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NEGOTIATING THE RIGHT FOR EXTERNAL RELATIONS: THE CASE OF ORTHODOX COMMUNITY IN UKRAINE

Abstract

The article explores the attempts, state, and challenges of developing external relations and representation in the international arena for Ukrainian Orthodox churches since the gaining of Ukraine's independence in 1991. Despite the fact that Ukraine has the second largest Orthodox community in the world, Ukrainian churches are either excluded from international interreligious platforms or represented through foreign religious centres, primarily Russian. This situation developed during the Soviet era and was dominant until recently. To some extent, the request for an international presence and agency is correlated with changes in the Ukrainian state and escalated after the beginning of Russian military aggression. The culmination of that process became the granting of autocephaly for the Orthodox community in Ukraine, potentially opening new possibilities for international actorness. The research relies on current and historical documents that regulate(-ed) religious life in Ukraine, documents of international and religious organisations, statements of religious leaders and interfaith organisations, and surveys on religious freedom or religion in Ukraine.

Keywords: religion and politics, religion in the public sphere, state-church relations in modern Ukraine, religion in international organisations

Introduction

The grant of autocephaly to the Orthodox community in Ukraine has become one of the main religious events in recent years. It resonated not only in Ukraine or "the Orthodox world" but more broadly provoked comprehensive discussion in the international political arena. The reason for that is not only the emergence of another autocephalous Orthodox Church itself.[2] From a theological perspective, such a status change is a routine optimisation of the external administrative church structure[3]. Several national local Orthodox communities gained autocephaly in the nine-

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2   In this article, the structure of the Ecumenical Orthodox Church is understood in accordance with the diptych of the Ecumenical Patriarchate as the *primus inter pares*. It recognises (so far) the fifteen local autocephalous churches, the latest of which is the Orthodox Church of Ukraine. The latter is recognised, as of today, by four Orthodox Churches, namely the Ecumenical Patriarchate, Churches of Alexandria, Greece, and Cyprus. A few other churches declared its autocephaly by not yet recognised by the Ecumenical Patriarchate.

3   Cyril Hovorun, *Scaffolds of the Church: Towards Poststructural Ecclesiology*, James Clarke & Co, Cambridge 2018, p. 88.

teenth and the twentieth century. This period became the peak of autocephalous movement in the Orthodox world. Two facts added to the severity of the Ukrainian case. First, the reaction from the Moscow Patriarchate. In response to the bestowal of autocephaly, it unilaterally severed Eucharistic communion with the Ecumenical Patriarchate and selectively with other churches that recognised the independence of the Church in Ukraine. Second, the active participation of high Ukrainian authorities, Ukrainian, and (pro-)Russian political elites in promoting or, on the contrary, counteracting the granting of autocephaly.

Since president Poroshenko announced his intention to appeal to the Ecumenical Patriarch for autocephaly (2018), the number of researches on the topic has multiplied. New studies cover the history of autocephalous movement in Ukraine[4], the political and geopolitical dimension of this status[5], and the role of the Russian-Ukrainian war as a catalyst for the recognition process[6]. This article aims to draw attention to another aspect of gaining autocephaly, the renewed demand of religious organisations for independent representation in the international arena, the role of the Ukrainian state in realising such ambitions, and the challenges associated with building such an international presence.

The article consists of three main blocks. The first outlines the specifics of state-church relations in the current Ukraine. We emphasise that these relations go far beyond the simple "separation of the church from state". The next part covers the state and critical problems that Ukrainian religious organisations face when entering the international spiritual and religious field. Finally, the third part highlights changes that followed the bestowal of the Tomos on the autocephaly of the Orthodox Church in Ukraine and the challenges Ukrainian religious communities face in exercising their right to international subjectivity.

Peculiarities of Ukrainian state-church separation

Official documents

The current Constitution of Ukraine declares "separation of church and religious organisations from the state" and proclaims the inadmissibility of recognition of any religion as mandatory (Art. 35)[7]. Besides that, the document does not contain

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4   Nicholas E. Denysenko, *The Orthodox Church in Ukraine: A Century of Separation*, Northern Illinois University Press, DeKalb, IL., 2018; Kateryna Shchotkina, *Khroniky Tomosu. "Svoya tserkva": shlyakh ukrayintsiv do avtokefaliyi [Tomos Chronicles. "A Church of Our Own": Ukrainians' Path to Autocephaly]*, Vivat, Kharkiv, 2019.

5   Radu Bordeianu, The Autocephaly of the Orthodox Church of Ukraine: Its Impact Outside of Ukraine, *Canadian Slavonic Papers,* Vol. 62, No. 3-4, 2020, pp. 452-462; Denys Shestopalets, Religious Freedom, Conspiracies, and Faith: The Geopolitics of Ukrainian Autocephaly, *The Review of Faith & International Affairs,* Vol. 18, No. 3, 2020, pp. 25-39; Marko Veković and Miroljub Jevtić, Render unto Caesar: Explaining Political Dimension of the Autocephaly Demands in Ukraine and Montenegro, *Journal of Church and State,* Vol. 61, No. 4, 2019, pp. 591-609.

6   Cyril Hovorun, War and Autocephaly in Ukraine, *Kyiv-Mohyla Humanities Journal*, No. 7, 2020, pp. 1-25.

7   "Constitution of Ukraine", adopted by the Verkhovna Rada of Ukraine 28.06.1996. Available at: *https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text* (accessed July 23, 2022).

any other attempt to define Ukraine as a "secular", "civilian/temporal", "atheistic", or "laic" state[8]. None of the mentioned terms or their derivatives is in the official text of the document. At the same time, the preamble states that Members of Parliament adopt the Constitution, among other things, being "aware of [their] responsibility before God[9]". This duality reflects one of the characteristics of state-church relations in Ukraine, which is often informally called in the Ukrainian academic community a "lame" separation. On the one hand, Ukraine does not privilege any religion; on the other hand, it has an obligation to protect against any discrimination based on religion (Art. 24) and support the "traditions" and "religious identity" of national minorities (Art. 11).

