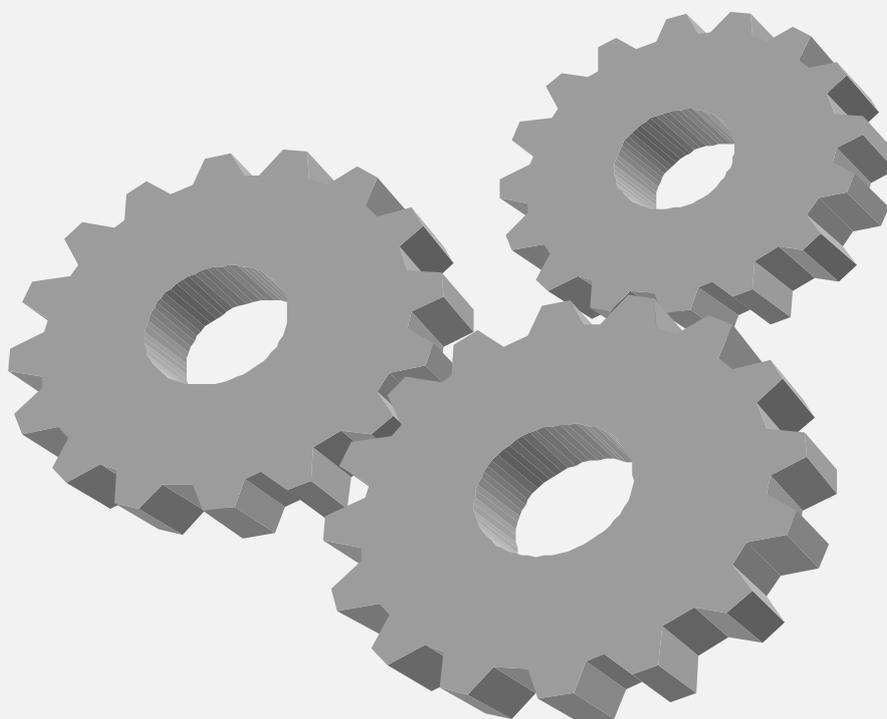


**BILATERAL RELATIONS AND OPEN ISSUES BETWEEN
ROMANIA AND SERBIA
IN THE CONTEXT OF SERBIA'S EU ACCESSION PROCESS**



CENTER FOR APPLIED EUROPEAN STUDIES

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Bilateral relations between Romania and Serbia have been traditionally good due to geographical proximity, historical reasons and common cultural traits. Historical ties have been developing especially since in the 19th century when both countries gained their independence from the Ottoman Empire, such as through intermarriage between the two national monarchies in the 20th century, and by the common creation of the called Little Entente together with Czechoslovakia during the interwar era. Cultural affinity between the two nations relates to their common legacy of suffering the Ottoman domination and sharing Orthodoxy as the predominant faith. More recently during the Yugoslav wars of the 1990s, Romania tried to persuade Western countries to reduce sanctions against Serbia in order to minimize its own economic losses but also for humanitarian reasons, and importantly still refuses to recognize Kosovo's independence.¹ The saying well known among Romanians that "Romania has two real friends, Serbia and the Black Sea" is also supported by opinion polls revealing rather positive attitude of Romanians towards Serbia, as opposed to for instance Romania's northern neighbor, Hungary.²

Romania is situated on the EU's periphery which is why it strongly supports further EU enlargement as it would reinforce its own security. At the same time, the Western Balkans as a region has not been Romania's highest foreign policy priority. Although Serbia is the most important country from Romania's point of view in the Western Balkans as the country with the largest population in the region and due to being a direct neighbor, bilateral contacts have been rather infrequent in recent times. After PM Cioloş took office in September 2015, there has been one official meeting of the prime ministers in the form of a high level visit, in November 2016 when PM Vučić came to Timisoara to meet with his Romanian counterpart.³ Even from an economic point of view the region is not that important for Romania, reflected by the fact that although Serbia is the biggest trading partner of Romania in the Western Balkans, it still ranks only at the 17th place among

¹Serbian-Romanian Relations and the status of the Vlach minority in Serbia, Policy Study, ISAC fond, Belgrade, 2015, 20.

² 54.2% having a positive while 32.7% negative attitude towards Serbia. Towards Bulgaria popular attitudes were similar, 54.1% expressing positive feelings, as opposed to 35.2% showing negative views. Barometroul INSCOP-Adevărul despre România, number 17, February 2015, available at: <http://www.inscop.ro/wpcontent/uploads/2015/02/INSCOP-02.2014-Simpatie-tari-si-situatia-din-Ucraina.pdf>.

