APhi (L'Association Phonétique Internationale) systematization for the transcription of Vlach dialect, all for the sake of preserving the specific regional identity of Vlachs in Serbia.⁴² He also proposed introducing elementary school classes on Vlach language (i.e. local dialects) and scripts (Latin and Cyrillic) which can be used for transcription of dialects in grades 1 through 4, and classes on Romanian literary language and script and advanced education on Vlach dialects in grades 5 through 8.

Vlach script, as proposed by the national council faced strong criticism from most of the socially active members of the Vlach community. Disagreements regarding the harmonization of the Vlach language and adoption of the Vlach script, along with considerations regarding the origins of the Vlachs have only further widened the gap within the Vlach community and placed the issue in the international arena. Preserving the specific Vlach identity, language and culture (regardless of how we observe them: as a part

39) <http://www.paundurlic.com/forum.vlasi.srbije/index.php>

40) Paun Es Durlić, *Compendium for the introduction of Vlach language in primary schools*, page 1.

41) Ibid, p. 2.

42) Vidi Ibid, p.4

of Romanian language or autochthonous) requires dialogue backed by both Serbia and Romania, should the members of the Vlach community opt for that. It would be necessary to leave political and economic interests and abuse by individuals and groups aside in order to resolve this issue in the best way possible for the Vlach community.

As the national council has already emphasized that the introduction of the script is only the first step, it would be beneficial to see that the issue of script and language harmonization are approached "in good will", that is to organize a public debate that would include all interested parties, scientific institutions who have already contemplated this issue, and come up with a solution proposal for the issue of language and script that is most acceptable. It goes without saying that both Serbia and Romania should act in an advisory capacity. It is also important to recognize the multiple layers of identity, if they exist, and work on their promotion.

3.3.1 International institutions and the issue of Vlach language and script

International institutions and organizations who have shown a strong interest for the issue of Vlach language and script are Council of Europe, OSCE and European Union.

All documents issued by the Council of Europe (Resolution on the implementation of the Framework Convention for the Protection of National Minorities 2011 (CM/ResCMN(2011)7), Resolution 1632 (2008)⁴³ and Recommendation 1845 (2008)⁴⁴) are foremost dedicated to the principle of non-imposition of identity by the state and enabling freedom of choice and the exercise of statutory minority rights.

It should be noted that a report by the EU Mission of August 2012 states that the Vlach majority in Serbia is entitled to language standardization, adding, however, that this issue is to be decided "by the concerned national minority without undue interference by authorities"⁴⁵, as well as that "authorities should stand ready to offer support for completing the process of standardization and putting it into place if the request is put forward by representatives of the Vlach minority in Serbia. It also states that authorities should be ready to „facilitate (including with the help of local and international organizations) a neutral and unbiased environment for reaching an agreement"⁴⁶.

43) Resolution 1632 (2008) *Situation of national minorities in Vojvodina and of the Romanian ethnic minority in Serbia*. Parliamentary Assembly of the Council of Europe, [accessed January 12,2015], <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/ERES1632.htm>

44) Recommendation 1845 (2008), *Situation of national minorities in Vojvodina and of the Romanian ethnic minority in Serbia*. Parliamentary Assembly of the Council of Europe, [accessed January 12,2015], <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta08/EREC1845.htm>

45) Rainer Hofmann, Dalibor Jilek, Francesco Palermo, *Expert Mission Report*, European Union, 30 August 2012, p. 21, [accessed January 12,2015], http://www.hnv.org.rs/docs/pristupanje_srbije_eu/final_report_14_sept_2012.pdf

46) Ibid

This report was made after the signing of the Protocol (Minutes) of the Second meeting of the Intergovernmental Mixed Commission in September 2012. It should be noted that conclusions of the Protocol (Minutes) clearly defines measures for members of the Romanian national minority in Serbia, without any mention of the Vlach national minority. Similar approach was taken by the former High commissioner for national minorities Knut Vollebæk, focusing on practical definition of steps towards fulfilment of elements agreed in the Protocol.

3.4 The enjoyment of autonomy of Vlach and Romanian national minorities in areas prescribed by law and international agreements

The issue of enjoyment of autonomy in 3 out of 4 areas that are within the competence of national councils (education in mother tongue, information, and official use of language and script), as far as the Vlach national minority goes, is uncertain since the debate pertaining to standardization and harmonization of the Vlach language is still ongoing. In the meantime, in the second half of 2012 at an informal meeting between representatives of Serbia and Romania, brokered by the OSCE High Commissioner on National Minorities Knut Vollebaek, practical implementation of the Protocol (Minutes) of Intergovernmental Mixed Commission signed in 2012 was agreed. Beside freedom of religion the parties agreed on the practical introduction of education in Romanian language for all those interested in eastern Serbia, and retransmission of Radio Television Vojvodina (RTV) broadcasts in Romanian language on Bor television – all of which yielded a practical embodiment of the gap in the implementation of minority policies on the ground. Minority rights, which have been interpreted so far strictly on the basis of regulations of the Republic of Serbia and on the basis of participation of certain minority groups in the overall population, were upgraded by a political agreement between two countries.

In the following text we will discuss the implementation of minority policies in eastern Serbia for both fractions of the Vlach community – through both the legal framework of the Republic of Serbia and the agreement achieved in Brussels in December 2012.

3.4.1. Education

Education in minority languages is not strictly conditional upon the number of members of one national minority in certain municipalities, as is the case with the official use of language and script, but upon the expressed desire of students and their parents to study a certain language, and based upon, according to the ISAC fund's source from the Ministry of Education of the Republic of Serbia, assessment and offer from the competent school boards, which include school representatives, local communities and parents' representatives.

The main obstacle for the Vlach community to fully exercise this right was the dispute over Vlach language harmonization/standardization i.e. the issue of whether it is necessary to harmonize/standardize Vlach language(s) as a separate language or treat it solely as a dialect of the Romanian literary language. The first National council of the Vlach national minority decided that Vlachs speak Romanian language. However, in the period 2008 – 2010, the introduction of education in Romanian to schools was not initiated, despite the claims of members of the council that the communication with the Ministry of Education on this matter has been established in 2009.

The entire process of introduction of classes in Romanian language for Vlach minority students was stopped because in 2010 the newly elected National council of the Vlach minority had cancelled the decision of the previous convocation of the National council, insisting that Vlachs speak separate Vlach language. Soon after a decision on Vlach script was adopted, after which the Board of education of the National council formed a team headed by the coordinator Slobodan Golubovic, which started to draft a proposal on school curriculum and adequate school books for the introduction of the subject "Vlach speech with elements of national culture".⁴⁷ In August 2013, immediately prior to the beginning of the school year, the Institute for the Improvement of Education of the Republic of Serbia approved the proposal, which was intended for the first year of elementary school. The introduction of the subject is not linear, but progressive, starting from the generation that enrolled the first year of elementary school in 2014 – 2015. The Board's intention is to publish one new school book each year to correspond to the classes attended by that same generation of students.

These steps, from language to the creation of school curriculum and publishing of school books, were met with criticism from the pro-Romanian and other organizations and individuals, who sought a more "institutionalized" approach to the whole issue.

The key challenge for the introduction of this subject in elementary schools was the lack of qualified staff. The Institute for the Improvement of Education of the Republic of Serbia adopted a decision that teachers who are already teaching in elementary schools and whose mother tongue is Vlach or who speak it well can also teach the subject "Vlach speech with elements of national culture" provided they complete a prescribed three-day seminar entitled "Cross over and get to know the language and culture of Vlachs", organized by the National council of the Vlach minority with a support from the Association for preservation of identity, culture, tradition and language of Vlachs "Gergina" from Negotin. However, this brings up a question if a seminar, organized in this way, is sufficient for teachers to teach an entirely new subject, without the engagement from scientific institutions of the Republic of Serbia.

47) According to ISAC Fund's collocutors, National council insisted on the use of the term "speech" and not "language", since the process of harmonization is still ongoing. However, the lack of standards opens up the issue of the procedure and validity in the creation of school plans, curriculum and school books.

As far as the introduction of the Romanian language in schools in eastern Serbia is concerned, this issue was one of the most contentious points between the Vlach organizations of different orientations. Since 2004 there are repeated initiatives from some Vlach associations (with a support of concerned parents) for introduction of the Romanian language as an optional subject in schools in eastern Serbia. Pursuant to provisions of the signed Protocol (Minutes) of the Intergovernmental Mixed Commission, as well as the previously mentioned agreement of 2012 between representatives of Serbia and Romania, brokered by the OSCE High Commissioner on National Minorities Knut Vollebaek, the introduction of the subject "Romanian language with elements of national culture" was initiated at end of school year 2013 – 2014. It should be noted that in the period prior to 2012, official and unofficial surveys of parents regarding the introduction of this language in schools were carried out, but without any practical results. Active participants in this process were Romanian National council, Ministry of Education, as well as Faculty of Philosophy in Novi Sad - Department of Romanian Language and Literature. After initial difficulties regarding the introduction of the subject (timetable, school schedule, number of applicants etc.) and student survey, the process was more or less steady during 2014 – 2015 and according to the ISAC fund's source it is functioning without any major difficulties.

One of the challenges in the introduction of these subjects was the survey of students regarding the optional subject, since the Ministry of Education did not provide a unified survey form. According to various testimonies, both sides (representatives of the National council and representatives of, conditionally speaking, pro-Romanian organizations) complained about the vague and biased content of the survey forms in different schools, which in 2014 led the Ministry of Education to issue a unified survey form which was sent to school boards and schools.