At the constitutional level, particular attention to religion has a long history. Thus, the first Ukrainian Constitution, also known as the Constitution of Pylyp Orlyk (1710), has determined the state's primary task to return its Orthodox community under the omophorion of Constantinople (Art. 1)[10]. The document appeared only two decades after the change of subordination of the Kyiv metropolitanate and its transition from Constantinople to Moscow in 1686.

The attitude to religion shifted radically from one extremum to another during the Ukrainian War of Independence (1917-1921). It varied from the complete rejection of religion as a part of state-building (due to the connection of the main churches to foreign political centres from which Ukraine tried to gain its independence, Moscow and Warsaw) to attempts of direct negotiations with Constantinople on granting autocephaly or creation of a separate independent church[11]. For the next seventy years, the Constitution of the Ukrainian Soviet Socialist Republic, although formally allowing both religious and non-religious convictions, was still oriented toward developing an atheistic society[12]. However, this did not prevent the Soviet authorities from actively using religion for political purposes.

After 1991, when Ukraine gained its independence, the dissonance between the officially declared separation between church and state and the de facto broad cooperation of the two sides has often provoked heated political debates. Some of it resulted in appeals to the Constitutional Court of Ukraine, the highest body with the authority to clarify certain aspects of the Constitution or assess unconstitutional involvement in the religious sphere.

One of the latest examples is the submission of 47 members of parliament on the presumed unconstitutionality of President's and Parliament's support of autocephaly. The case was denied. The court found that it was out of its jurisdiction, as the appeal had no legal consequences for the state entities, only political ones. The

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8   In Ukrainian, respectively: *секулярна, світська, атеїстична, лаїчна [держава].*
9   With a capital letter in the original text.
10   "Dohovory ta postanovy prav i svobod Vijs'ka Zaporiz'koho" [The Treaties and Resolutions of the Rights and Freedoms of the Zaporozhian Host], available at: *https://zakon.rada.gov.ua/laws/show/001_003#Text,* (accessed July 23, 2022).
11   On the complicated relations between religion and state-building during the Ukrainian War of Independence see trilogy: *Tserkva v Ukrainskij Derzhavi 1917–1920 rr. [The Church in the Ukrainian State 1917-1920]*, Lybid', Kyiv, 1997.
12   Depending on the version of the document, this emphasis was different, but always present.

reference to the "separation of church from state" appeared only in one dissenting opinion of one of the judges. At the same time, the judge interpreted the "separation" as "neutrality" of the Ukrainian state in matters of faith[13].

Today, religious organisations in Ukraine play an active role in public and political life. Their role even increased after the Revolution of Dignity (2013-2014). Religious organisations achieved rights that seem basic for many democratic countries but were previously limited in Ukraine for various reasons. In particular, the right to establish state-recognised educational institutions, state recognition of religious diplomas, the inclusion of theology to the list of branches of knowledge for obtaining an academic degree, recognition of chaplains and allowing their presence in penitential institutions and the army. Human rights monitoring institutions welcomed these changes as steps toward strengthening religious freedom[14].

As part of civil society, Ukrainian religious organisations not only engage in traditional for religious organisations fields (support vulnerable people, providing humanitarian aid) but also take a more proactive stance. For example, in 2015, Ukrainian religious organisations jointly submitted their vision of amendments to the Constitution of Ukraine. In addition to the expected conservative agenda on the protection of human life "from conception to natural death" and "traditional marriages and public morality", religious organisations proposed to rewrite the key "religious" article of the Constitution (Art. 35). The existing thesis on "separation of the church and religious organisations from the state" they offered to extend by clarifying that "this separation does not mean a restriction or prohibition of their participation in public life" and to define the relationship between parties as a "partnership", oriented to "cooperation for the good of all mankind"[15].

State ceremony

Openness to religion and religious organisations has also entered the realm of state ceremonies. An exemplary illustration is the inauguration ceremony of the President. Entering the highest post, presidents traditionally take the inaugural oath on the Constitution of Ukraine and the Peresopnytsia Gospel, the first translation of the Gospels into the Old Ukrainian language (16th century).

In 1991, when the first inauguration took place, the newly emerged Ukrainian state had no constitution of its own. The President-elect was supposed to take oath on the Constitution of the already non-existing Ukrainian Soviet Socialist Republic. The idea of adding the Gospel appeared as an attempt to balance this el-

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13   "Okrema dumka suddi Konstytutsiynoho Sudu Ukrayiny Lytvynova O.M.", [Dissenting opinion of Judge of the Constitutional Court of Ukraine Lytvynov O.M], 2019. Available at: *https://zakon.rada.gov.ua/laws/show/na08d710-19#Text*, (accessed July 23, 2022).

14   "2020 Report on International Religious Freedom", available at: *https://www.state.gov/reports/2020-report-on-international-religious-freedom/ukraine/* (accessed July 23, 2022).

15   "Propozytsiji Vseukrajins'koji Rady Tserkov i relihiynykh orhanizatsij shchodo zmin do Konstytutsiji Ukrajiny", [Proposals of the All-Ukrainian Council of Churches and Religious Organizations on Amendments to the Constitution of Ukraine], available at: *https://vrciro. org.ua/ua/statements/uccro-proposals-for-constitution-of-ukraine*, (accessed July 23, 2022).

ement of the Soviet past. As Leonid Kravchuk (the first president of Ukraine, 1991-1994) recalls in one of his interviews: "we did not have the Constitution of Ukraine, so, we were thinking how to *replace* it, what attributes, *power* to put into making president feel responsible"[16] (emphasis added). With the adoption of the Constitution of Ukraine in 1996, the oath on the Peresopnytsia Gospel officially became "optional"[17]. However, all six (so far) presidents of Ukraine took their presidential oath on both the Constitution and the Gospel, including Volodymyr Zelensky, Ukraine's first non-Christian president[18].

Two other events related to the inauguration are (1) the flower-laying ceremony at the monument to "the Baptist of [Kyivan] Rus' – Prince Volodymyr [19][20] and (2) the blessing of the President by leaders of the largest religious organisations, which takes place in the oldest preserved church in Ukraine, Saint Sophia Cathedral (1011)[21]. The mentioned religious leaders are mainly members of the All-Ukrainian Council of Churches and Religious Organisations (from now on, AUCCRO). The organisation represents the largest Orthodox and Protestant denominations, Greek and Roman Catholics, Jews, and Muslims.