³The two prime ministers also met at the fringes of a recent UNGA session in New York in September 2016. "Vucic meets with Ciolos," *Tanjug*, 20 September 2016, available at: http://www.tanjug.rs/full-view_en.aspx?izb=271341. The two presidents met in July 2015 in Belgrade. Source: "Serbian president receives Romanian counterpart," *B92*, 16 July 2015, available at: http://www.b92.net/eng/news/politics.php?yyyy=2015&mm=07&dd=16&nav_id=94791

Romania's most important export markets, while it is only the 19th largest source of imports.⁴ Romanian investments in Serbia have been also negligible amounting for 38.1 M EUR in 2012. On the positive side from the Romanian point of view, Romania has had a positive trade balance with the Western Balkan countries, and with Serbia a dynamically growing volume of trade (albeit starting from a very low level) reaching 1.13 billion EUR in 2015. Thus, there would be some potential for Romanian companies to gain new markets in the Western Balkans, primarily in Serbia.⁵

In 2015 at the personal initiative of the Romanian prime minister at the time, Victor Ponta, the so called Craiova group was formed with the participation of Romania, Bulgaria and Serbia inspired by the Visegrad Four cooperation between Hungary, Poland, the Czech Republic and Slovakia. Beside aiming at increased cooperation in such practical areas as the economy, energy, transport, regional development, tourism, internal affairs, justice, telecommunications, social policies, agriculture, food industry and concerning the EU Strategy for the Danube Region, it is also meant to be a forum for coordinating national positions at the EU and the regional level.⁶ Despite being a quite recent initiative, it has already led to tangible results. In October 2016 Serbia and Romania decided to build a high speed road between Belgrade and Timisoara. During the recent meeting of the two prime ministers in November 2016 the Serbian party indicated its readiness to construct the 91 km long road track on the Serbian side of the border. However, this project seems to be more important for Serbia, while the Romanian side is still considering whether it prefers a high speed road instead of a highway. There is also a plan to build a gas interconnector between Arad and Mokrin, which could ease Serbia's dependence on Russian gas, although this would begin only after similar interconnectors were completed with Hungary and Bulgaria. As part of an electricity connectivity project, a 400 kW grid is being built between Resica and Pancevo.⁷ In the field of energy the Djerdap/Iron Gate Hydroelectric system should be mentioned here as well, which was built in the 1960s on the Danube marking the border between Romania and the then Socialist Federal Republic of Yugoslavia. It is the largest dam in Europe serving electricity needs of both countries. In the area of common infrastructure development finally it is important to note here the opening of three new border crossing points between Serbia and Romania in November 2015.⁸

⁴ Paul Ivan, "Romania," *EU member states and enlargement towards the Balkans*, Issue Paper, No. 79, European Policy Centre, July 2015, 161.

⁵ Romanian exports to Serbia grew from \$200 M in 2005 to \$854M in 2013. Source: Serbian Chambers of Commerce, cited in *Serbian-Romanian Relations and the status of the Vlach minority in Serbia*, 22.

⁶ "Press release on the joint session of the Government of Romania and Government of Bulgaria, and the trilateral meeting of Prime Ministers of Romania, Bulgaria and Serbia." Website of the Government of Romania, 23 April 2015, available at: <http://gov.ro/en/news/press-release-on-the-joint-session-of-the-government-of-romania-and-government-of-bulgaria-and-the-trilateral-meeting-of-prime-ministers-of-romania-bulgaria-and-serbia>

⁷ Dalekovod od Pančeva do Rumunije, 22 March 2016, available at: <http://013info.rs/vesti/ekonomija/dalekovod-od-panceva-do-rumunije>

⁸ "Prime Minister Victor Ponta and the Serbian Prime Minister Alexander Vucic attended the opening of the crossing border checkpoint in Lunga, Timis County," 8 November 2015, Website of the Romanian Government,

Since joining the EU in 2007, Romania has focused most of its foreign policy attention on the Black Sea region, Moldova and Transnistria. At the same time, Romania actively participates in Balkan regional forums such as the Regional Cooperation Council, the South-East European Cooperation Process (SEEC), the Central European Initiative (CEI), and the Southeast European Cooperative Initiative (SECI), and has contributed to rule of law and peace keeping missions in Bosnia and Herzegovina, Albania, the Former Yugoslav Republic of Macedonia (FYROM), and Kosovo.

