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SERBIA: Romanian Orthodox church threatened with demolition

By Drasko Djenovic, Forum 18

Romanian Orthodox deacon Bojan Aleksandrovic is fighting an order, by the local authority, that he must demolish a church he built on his land in his home village of Malajnica in eastern Serbia. Officials say he cannot build without planning permission (although this is not required in rural areas) or the permission of the separate Serbian Orthodox Church (although this is nowhere required in law). Because Aleksandrovic is not a cleric of the Serbian Church "he has no right to ask to build a church," the council declared. Police too have questioned him about his religious activity. "All the questions were related to Orthodox church rules and jurisdiction rather than to civil law," Aleksandrovic told Forum 18 News Service. The Serbian government has long refused to recognise the Romanian Orthodox Church's diocese in the country.

Local authorities have insisted a deacon must demolish a Romanian Orthodox church he built in his home village of Malajnica (Malainita in Romanian) in eastern Serbia. They argue it needed planning permission and permission from the separate Serbian Orthodox Church, though neither is required in law. Police have also questioned the deacon about his religious activities. "I was invited to the police station to answer questions on when and where I perform religious services," sub-deacon Bojan Aleksandrovic (Aleksandrovic in Romanian) told Forum 18 News Service from Malajnica on 5 March. "All the questions were related to Orthodox church rules and jurisdiction rather than to civil law."

Aleksandrovic told Forum 18 he has received a personal promise from Serbia's religion minister Milan Radulovic at a meeting in early February that the church will not be demolished. "So far I have not received any written document on this," Aleksandrovic added, "and the case is now in Serbia's Supreme Court."

Complicating the situation is the continuing refusal of the Serbian government to recognise the Romanian Orthodox Church's diocese in Serbia – which now has 39 parishes. The state recognises it only as a vicariate, the status it had until February 1997 when the Romanian Orthodox Holy Synod raised it to a diocese, and regards it as being confined to ethnic Romanians in the Banat region in the northern province of Vojvodina, some distance from Malajnica.

Aleksandrovic built the small church and adjoining parish house last year on his private property and began using it for worship in the autumn. On 4 December 2004, Bishop Daniil (Stoenscu) – who heads the Romanian diocese in Serbia - dedicated the church bells. Aleksandrovic was obliged to build without planning permission because this area is defined in law as rural not urban, so the authorities are not able to give any planning permission and therefore all houses in the village have been built without any permission. Yet on 20 January 2005, Negotin council (to whose jurisdiction the village belongs) issued Aleksandrovic with an order to demolish the church, the belfry and the parish house within 15 days. He was allowed to challenge the ruling in court.

Aleksandrovic initially tried to seek building permission, approaching Negotin council in November 2003 (which failed to respond for several months). Rajko Korica, deputy Minister of Capital Investments, eventually wrote to Aleksandrovic in April 2004 informing him he should contact the Religion Ministry to get building permission. However, the Religion Ministry responded that it is not authorised to issue such permission and that this must come from the local authorities (in this case Negotin council). However, it said approval must first be gained from the Serbian Orthodox diocese in which the place of worship is to be built. Since Malajnica is in the Serbian Timok diocese, Aleksandrovic in effect needed permission from Serbian Bishop Justin (Stefanovic).

On 16 June 2004, Negotin council sent Aleksandrovic by courier the conclusion of the council's administration for communal and building affairs dated 30 April 2004 that the procedure had been halted. The conclusion noted that the council had written to Bishop Justin for his approval for the church building. "They have received a reply, document no. 4 of 14 January 2004, with information that Bojan Aleksandrovic is not a cleric of the Timok diocese and because of this he has no right to ask to build a church. Since [Aleksandrovic] undermines church order he has no blessing from Bishop Justin." It gave Aleksandrovic 30 days to reach a solution with the religion ministry to the conflict with the Serbian diocese and its local priest, which it described as "the only legal representatives of the Timok diocese and therefore the only ones who can decide on the proposed church".

Aleksandrovic challenged the council's rejection of his right to build, but the Zajecar district rejected his appeal on 7 December 2004 as unfounded. He lodged an appeal against this to the Supreme Court on 5 January.