The only case of violation of the tradition of collective multireligious and multi-denominational blessing was the inauguration of Viktor Yanukovych in 2010. Then the newly elected president refused to participate in a joint service in favour of separate worship in the Kyiv-Pechersk Lavra (currently in use by the Ukrainian Orthodox Church of the Moscow Patriarchate; from now on, UOC(MP)). The ceremony was limited to the Moscow Patriarchate only and was led personally by Moscow Patriarch Kirill. The Ukrainian society strongly condemned such a change. Several non-governmental organisations and political parties called on the future President to reject the idea of a blessing by "the head of a foreign church" and return to the traditional united blessing[22]. Thus, the declared separation of "church and state" in practice remains rather a beacon of light.

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16   "Kravchuk pro inavhuratsiyu: tse ja prydumav takyj atrybut", [Kravchuk on inauguration: I came up with such an attribute], *BBC*, available at: *https://www.bbc.com/ukrainian/ukraine/2010/02/100226_kravchuk_ie_is* (accessed July 23, 2022).

17   "Pro poriadok provedennia urochystoho zasidannia Verkhovnoji Rady Ukrajiny, prysviachenomu skladanniu prysiagy novoobranym Prezydentom Ukrajiny", [Procedure for Holding a Solemn Session of the Verkhovna Rada of Ukraine Dedicated to Taking Oath by the Newly Elected President of Ukraine], available at: *https://zakon.rada.gov.ua/go/2227-15* (accessed July 23, 2022), para. 7.

18   According to Zelensky's speakers, this decision was made by Zelensky himself as a gesture of respect for traditions.

19   Volodymyr the Great (ruled in 980-1015), Christianized Kyivan Rus' in 988.

20   Along with the honouring of monuments of Taras Shevchenko (Ukrainian poet, public and political figure), Mykhailo Hrushevsky (Ukrainian historian and politician, sometimes referred as the first President of Ukraine), and the Tomb of the Unknown Soldier (fallen in the World War II).

21   "Pro Derzhavnyj Protokol ta Tseremonial Ukrajiny", [On State Protocol and Ceremonials of Ukraine], available at: *https://zakon.rada.gov.ua/go/746/2002* (accessed July 23, 2022), para. 104.

22   For example, see: „UNP (Ukrajin'ska Narodna Partija): Inavhuratsija Yanukovycha peretvoryt'sia na pomazannia namisnyka Malorosiji", [UPP[Ukrainian People's Party]: Yanukovych's inauguration will turn into the anointing of the governor of Malorossiya], available at: *https://ua.korrespondent.net/ukraine/1049952-unp-inavguraciya-yanukovicha-peretvoritsya-na-pomazannya-namisnika-malorosiyi* (accessed July 23, 2022).

Conflict mediation and striving for equality

Another factor that added to the development of close state-church coopera-tion and blurred declared separation was the interreligious situation in the country. The seven-decade-long Soviet policy of state atheism ended with the collapse of the Soviet Union, which led to an explosive growth in the number of religious com-munities and denominations and thus to interdenominational conflicts for church property.

During the Soviet era, most of the lands and church buildings belonged to the Moscow Patriarchate. It also exclusively benefited from the prohibition of Ukrainian Greek Catholic and Ukrainian Autocephalous Orthodox Churches (from now on, UGCC and UAOC), whose property passed to the Moscow Patriarchate after the forced "unifications" in 1930s and 1940s[23]. With reinstated real religious freedom in the early 1990s and the resurgence of previously prohibited churches, the question of returning their property arose. The situation escalated even further after new di-visions within Ukrainian Orthodoxy. An attempt to unite the pro-independent part of the Moscow Patriarchate and the less radical part of UAOC led to the creation of the third jurisdiction, the Ukrainian Orthodox Church – Kyiv Patriarchate (from now on, UOCKP). As a result of those transformations, on an average church build-ing, which just in the 1980s belonged to one church (the Moscow Patriarchate) in the 1990s could claim rights 3-5 historical owners or their heirs (UOC(MP), UAOC, UOCKP, UGCC, sometimes Roman-Catholic Church).

Under such circumstances, state institutions became the primary religious me-diator in the country. As part of the state's conflict resolution and conflict preven-tion strategy, the government facilitated establishment of the All-Ukrainian Council of Churches and Religious Organisations (1996), which became the central neutral platform for interreligious dialogue and cooperation between state and churches. With the decline of tensions in the 2000s, religious organisations decided to contin-ue their cooperation in the framework of AUCCRO. From conflict resolution, AUC-CRO then refocused its attention on developing cooperation on social issues and establishing "closer to equal" relations with the state. Gradually, due to its compre-hensive representation, AUCCRO gained a reputation as a respected multireligious actor. With further interreligious cooperation, the already rare aspirations of possible formal "state status" for the Orthodox church(es) vanished utterly. Instead, churches and religious organisations increasingly prefer to identify themselves as "statesman churches/religious organisations"[24], stressing the plural number and strategic inter-est in respect to high standards of human rights for all actors.

In this context, the engagement of state institutions in obtaining autocephaly is twofold. On the one hand, such actions became part of the Ukrainian response

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23   UAOC and UGCC were liquidated at Councils initiated by the Soviet government, respectively, in 1930 and 1946. After a swing in Soviet policy on religion in 1943, the Russian Orthodox Church became an owner of a significant part of the property that previously belonged to UAOC and UGCC.

24   In Ukrainian *"державницькі" [церкви/релігійні організації]*.

to Russian aggression, in which the religious doctrine of the "Russkij mir"[25] became one of the main ideological tools[26][27]. On the other hand, to paraphrase the Russian religious publicist Andrei Kuraev, the granting of autocephaly was an act of liberation of religious Kyiv not only from Moscow and Constantinople[28], but also from the Ukrainian state itself. The practice of engagement of state leaders in obtaining autocephaly has already become part of the Orthodox tradition, which has many historical precedents. Autocephaly was impossible without state support, which unrecognised Ukrainian churches have been systematically seeking since the early 1990s. However, by supporting autocephaly, the Ukrainian authorities de facto deprived themselves of the instrument of influence on the church(es). This step not only minimised discrimination between churches within the country (the division into "canonical" and "non-canonical" churches), but also opened the possibility of exercising their external rights on a full scale.