It is certainly up to the school boards to decide on the subjects to be offered, and therefore the National councils should "lobby" with the boards for the inclusion of the national minority's mother tongue in school curriculum, based on realistic parameters (number of minority population, number of interested parents etc.) Another existing challenge is reflected in the fact that the mother tongue with elements of national culture is offered along other elective, non-language related subjects (students opt for only one), which can also be very interesting to students, such as for example informatics. It is preferable to offer the mother tongue with elements of national culture separately from other elective subjects and fit it into the curriculum in a way that will enable students to attend it without any problems.

As for the students who attend classes „Romanian language with elements of national culture“ and „Vlach speech with elements of national culture“ in the year 2014-2015, full data is provided in Annex, page:

The view of the ISAC fund research team is that current situation and the manner in which the subjects that are important for the identity of the community are introduced are both damaging for the Vlach community as a whole, and that a harsh divide in education, without a prior wide-scale dialogue on the issue of a multi-layered identity

inevitably lead to the fading of regional and cultural particularities of this community. Studying solely the Romanian language and national culture, without exploring local, historical, language and cultural heritage will inevitably split this community. Also, studying harmonized Vlach language and culture can only be fortified if students are given the opportunity to also study Romanian language as the most closely related language (if it is not already considered to be identical or the literary standard to which the Vlach language belong).

3.4.2 Information, official use of language and script, culture

Just as is the case with education, rights related to information, official use of language and script and culture are also insufficiently developed and exercised. The area of culture is at a somewhat higher level since there is a long tradition of associations and organizations aimed at cultivating Vlach customs and tradition and various manifestations are organized fairly often, independently from the National council. For that reason the National council is preparing the Strategy for cultural development in order to unify and direct these existing activities. It is evident that a higher institutional cultural development is lacking, such as cultural centers, theatres, publishing houses etc. devoted to cultivation of the regional Vlach cultural heritage.

The problem is also related to the fact that the institutional frame of the Vlach national minority was created much later compared to other national minorities, especially compared to those residing in Vojvodina, therefore proper conditions did not exist for these institutions to be formed earlier. The National council is planning activities in this field but, according to ISAC fund sources, at this moment the amount of funds received from the budget of the Republic of Serbia is limiting the initiative. It should be mentioned that the Ministry of Culture, independently from the National council, regularly publishes tenders for projects from various fields related to minority cultures at which civil society organizations, that are predominantly Vlach regularly participate

As regards information, there are attempts to introduce programs in Vlach language(s) on local electronic media, even before standardization of the language. It should be noted that information in Vlach existed before, during 1950's, when Radio Zajecar broadcasted news in this language. As far TV stations, only TV Bor regularly broadcasts news in Vlach language during work days, and a news program Retrospective on Sundays. As regards radio stations, Radio Petrovac na Mlavi broadcasts news in Vlach, which is re-broadcasted on Radio Pozarevac and Zagubica. Also, during nine months in 2005 – 2005 a pilot project was carried out on news broadcasting in Vlach on Radio Zajecar. These information programs in non-standardized i.e. non-harmonized Vlach language(s) are actually a mere translation of news programs in Serbian, meaning there are no separate editorial offices for systematic broadcasting of information programs in Vlach language or independent production that would deal with issues specific to the Vlach community. Even this lacking production is subject to criticism from organizations and individuals who advocate adoption of the Romanian literary language and harmonization of the Romanian language that would be more "scientifically" based. The

main criticism is aimed at alleged arbitrary and unprofessional use of Serbian words in Vlach language(s).

There are no printed media in Vlach. Immediately after World War II a magazine called "Vorba noastra" was published in Serbian Cyrillic, but that ended in 1948.

Official use of language and script is related to the census results and in 3 out of 19 municipalities Vlachs account for more than 15% of the population (Zagubica, Kucevo and Boljevac), meeting the prescribed requirements for the introduction of Vlach language in official use. A positive attitude of the ruling majority in Petrovac na Mlavi, Bor and Majdanpek municipalities, Vlach language could also be introduced since Vlachs account for just below 15% of the overall population. However, as the Vlach language has not been neither harmonized nor standardized until now, and the previous session of the National council had nullified the previous decision on the introduction of the Romanian language as the official language of the Vlach national minority, municipalities are not in a position to exercise the statutory norm in relation to symbols or municipal or judicial institutions.

In 2012, brokered by the High Commissioner for National Minorities, it was agreed to re-broadcast the TV program of the Romanian editorial office of RTV via TV Bor, to enable the citizens declared as Romanians the possibility to get information in their mother tongue, even though the census showed they are few in numbers. Since then, each weekend TV program Paleta is re-broadcasted and news in Romanian twice a day on work days.

A separate problem in the sphere of information is the media reform in Serbia, carried out in cooperation with OSCE and EU experts. Apart from Radio Television Serbia (RTS) and RTV, which enjoy the status of public and regional services, all other printed and electronic media, which are in some form of state ownership, will be privatized by end of October 2015. Positive side of the privatization process is that new owners are obligated to keep the existing programming schedule during the next 5 years, which includes TV programs for minorities. These media will also be able to bid on tenders for projects in the sphere of information announced by municipalities, national councils and competent ministries or provincial councils. Moreover, the introduction of the digital signal creates better conditions for program broadcasting, meaning that all local TV and radio stations who are awarded frequency from the Regulatory Authority for Electronic Media (REM) will have much better coverage and will essentially become regional media.

However, the real challenge for information in minority languages will be if neither potential investors nor employees show interest for the privatization of media because in that case the media will be shut down. Whatever the case may be, the challenge remains since the reform remains to be completed and we will be able to discuss its consequences sometime in the future.

Digitalization creates new conditions for public services, so RTS will be able to open

more channels, and therefore it would be useful to consider dedicating one part of the programming on one channel to contents in languages of national minorities, which would permanently resolve the issue of information in minority languages on the entire territory of the Republic of Serbia.

4 Activities of the Romanian Orthodox Church in eastern Serbia and Serbia – Romania relations

One of the key points of disagreement between Serbia and Romania is the issue of freedom of religion and activities of the Romanian Orthodox Church (ROC) in eastern Serbia. On this territory, where most of the citizens who declared themselves as Vlachs reside and which, according to the orthodox canon law belongs to the Serbian Orthodox Church (SOC), in early 2000's the ROC established Protopresbyterat Dacia Ripensis (Littoral Dacia), which organizationally belongs to the eparchy of Dacia Felix. Serbia is refusing to recognize the freedom to the Protopresbyterat of the ROC to exercise its activities in eastern Serbia, pursuant to the provisions of the Law on Churches and Religious Communities of the Republic of Serbia of 2006 ("*Official Gazette of RS*", no. 36/2006). In the next chapter we will discuss the legal framework regulating the activities of churches and religious communities in Serbia, the genesis and context of the issue, after which we will draw conclusions regarding the necessary future approach to this issue.

4.1 Legal context of activities of churches and religious communities in Serbia and the issue of relations with the Romanian Orthodox Church

In order to understand the context of legal and political decisions that led to this open issue between the two churches it is necessary to observe the present legal framework which regulates the activities of churches and religious communities in Serbia⁴⁸.

After the fall of the Milosevic regime and changes that took place in 2000, one of the upcoming reforms was to regulate the relation between the state, churches and religious communities. During several years, up until 2004 a dialogue on the regulation of this area took place, culminating in the federal Law on religious freedoms which, although passed never entered into force because of the dissolution of the Federal Republic of Yugoslavia. However, the new ministry of religious affairs in the Government under Vojislav Kostunica soon produced a completely new draft proposal that favored the existing traditional churches and to an extent limited the freedom of other churches and religious communities to operate freely. Despite the criticism from domestic and international professional community during discussions, the Serbian Parliament passed the law in 2006.⁴⁹ Even though the law contains provisions which open certain questions

48) All readers interested in further legal analysis related to activities of churches and religious communities in Serbia we recommend the analysis of Dr. Nenad Djurdjevic *The exercise of freedom of religion and legal position of churches and religious communities in the Republic of Serbia*, made upon the request of the Ombudsman of the Republic of Serbia Sasa Jankovic in 2009.

49) European Commission for Democracy through Law (Venice Commission), *Comments on the draft law on churches and religious organizations of the Republic of Serbia*, 67th Plenary Session (Venice, 9-10 June 2006)

regarding the full enjoyment of the freedom of religion in the Republic of Serbia, for both traditional churches and religious communities and newly organized religious communities, in this text will not consider the issues related to the latter.

As pointed out by several authors, intention of the lawmaker of the Law on Churches and Religious Communities (which the then minister supported in one interview)⁵⁰ was to make a compromise between giving the freedom of religion and protecting the position of the SOC which is treated as first among equals.⁵¹ Observed from that angle, a significant part of the text of the law looks like an attempt to protect the rights of SOC. For the purpose of this study i.e. the issue of relation toward activities of ROC on a part of the territory of the Republic of Serbia, most pertinent are articles 7 and 19 of this law and their harmonization with provisions of the Constitution and international standards that apply to the Republic of Serbia. These articles define the relation between internal decisions made by registered churches and activities of state institutions, as well as the procedure of registration of churches and religious communities in the Register of churches and religious communities, which enables them to regularly perform their activities on the territory of the Republic of Serbia.

