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SERBIA: Minister bans "non-existent" Church from building church

By Drasko Djenovic, Forum 18

While a Serbian Orthodox church is being built in Lovcenac in northern Vojvodina, the local authority's allocation of land in the same village to build a Montenegrin Orthodox church sparked an immediate response from Serbia's religion minister, Milan Radulovic. He claimed that as an unregistered religious community, the Montenegrin Church does not exist, adding that the government has a duty to stop it and the Macedonian Orthodox Church building any places of worship in Serbia. The head of the Montenegrin Orthodox Church, Archbishop Mihailo, condemned what he called "arrogant behaviour on the part of Serbia", pointing out to Forum 18 News Service that the Serbian Orthodox Church operates unhindered in Montenegro. The Serbian government has tried to exclude or restrict all other Orthodox communities, including the Romanian Orthodox, the Old Calendarist Orthodox, the Macedonian Orthodox and the Montenegrin Orthodox.

The head of the local administration in Mali Idjos in northern Vojvodina, Pal Karolj, has told Forum 18 News Service his administration is prepared to allow a community of the Montenegrin Orthodox Church to build a church in the mainly Montenegrin-populated village of Lovcenac, despite public comments by Serbia's religion minister Milan Radulovic in August that it should not do so as the Montenegrin Church does not exist. "We have still not received a building application for a Montenegrin Orthodox church," Karolj told Forum 18 News Service from Mali Idjos on 6 September, "but when we receive it we will give permission, as we find no legal reason not to do so."

He said he supported the right of every nation to its own church. "If the Montenegrins are a nation and the government recognises them as such," he explained to Forum 18, "then they have the right to have their church." He said the local administration will "from our limited resources" equally support building Montenegrin and Serbian Orthodox churches in Lovcenac, as well as helping to maintain and renovate Catholic and Hungarian Reformed churches.

The head of the Montenegrin Orthodox Church, Archbishop Mihailo (Dedeic) of Cetinje and Metropolitan of Montenegro, condemned Radulovic's comments, describing them as "arrogant behaviour on the part of Serbia" which, he claimed, is not prepared to grant Montenegrins the right to practice their faith in what he regards as their national Church. "The explicit prohibition on building Montenegrin and Macedonian Orthodox churches in Serbia reveals the true side of official Serbia which officially fights for democracy," he told Forum 18 from the Montenegrin town of Cetinje on 11 September. "We are witnesses that one standard holds for the Serbian Orthodox Church and another for the Montenegrin and Macedonian Orthodox Churches. We do not deny the rights of Serbs and the Serbian Orthodox Church in Montenegro. Why then do Serbian officials, the minister of religion and the Serbian Orthodox Church deviate from the Christian principle of love?"

Of the 14,500 inhabitants of Mali Idjos (Kishegyes in Hungarian), nearly sixty per cent are ethnic Hungarians, while a third are Montenegrins and Serbs. In Lovcenac itself, about sixty per cent of the villagers are Montenegrins, though at the beginning of the 1950s they made up more than ninety per cent of the population. The village currently has no Orthodox church.

On 5 August Karolj, as head of the local administration, and Nenad Stevovic, president of the Krstash (Cross-Bearer) Association of Montenegrins in Serbia, signed an agreement about the long-term use of a 488-square-metre (5,250 sq. foot) building plot in Lovcenac. This plot was given to the Mali Idjos authorities with a request that it should be handed to the Krstash Association for its needs. The agreement was signed for the period of 200 years with no charge for the use of the land. When built, this will be the first Montenegrin Orthodox church in Serbia.

Karolj reported that the local administration had also allocated land in Lovcenac to the Serbian Orthodox church to build its own church and the foundation stone was laid in November 2004.

News of the agreement with the Montenegrins – and of the purchase by the Association of Macedonians of Vojvodina of a plot of land in Novi Sad to build a Macedonian Orthodox church – provoked an immediate reaction from minister Radulovic. "If new churches in Lovcenac and Novi Sad are going to be built without the permission of the Serbian Orthodox Church, the government has the duty to prevent it," he told the Belgrade daily Danas on 10 August. "The local authorities should not give the necessary building permissions and other documents and should prevent building."

Radulovic amplified his remarks the following day, claiming that "it is not possible to register in Serbia non-canonical churches such as the Montenegrin or Macedonian [Orthodox] and so, as a consequence, it is not possible for them to build churches," the Belgrade-based B92 news agency reported on 11 August. "As churches they do not exist - they are merely association of citizens. From the point of view of civil law they do not exist since they were not registered before 1993 even as associations of citizens. They can register as such organisations or as NGOs, but even according to the new religion law they cannot get status as a church or religious organisation."