Romania is one among the five EU member states that have not recognized Kosovo's independence, which is naturally much appreciated in Serbia. Romania referred to principles of international law while justifying its non-recognizing stance, while also warned against setting a precedent for other secessionist movements. However, tellingly the Parliament's declaration rejecting Kosovo's unilateral independence also included a rejection of collective rights for national minorities, reinforcing the widespread view that the rejection of Kosovo's independence was also motivated by fears of the Hungarian minority in Romania pushing for regional autonomy.⁹ In spite of this, reflecting its pragmatic approach Romania has cooperated with EU policy towards Kosovo. Besides contributing to EU missions mentioned above, it also opened a liaison office in Pristina, hosted several meetings of regional initiatives where Kosovo's representatives were also present, while supports the visa liberalization process with Kosovo. Romanian participation in EULEX ended in 2012, however, when Romania pulled out of EULEX in protest over its non-acceptance into the Schengen area.¹⁰ Although PM Ponta while being in office suggested on several occasions that Romania might change its position on Kosovo and move towards recognition, this had more to do with internal political dynamics than indicating a foreign policy change. The fact that President Băsescu was very outspoken about his rejection of Kosovo's independence could have motivated PM Ponta to adopt an opposing stance to that of the president given their conflictual relationship, while he might have also hoped to improve his standing in the EU. Given the Russian annexation of the Crimea and the events in Eastern Ukraine now, Romania will be even more reluctant to reconsider its position. Furthermore, it would require a solid national consensus since not only the prime minister but also the parliament and the president have to approve such a decision.¹¹

While on Kosovo Romania has been supportive of Serbia, concerning Russia there are more disagreements between the two countries. Based on the Chapter 31 of EU accession negotiations all candidates must align their foreign policy with that of the EU, which is why it has attracted criticisms that Serbia has not joined the EU's sanctions regime vis-à-vis Russia. Romania has had a very firm stance on Russian sanctions which is why it regularly voices its

available at: <http://gov.ro/en/news/prime-minister-victor-ponta-and-the-serbian-prime-minister-alexander-vucic-attended-the-opening-of-the-crossing-border-checkpoint-in-lunga-timis-county>

⁹"Declarațienr. 1 din 18 februarie 2008 a Parlamentului României privind proclamarea unilaterală a independenței provinciei Kosovo", available at: <http://www.monitoruljuridic.ro/act/declaratie-nr-1-din-18-februarie-2008-parlamentului-romaniei-privind-proclamarea-unilateral-a-a-independentei-provinciei-kosovo-emitent-parlamentulpublicat-n-89703.html>.

¹⁰ Paul Ivan, 161.

¹¹ According to sources close to the Romanian Foreign Ministry. Author interview, Bucharest, 24 October 2016.

disapproval of Serbia's behavior in bilateral forums. Given Romania's negative view on Russia's aggressive and expansionist foreign policy, it is generally concerned about Russia's strong political and economic influence in Serbia.¹² At the same time, Romania supports Serbia strengthening its ties with NATO.

In bilateral talks Romania has also criticized Serbia for shortcomings in the area of rule of law and fundamental rights primarily for infringements on media freedom and freedom of assembly, yet these issues do not pose a threat to Serbia's accession process in the form of a potential Romanian blockage.¹³ Although a pro enlargement country, Romania has opposed giving short cuts to candidates in the form of easing accession conditionality as part of a wider bargain on other issues. There has been a sense lately in the Romanian MFA that Serbia was using the migration crisis to put pressure on Brussels to move ahead with accession negotiations. In the Romanian view, meeting the necessary conditions benefits above all the affected candidate country and can encourage development towards EU standards, which was Romania's experience of its own integration process. However, this does not mean that Romania in general was insisting on tough conditionality towards accession countries, as for instance regarding Montenegro it requested a modification of conditions related to the energy chapter during accession negotiations on the basis of the respective criteria being stricter than EU law.¹⁴

THE QUESTION OF VLACHS/ROMANIANS IN EASTERN SERBIA

The main point of contention, however, between the two states has been the issue of the Vlach minority in Eastern Serbia. Similarly to Hungary, Romania also threatened to veto Serbia's enlargement process in 2011, and just like Hungary, because of national minority rights. Romania conditioned its support for granting Serbia candidate status on the signing of the Protocol of the Second Session of the Joint Intergovernmental Commission on national minorities in May 2011, which contained provisions for ethnic Romanians/Vlachs in eastern Serbia. In February 2012 Romania during the EU's General Affairs Council meeting obstructed the agreement on giving candidate status to Serbia for several hours, and Romania was one of the last Member States to ratify the Stabilization and Accession Agreement with Serbia, again because of the unresolved status of the Romanian minority in Serbia.¹⁵

The Joint Intergovernmental Commission on national minorities was created by the 2002 Agreement between the FRY and Romania on cooperation in the field of protection of

¹² Paul Ivan, 156. According to sources close to the Romanian Foreign Ministry. Author interview, Bucharest, 24 October 2016.