The burden of the Soviet past in building of international presence

The Soviet past determined religious life in Ukraine for decades, especially with respect to the external relations of religious organisations. As for citizens in general, the USSR created, in some sense, a ghetto for religious organisations, a closed controlled environment with strictly limited external contacts[29]. Rare travels abroad or hosting of "brothers in faith" from other countries were restricted, carefully monitored, and supervised by government agencies. During World War II, and even more so with the beginning of the Cold War, religious organisations became one of the main instruments of Soviet foreign policy[30]. Through them, the regime tried to create on export the illusion of respect for fundamental human rights and the reputation of an international peacemaker. For a relatively short period, Soviet religious leaders and organisations they led initiated several questionable peace initiatives, the main goal of which was to criticise the so-called "capitalist world", creating a counterweight and "a proper" context to justify Soviet military aggression[31]. To this

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25   Russkij mir is a doctrine that claims the special unity of the peoples of Russia, Belarus, and Ukraine, based on their shared historical, religious, and linguistic roots. There are numerous debates on the nature of the doctrine (political vs theological) and its role in Russia's war in Ukraine. On the stages of development of the doctrine and its complex relations to ROC and war, see: Cyril Hovorun, Ryska Ortodoxa Kyrkan Och Kriget i Ukraina [The Russian Orthodox Church and the War in Ukraine], *Svensk Kyrkotidning*, No. 8, 2022, pp. 225-229.

26   On the connection between the religious concept of "Russkij Mir" and Russian military doctrine, see: Liudmyla Shangina, "'Russkij mir' dlia Ukrajiny: rosijs'kyj i rus'kyj svity ["Russkij Mir" for Ukraine: Russian and Rus' Worlds], *National Security and Defence*, No. 4-5, 2012, pp. 90-94.

27   Tatiana Derkach, Moskovskij patriarkhat v Ukrainie: anatomija predatel'stva [*Moscow Patriarchate in Ukraine: Anatomy of Betrayal*], (n.p.), 2018.

28   "Tomosom Konstantynopol' zvil'nyv Kyiv i vid nas, i vid sebe — Andriy Kuraiev", [By [the bestowal of] Tomos Constantinople liberated Kyiv from both us and himself – Andrey Kuraev], available at: *https://religionpravda.com.ua/?p=63987* (accessed July 23, 2022).

29   In Post-Soviet studies this isolation reflected in concepts "Big zone", "Little zone".

30   Dmitry Pospelovsky, *Russkaia pravoslavnaia cerkov' v XX veke [The Russian Orthodox Church in the 20th Century]*, Republic, Moscow, 1995; William C. Fletcher, *Religion and Soviet Foreign Policy, 1945-1970,* Oxford University Press for the Royal Institute of International Affairs, London, 1973.

31   William C. Fletcher, *Religion and Soviet Foreign Policy. . .*

end, religious leaders were inclined to difficult moral compromises or the ranks of religious organisations were replenished directly by special services.

The disapproval of the imposed Soviet model of state-church cooperation was so strong that after the collapse of the USSR and the emergence of an actual choice, some religious organisations deliberately limited their activities in the international arena. For example, so did Evangelical Christian Baptists in the case of the World Council of Churches (WCC)[32]. The successors of the All-Union Council of Evangelical Christian Baptists refused to renew their membership in the WCC after the breakup of the Soviet Union and the termination of the All-Union Council.

For several other Ukrainian religious organisations, the very option of international cooperation or membership in international interreligious organisations turned out to be not available. For UOC(MP), which formally emerged even before Ukraine's independence, such contacts are possible exclusively through the Russian Orthodox Church (from now on, ROC or MP). Alternative Orthodox churches that emerged on the wave of the independence movement, UAOC, UOCKP, were cut off from the rest of the Orthodox world due to their unrecognised self-proclaimed autocephalic status. Both have made several attempts to correct the situation, but without significant success.

As one of the ways to overcome international isolation, they saw contacts with the Ukrainian diaspora in the United States and Canada. In the late 1980s – early 2000s, Ukrainian communities in the diaspora actively negotiated for restoring unity with Ecumenical Orthodoxy through several local Orthodox churches[33]. Ultimately, the attempts culminated in their acceptance under the omophorion of Constantinople in the 1990s-2000s. The proximity of the diaspora to the settlement on the canonical status and existing international connections were among the reasons to invite metropolitans from the diaspora to lead unrecognised Ukrainian churches[34]. In 1990 a patriarch of UAOC became Mstyslav Skrypnyk. Later, in 1992, he was also elected as the first patriarch of UOCKP (although without his consent). The situation has almost repeated in the election of the leader of UAOC in 2000 but again without success.

Another attempt and another hierarch on whom unrecognised churches pinned their hopes was metropolitan Filaret (Denysenko). One of the most experienced and influential bishops of MP, he has been leading Kyivan Metropolitan since 1966, participated in many diplomatic missions and religious dialogues on behalf of ROC, and was locum tenens and a likely candidate for Patriarch of Moscow in 1990.

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32   For more on cooperation between Evangelical Christian-Baptists and the Soviet authorities on the international stage, see, e.g., Olena Panych, *Mizhnarodna dijal'nist' yevanhel's'kykh khrystyjan-baptystiv v umovakh radians'koji polityky derzhavnoho atejizmu (1960–1980-ti rr.)* [International activity of Evangelical Christians-Baptists in the conditions of the Soviet policy of state atheism (the 1960s-1980s), *Ukrayins'kyj istorychnyj zhurnal*, No. 5, 2017, pp. 72-90.

33   Nicholas E. Denysenko, *The Orthodox Church in Ukraine: A Century of Separation*. . . ch. 3.

34   Shchotkina Kateryna, *Khroniky Tomosu. "Svoya tserkva": shlyakh ukrayintsiv do avtokefaliyi*. . . pp. 128-132.

After his break with the ROC[35], a part of the Ukrainian Orthodox community saw him as the most skilled and fitted to overcome international isolation. However, partly because of strong opposition from Moscow (which excommunicated Filaret), partly because of the willingness of state authorities to grant Filaret a certain privileged status[36] inside the country, the attempt resulted in even further international isolation.