Article 7 of the law reads: "The state shall not disturb the application of autonomous regulations enacted by Churches and religious communities. For the enforcement of final decisions and judgments issued by competent bodies of Churches and religious communities the state shall, upon their request, provide appropriate assistance in accordance with law." Dubiousness of this article was pointed out even during the debate in the National assembly, because on the basis of the second paragraph of this article the state assumes the position to service the fulfillment of internal decisions of registered churches and religious communities, which brings into question the separation of church and state.

As far the registration of churches is concerned, the law (Article 11-15) prescribes that there are five traditional churches in Serbia (The Serbian Orthodox Church, The Roman Catholic Church, The Slovak Evangelist Church (a.c.), the Reformed Christian Church, the Evangelical Christian Church (a.c.) and two traditional religious communities (The Jewish Community and The Islamic Community). The law prescribes that all churches and religious communities must be entered in the Register of Churches and religious communities kept by the Ministry competent for religious affairs, in order to be treated as registered, which implies certain rights and obligations. However, this does not fully limit activities of a church without registration in the said Registry, if no other laws of the Republic of Serbia are violated.

However, article 19 of the law prescribes the following: „A religious organization whose

50) Др Ненад Ђурђевић, *Остваривање слободе вероисповести и правни положај црква и верских заједница у Републици Србији*, Службени гласник, Београд, 2009, р 33

51) Milan Vukomanović, „Diskriminacija s predumisljajem“, Internet portal Peščanik, 8.10.2010., internet [accessed April 4, 2015], <http://pescanik.net/diskriminacija-s-predumisljajem>

name contains the name or part of the name denoting the identity of the Church or religious community already entered into the Register or of the one who had filed the application before, shall not be entered into the Register.” This means that no other church or religious community with a name similar to that of the traditional or those already entered in the Registry can operate in the territory of Serbia, unless approved by the traditional or those already registered. This prevents recognition of activities of churches and religious communities if contrary to the internal rules and decisions of the traditional and registered churches and religious communities. In practice, a similar situation occurred with The Montenegrin Orthodox Church and The Macedonian Orthodox Church when these churches filed a request for registration and the competent Ministry refused.

On the other hand, other regulations of the Republic of Serbia (Constitution, articles 13, 41) as well as applicable international standards also regulate the freedom of religion, prohibition of discrimination, restriction on freedom etc, such as: The European Charter for the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights, Universal Declaration of Human Rights of the United Nations, the Helsinki Act of 1975, The Concluding Document of the Vienna Meeting of the CSCE of 1989, The Charter of Paris for a New Europe (CSCE), the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief etc. Various international institutions – OSCE, Venice Commission and Council of Europe reacted in relation to provisions of this law and its implementation, claiming that those are primarily contrary to the Convention for the Protection of Human Rights and Fundamental Freedoms.

In 2010 a coalition of civil society organizations submitted an initiative before the Constitutional Court for the assessment of constitutionality of the Law on Churches and Religious Communities, which was rejected by the same court in early 2013.⁵² This exhausted the possibility to argue the case before domestic legal institutions without amending the law through a regular procedure. However, individuals are left with the possibility to refer to domestic higher courts, and if that is exhausted, to the European Court of Human Rights. A very similar situation happened in Moldova. After Moldova had refused to allow activities of the Metropolitan Church of Bessarabia of the ROC on its territory, this church and 12 of its followers – citizens, after having several unsuccessful attempts before Moldovan courts, filed a complaint before the European Court of Human Rights for violation of the right to freedom of religion and assembly and discrimination against the Metropolitan Church of Bessarabia.⁵³

52) *Assessment of constitutionality of the Law on Churches and Religious Communities*(Uz 455/2011), Decision of the Constitutional court of 16 January 2013, Official Gazette no. 35/06, internet [accessed February 18, 2015], <http://www.bgcentar.org.rs/bgcentar/wp-content/uploads/2013/12/Ocena-ustavnosti-Zakona-o-crkvama-i-verskim-zajednicama.pdf>

53) See case 45701/99, internet [accessed February 18, 2015], <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-59985>

4.2 Historical context of relations between the two churches

ROC and SOC have continuous, more or less solid relations since the time of the Habsburg Monarchy (Austria-Hungary). The Patriarchate of the Serbian Orthodox Church with the seat in Sremski Karlovci and its Eparchy of Timisoara were responsible for all orthodox believers on the territory of Banat (including orthodox Romanians) until 1864 when all predominantly Romanian church municipalities were separated and later merged with the newly established Metropolitane of Sibiu and eparchies of Karansebes and Arad. Timisoara Eparchy of the Serbian Patriarchate continued to exist and incorporated all predominantly Serbian church municipalities in the Arad region.⁵⁴

This division continued even the fall of Austria-Hungary when the Patriarchate of the Serbian Orthodox Church and Metropolitane of Sibiu became parts of the united SOC and ROC, respectively. The seat of the Timisoara Eparchy was moved to Kikinda and in 1931 the entire territory of the Serbian/Yugoslavian Banat became a unified Episcopacy, while Timisoara Eparchy remained limited exclusively to church territories in Romania.⁵⁵ Since then the SOC appoints administrators (usually one of the bishops) for the Timisoara eparchy. The territory where the SOC operated, and which was incorporated into the Kingdom of SCS remained under the previously mentioned eparchies.⁵⁶

There were attempts to determine the rights of the Serbian minority in Romania and Romanian minority in the Kingdom of SCS through an interstate agreement, primarily in domains of education and religion. As far as the rights of the church are concerned in July 2, 1934 an interstate *Convention on activities of SOC in Romania and ROC in Serbia* was signed in Belgrade, but that agreement was never ratified by the Yugoslav parliament.⁵⁷ However, all Romanian eparchies continued to operate without any major problems until World War II.⁵⁸ The interwar period was mostly characterized by more than cordial relations between the two states, which together with Czechoslovakia formed a defense and political union Little Entente, so the issues of minorities did not affect the dynamics of relations.

After the end of the World War II, the issue of churches in both parts of Banat was resolved by an agreement between then Banat bishop of SOC Visarion and Timisoara Metropolitan of ROC Nicolai in the early 1960's (when the improved relations between the two countries created conditions for that), allowing them to carry out their activities

54) Description of the fund of RS 002 F. 4 Timisoara Eparchy, Archive of Vojvodina, internet [accessed January 18, 2015], <http://www.arhivvojvodine.org.rs/index.php/fondovi-i-zbirke/svi-fondovi-ci/479-rs-002-f-4>

55) *ibid*

56) Aleksandra Đurić-Milovanović, Mirča Maran, Biljana Sikimić, *Rumunske verske zajednice u Banatu*, Visoka škola strukovnih studija za obrazovanje vaspitača „Mihailo Palov” Vršac, Vršac, 2011, p.17

57) Dr. Adina Berciu, “Romanian schools and churches in Balkan Peninsula”, Documents (1864-1948), I. Bucharest, Editors University Bucharest, 2004, p. 249

58) *Ibid*

as before. In order to enable a more efficient management a new Romanian Orthodox Vicarage was established in 1971 in Serbian/Yugoslav Banat from parts of several eparchies, subordinated to Banat Metropolitanate seated in Timisoara.⁵⁹ By adopting the *Law on Religious Freedoms and General Status of Religious Communities* in 2006, Romania recognized the activates of the Timisoara Eparchy (listed as no. 2 on the list of recognized churches, right after ROC) on the entire territory of the Republic of Romania⁶⁰, despite the fact that according to its Statute the Timisoara Eparchy exclusively entails areas of former Banat and Timisoara eparchies which are now in Romania.⁶¹

Vicarage of the ROC in the Serbian part of Banat was raised to the status of a special eparchy within the ROC under the name Dacia Felix in 2001 (independently) and within the Banat Metropolitanate with the seat in Deta, Romania. Danil was ordained titular bishop and in 2004 he was raised to eparchial bishop. Recognition of "appropriate organizational unit of ROC in Banat" was prescribed by article 2 of the Rulebook on the content and manner of maintaining the Registry of churches and religious communities adopted by the Ministry of Religious Affairs⁶², while the Eparchy was recognized and entered into the Registry of churches and religious communities in 2009 (with operations limited to the Banat territory).⁶³

4.3 Relations between the two churches, chronology of events on the ground, incidents

Dispute between the two churches formed gradually after the establishment of Dacia Felix due to, as seen by the SOC, noncanonical activities of the ROC clergy in eastern Serbia. Simply put, there is an understanding between orthodox churches that orthodox churches may operate on canonical territory of another orthodox church solely upon its approval. As we have stated earlier, between 1864 and 2001 activities of the ROC in Serbia were strictly limited to the territory of Banat, for which there was an agreement

59) Aleksandra Đurić-Milovanović, Mirča Maran, Biljana Sikimić, *op.cit.*, p.17

60) "Law 489/2006 on the Freedom of Religion and the General Status of Denominations", Monitorului Oficial al României, January 8, 2007

61) *Statute of Timisoara eparchy*, Svetosavlje internet portal, internet [accessed February 18, 2015], <http://www.svetosavlje.org/biblioteka/zakoni/statut-eparhije-temisvarske.htm>

62) „Rulebook on the content and manner of maintaining the Registry of churches and religious communities“, Official Gazette of the Republic of Serbia, number 64. 2006

63) According to the data of Aleksandar Raković, "together with the eparchy Dacia Felix, Protoperbyterat Dacia Ripensis also filled registration claim". Although eparchy Dacia Felix was recognised, the registration procedure for Protoperbyterat was stopped, since, as Raković concludes, "there was no legal ground for its registration in Serbian civil and church law". Aleksandar Raković, „Nekanonsko delovanje Rumunske pravoslavne crkve u severoistočnoj Srbiji (2001–2014) kao izričiti vid rumunskih geopolitičkih pretenzija“ made as a part of the project "Srbi i Srbija u jugoslovenskom i međunarodnom kontekstu: unutrašnji razvitak i položaj u evropskoj/svetskoj zajednici" (47027), Institut za noviju istoriju Srbije, Beograd, 2014, p. 50

between the two churches and which was reconfirmed when the new eparchy Dacia Felix was entered into the Registry of churches and religious communities in 2009.