¹³ According to sources close to the Romanian Foreign Ministry. Author interview, Bucharest, 24 October 2016.

¹⁴ Paul Ivan, 155.

¹⁵ Paul Ivan, 159.

national minorities. Based on this agreement, the commission was supposed to meet every year; however it has not met since 2011. On the positive note, however, Romania in 2012 could open a consulate in Zajecar, eastern Serbia that Romania had been asking for since the early 2000s. Although Romanian officials reiterate their country's support for Serbia's accession process, the situation of the Vlach minority still presents an open issue, which could potentially disrupt Serbia's EU integration process.

The Protocol that was finally signed in March 2012 included "specific commitments to protecting the rights of persons belonging to the national minorities, ranging from parliamentary representation of the minorities to authorization for building churches or ensuring the right to education in their mother tongue," while also recommendations to ensure the use of Romanian language in Timok Valley and to provide better access to Romanian language media and church service in Romanian. These commitments and recommendations were presented by Romania in the context of Serbia's obligation to comply with the Copenhagen criteria including minority rights, thus as a condition of its EU accession.¹⁶

While the Protocol talks about Romanians in the Timok Valley, members of this community identify themselves predominantly as Vlachs as opposed to Romanian. According to the 2011 census in Serbia, there are 35,330 Vlachs in Eastern Serbia and 29,332 Romanians living mostly in Vojvodina. The number of Vlachs can be estimated somewhat higher considering that 43,095 declared the Vlach language as their mother tongue and many Vlach speaking people declared themselves as Serbs. While Bucharest does not recognize Vlach as an identity separate from Romanian (which is why they are referred to as Romanian minority in Eastern Serbia as opposed to the Vlach minority in the Protocol), Vlachs themselves are divided over their affiliation with Romanian ethnic identity.¹⁷

In Serbia the Law on national minorities and the Law on national minority councils constitute the main building blocks of the legal framework of minority protection. Serbia is an ethnically diverse country where minorities constitute around 20% of the population.¹⁸ Based on the 2011 census, Serbs constitute 83 per cent of the population of Serbia, if counted without Kosovo, the rest being Hungarians (3.5%), Roma (2.1%), Bosniaks (2%), Croats (0.8%), Montenegrins (0.5%), Albanians (0.5%), Vlachs (0.5) and Romanians (0.4%). The northern province of Vojvodina is more multi-ethnic than the rest of the country where the share of the majority population of Serbs is 66%.

The main provisions of the law on national minorities were also enshrined in the new Serbian Constitution adopted in 2006. The Law on national minorities, which was passed in 2002, provides a sound legal basis for the protection of minority rights and grants minorities de facto cultural autonomy through allowing minorities to set up their elected minority councils, through which they can "exercise their rights of self-government regarding the use

¹⁶ "Protocol on National Minorities signed with Serbia," Press release, Ministry of Foreign Affairs of Romania, 03/02/12, available at <https://www.mae.ro/en/node/12376>.

¹⁷ Serbian-Romanian Relations and the status of the Vlach minority in Serbia, 44.

¹⁸ Minority Rights Group International, 'Serbia,' available at <http://minorityrights.org/country/serbia/>

of language and script, education, information and culture”.¹⁹ The same law provided for setting up national councils, the main bodies of minority self-governance, while the law regulating the status, work and election of national councils, was adopted only in 2009. Minority councils were first formed through elections in 2010.

Vlachs and Romanians are legally recognised minorities as two separate communities, and both have set up their minority councils through which they can exercise their minority rights. According to this legal framework, minorities are granted far-reaching rights in Serbia, including the right to preserve their language, culture and national identity; to receive education in their mother tongue until high school; to use their national symbols; to obtain public information in their languages; and to have appropriate representation in the public sector. Problems mostly arise at the level of implementation that often falls short of the rights granted on paper.²⁰ As the Advisory Committee of the FCNM pointed out, minority protection with respect to supporting minority cultures and use of minority languages is at a higher standard in Vojvodina than in other parts of Serbia. This also applies to the Timok Valley where in practice minority rights are granted much less than in Vojvodina.²¹