Today, the presence of Ukrainian religious organisations on the international stage is significantly limited. Most of them managed to develop international contacts to a certain level, such as belonging to broader transnational networks, receiving and providing international humanitarian aid; however, none of the Ukrainian churches is currently directly present in international interreligious organisations or interreligious forums. The representation of Ukrainian organisations on such platforms is carried out through foreign religious centres, often provoking unnecessary conflicts inside the country and religious communities.

An eloquent example was the collision around the Pan-Orthodox council in Crete in 2016. Even though Ukraine has the second largest Orthodox community in the world[37], none of the Ukrainian Orthodox churches managed to participate in the highest meeting. For UOCKP and UAOC, the Council appeared to be closed due to their unrecognised status, although the autocephaly issue that the Council planned to raise was of paramount importance to them. The UOC(MP), which makes up approximately 1/3 of the ROC parishes, was supposed to be represented in the delegation of the Moscow Patriarchate, but due to Moscow's last-minute refusal to participate, it also missed the meeting. This exclusion contrasted sharply with the mood of the laity, who closely followed the event. It was on the initiative of the laity that one of the first translations of documents and decisions of the Council appeared in Ukrainian just weeks after the event[38]. The Council and its decisions provoked a wave of discussions in religious and academic circles and became a hot

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35   As one of the possible reasons for Filaret's break with the ROC and turn to support the autocephalous movement, researchers often name his loss in the patriarchal elections in 1990. Questioning this thesis, Shchotkina points out at least three other possible reasons: 1) a change in the general attitude of the faithful and the political elite (a year before the break, Ukraine declared its independence, and 92,9% of Ukrainians supported it at the referendum), 2) an attempt to stop the outflow of pro-independence believers to the newly resurrected pro-Ukrainian UAOC (1990) and UGCC (1989), 3) the initial support of autocephaly within the UOCMP Synod (the Synod issued a unanimous appeal to Moscow for autocephaly in 1990, in favour of separation from Moscow also voted the current head of UOC(MP) Metropolitan Onuphrius). Shchotkina Kateryna, *Khroniky Tomosu. "Svoya tserkva": shlyakh ukrayintsiv do avtokefaliyi...* p. 120.

36   In 1992 Ukrainian Parliament officially recognised the Kharkiv Council, which removed Filaret from power in UOC (MP), as illegal and contradicting the Declaration on the self-govern status of UOC (MP). First, the Council was initiated by Moscow; second, the Filaret's successor, Volodymyr (Sabodan), was a bishop of ROC at the time of the election. Despite a few waves of debates, the document is still formally in power, even though it had no legal consequences. See: "Pro provedennia Soboru Ukrayins'koji pravoslavnoji tserkvy u Kharkovi", [On holding the Council of the Ukrainian Orthodox Church in Kharkiv; Statement of the Presidium of the Verkhovna Rada of Ukraine, June 15, 1992 № 2446-XII]. Available at: *https://zakon.rada.gov.ua/go/2446-12* (accessed July 23, 2022).

37   "Orthodox Christianity in the 21st Century", available at: *http://assets.pewresearch.org/wp-content/uploads/sites/11/2017/12/06135709/Orthodoxy-II-FULL-REPORT-12-5.pdf* (accessed July 23, 2022), p. 21.

38   *Dokumenty Sviatoho i Velykoho Soboru Pravoslavnoji Tserkvy [Documents of the Holy and Great Council of the Orthodox Church],* Crete, 2016, Vidkrytyj Pravoslavnyj Universytet Svyatoji Sofiji-Premudrosti, Dukh i Litera, Kyiv, 2016.

topic of meetings and academic papers, but again none of the Ukrainian Orthodox churches participated in the meeting. The problem became even more visible and acute after the beginning of Russia's war on Ukraine in 2014.

The same de facto "close-door policy" emerged in both types of organisations, international interfaith and non-religious organisations. The first group (organisations like the World Council of Churches or the Conference of European Churches (CEC)) links membership in an organisation to the recognition of the church inside its branch[39]. This requirement makes it practically unrealistic for newly emerged Orthodox churches to become members, especially considering an unsolved set of problems on granting autocephaly in the Orthodox church at large. In June 2022, for the first time, OCU and AUCCRO, were invited to participate in the General Assembly of WCC as observers (the event took place in August-September 2022). During the Assembly, OCU also formally applied for membership in both mentioned organisations (WCC and CEC). The application and possibility of granting membership currently are under review.

Unexpectedly, no less unreachable turned out to be the second group of organisations but for a different reason. In recent decades, the number and role of religious and faith-based organisations on civil society platforms within international organisations have multiplied. Haynes shows that approximately each tenth NGO at the United Nations, for example, is religious or has religious roots[40]. Today, the forums opened to religious organisations are functioning within almost all the major international organisations, from the already mentioned UN to the Council of Europe, the Organisation of Security and Cooperation in Europe, or EU structures. Each of them identifies inclusiveness and equality as one of their core values. In fact, these platforms emerged as a manifestation of such aspirations. At the same time, these platforms also turned out to be selectively open to Orthodox churches.

Formally non-religious international organisations are trying to avoid the question of "recognition" or other inner/theological/canonical aspects of the status of religious organisations, preserving neutrality. Important are the registration, institutional capacity, and relevance of the area of their expertise. However, most non-religious organisations prefer to work with transnational religious entities. A trendsetter here is the UN Economic and Social Council (ECOSOC), one of the first UN structures that opened its doors to cooperation with religious and faith-based organisations. Among the main requirements it places on civil society applicants[41] is a significant international presence and activity in other countries of the respec-

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39 "Constitution and Rules of the World Council of Churches [amended by the Central Committee of the WCC in 2018]", para. 3.b.v., available at: *https://www.oikoumene.org/resources/documents/constitution-and-rules-of-the-world-council-of-churches* (accessed 09.10.2022).
40 Jeffrey Haynes, *Faith-Based Organizations at the United Nations*, Palgrave Macmillan US, New York, 2014, p. 2.
41 International organisations usually treat religious organisations as NGOs.

tive region[42]. For example, ECOSOC and the Council of Europe set a threshold for at least five countries (para. 2. f) [43]. That is where it becomes problematic for Orthodox churches. The Ecumenical Orthodox Church is predominantly based on the local structure. It means that the territories of most Orthodox churches are expected to coincide with respective state borders, which is not the case in practice. Although communities outside their territory are widespread[44], the general rule remains to minimise possible tensions. For example, the latest recognised local church, the Orthodox Church of Ukraine (2019), is formally prohibited from having parishes outside the internationally recognised borders of the Ukrainian state.