The first dispute between the two churches occurred in February 2002. At a ceremony marking the 10th anniversary of the Democratic Movement of Romanians in Serbia, in the village Slatina near Bor, bishop Danil attended without the knowledge of the bishop Justin of Timok. Bor, as most central and western parts of the eastern Serbia, falls under the jurisdiction of Timok eparchy of the SOC, and therefore the act of the bishop Danil of entering the territories of these eparchies without formal approval was seen by the SOC as violation of its canonical laws.

The same year, just before the census, allegedly due to the distribution of “yellow ballots” which called the citizens to declare themselves Vlachs – Romanians, Serbian Patriarch Pavle made an “appeal to the citizens of Timok Krajina” not to “denounce their ancestry and patron saints because the yellow ballots that invite them to declare themselves as Vlachs – Romanians are an act of malicious people”.⁶⁴ This appeal made by the Serbian Patriarch made it clear that SOC considers the population of Timok Krajina and eastern Serbia either Serbian or of Serbian origin, making it necessary to react to the “pro-Romanian agitation”.

In practice, major part of the dispute is related to the activities of the priest of the ROC Bojan Aleksandrovic (Romanian: Boian Alexandrovici) from Negotin, who used to attend Religious studies within the SOC and was earmarked for a priest. However, Aleksandrovic distanced himself from the bishop Justin and approached the newly-established eparchy of the ROC in Vrsac. In 2003 he was ordained by the bishop Danil to the priesthood and later appointed as the archpriest of the Protopresbyterat of Dacia Ripensis, a newly-established territorial unit within the eparchy Dacia Felix of the ROC which includes the territory of eastern Serbia and “all orthodox Romanians, so called Vlachs (those who so desire) from Serbia, excluding Vojvodina”.⁶⁵

The first incident that received media attention was the construction of church of the ROC on Aleksandrovic’s private property in the village Malajnica. Local authorities attempted to prevent this, claiming that they neither have a building permit nor “permission from the Serbian Orthodox Church”.⁶⁶ The then Minister of Religious Affairs Milan Radulovic stated that “ROC exists in eastern Serbia only through the acts performed by a priest seminary dropout Aleksandrovic, (...) and if ROC wishes to be

64) “Apel patrijarha srpskom stanovništvu u Timočkoj krajini”, Internet portal Blic Online, April 5, 2002, internet [accessed December 2, 2014], http://www.blic.rs/stara_arhiva/najnovijevevisti/23259/Apel-patrijarha-srpskom-stanovnistvu-u-Timockoj-krajini.

65) „Struktura“, Internet portal Protopresbyterat Dacia Ripensis of RPC, internet [accessed May 5, 2015], [<http://daciaortodoxa.ro/sr/struktura/protoprezviterat.html>]

66) Draško Đenović, „SERBIA: Romanian priest to pay for official destruction of his church“, Forum 18 News Service, September, 19 2005, internet [accessed January 13, 2015], http://www.forum18.org/archive.php?article_id=654

active in Timok valley it must seek permission from the SOC“, even though at time such permission was not necessary since the Law on Churches and Religious Communities has not been adopted yet. After that the local authorities brought a decision to tear down the said building, which apparently did not happen due to Romania’s intervention. Later the church was consecrated by the bishop Danil of Dacia Felix.⁶⁷

Dialogue between the two churches regarding this issue allegedly started in 2005 in Novi Sad and continued in 2006 in Bucharest when, according to the research team sources, some sort of agreement was reached by which the ROC will not send priests in eastern Serbia and that the SOC will ordain priests who will conduct services in Romanian language. On that occasion another agreement was also reached regarding formal recognition of activities of both churches – ROC on the territory of Banat through Dacia Felix eparchy and SOC on the entire territory of Romania through Timisoara eparchy.⁶⁸

However, the situation did not settle after this and the conflict continued. In the following years there several more incidents regarding erection of churches and chapels of the ROC, and placing of religious symbols, as well as services performed by priests of the ROC (in Svilajnac municipality, village Podgorac (Boljevac municipality), village Sipkovo (Zajecar municipality)).⁶⁹ Apart from these incidents, the conflict is stirred by the information that (according to the press and information received from ISAC fund sources) that priests of the ROC are charging for their services much less than priests of the SOC.⁷⁰

In 2008 bishop Justin defrocked Aleksandrovic even though, as claimed by Aleksandrovic himself, he was never ordained by the SOC but by the ROC, and therefore the act of Bishop Justin has no effect.

From then until today the number of priests of the ROC has been increased to nine, and these are mostly citizens of Romania. The SOC sent several protest notes to the ROC in relation to activities of the Protopresbyterate in Branicevo and Timok eparchies, threatening to “follow the example of the Jerusalem Patriarchate” that is that it will cease relations

67) During 2009 the Church was again a subject of controversy since a new decision was brought to tear down a building, since the permit was obtained for the construction of a business facility not religious. Extreme right protested in Bucharest which caused a chain reaction in Serbia. See Ž. R. Dragišić, „Novi spor zbog rumunske crkve“, Press online, February, 14, 2009. internet [accessed January 13, 2015], <http://www.pressonline.rs/svet/balkan/58563/novi-spor-zbog-rumunske-crkve.html>

68) Jürgen Herrmann, *Report: The situation of national minorities in Vojvodina and of the Romanian ethnic minority in Serbia*, Parliamentary Assembly of the Council of Europe Committee on Legal Affairs and Human Rights, 14. February 2008, point 90

69) D. Marković, R. Dragović, „Rumuni sad besni zbog krsta“, Večernje Novosti online, November 1, 2013, internet [accessed January 13, 2015], <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:461785-Rumuni-sad-besni-zbog-krsta>

70) G.M. Zorić, „Svilajnac: Opelo obavili rumunski sveštenci“, Večernje Novosti online, April 19, 2013, internet [accessed January 13, 2015], <http://www.novosti.rs/vesti/srbija.73.html:376082-Svilajnac-Opelo-obavili-rumunski-svestenci>

(Jerusalem Patriarchate at one point ceased relations with the Romanian church because the ROC established a monastery in Jericho, Israel, which is the canonical territory of the Jerusalem Patriarchate).⁷¹

According to the sources of the ISAC fund from Romania, ever since the first incident in the village Malajnica involving the erection of church of the ROC in 2004, the official Bucharest, the embassy of Romania in Serbia and its representatives demand from Serbia and SOC to stop the pressures and allow the ROC to operate on the entire territory of Serbia, just like the SOC can operate on the entire territory of Romania. As Viorel Badea pointed out “Serbia should respect its own laws on civil freedoms and give up this medieval behavior”.⁷² Also, the Council of Europe reacted to the dispute between the two churches and in the aforementioned resolution 1632 (2008) prompted Serbian authorities to cooperate with both SOC and ROC to find a practical solution that would allow for the „freedom of religion to become a reality in eastern Serbia”.⁷³ Freedom of church activity was also a part of the conclusion of the signed Protocol (Minutes) of the Second meeting of the Intergovernmental Mixed Commission, as part of a practical agreement signed in October 2012, brokered by High Commissioner Knut Vollebæk. It should be noted that certain sources of the ISAC fund feel that the SOC should introduce service in Vlach language.

4.4 Perspectives for the future

ROC considers all Vlachs in Timok valley and eastern Serbia in general as ethnic Romanians, who are pressured to assimilate, and that Romanians or the so-called Vlachs in eastern Serbia are not allowed to worship in their mother tongue, and that actions of the SOC are directed toward “denationalization” of that population. In that sense, the ROC sees the acts of the Protokesbyterat as a positive step in line with international standards, which Serbia had accepted.

On the other hand, the SOC sees the actions of the ROC as an unauthorized entry on its territory in an attempt to “denationalize” the Vlach population which is considered a part of the Serbian nation and converting them to Romanians, as seen in the appeal of the Serbian Patriarch in 2002.

71) „Preki predodnos SPC i Rumunske pravoslavne crkve“, Politika, May, 26,2012, Internet [accessed March 14, 2015], <http://www.politika.rs/rubrike/Drustvo/Preki-predodnos-SPC-i-Rumunske-pravoslavne-crkve.lt.html>

72) “Serbia continuă provocările la adresa comunității românești din Valea Timocului. Autoritățile române se prefac că nu văd”, internet portal Adevarul, October 26, 2013, Internet [accessed March 14, 2015], http://adevarul.ro/news/eveniment/valea-timocului-bia-1_526ba22ec7b855ff5680c7f1/index.html

73) Resolution 1632 (2008) „Situation of national minorities in Vojvodina and of the Romanian ethnic minority in Serbia“, Parliamentary Assembly, Council of Europe, 2008

By all accounts both churches are still under the influence of national churches – the key defenders of a narrowly understood national culture and identity. Therefore the activities of the SOC in eastern Serbia are seen by the ROC as assimilatory towards Vlachs – Romanians, while the SOC recognizes proselytism in the activities of the ROC in eastern Serbia. In that sense they act toward the public and the state, creating an impression that there is no room for dialogue.