Thus problems of the Vlach minority in Eastern Serbia are to some degree the result of the general weaknesses of how the wider system of minority rights protection functions in practice outside of Vojvodina. Recent measures like the media privatization and the elimination of television license fees foreseen by the 2014 media reform package can undermine minority media, which could not survive without state support. This is a relevant problem of Vlachs, but also of all minority media in Serbia. Underrepresentation of minorities in public institutions is an issue to varying degrees for all minorities.²² Such problems had to be addressed in the action plan Serbia had to prepare as an opening benchmark of Chapter 23 of the EU accession negotiations.²³

EU progress reports and EP resolutions regularly point out these shortcomings and draw attention to the need for “consistent implementation of the legislation throughout Serbia especially in the areas of education, the use of languages, and access to media and religious services in minority languages, and improvement of ‘national minorities’ representation in

¹⁹ See Art. 19 of the Law on Protection of Rights and Freedoms of National Minorities, Official Gazette of the Federal Republic of Yugoslavia (FRY), No. 11, 27.02.2002, translated by the OSCE Mission to FRY. Functioning of minority councils is regulated in greater detail in the National Councils of National Minorities Act (NCNMA, Sl. glasnik RS, 72/09.).

²⁰ Huszka, Beata, ‘Decentralisation of Serbia: The Minority Dimension’ (2007) CEPS Policy Brief 137, available at: <http://aei.pitt.edu/7530/1/no137.pdf>

²¹ Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Serbia, Council of Europe, Strasbourg, 23 June 2014, 6, 8, 9, 44
http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_Serbia_en.pdf

²² Ibid.

²³ Serbia had to prepare two action plans on Chapter 23, one specifically devoted to minority rights.

public administration bodies”.²⁴ Both the EC and the EP devote considerable attention to the functioning of minority councils: the election of minority councils, the practical implementation of competencies granted by law, and the problems of individual minority councils such as that of Bosniaks and Albanians. Yet, the European Commission has not criticised Serbia for the issue of Vlachs/Romanians in Eastern Serbia in its reports explicitly since Romania’s more forceful intervention in 2011,²⁵ only the Parliament in its resolutions called on Serbia to implement the protocol on national minorities signed by the Romanian and Serbian governments in Brussels on 1 March 2012.²⁶

Whereas Romanians in Vojvodina in practice enjoy cultural autonomy, the minority rights of Vlachs in Timok Valley is granted in practice to much lesser extent in terms of access to education, media, public administration, and religious services in their mother tongue. Serbia was criticized for these shortcomings by a Council of Europe resolution in 2008.²⁷ Following up on the Council of Europe’s recommendations, the European Commission in its progress reports in 2009 and 2010 also stressed that in the case of the Bosniak, Bulgarian, Bunjevci and Vlach minorities “information and education in minority languages remains to be improved and the relevant legal framework clarified”.²⁸ By contrast, as was mentioned above the European Commission in its yearly progress reports since 2011 has failed to reprimand Serbia because of the rights of Romanians/Vlachs in Eastern Serbia, indicating that Romania has been unsuccessful in its efforts to put this problem on the EU’s agenda in the category of minority rights, as opposed to the rights of Albanians, Bosniaks and Roma which are mentioned by name in the reports. At the same time, the reports have been more outspoken about the violation of religious freedom as a result of the existing rules on the registration of churches and because “access to church services in some minority languages is not fully guaranteed in practice”.²⁹ Without mentioning any minority explicitly, this criticism clearly refers to the problem of the Romanian Orthodox Church (among others) that it could not be registered so far in Serbia because of the disapproval of

²⁴ European Commission, 2014 Serbia Progress Report, Brussels, 8.10.2014SWD (2014) 302 final 49, available at: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2014/20140108-serbia-progress-report_en.pdf

²⁵ Before 2011 the Commission was more critical of the treatment of Vlachs in Serbia, such as in the 2009 EU Progress Report, in which it mentioned the unclear status of Vlach and Bunjevci by referring to the 2009 recommendations of the Council of Europe. European Commission, Serbia 2009 Progress Report, Brussels, 14.10.2009, SEC (2009) 1339, p. 16, available at:

http://ec.europa.eu/enlargement/pdf/key_documents/2009/sr_rapport_2009_en.pdf In addition, the Progress Report of 2013 mentioned approvingly that “Measures have been implemented to broadcast TV programs in Romanian and language classes have started to be constituted in Eastern Serbia”. European Commission, ‘Commission Staff Working Document, Serbia 2013 Progress Report’ SWD(2013) 412 final (Brussels, 16.10.2013) 4, available at:

http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/sr_rapport_2013.pdf

²⁶ European Parliament, ‘European Parliament resolution of 18 April 2013 on the 2012, Progress Report on Serbia’ (2012/2868(RSP)).