The undisputed winners in this context are the churches that rely on the former imperial heritage. For example, the ROC takes on the role of the primary representative of the Orthodox faithful at EU conferences on religion in the Eastern Partnership countries[45]. In the 2000s, Russia demanded a similar special status to represent the post-Soviet countries within the framework of the Eastern Partnership programme (EaP). The EU rejected the demand; as a result, Russia did not join the programme. To some extent, the ROC has succeeded in what the Russian state has failed to achieve.

On the way to acquisition of international actorness

Since the gaining of Ukraine's independence and the guarantee of freedom for religious organisations and their faithful, the building of international presence and external activity was on the general agenda of Ukrainian churches, but rarely in the first place. Most of the 1990s and 2000s passed under the mark of inter-Orthodox tensions, restitution, and rebuilding of the lost property. The situation changed significantly in 2013-2014 with the Maidan protests and the first wave of Russian military aggression (occupation of Crimea and parts of Donetsk and Luhansk regions).

Since 2014, strengthening the presence of Ukrainian churches on the international stage has taken several directions. First, Ukrainian religious organisations became one of the communicators of the situation in Ukraine to the foreign public. One of the catalysts for this was ROC. In his letters to political and religious leaders or representatives of international organisations, Moscow Patriarch portrayed initiated by Russia military aggression in eastern and southern Ukraine as an inner religious

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42   "Resolution 1996/31. Consultative Relationship between the United Nations and Non-Governmental Organizations", para. 22, available at: *https://digitallibrary.un.org/record/442032* (accessed July 23, 2022).

43   "Resolution CM/Res(2016)3. Participatory Status for International Non-Governmental Organisations with the Council of Europe", available at: *https://rm.coe.int/168068824c* (accessed July 23, 2022), para. 2(f).

44   As Skurat shows, even if a church does not state it in its Constitution, its leaders tend to recognise its national diaspora as a part of its local church. See: Konstantin Skurat, *Istoriia Pomestnykh Pravoslavnykh Tserkvej: v dvukh chastiakh [History of Local Orthodox Churches; in two volumes]*, Russkie ogni, Moskow, (n.d.).

45   "Predstaviteli Russkoj Tserkvi priniali uchastiye v kruglom stole na temu «Vostochnoye partnerstvo YeS[Yevropejskogo Sojuza]: put' k yedineniyu ili razdeleniyu Yevropy?», proshedshem v Yevropalamente", [Representatives of the Russian Church took part in a round table "Eastern Partnership of the EU: the path to the unity or division of Europe?", held in the European Parliament], available at: *http://www.patriarchia.ru/db/text/3415397.html* (accessed July 23, 2022).

war of "uniates" and "schismatics" against "canonical Orthodoxy"[46]. The letters had a snowball effect – they provoked increased attention to the current state of religious freedom in Ukraine. Ukrainian religious organisations, especially AUCCRO as a respected interconfessional and interreligious body, became one of the primary sources on the religious situation on the ground, including responding to and commenting on the letters from concerned religious leaders worldwide provoked by the Moscow Patriarch.

Part of this process was an attempt to stop interpreting the war in religious terms and to make the international religious dialogue a starting point for further peace talks between the states. In September 2014, under the mediation of the Norwegian Bible Society, took place a meeting between religious representatives of both sides (members of AUCCRO and Russian religious leaders). Despite the declared mutual striving for peace, the parties eventually could only affirm positive intentions to provide humanitarian aid to those in need in the war zone but agreed to disagree on almost everything else. The final communiqué of the three-day meeting diplomatically stated that the parties have "both common views and differences of opinion regarding the causes, events and consequences of today's crisis"[47].

In April 2015, another platform emerged for coordination of international cooperation, the Public Council for Cooperation with Religious Organisations under the Ministry of Foreign Affairs of Ukraine (MFA)[48]. It included representatives of the largest religious organisations and MFA officers responsible for cooperation with the diaspora and humanitarian aid. The composition of this council explains its main purpose. Ukraine faced an enormous humanitarian crisis in the first months of the aggression: up to 2 million people were forced to leave their homes and flee the war zone. They needed shelters, food and essential non-food items such as blankets and clothing. Religious organisations, particularly from the Ukrainian diaspora, supported internally displaced people through their Ukrainian counterparts. The second line of cooperation within the Public council became advocacy for religious freedom and respect for the other human rights on the temporarily occupied territories.

Last but not least are initiatives of individual local churches. Thus, in May 2017, UOC(MP) established an additional unit responsible for external affairs, the Representation to European International Organisations. The department predominantly deals with appeals to international bodies against certain decisions and legislation

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46 "Primate of Russian Orthodox Church sends letter to United Nations, Council of Europe, and OSCE concerning persecution of Ukrainian Orthodox Church in the situation of armed conflict in the south-east of Ukraine", available at: *https://mospat.ru/en/news/51167/* (accessed July 23, 2022).

47 "Communiqué of the Round table of churches and religious organizations of Ukraine and Russia", available at: *https://risu.ua/en/communique-of-the-round-table-of-churches-and-religious-organizations-of-ukraine-and-russia_n70692/amp* (accessed July 23, 2022).