Even though it is evident that by initiating its activities the ROC followed the approach previously applied in Moldova, just as was the case with canonical territory of the Patriarchate of Jerusalem, that still does not justify the way the ROC representatives were treated in eastern Serbia by the local authorities, having in mind that the 2006 Law on Churches and Religious Communities was not in force. Regardless of the canonical approach of the ROC, taking into account the political dimension of the issue, the SOC should have made a stronger appeal for the dialogue, as well as allowed for the service to be conducted in Romanian or Vlach language.

Surely the best solution would be to reopen the dialogue between the two churches and find a solution that is mutually acceptable and which will allow respect of church rules and the needs of a part of citizens in eastern Serbia. If the issue pertains to the personnel, neither church should insist on certain individuals but facilitate constructive dialogue in the future. The research team is under the impression that if orthodox eparchies abroad can overlap and even share churches and receive religious facilities from the Roman Catholic Church, the question is why a similar solution should be a problem in Serbia or Romania?

Regardless of the dialogue between churches, which should be helpful, Serbia should reform its legislative framework and allow freedom of religion in full for all citizens, as prescribed by the Convention on Human Rights and other international documents which Serbia had accepted.

5 Political processes, civic activism and political representation

Political and social scene of the Vlach minority begin to form in the early 1990's of the 20th century, but it was only in 2006 when the first National council of the Vlach minority was formed that it gained a more significant form. The key gathering point for the formation of identity, political and action programs of the Vlach minority political parties in Serbia was the issue of identity and language of the Vlach community in Serbia. In the next chapter we will discuss electoral cycles for the national council (including the National council of the Romanian national minority), participation in regular electoral processes of the Vlach parties and organizations and the most relevant actors on the current political scene. Finally, we will review the issue of representation of minority communities in the National Assembly of the Republic of Serbia.

5.1 Vlach and Romanian national council

National council of the Romanian national minority is also relevant since many Vlachs carry the feeling of Romanian identity (only a small portion of the community declares themselves as exclusively Romanian). Already at the formation of the Romanian national council in 2002, one part of the Vlach community representatives advocated for more members in the Romanian national council, arguing that all Vlachs and Romanians registered in the 1991 census form one community. However, the competent Ministry for Human and Minority rights of the Federal Republic of Yugoslavia decided that the number of members elected in the council must be based on the number of citizens who declared themselves Romanian, despite the fact that electoral list included organizations from eastern Serbia („Ariadne Fillum” and Romanian Cultural Center from Brestovac). Still, 9 electors for the election to the National council of the Romanian national minority were individuals from eastern Serbia who have publically declared themselves Romanian. Regional offices of the Romanian national council were established in 7 towns, out of which 2 in eastern Serbia, specifically in Bor, Kladovo, Vrsac, Alibunar, Uzdin, Tork, and Banatsko Novo selo. It should be noted that on the following elections for the Romanian national council in 2004, the list “Romanian unity” from eastern Serbia won, which was headed by members of the Vlach community (that is those who unequivocally declared themselves Romanian). Mr. Dragisa Kostadinovic-Trajan from Kladovo, then a high official of the Democratic movement of Romanians in Serbia became the president of the National council.

During its existence, from 2002 until today, the Romanian national council had in its midst members of the Romanian community coming from eastern Serbia (mostly via the Democratic movement of Romanians in Serbia political party, which is the oldest, active, Romanian – Vlach party in Serbia). Apart from regional offices in Bor and Kladovo, the National council of the Romanian national minority opened two more offices in eastern

Serbia during 2013 and 2014, in Podgorac (Boljevac municipality) and Zajecar. Since 2006 the majority of the Vlach community has opted to participate in elections and work of the Vlach national council.

5.2 Elections for the Vlach National council and its operation 2006-2014.

5.2.1 Electoral system

The first national councils were elected on indirect elections, via electoral assemblies. According to the sources of the ISAC fund, regardless of their orientation, whether (conditionally speaking) pro-Romanian or oriented toward preserving the specificities of the Vlach community, the main reason for establishing a separate national council were the specific conditions in which the Vlach community lives, as well as their historical development compared to other minorities, most of all Romanians living in Serbia.

At the initiative and technical assistance from the Vlach Cultural Forum from Bor (today Vlach Forum) the then Ministry for Human and Minority Rights, convoked the electoral assembly in March 2006. There were 98 electors at the electoral assembly (out of total of 102), and two election list were presented: the first "Union of Vlachs in Serbia", which we can conditionally label as closer to the pro-Romanian option), comprised of representatives of the Vlach Democratic Party of Serbia (VDSS) and representatives of Vlach civil society organizations headed by Mr. Dragomir Dragic, president of the Vlach Cultural Forum⁷⁴; and the list headed by Mr. Sinisa Maksimovic, under the name "Vlachs for Vlachs" (on the list, among others, were Slobodan Peric and Jasmina Mihajlovic – now Glisic, who supported "autochthonic views". Main issues surrounding the debate at the electoral assembly were the identity of Vlachs i.e. the difference between Vlach and Romanian community, the issue of language and script, and alleged intentions of certain factions to carry out the so-called "Romanization of Vlachs".⁷⁵ The list "Union of Vlachs in Serbia" won, with 14 members of the Council, and the list "Vlachs for Vlachs" got 7. President of the municipality Veliko Gradiste Mr. Zivoslav Lazic, then member of the Democratic Party (DS) was elected as the President of the Council and Dr. Predrag Balasevic as vice-president.

However, although now constituted, the National council was not officially entered in the Registry, because the competent ministry⁷⁶ postponed it, allegedly because of the

74) Attended by, among others, Dr Predrag Balasevic, Zavisla Zurz, Ivica Glisic, Zivoslav Lazic and others.

75) For illustration purposes, it would be interesting to mention that the head of the list „Vlachs for Vlachs“ Sinisa Maksimovic, that stood for making a clear distinction between Vlachs and Romanians, was previously an elector of the assembly of the National council of the Romanian national minority, and therefore prevented from participating as an elector of this assembly.

76) Upon dissolution of the State Union of Serbia and Montenegro (SUSM) these issues became the responsibility of the Ministry of Public Administration and Local Self-Government of the Republic of Serbia.

inscription in Romanian language on the Council's official stamp (next to the inscription in Serbian language), as testified by some sources of the ISAC fund. According to them, the Ministry had allegedly agreed in 2008 to register the Council in the Registry after "being threatened that a lawsuit will be filed with the Court for Human Rights in Strasbourg". Upon registration the Council adopted a decision that the official language of Vlachs is Romanian, after which it initiated the communication with the Ministry of Education on the introduction of the education in Romanian language in school in eastern Serbia.

5.2.2 Direct elections for the Vlach National council 2010.

The Law on National Councils of National Minorities adopted in 2010 prescribes that direct elections of national councils are held if more than 50% of the total number of the members of the national minority according to the latest census is entered in the special electoral roll⁷⁷. More than 16700 citizens, members of the Vlach minority were entered in the special electoral roll (and 11381 more before the elections), and the requirements were met for direct elections for the National council in 2010. A total of 9 lists participated with candidates for the total of 23 seats in the National council. A total of 13091 registered voters casted their ballots i.e. 46.62% of eligible voters.

Candidates who were part of the majority in the previous convocation of the national council were gathered around Dr. Predrag Balasevic and Stanisa Paunovic from the list "Union of Vlachs of Serbia", headed by VDSS.⁷⁸ Their program was directed toward the statutory authorities of the national council i.e. information, culture, education, the use of language and script; however, in their pre-election campaign they did not advocate directly for Romanian but only for mother tongue.

Other lists were mostly comprised of members from majority parties. For example, List no. 1 "Vlachs for Serbia – Serbia for Vlachs" was headed by MP from the Socialist Party of Serbia (SPS) Miletic Mihajlovic, and others included presidents of municipalities Petrovac na Mlavi, Mr. Radisa Dragojevic from SPS and Zagubica, Mr. Dragi Damjanovic from United regions of Serbia (former G17 plus). In its pre-election campaign the List no. 1 advocated: preserving harmony and cohabitation between Serbs and Vlachs, cultivating the specific identity, culture and customs of Vlachs as opposed to "the policy of Romanization", the use of Vlach language and standardization of Vlach language and script, promoting media in Vlach language etc.

The list „United Vlachs“ was headed by Dragan Balasevic, a prominent member of the Serbian Progressive Party (SNS) and later adviser to the Serbian president Tomislav Nikolic. The framework of the program was support to "both Serbian and Vlach

77) Amendments to this law from 2014 prescribe 40% of the total number of the members of the national minority.

78) Among others, reappearing again are Dragomir Dragic, Dragan Demic, as well as Natasa Glisic, who was on the opposing side in the previous convocation of the council.

language”, and to Serbia being the “the home country of Vlachs”. The rest of the program dealt with issues that are not related to the competencies of the National council, such as economy and regional development.

The list „Vlachs for European Serbia” was headed by Dr. Sinisa Celojevic, who was at the same time the leader of the Vlach Democratic Party (VDS) and president of the Association “Gergina”. The list „Vlachs in European Serbia” was headed by Neli Djordjevic.

The key pre-election debate was between the list „Union of Vlachs in Serbia” and „Vlachs for Serbia – Serbia for Vlachs”, and main points were issues of the Vlach mother country (Romania or Serbia), repeated issue of the Vlach mother tongue in Serbia and alleged “Romanization”.