²⁷ Assembly of the Council of Europe, Resolution 1632 (2008). Cited in Paul Ivan, 159.

²⁸ European Commission, Serbia 2010 Progress Report, Brussels, 9 November 2010, SEC(2010) 1330, p. 16, available at:

http://ec.europa.eu/enlargement/pdf/key_documents/2010/package/sr_rapport_2010_en.pdf

²⁹ European Commission, ‘EU Enlargement Strategy 2015’ COM(2015) 611 final, 47, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_strategy_paper_en.pdf

the Serbian Orthodox Church. Partially as a result of this, Orthodox religious services cannot be conducted in Romanian language in eastern Serbia. Altogether, problems of the Vlach minority, which have been the focus of Romania since 2011, can be divided into two issue areas: (1) creating conditions for the access to education in the minority's language and granting the right to information in the form of minority media (2) guaranteeing the conditions for the freedom of worship for the minority.³⁰ The first group of issues concerns minority rights practiced through minority councils, while the second falls into the category of freedom of religion.

Guaranteeing minority rights so that it would satisfy Romania is problematic not only because Romania does not recognize Vlach as an identity separate from Romanian, but more importantly because Romania does not accept that the Vlach language could be standardized as a language on its own. At the same time, Romania accepts that some groups might use different ethnonyms than Romanian, still they are considered to be part of the "common Romanian linguistic and cultural stock," which including the Vlachs are listed by name in the law on support for Romanians living abroad. Romania according to this law grants assistance to these minority groups to protect and cultivate their identity and culture.³¹ Given that Romania's protective approach to the Vlach minority enjoys a virtual national consensus across the main political parties in Romania, this issue will not disappear from the agenda just by some future change of government.³² In 2014 Romanian foreign minister Bogdan Aurescu expressed his frustration over the lack of progress in the area of implementing minority rights of Romanians in Eastern Serbia, thus over Serbia failing to fulfill its obligations that it undertook in the Protocol signed in 2012. Since then Romania has been trying to organize a new session of the Joint Intergovernmental Commission on national minorities, so far albeit unsuccessfully. Romania intends to eliminate the distinction between Romanians and Vlachs alleging the artificial creation of the Vlach identity. The obvious argument against this position on the Serbian side is pointing to the fact that the majority of this community in Eastern Serbia declared itself Vlach as opposed to Romanian by their free will, which must be respected. However, in light of declarations of representatives of the Romanian government, Romania assumes that the Vlachs did so under some kind of state influence.³³ Even if there was some truth to this claim, it would mean state intervention in a historical perspective as censuses already in the mid-19th century listed Vlachs as a separate ethnic group, while in the SFRY in every census Vlachs were registered as a separate ethnic minority.³⁴

Yet, the real problem is more recent and has to do with internal problems of the Vlach national council. While the first Vlach national council formed in 2006 maintained that the mother tongue of Vlachs was Romanian and accordingly initiated minority education in

³⁰ Serbian-Romanian Relations and the status of the Vlach minority in Serbia, 44.

³¹ Ibid, 30.

³² Ibid, 36.

³³ Statement by Bogdan Aurescu, Minister of Foreign Affairs of Romania at the Forum of Romanians in Serbia. 20 October 2014.

³⁴ Serbian-Romanian Relations and the status of the Vlach minority in Serbia, 23.

Romanian in Eastern Serbia, the next national council created in 2010 annulled this decision and declared that Vlach language was the official language of the minority, and launched the process of adopting its standardized version. The council also declared that until this process was completed, Serbian would be used as the official language of the council. The national council also initiated the introduction of “Vlach language with elements of culture” in schools.

An EU expert mission from 2012 concluded that the Vlach minority should be free to decide for itself what kind of language it wants to use without interference by the authorities. Their report found that “in the areas inhabited by Vlachs in Eastern Serbia the provisions on the official use of minority languages are largely unimplemented,” but this was mostly the result of the lack of standardized language and also the limited interest for multilingualism among the majority and the minority in the affected area.³⁵ However, ultimately the national council’s decision to standardize the Vlach language was impairing the exercise of Vlachs’ minority rights. This was also the main reason why it was not in official use in any of these municipalities. Altogether, it seems that in light of this report and the European Commission’s reports, the Romanian position has not been fully taken on board by the EU.³⁶ Primarily the Vlach minority has to clarify its position on what kind of language it wants to adopt that is the precondition of the exercise of its minority rights such as related to education, media and official language use, which was also the recommendation of the cited EU report. It was further noted in the report, that “Attempts and proposals for language standardization are ongoing, but they do not seem to have any realistic prospect of succeeding as long as they are trapped in the identity dilemma. In such a situation, it seems difficult for the Serbian authorities to take a stand on that issue (including, for example, by supporting the efforts to standardize the language), even though in a long-term perspective lack of agreement on this issue will jeopardize the very existence of the language.”³⁷ This implies that the Serbian state can hardly be held accountable for this situation, while steps taken by the Vlach national council is the main factor that undermines the existence of the community.