48 "V MZS Ukrajiny vidbulosia pershe (ustanovche) zasidannia Hromads'koyi rady z pytan' spivpratsi z relihijnymy orhanizatsijamy", [The Ministry of Foreign Affairs of Ukraine hosted the first (constituent) meeting of the Public Council for Cooperation with Religious Organizations], available at: *https://mfa.gov.ua/news/35697-v-mzs-ukrajini-vidbulosya-pershe-ustanovche-zasidannya-gromadsyko-ji-radi-z-pitany-spivpraci-z-religijnimi-organizacijami* (accessed July 23, 2022).

of Ukrainian authorities. In particular, it campaigns against the right of a religious community to retain its property, when it changes its affiliation. According to current Ukrainian legislation, with the support of more than 2/3 of parish members, a religious community can change its jurisdiction or affiliation, bringing the building(s), land(s), and other religious community's property with them. From the state's perspective, this helps to neutralise the possible economic pressure and secure guaranteed by the Constitution the freedom to choose or change religious affiliation (art. 35). On the contrary, UOC(MP) perceived it as an attack; under this law, the organisation left more than 1000 communities[49]. Aside from that, representation carefully avoids the topics of religiously motivated violence, persecutions, and human rights violations on the occupied territories[50], acting in compliance with the official position of Russia and ROC.

In its external activity, UOC(MP) tries to avoid the assessment of the Russian military aggression, even though its Social Doctrine compels it to give a clear judgment on war when it breaks or there is a risk of starting one[51]. Such avoidance shadows the department's activities and the organisation in general[52]. In May 2022, under the pressure of grassroots movements and strong protests of laity against the direct support of the ROC for Russian full-scale invasion, UOC(MP) proclaimed its "full independence" from Moscow[53]. Half-hearted decisions of the council raise doubts about the seriousness of such a decision among researchers. At the same time, the church's break with the Moscow Patriarchate may result in its external isolation.

Without doubt, the most significant step to achieving an agency was a recognition of the autocephaly of the part of the Ukrainian Orthodox community and the establishment of the unified Orthodox Church of Ukraine (from now on, OCU)[54]. As mentioned above, the unrecognised status of alternative Ukrainian Orthodox

49   See, "Het' vid MP: dinamika perekhodiv hromad vid UPTs MP do PTsU", [Away from the MP: the dynamics of transfer of parishes from the UOC MP to the OCU], available at: *https://risu.ua/get-vid-mp-dinamika-perehodiv-gromad-vid-upc-mp-do-pcu_n129108* (accessed July 23, 2022).

50   The examples of religion-based violence and violence against religious organisations, see chapters "Ukraine" and "Crimea" in "2019 Report on International Religious Freedom", available at: *https://www.state.gov/reports/2019-report-on-international-religious-freedom/* (accessed July 23, 2022).

51   "Sotsialna konceptsija", [The Social Concept; the Official Position of the Ukrainian Orthodox Church in the Sphere of Relations with the State and Secular Society], para. VIII. 3, available at: *http://orthodox.org.ua/page/sots%D1%96alna-kontsepts%D1%96ya* (accessed July 23, 2022).

52   Since the beginning of war in 2014, Ukraine has a paradoxical disproportion between the number of the registered Orthodox communities and the support of different Orthodox denominations. The biggest religious organization in the country is UOC(MP). It has over 12 thsnd parishes, which is approximately 1/3 of all religious communities in Ukraine (vs OCU with a bit over 7 thsnd). At the same time, the declared self-identification with UOC(MP) had dropped to just 4% in July 2022, vs 54% who identify themselves with OCU. Dynamics of religious self-identification of the population of Ukraine: results of a telephone survey conducted on July 6-20, 2022. See more at: *https://www.kiis.com.ua/?lang=eng&cat=reports&id=1129&page=1* (accessed 09.10.2022).

53   "Postanova Soboru Ukrajins'koji Pravoslavnoji Tserkvy vid 27 travnia 2022 roku", [Resolution of the Council of the Ukrainian Orthodox Church on May 27, 2022], *https://news.church.ua/2022/05/27/postanova-soboru-ukrajinskoji-pravoslavnoji-cerkvi-vid-27-travnya-2022-roku/* (accessed July 23, 2022).

54   The Church unified UOCKP, UAOC and parts of UOC(MP). Even though the UOC(MP) representatives were invited to the unification Council, just two of the bishops participated in the meeting.

churches (UOCKP and UAOC) was one of the obstacles to full-fledged international activity. In this context, the establishment of OCU and its recognition by other local Orthodox churches is just the first but unavoidable step towards acquiring such actorness.

Tomos on the autocephaly of OCU only briefly touches on the issue of the church's international activity. The document obliges the Primate of the Church in Ukraine (1) to participate in "periodical Inter-Orthodox consultations on significant canonical, doctrinal and other issues", (2) to maintain contacts with other local churches (dispatching and receiving the necessary Irenic Letters to/from other Primates), and (3), if necessary, to appeal to Constantinople for consultations ("its authoritative opinion and conclusive support") [55].

Supporters and opponents of autocephaly interpret these norms quite the opposite. The opponents emphasise that no other local churches were subjects to such obligations, which for them is evidence of "fake/not real autocephaly". For proponents, the requests are an additional tool that indirectly serves recognition from other local churches, the relations with which had been interrupted for such a long time [56].

The growing focus on collective religious rights, including the right to external relations or to be an agent in the international arena, is not an exclusively Ukrainian trend. Langlaude argues it is substantive element of the rights of religious groups [57]. At the level of Ukrainian legislation, this right is guaranteed by the Law on Freedom of Conscience and Religious Organisations (Art. 24) [58]. The document lists possible ways of manifestation and directions of religious organisations' international activities. The list, however, is not exhaustive. The state authorities, in this respect, play a twofold role. On the one hand, state institutions regulate some aspects related to the international activities of foreigners inside Ukraine (such as approving the religious activities of foreigners). On the other hand, it is obliged to support the international aspirations of religious organisations – their participation in international religious movements and events and the establishment of contacts with international religious centres and foreign religious organisations (Art. 30).

As part of the latest mentioned, Ukrainian authorities interpreted their appeals in support of Tomos for autocephaly. In his numerous interviews on autocephaly,

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55   "Patriarchal and Synodal Tomos for the Bestowal of the Ecclesiastical Status of Autocephaly to The Orthodox Church in Ukraine", available at: *https://ec-patr.org/patriarchal-and-synodal-tomos-for-the-bestowal-of-the-ecclesiastical-status-of-autocephaly-to-the-orthodox-church-in-ukraine/* (accessed July 23, 2022).