The list with the most votes was the „Union of Vlachs in Serbia” with 3615 votes or 27.93%, while the runner-up was the list „Vlachs for Serbia – Serbia for Vlachs” with the total of 3414 votes or 26,38%, which brought both lists the same number of seats in the council. Next in line were Vlachs for European Serbia with the total of 1916 or 14,80%, United Vlachs with 1519 votes or 11,74%, Vlachs in European Serbia with 1387 votes or 10,72%, and finally Vlachs of Zajecar municipality with 557 votes or 4,46%.

According to the mandates won, the configuration of the new Council was as follows:

	List	List leader	No. of seats in the Council
1.	Union of Vlachs of Serbia	Dr Predrag Balasevic	7
2.	Vlachs for Serbia – Serbia for Vlachs	Miletic Mihajlovic - Tica	7
3.	Vlachs for European Serbia	Dr Sinisa Celojevic	3
4.	United Vlachs	Dragan Balasevic	3
5.	Vlachs in European Serbia	Neli Djordjevic	2
6.	Vlachs of Zajecar municipality	Miodrag Markovic	1
7.	List for Vlachs in Serbia – Center for human rights and interethnic tolerance – Bor	Slobodan Djurdjevic	0
8.	Vlachs in Serbia – <i>One’s own man in one’s own place</i>	Petar Gudzukanovic	0
9.	Authentic Vlachs	Dragoljub Firulovic	0

Mr. Radisa Dragojevic, president of the municipality Petrovac na Mlavi was elected president, and Mr. Miletic Mihajlovic, Dragan Balasevic, Dr. Sinisa Celojevic and Neli Djordjevic as vice presidents. Although it had won the most votes at the elections, the list

„Union of Vlachs of Serbia“ was not able to secure the majority nor influence the policies carried out by the council.

Already by adoption of the Council's Statute in November 2010 in Zagubica, the decision of the previous National council on the Romanian language being the mother tongue of Vlachs was cancelled, and non-standardized Vlach language was selected instead, while the Council opted to officially use Serbian language until Vlach was standardized. Afterwards the National council adopted the Declaration of the National council of Vlachs, committing itself to autochthony and self-identity of the Vlach community in Serbia and rejected further attempts to "Romanize" the Vlach national minority. In that sense, probably the most significant decisions of the National council were accepting the proposal by the Association "Gergina" of April 2012 on the Vlach script and initiating the process of introduction of the subject "Vlach language with elements of national culture" in elementary schools in eastern Serbia.

Minority in the council, which came down to the list "Union of Vlachs of Serbia" mostly boycotted council's operations and therefore it neither had participated nor actively opposed the decision-making process within the council.

5.2.3 Elections for the National council 2014

At the following elections for national councils in 2014, four lists took part. Most of those who represented the majority in the previous convocation of the National council formed a list under the old name "Vlachs for Serbia – Serbia for Vlachs" with Radisa Dragojevic, the previous Council president as the list leader. The group headed by dr. Sinisa Celojevic also formed a separate list but now before the Association „Gergina“. Slobodan Peric, former member of the first convocation of the National council, now member of the parliament from the Serbian Progressive Party (SNS), formed a list „Movement of Vlach Unity“, headed by the party of the same name.

The list headed by VDSS on previous elections "Union of Vlachs of Serbia" was split. Most members of the previous National council (Dr. Predrag Balasevic and the faction gathered around him) decided to boycott the elections due to „unequal conditions“, while the faction headed by Dragan Demic took part at the elections under the same/old list name.

There were 27808 voters entered into a special electoral roll, and 8901 voted, or just above 32% of those entered in the list, while more than two-thirds of the votes or 71.5% went to „Vlachs for Serbia, Serbia for Vlachs“. The runner-up was the list Movement of Vlach Unity with 909 votes or 10.21%. "Gergina" was third with 853 votes or 9.58%, while the list Union of Vlachs of Serbia got 700 votes or 7.56%.

	List	List leader	No. of seats in the Council
1.	Vlachs for Serbia – Serbia for Vlachs	Radisa Dragojevic	18
2.	Movement of Vlach Unity	Slobodan Peric	2
3.	Association „Gergina“ Negotin	Dr Sinisa Celojevic	2
4.	Union of Vlachs of Serbia	Dragan Demic	1

The National council continued its previous activities, and the goals proclaimed at the inaugural meeting of the council included continuation of introduction of the subject “Vlach language with elements of national culture” in elementary schools, standardization of language and its introduction in official use in municipalities where that is possible, as well as cultivation of national heritage and traditional cultural manifestations of Vlachs. Elected vice-presidents of the council are Novica Janosevic, Dragi Damjanovic, Miodrag Markovic, Miletic Mihajlovic and Neli Djordjevic.

The faction around Dr. Predrag Balasevic announced the establishment of parallel institutions (following the example of the parallel Bosniak National council formed by Bosniak Cultural Union after the 2010 elections), but no significant steps have been taken in that direction so far.⁷⁹

5.2.4 Election irregularities. Influence of political parties from the “national level” and politicization of national councils

Elections for minority national councils in 2010 were marked by rumors on irregularities. One of the issues related to direct elections of minority councils in general was the lacking procedure for enrolling in minority electoral rolls. Namely, the requests for enrollment in electoral roll could be submitted by third parties on behalf of those being enrolled, without a certified authorization, thus creating a setting that is open to abuse. The Commissioner for Information of Public Importance and Personal Data Protection Rodoljub Sabic publically expressed suspicion that the activists of political parties were enrolling citizens in the special electoral roll without their knowledge or will and that parts of the electoral roll were forged.⁸⁰ This issue was later resolved by allowing enrollment in the electoral roll at personal request only. Any citizen who suspects their name and signature have been abused can seek to check the electoral roll, which is enabled by means of a special protocol on the web portal of the Ministry of Public Administration and Local Self-Government.

79) See „Usvajanje deklaracije o formiranju paralelnih institucija kulturne autonomije Vlaha”, October 5, 2014, Bor, internet [accessed February 4, 2015], http://www.zajednicavlahasrbije.com/deklaracija_i_paralelne_vlaske_institucije.html

80) „Šabić kritikuje Čiplića - Birački spiskovi manjina falsifikovani”, Internet portal Blic Online, August 3, 2010, internet [accessed February 4, 2015], <http://www.blic.rs/Vesti/Politika/201150/Biracki-spiskovi-manjina-falsifikovani>

In case of Vlachs, there were accusations that some electoral lists had entered a large number of citizens in the electoral roll, without their knowledge before the 2010 elections, in order to meet the requirements for direct elections to take place. Also, some accusations were aimed at police and state security, citing forced interviews and even intimidations of those who supported the list "Union of Vlachs of Serbia" at the first direct elections for the national council. However, the official reason for investigation was the alleged illegal attempt to enroll citizens in the special electoral roll without their knowledge, which representatives of the "Union of Vlachs of Serbia" saw as another lever for exerting pressure on them.⁸¹ Finally, this list sent several objections regarding the manner in which the elections were conducted and controlled. This was seen as a common problem in all direct elections for minority councils both in 2010 and 2014, which implies a necessity to work out some sort of rulebook for conducting elections for minority councils and ensuring the presence of observers on polling stations where the participating lists are nominated.

Another issue that is subject of debates is whether those who do not feel nor declare themselves as members of national minorities are entered in special electoral rolls. The law prescribes that any citizen of the Republic of Serbia is entitled to be entered in any special electoral roll at personal request. This creates space for well-organized groups or political parties to use the possibilities provided by the existing party infrastructure to enter or motivate those who otherwise do not feel as members of a national minority to be entered in special electoral rolls, and thus influence the outcome of elections. Specifically, in the case of elections for the National council of the Vlach national minority, accusations were that some of the "majority parties", whose members participated in the elections, entered in the special electoral roll those who do not declare themselves as Vlachs. This issue is a real challenge for conducting elections and for lawmakers to ensure that authentic members of national minorities enjoy minority autonomy in the 4 areas.

In case of almost all national minorities in Serbia, the work of national councils is susceptible to influences from political parties. With large national minorities who are well-organized, the existing challenge is the influence of minority political parties who strive to make national councils instruments for achieving their own political programs and goals and thus steer not only the work of these councils but the "lives" of members of national minorities. In numerically smaller national minorities who are less organized, minority parties are relatively weak and generally not able to be dominant in elections for national councils. However, majority parties also interested in minority voters and control over resources of the national councils and do not wish to give up that electoral body easily. This is also reflected on elections for minority councils where "majority" parties have their own candidates or candidates they support, thus making the election race difficult for minority parties who do not have a well-established infrastructure

81) „Obaveštenje o diskriminaciji Vlaške nacionalne manjine u istočnoj Srbiji“, National council of Vlach national minority April 24, 2010, internet [accessed February 4, 2015], http://www.mc.rs/upload/documents/saopštenja_izvestaji/2010/April/OBAVESTENJE-O-DISKRIMINACIJI-VLASKE-NACIONALNE-MANJINE.pdf

and financing resources. For that reason local party branches are often organized and participate in elections for national councils on separate election lists as groups of citizens, using the infrastructure of parties on the national level, which gives them a comparative advantage in relation to minority parties in the election race.

The initial intention for establishing minority councils was to create institutions of non-territorial autonomous minority self-government. Later, minority self-government came down to cultural autonomy in four areas. Excessive politicization of councils' operations is a problem that must be considered in the future reform of the system of national councils, that is, during the reform it would be necessary to contemplate ways of ensuring better representation of national councils through the inclusion of all other interest minority groups, apart from political parties.