In 2012 an agreement was brought together by Knut Vollebaek, the OSCE High Commissioner on National Minorities (HCNM) between Romania and Serbia about the implementation of the Protocol, including offering Romanian language education for those interested and transmitting Romanian language television programs. Even before there have been some radio programs in Vlach language, yet not in the form of own productions but as translations of Serbian news programs. Since 2012 TV Bor began rebroadcasting Romanian language programs of Radio Television of Vojvodina. Yet as was mentioned above, the real challenge now is media privatization.

³⁵ Rainer Hofmann, Dalibor Jilek, Francesco Palermo, “Expert Report on the situation of minority rights in the Republic of Serbia,” 14 September 2012. 21-2, available at:

http://www.hnv.org.rs/docs/pristupanje_srbije_eu/final_report_14_sept_2012.pdf

³⁶ Ibid.

³⁷ Ibid.

As another result of this agreement, from the school year of 2012/2013 the subject “Romanian language with elements of national culture” was introduced in Eastern Serbia, parallel to the subject “Vlach speech with elements of national culture” from 2014/2015. Based on data on the ISAC fund study, in the school year 2014/2015 significantly more students opted for studying in Romanian language (309) than in Vlach (84) in Pozarevac and Zajecar, which indicates a larger interest among the community for Romanian than Vlach language.³⁸

It is clear that Romanian language cannot be forced on the Vlach minority against the will of its national council, just to please Romania. However, by taking a closer look at the political dynamics behind national councils Romanian concerns become more understandable. The Romanian national council was set up before the Vlach national council, in 2002, which had representatives from Eastern Serbia as well who declared themselves Romanian, and this national council set up regional offices in Eastern Serbia. However, after the formation of the Vlach national council in 2006, the majority of Vlachs in Eastern Serbia voted for the Vlach national council, which still promoted the adoption of the Romanian language. As was mentioned above, in 2010 a new national council was elected, which rejected the use of Romanian language, and opted for the non-standardized Vlach language, similarly to the next national council elected in 2014. Besides reported irregularities during the 2010 elections that a significant number of citizens were entered into the electoral roll without their personal knowledge, the main source of the problem is the way national councils are elected: namely that any Serbian citizen can register on electoral rolls of national minority councils. Thus the rules of this procedure make it possible for majority parties taking over minority national councils in practice. Considering that during the 2010 elections for the Vlach national council a total of 28,081 citizens registered out of which 13,091 actually voted, it is not difficult to imagine that well organized political groups could mobilize enough people from the majority to participate and support them. Such suspicions are supported also by the fact that most persons on the party lists competing during the elections were members of the main national parties, such as SPS, SNS and United Regions of Serbia. Similarly, in 2014 lists with party members of majority parties won the elections and formed the winning coalition in the Vlach national council.³⁹ Local Vlach organizations, such as the Union of the Vlachs in Serbia which led the national council in 2006 and promoted the adoption of Romanian language obviously have less resources and infrastructure. Some majority parties have been abusing the system of minority rights protection also by registering as a minority Vlach party, which allows them to register as a political party by a 1000 signatures as opposed to 10,000 required for a regular political party.

Romania also demands the representation of Romanians in the national assembly but this does not seem feasible. Vlachs/Romanians are unable to get enough votes to pass the so called natural threshold, which is the minimal number of votes required for gaining a

³⁸ Education in minority languages depends on expressed interests of parents and students, while also on whether the schoolboard of the respective school is willing to offer it. Source: Serbian-Romanian Relations and the status of the Vlach minority in Serbia, 51-54, 83.

³⁹ Ibid, 51-54, 71-76.

mandate during a national election. Giving each national minority a guaranteed seat in parliament would lead to serious imbalances in terms of citizens' representation, if all the 21 registered minorities would be represented in the 250 member parliament, which is elected fully based on the proportional system.