The Montenegrin Orthodox Church – like the Macedonian Orthodox Church - is not recognised as canonical by the other recognised Orthodox patriarchates. In Serbia, as elsewhere in the Balkans, the government has backed the claims of the dominant Orthodox jurisdiction (in this case the Serbian Orthodox Church) to monopoly rights within the country, trying to exclude or restrict all other Orthodox communities, including the Romanian Orthodox, the Old Calendarist Orthodox, the Macedonian Orthodox and the Montenegrin Orthodox. By contrast, when the government of neighbouring Macedonia restricted the rights of the Serbian Orthodox Church and imprisoned its senior leader, Archbishop Jovan (see F18News 27 July 2005 http://www.forum18.org/Archive.php?article_id=618), the Serbian government was vocal in its protests.

Radulovic points out that Orthodox canon law allows only one Orthodox church to exist on any one territory. "The Montenegrin Orthodox Church is not known or recognised as an Orthodox Church. The same is true of the Macedonian Orthodox Church. They are simply trying to invade the territory of the Serbian Orthodox Church." He argues that the state has to accept Orthodox canon law and that therefore the Serbian Orthodox diocese has to approve the building of churches of any Orthodox jurisdiction, on top of the planning permission from local authorities required in urban areas.

Stevovic of the Krstash Association is optimistic that a Montenegrin Orthodox church will be built in Lovcenac, saying he expects no problems getting building permission and documentation from the local authorities. "The problem is in Belgrade, where the government is threatening repression and is asking the local authorities to prevent the church construction and to forbid the Montenegrin Orthodox Church from functioning," he told Forum 18 on 7 September. "Our Association will not abandon the right to religious freedom granted by the federal Charter on Human and Minority Rights and Civil Liberties and by Serbia's constitution."

He maintains that minister Radulovic has violated article 27 of the Charter, which declares: "Religious communities shall have equal rights and be separate from the state, shall be free to independently regulate their internal organisation, religious activities and religious rites, and shall have the right to establish religious schools and charity organisations, in accordance with the law."

Stevovic also points to article 13 of the Serbian constitution, which proclaims: "Citizens are equal in their rights and duties and have equal protection before the state and other authorities, irrespective of their race, sex, birth, language, nationality, religion, political or other belief, level of education, social origin, property status or any other personal attribute." In addition, article 41 proclaims: "Freedom of religion, which includes the freedom of belief, profession of faith and performance of religious rites, shall be guaranteed. Religious communities shall be separate from the state and shall be free in the conduct of religious affairs and performance of religious rites."

"It is very dangerous when any government minister breaks the constitution of their own country and backs one church – the Serbian Orthodox Church, whose members we are not," Stevovic complained to Forum 18. "In 1993 the Montenegrin Orthodox Church was again registered in Montenegro and is a legally-recognised Orthodox church. Serbia is a secular state and it is impossible that the government asks us, members of the Montenegrin Orthodox Church, to seek the permission of any other Church to build our church buildings."

Mirko Djordjevic, a sociologist of religion, believes the inter-religious conflicts in Serbia, Montenegro and Macedonia have gone far beyond the church level. "They have become political problems, which has made them even more difficult to resolve," he told Forum 18 on 8 September. "Every citizen has the right to choose their own faith. But Minister Radulovic, who is an official of the secular state, claims the right to say which church is canonical and which is not, and this is not his job."

He believes that, as over the conflict in Macedonia, the solution is that "everyone has the right to choose to which Church to belong to" and that the Serbian and Macedonian governments should both keep out of inter-church problems. "We in Belgrade fight for Archbishop Jovan and the rights of members of the Serbian Orthodox Church in Macedonia, but we are not ready to give the same right to our people," Djordjevic told Forum 18. "The Churches should function side by side – they will show their strength by how many believers they have, not by how much backing they have from politicians."

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For a personal commentary by a religious freedom lawyer arguing that Serbia should not follow Austria's system of dividing religious communities into different categories with differing legal rights, see F18News http://www.forum18.org/Archive.php?article_id=403

For more background, see Forum 18's Serbia religious freedom survey at http://www.forum18.org/Archive.php?article_id=387 and survey of attacks on religious minorities in 2004 and early 2005 at http://www.forum18.org/Archive.php?article_id=581

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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