5.3 Vlach political parties and civil society organizations – participation in other segments of public and political life. The issue of representation of minorities in the Assembly of the Republic of Serbia

5.3.1 Political parties and movements of the Vlach community. Abuse of the possibility of registration of minority parties

Prior to the reform, Vlach minority parties were quite numerous compared to the number of citizens declared as Vlachs. After the reform of the *Law on Political Parties* in 2009, it was prescribed that regular political parties must submit 10000 certified signatures and minority parties 1000 certified signatures to be re-registered in the Registry of political parties. Currently there are four officially registered political parties of the Vlach national minority: VDSS (or Vlach Popular Party), Serbia in the East, VDS (or Vlach Party), as well as a bizarre party „None of the above“ (NOPO), which we will discuss later in the text. As for other parties with Vlach orientation we will only mention the Movement of Vlach Unity, which has not been entered in the Registry to date.

5.3.1.1 Vlach Democratic Party of Serbia (Vlach Popular Party)

VDSS was formed in 2004 and is probably the most recognizable political party of the Vlach national minority, because its members constituted the backbone of the first convocation of the National council of the Vlach national minority (i.e. the list „Union of Vlachs of Serbia“) and opposition to the majority in the second convocation 2010-2014. The president of this party Dr. Predrag Balasevic was also the vice-president of the first convocation of the National council. As we have mentioned before, the party boycotted the elections of the third convocation of the National council, while its seceded faction

participated in the elections and won one seat under the name from previous elections "Union of Vlachs of Serbia".

VDSS was also active on all regular elections. In 2007 parliamentary elections its representatives were on the list of the Democratic Party headed by its then president Boris Tadic, but none of the VDSS candidates won a seat. In the following elections they participated independently and won 6956 votes or 0,17%, which was insufficient for the party to exceed the natural threshold. In 2012 elections its candidates participated on the list Movement of Workers and Peasants but did not manage to win any seats in the Parliament.

At the local elections in municipalities in eastern Serbia, from 2004 to 2014, they managed to win seats in local assemblies of several municipalities in eastern Serbia. Most significant individual success was the election of Dr. Predrag Balasevic for the president of the municipal assembly in Bor in 2008, but was removed in 2009. The media speculated that the reason for his removal was "placing the emphasis on the issue of the threatened rights of the Vlach national minority".⁸²

In 2013 this party changed its name to Vlach Popular Party (VNS).

5.3.1.2 Vlach Democratic Party (Vlach Party)

This party was formed in 2008 and it is related to the Association "Gergina". Its members participated on lists for elections to the National council of the Vlach national minority in 2010 and 2014, and are active in the Council's operations, most of all in issues related to harmonization of language and script. They were successful in local elections for municipal assemblies. In 2014 it changed its name to Vlach Party.

Most publically exposed is the party president Dr. Sinisa Celojevic who was the president of the Board for the official use of language and script of the National council in the previous convocation.

5.3.1.3 „Serbia in the East“

A relatively new party, formed in Boljevac in 2011. The founder and president of this party is Neli Djordjevic, an ex-official of the United Regions of Serbia (as founder of the association "Eastern Serbia") and president of Zagubica municipality. He was the leader of the list "Vlachs in European Serbia" on 2010 elections for the national council and council vice-president since 2010. In terms of elections, the party did not have any noticeable success.

82) "Razrešen predsednik SO Bor", Danas online, April 24, 2009, internet [accessed January 17, 2015], http://www.danas.rs/danasrs/srbija/hronika/razresen_predsednik_so_bor.73.html?news_id=159599

Neli Đorđević took part in 2014 elections as a candidate on the list Boris Tadić – New Democratic Party – Green.

5.3.1.4 „None of the above“ (NOPO) – toying with national minorities

Political party “None of the above” is classic example of the abuse of rights and the lawmaker’s intention to enable minority parties to enter the national, provincial and local assemblies through natural threshold. NOPO is a political party whose founders never intended to represent Vlachs; they only used the possibility to register as a Vlach minority party by sampling entering one provision related to minorities in their Statute. It would be interesting to mention that Djordje Vukadinovic, founder and editor of the magazine and internet portal New Serbian Political Thought (NSPM) was in 2012 announced as a candidate for this party at the presidential elections. NOPO supported a document produced by NSPM entitled “Initiative for the salvation of Serbia”, saying that “... it is honorable to support one such political alternative, and its honest, patriotic and nation-building attitude”.⁸³ Of course, the nation-building attitude did not imply Vlachs, but only the majority population i.e. Serbs. Owing to this, as well as skillful linking of the party’s name and position on the ballot, NOPO had managed to exceed the threshold at the 2012 elections for the National Assembly and several local assemblies. This was not an isolated case as several other opportunistic parties were registered as minority parties without minority representative in their membership.

5.3.2 The issue of representation of minorities in the National Assembly

The Law on Political Parties prescribes the possibility for national minorities to form political parties, where special rules apply for registration and participation on elections. Unlike other political parties, political parties of national minorities can be registered after having gathered 1000 certified signatures, while regular political parties must gather 10000 signatures, which significantly facilitates the process of registration. Furthermore, in all regular parliamentary, provincial and local elections the rule of natural threshold applies for minority parties, which means that in order to win a seat in the Parliament they must gain at least that number of votes which equals the total turnout divided by the number of seats in the Parliament.

Natural threshold allows the possibility for the largest national minorities to have their representatives in the Parliament (Hungarians, Albanians, Bosniaks, and sometimes Roma), while all others have the possibility to form minority coalitions or, as is most often the case, form pre-election coalitions with some of the majority parties (in which case the rule of natural threshold does not apply). Also, on the local level this system ensures

83) “Vukadinović kandidat NOPO za predsednika Srbije“, Večernje novosti online, April 12, 2012, internet [accessed January 19, 2015], <http://www.novosti.rs/vesti/naslovna/aktuelno.316.html:375243-Djordje-Vukadinovic-kandidat-NOPO-za-predsednika-SrbijeDorđe>

active participation of minority parties in the work of local assemblies and government. Numerically smaller national minorities see this solution as extremely problematic because it does not enable them automatic or easy representation in the Parliament, forcing them, in the best possible case, to form coalitions with majority parties. So far minority coalitions have not been successful in parliamentary elections. Also, another issue are fake minority parties, which are registered as such only to sneak into representative bodies more easily. That was the case with the aforementioned NOPO, and some other parties such as the Roma Democratic Party on 2012 local elections in Novi Sad, which did not have one Roma on the list.

Some of the mother countries of the minorities in Serbia, such Romania and Croatia, demand that their minorities have guaranteed representation in the Serbian Assembly, citing the signed bilateral agreements. So far Romanians and Croats did not have representatives in the Parliament elected from a list of minority parties that participated directly in the elections.

Permanent representation of minorities under the current political system is not possible. The ruling majority headed by SNS announced changes in the Serbian political system, which may open the possibility for reforming minority representation. If the number of MP is cut from 250 to 150 or less, and proportional electoral system remains, direct representation of minorities in the Parliament through the system of reserved seats (which is often sought for minorities) will be hardly applicable because there is an evident disproportion in the size of different national minorities in Serbia (current number is 21). This will create a disproportionately large number of minority MPs since it would be impossible equalize, for example, the Hungarian national minority (counting about 250 000 according to the last census) and Czech national minority (just over 1000).

One of the possible solutions is the one recently applied in Hungary, by which representatives of numerically smaller minorities (this includes Serbs and Romanians) have the possibility of having their representative in the Parliament (through minority elections for the reserved seat), who can equally participate in debates but can only vote on issues related to national minorities. As far as minorities whose parties can exceed the natural threshold the system would remain the same.

In case the majority electoral system is proposed, the issue of representation of minorities could be resolved through the introduction of separate minority electoral units.

In either case, the issue of representation of minorities in the Parliament should account for a significant part of the upcoming discussion on the change of political system in Serbia.

5.3.3 Civil society

Civil society plays a significant role concerning the issue of identity and language of Vlachs, and therefore represents an important factor in Serbia – Romania relations. Most significant civil society organizations are: Vlach Forum, Association “Ariadnae Filum”, Association “Gergina”, Movement of Vlach Unity etc.

5.3.3.1 Vlach Forum (former Vlach Cultural Forum)

Vlach Forum is one of the oldest Vlach civil society organizations. It was this organization that initiated the establishment of the National council of the Vlach national minority and provided technical assistance to the ministry in the organization of electoral assembly. The organization is led by Dragomir Dragic, engineer, the aforementioned list leader for the “Union of Vlachs of Serbia” in 2006 elections, winning the most votes in the first convocation of the National council. They are noted for actively advocating a scientific approach to the debate regarding the issue of the Vlach identity, name and language and education in Vlach language and are one of the major critics of the work carried out by the second and third convocation of the National council.

5.3.3.2 „Ariadnae Filum“ -Society for the Vlach/Romanian Culture of Northeast Serbia

Established in 2001, this organization is active in promoting Romanian identity, which they consider to be identical to that of the Vlachs. Dr. Slavoljub Gacovic, founder a

nd former president of the society, actively participated in the establishment of the first convocation of the National council of the Romanian national minority. „Ariadnae Filum“ was on the joint list with the Union of Romanians in Yugoslavia (this organization withdrew from the process during the electoral assembly). Current president Zavisla Zurz was a member of the first and second convocation of the National council of the Vlach national minority. „Ariadnae Filum“ has close relations with VDSS i.e. VNS.