As for the right to use Romanian language in religious services, the situation is much clearer in terms of the legitimacy of Romanian demands. The EU has been criticizing Serbia for a long time in the Commission progress reports for the existing restriction on the registration of churches, which violates freedom of religion, and because church services in some minority languages is not fully guaranteed. The Law on churches and religious communities lists by name five traditional churches in Serbia, among them the Serbian Orthodox Church, and as the only Orthodox Church. A new church whose name overlaps with the identity of a church already registered cannot be entered in the registry unless approved by the traditional church that has been already registered. The SOC basically has a veto right over the registration and operation of other Orthodox churches in Serbia, and refused to give permission to the Romanian Orthodox Church to operate in Serbia outside of Vojvodina.⁴⁰ Its restrictions affected not only the Romanian, but also the Macedonian and the Montenegrin Orthodox churches. However, international and European law obliges Serbia to amend this law, which is against the European Convention of Human Rights. As domestic legal procedures were already exhausted by a group of NGOs to challenge this law, the next step would be bringing it to the European Court of Human Rights. If the SOC introduced church services in Romanian language that would solve part of the problem, and ease the present tension over this issue.⁴¹ However, counting on the SOC's progressive stance might be naïve in light of a statement of the late Patriarch Pavle, in which he suggested that Vlachs/Romanians were in reality Serbs and it was due to the activity of some malicious people that they declared themselves as Vlach-Romanians.⁴²

⁴⁰ The ROC can operate in Banat due to an earlier agreement with the SOC.

⁴¹ Ibid, 59-67.

⁴² Ibid, 64.

POLICY RECOMMENDATIONS

- Serbia should seek to develop more cooperation with Romania at both the political and the practical level. Despite cordial bilateral relations and historically “good chemistry” between the two nations, high level bilateral contacts have not been particularly intense in recent times, especially if compared to Serbia’s relations with Hungary. A more regular dialogue at the level of the prime ministers and foreign ministers could also make it easier to smooth out controversies over sensitive issues, such as the question of the Vlach minority in Serbia.
- In addition, there is ample room for strengthening economic and infrastructural ties between the two countries, also in terms of encouraging more trade exchange and mutual investments. The Craiova group provides a useful frame for fostering more intensive bilateral contacts, which could also offer a forum for more political coordination on specific issues.
- Even if Serbia does not agree with Romania’s stance on the Vlach minority (as Vlachs should be free to choose their own identity and Romania should not push its own cultural identity on them), still Romanian concerns have to be accommodated one way or the other because these could eventually put an obstacle to Serbia’s EU accession process.
- One way of addressing Romanian concerns could be opening a dialogue on the role and status of national councils in Serbia. There are good grounds to assume that some national councils have been abused by majority parties, which as a result fail to represent the interests of the respective minority. This problem which seems relevant to the Vlach case in Timok valley should be recognized as a valid concern of Romania. It should be examined how such dysfunctions of the system of minority councils could be effectively tackled. Especially the abuse of registering citizens in the special electoral roll for minority council elections should be prevented, through which majority parties can hijack national council elections. The abuse of registration as a minority political party should be also sanctioned.
- Education in Romanian language should be provided where there is an expressed need for that among the local population. Local governments with a sizable Vlach minority should provide the opportunity to all those interested to participate in

Romanian language education. Such needs among the local population should be sincerely explored through carrying out surveys in elementary and secondary schools. If Serbia managed to expand the scope of education in Romanian in the Timok valley, that in itself could preempt a significant part of Romanian criticisms. Standardization of the Vlach language as a prerequisite of Vlach language education is not a viable substitute of offering education in Romanian, not only because it would not be accepted by Romania, but also because standardization is a long process that might take many years, further postponing for generations of Vlachs to cultivate their culture and language.

- Serbia should ensure that TV and radio programs continue to be broadcast in Romanian, also by taking into consideration how the privatization process might have affected TV Bor's and local stations' ability to broadcast programs in Romanian.
- Where there is a sufficient share of Vlachs in the population locally, the official use of minority language should be granted in practice, including the opportunity to communicate with local authorities in minority language, to use the language in court proceedings, issuing documents in minority language, using multilingual signs, etc.⁴³
- Serbia could also seek advice from the European Commission on the Vlach issue. The European Commission and the EU at large apparently have not backed up Romania's arm twisting on Vlach minority rights (as opposed to religious rights concerning which the Commission is regularly expressing support for the Romanian position). New EU Member States, such as Romania or Croatia can be constrained by old Member States if they try to raise a veto on the integration process of an accession candidate for bilateral reasons. Romania is also in a delicate position in the EU due to its protracted accession process to the Schengen area, for which it needs the support of the other Member States.
- In order to fulfill the requirements of Chapter 23 of the EU negotiations, Serbia should continue to work on meeting the criteria of guaranteeing the right of freedom of thought, conscience and religion as stipulated in its Constitution.

⁴³Ibid, 12-13.