56   On differences in a status and rights of UOC(MP) and OCU, see: Bey Illya, "Statutni dokumenty UPTs i PTsU: porivnyal'nyy analiz – insha tochka zoru", [Statutory documents of the UOC and OCU: comparative analysis – another point of view], available at: *https://risu.ua/statutni-dokumenti-upc-i-pcu-porivnyalnij-analiz--insha-tochka-zoru_n113014* (accessed 09.10.2022).

57   Sylvie Langlaude, The Rights of Religious Associations to External Relations: A Comparative Study of the OSCE and the Council of Europe, *Human Rights Quarterly*, Vol. 32, No. 3, 2010, pp. 502-529.

58   "Zakon Ukrajiny 'Pro svobodu sovisti ta relihijni orhanizatsiji", [Law on Freedom of Conscience and Religious Organisations], available at: *https://zakon.rada.gov.ua/go/987-12* (accessed July 23, 2022).

the head of the Department of Nationalities and Religions Affairs compared the state support for autocephaly to other actions in favour of other religious organisations under the same law, such as visa support for Jews making the Rosh Hashana pilgrimage to Uman[59], visa assistance for Ukrainian Muslims making Hajj, tax-free import of literature for the Ukrainian Bible Society (printed mainly in China or Germany) or state celebrations of the 500th anniversary of the Reformation[60].

The OCU is still at the very beginning of its way to full international actorness and representation in international interfaith and non-religious organisations. The key to membership, at least in interfaith organisations, is recognition from other local churches, which can take decades. So far, four local churches have formally recognised OCU, Ecumenical Patriarchate, Churches of Greece and Cyprus, and Patriarchate of Alexandria. At the same time, the escalation of the ongoing unjust war has already accelerated the process. Even the WCC's invitation to delegate observers from the OCU and AUCCRO to its general assembly is the step that was hard to imagine just a few years ago[61].

Besides gaining representation as such, challenging are the very expectations from religious organisations in the external relations. According to the Kyiv International Institute of Sociology, current expectations from OCU largely reflect the specifics of Ukrainian society. First, it is a demonstrative declaration of its apolitical nature. Only 1.6% of Ukrainians believe that the church should participate in politics or try to influence government decisions. At the same time, there is a demand for help for the poor and vulnerable (38%; number one on the list of expectations) and for fighting against social problems (alcoholism, drug addiction; 23%). Respondents do not recognise the problems as political meters. This contrast is even more evident in the block of expectations related to international matters. More than 27% believe that the church should help end the Russian aggression against Ukraine (number three on the list). Respondents also expect OCU to assist the Army of Ukraine and facilitate the release of prisoners of war. Once again, those issues are also not recognised as political ones. Improving the image of Ukraine abroad and assistance to Ukrainians abroad are mentioned in the list but did not reach even the top ten[62].

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59   A city in central Ukraine, which is the location of the burial site of Rebbe Nachman of Breslov, and pilgrimage site for tens of thousands of Breslov Hasidic Jews yearly.

60   "Andriy Yurash: 'Yakby ob'yednannia tserkv bulo shtuchnym – za vtruchannya derzhavy – vono vzhe rozpalosya b'", [Andriy Yurash: 'If the unification of churches was artificial (with the intervention of the state), it would have disintegrated already', available at: *https://lb.ua/news/2019/12/12/444585_andriy_yurash_yakbi_obiednannya_tserkov.html* (accessed July 23, 2022).

61   "WCC Appoints New Vice Moderator, Makes Other Governing Decisions", available at: *https://www.oikoumene.org/news/wcc-appoints-new-vice-moderator-makes-other-governing-decisions* (accessed July 23, 2022).

62   "Stavlennia do okremykh tserkov Ukrajiny ta ochikuvannia vid dijal'nosti Pravoslavnoji tserkvy Ukrayiny: liutyj 2020 roku", [Attitudes toward individual churches of Ukraine and expectations from the activities of the Orthodox Church of Ukraine: February 2020], available at: *https://kiis.com.ua/?lang=eng&cat=reports&id=921&page=1* (accessed July 23, 2022).

Conclusions

The Ukrainian Orthodox churches' request for external relations development has undergone a significant evolution. The starting point of this process was the exclusion of Ukrainian churches from the international field, which was a result of the Soviet policy of limiting the external contacts of religious organisations and the use of religion for political purposes. It also gave rise to a certain mistrust of international activities as such. The turning point and catalysis of the process of involvement of Ukrainian churches in international relations became Russia's war on Ukraine and the need to oppose Russian attempts to present this war to external agents as religiously motivated.

Current attempts to develop external relations occurs against the background of complex and close relations with Ukrainian state, which go far beyond the simple "separation of the church from state" or instrumentalisation of religion. The diversity of the Ukrainian religious landscape, high internal competitiveness and presence of influential inter-religious players, such as AUCCRO, became a safeguard against that.

An important step in building the subjectivity of Ukrainian churches was granting autocephaly to the Ukrainian Orthodox community, which also exposed the problems of unequal access to international interreligious platforms for Orthodox churches in both interfaith and non-religious organisations. Besides the access itself, challenging are contradictory expectations from such activities in Ukrainian society.

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ПРЕГОВАРАЊЕ ЗА ПРАВО О СПОЉНИМ ОДНОСИМА: СЛУЧАЈ ПРАВОСЛАВНЕ ЗАЈЕДНИЦЕ У УКРАЈИНИ

Сажетак

Овај чланак истражује покушаје, стање и изазове при развијању спољних односа и представљања у међународној арени од стране украјинских православних цркава од 1991. године. Упркос томе да Украјина има другу највећу заједницу православаца у свету, украјинске цркве су или искључене из међународних међурелигијских платформи или су представљене кроз стране центре, претежно руске. Ова ситуација се развијала у време Совјетског Савеза и до скоро је била била доминантна. У једном делу, захтев за међународним присуством је повезан са променама у Украјини, а ескалирао је након руске војне агресије. Кулминација процеса је била давање аутокефалности православној заједници Украјине која је отворила могућности за међународно деловање. Овај рад се заснива на документима који регулишу верски живот у Украјини, документима међународних и верских организација, ставовима верских лидера и међурелигијских организација, и истраживању слободе вероисповести у Украјини.

Кључне речи: религија и политика, религија у јавној сфери, односи цркве и државе у Украјини, религија у међународним организацијама