5.3.3.3 „Gergina“ Association for preservation of Vlach identity, culture, tradition and language from Negotin

Activities of this organization were already largely discussed. It was founded in 2009 and is led by Dr. Sinisa Celojevic. It was this organization that came with the proposal on Vlach language and script that was adopted by the National council in 2012. It also organized training program for the school subject “Vlach language with elements of national culture”. It actively advocates the individuality of Vlach identity and since 2009 it organizes Gergina International Vlach Music Festival.

It participated directly in the elections for the third convocation of the National council and has two representatives.

5.3.3.4 Movement of Vlach Unity

The Movement of Vlach Unity is not a formally registered party but acts as one, and it is quickly expanding thanks to, among other things, their partnership relations with SNS, currently the strongest political party in Serbia. The president and founder of the party Mr. Slobodan Peric was a two-term MP for SNS.

Slobodan Peric is the president of the Board for the official use of language and script in the National council of the Vlach national minority.

ANNEXES

1. Data on education for 2014-2015 year – Romanian and Vlach language

Romanian language with elements of national culture

School administration of Pozarevac

Primary Schools

No. of the schools	No. of school classes	No. of students
5 (-1)	6 (-1)	69

High Schools

No. of the schools	No. of school classes	No. of students
1	2	26

High Vocational and Technical Schools

No. of the schools	No. of school classes	No. of students
1	1	12

School administration of Zajecar

Primary Schools

No. of the schools	No. of school classes	No. of students
6	8	117

High Schools

No. of the schools	No. of school classes	No. of students
1	2	14

High Vocational and Technical Schools

No. of the schools	No. of school classes	No. of students
4	4	71

Vlach language (speech) with elements of national culture

School administration of Pozarevac

Primary Schools

No. of the schools	No. of school classes	No. of students
1	1	8

School administration of Zajecar

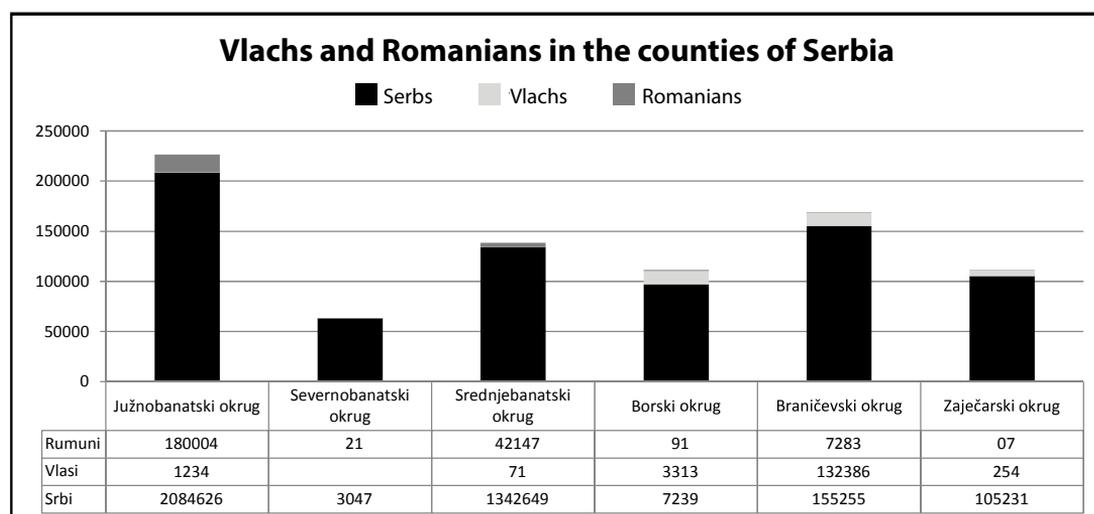
Primary Schools

No. of the schools	No. of school classes	No. of students
3	4	76

2. Vlach and Romanian national minority

Population by national affiliation				
	Total	Serbs	Vlachs	Romanians
South Banat County	293,730	208,462	123	18,000
North Banat County	147,770	63,047	4	421
Mid Banat County	187,667	134,264	7	4,214
Bor County	124,992	97,239	13,313	791
Branicevo County	183,625	155,255	13,238	728
Zaječar County	119,967	105,231	6,254	307

Data source: Statistical Office of the Republic of Serbia



3. Financing of Romanian and Vlach National Council

National council's activities are financed through yearly law on budget. The table shows amounts given to national councils of national minorities out of the budget of the Republic of Serbia for the 2008-2011 period, in RDS

2009	2010	2011	Total	2011	Ukupno
8,029,570	7,492,237	7,482,728	31,482,753	7,482,728	31,482,753
7,802,987	7,554,865	13,394,108	36,990,023	13,394,108	36,990,023
7,434,787	7,013,301	6,779,120	29,082,171	6,779,120	29,082,171

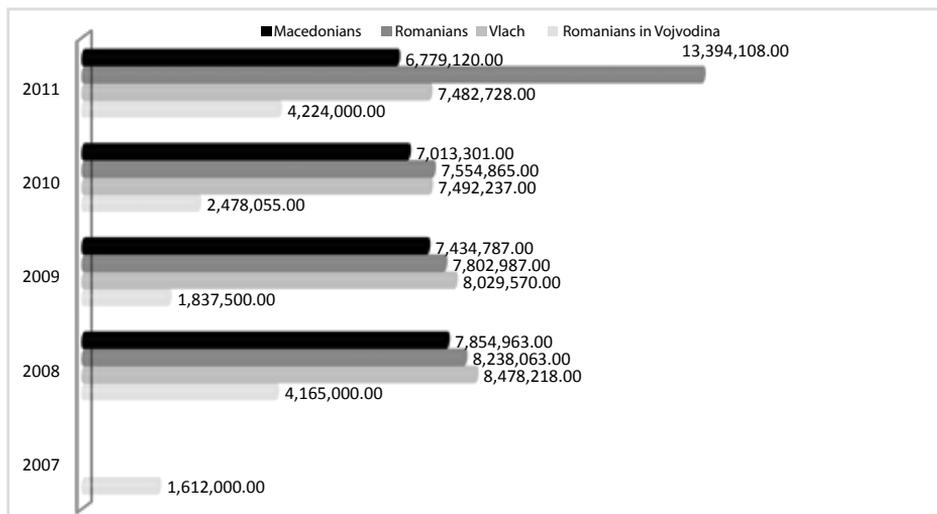
Data source: FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES – Third periodical report submitted to the Secretary General of the Council of Europe in accordance with article 25 of the Framework Convention

The province budget finances National council's activities of those National councils that have a seat on the territory of the province. The table shows amounts given to National council of Romanian Minority out of the budget of the province of Vojvodina for the 2007-2011 period, in RDS

2007	2008	2009	2009	2010	2011	Ukupno
1,612,000	4,165,000	1,837,500	1,837,500	2,478,055	4,224,000	14,316,555

Data source: FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES – Third periodical report submitted to the Secretary General of the Council of Europe in accordance with article 25 of the Framework Convention

Total funds that the national councils received from the national and provincial budget in the period 2007-2011



4. Financial aid to churches and religious communities

Financial aid of the Ministry for religion and diaspora to churches and religious communities in the period 2008- 2011, in RSD				
Churches and religious community	2009	2010	2011	Total
Assistance to Slovakian evangelistic church	1,851,977	3266836	1180000	6,298,813
Assistance to Jewish religious community	1,590,000	1,895,000	1,875,000	5,360,000
Assistance to Eparchy or Romanian orthodox church „Dakija Feliks“	2,387,994	2,037,986	238,000	4,663,980
Data source: FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES – Third periodical report submitted to the Secretary General of the Council of Europe in accordance with article 25 of the Framework Convention				

Financial aid paid out of AP Vojvodina province budget to the three traditional churches that operate on the territory of AP Vojvodina in the 2007-2011 period						
Churches or religious community	2007	2008	2009	2010	2011	Total
Romanian orthodox church	710,000	940,000	723,000	720,000	700,000	3,793,000
Slovakian evangelistic church	2,880,000	1,600,000	200,000	850,000	840,000	8,170,000
Jewish religious community	540,000	523,000	1,719,500	1,620,000	450,000	4,852,500
Data source: FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES – Third periodical report submitted to the Secretary General of the Council of Europe in accordance with article 25 of the Framework Convention						

5. Representation of Vlach and Romanian national minorities within judiciary

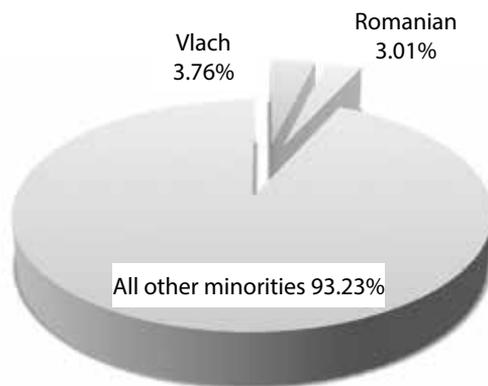
Judges

Since taking the bench on January 1st 2010, the number of national minority judges is as following:

National minority	Number of judges
Vlach	3
Romanian	10
All other minorities	137

Data source: FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES – Third periodical report submitted to the Secretary General of the Council of Europe in accordance with article 25 of the Framework Convention

National minority lay judges (in %)



Sudije porotnici

In 2009, upon recommendation of the Ministry of Justice, High Judiciary Council, in the areas where there are national minorities, has appointed members of national minority as lay judges

National minority	Number of lay judges
Vlach	5
Romanian	4
All other minorities	124

Data source: FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES – Third periodical report submitted to the Secretary General of the Council of Europe in accordance with article 25 of the Framework Convention

National minority judges (in %)