In a separate case, and because in law only organisations not individuals can lodge such appeals, the Association for the Culture of Romanians/Vlachs of Serbian Orthodox Romanians in Malajnica challenged the Negotin council's conclusion to the constitutional court. But on 13 January 2005 the court rejected the application, declaring that the conclusion was not a public act (it is a conclusion not a decision) so did not fall within the court's competency.

Even had the village been granted urban status (which is not the case), Negotin council's demand for permission from the religion ministry to approve the new place of worship is strange. Aleksandra Rackov of the Ministry of Capital Investments told Forum 18 on 4 March in Belgrade that the Planning and Construction Law requires no special permission by the Serbian Orthodox leadership or the religion ministry for any building, including places of worship.

If the Serbian authorities decide to demolish the buildings it will be the same legal explanation as the Macedonian government used in October 2004 to demolish the Serbian Orthodox monastery of St John Chrysostom (see F18News 21 October 2004 http://www.forum18.org/Archive.php?article_id=437).

The dedication of the bells at the Malajnica church in December immediately provoked a response from the rival Serbian Orthodox Church. "No one informed me what would happen," Serbian Bishop Justin was quoted by the local press as declaring. "I regard this as a call for separatism, which could disrupt the centuries-long life together of Vlachs and Serbs in this area." The bishop complained to the Foreign Ministry of the Union of Serbia and Montenegro, since Bishop Daniil has a Romanian diplomatic passport.

Religion minister Radulovic blames the problem in Malajnica on the "undefined relationship" between the Serbian and Romanian churches. He believes the demolition order was enacted without the permission of Bishop Justin.

The Romanian Orthodox Church has been present in Serbia for several centuries. When the Romanian Holy Synod raised the vicariate to a diocese in 1997, Bishop Daniil was installed as bishop with his seat in Vrsac. The Serbian and Yugoslav governments never recognised the diocese since it was not created in agreement with Serbian Orthodox Church and Orthodox canons. The state has left the Serbian and Romanian Churches to find a solution and will follow whatever decision they reach.

According to the 2002 census, 34,576 ethnic Romanians and 40,046 Vlachs live in Serbia. Many Vlachs consider themselves ethnically Romanian. Most of Serbia's Romanians and Vlachs belong to the Romanian Orthodox Church. Besides Romanians in the Banat region, another centre of Romanians and Vlachs is in the Timok region close to Serbia's eastern border with Romania and Bulgaria. Romanians in the Banat can freely belong to the Romanian Church but only the Serbian Church has existed in Timok with services in Old Church Slavonic which Romanians – and indeed many Serbs – cannot understand.

In the past eight years, Romanian bishop Daniil has visited the Timok area without asking permission or informing Serbian Bishop Justin as is customary among sister Orthodox Churches. As a result of these visits, some local ethnic Romanians wanted pastoral care from the Romanian, rather than the Serbian Church. Although primarily a canonical question, this has raised a number of political issues.

In 2002 the Serbian government introduced religious education in primary and secondary schools. The Serbian Orthodox Church was specifically mentioned in regulations establishing the subject, though not the Russian, Romanian and Bulgarian Orthodox Churches which also have parishes in Serbia. Romanian Orthodox Vicar Mojse Janosh told Forum 18 that if the Romanian Orthodox were prepared to work as a Vicariate and not as a diocese they would be able to work in schools and the Serbian government would pay the salaries for teachers as they do for Serbian Orthodox teachers and priests. He added that the Church still uses the Vicariate to regulate health and pension insurance for its clergy because of the Serbian government's refusal to recognise the diocese.

The Romanian foreign ministry has several times expressed concern over the treatment of the Romanian Orthodox Church in Serbia, noting on 10 January that its embassy in Belgrade had maintained constant contact with Aleksandrovic since the previous month about the fate of his church in Malajnica.

On 21 January – the day after the demolition order was issued – the Romanian foreign ministry expressed "deep regret" over the way the local authorities had behaved, especially as planning permission is not required in the village, and making representations through diplomatic channels. "The Ministry of Foreign Affairs expresses its conviction that this situation will be sorted out in accordance to the law and to the rightful aspirations of a part of the local community," the statement declared. (END)

For more background information see Forum 18's Serbian religious freedom survey at http://www.forum18.org/Archive.php?article_id=387

A printer-friendly map of Serbia and Montenegro is available at: <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=yugosl>

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