



Memorandum on the “WCC statement on the new law passed by the Ukraine Rada on 20 August 2024” (issued 24th August 2024)

Att: Secretary General Rev. Prof. Dr Jerry Pillay and moderator, bishop Heinrich Bedford-Strohm

Purpose

- This memorandum provides an analysis of the World Council of Churches' response to the new Law 8371 on religion in Ukraine, announced on August 24th 2024.
- This memorandum raises a series of questions on behalf of the National Council of Churches in Denmark, arising from the WCC's press release on the same date in 2024.

Context

The full-scale war in Ukraine has been one of the most destructive conflicts in Europe since the end of the Second World War. Casualty estimates vary, but reportedly exceed half a million soldiers and 35,000 killed and injured civilians, according to Ukrainian authorities.ⁱ The latest expert report from 2023 estimates that 415 religious buildings have been damaged or completely destroyed. The Russian army has allegedly conducted intentional damage or destruction of religious buildings, used them for military purposes, and looted them during the occupation, as well as persecuted believers, including the reported kidnapping and torture of ordained priests, according to several independent reports.ⁱⁱ

The leader of the Russian Orthodox Church, Patriarch Kirill, has signed a statement calling the war a "holy war" and preached that the actions of Russian soldiers in occupied Ukraine are "washing their sins away."ⁱⁱⁱ The World Council of Churches did not raise substantial criticism of the Russian Orthodox Church's involvement until April 18, 2024, when the Secretary General asked the Patriarch to "clarify" his statements on the "holy war."^{iv} The WCC has not issued any stronger reactions since then.

The Ukrainian Orthodox Church of the Moscow Patriarchate (the autonomous Orthodox church in Ukraine under Metropolitan Onufriy, from hereon UOC-MP) has signaled a separation from Moscow since the start of the war. However, this separation is disputed among academics and an expert Ukrainian committee, who find that it has not occurred financially, canonically, or otherwise. In contrast, scholars such as Professor Thomas Bremer view the separation as real. The issue remains unresolved.^v Since 2022, several cases have arisen in which bishops or priests from Metropolitan Onufriy's UOC-MP in Ukraine have been charged with supporting the Russian invaders and acting illegally against Ukrainian state law^{vi}

In 2023, the Ukrainian parliament introduced a draft law on religion, followed by a second draft in March 2024. The initial drafts were clearly targeted at the UOC-MP under Metropolitan Onufriy and would allow the dissolution of congregations that support the Russian war effort. The proposals were met in 2023 and 2024 with a narrative from the Russian Orthodox Church about how such a law would end religious freedom in Russia. The first and second drafts were also criticized by the UN and other international bodies.^{vii}

A third version of the law was passed on August 20, 2024, and signed by the President of Ukraine on August 24. This third version addressed several points of criticism from the UN. The law stipulates a procedure in which a congregation can be dissolved for aiding "the aggressor" with "illegal activities".^{viii} The dissolution of a congregation requires the examination of five criteria and a final judgment by a Ukrainian court. This process would realistically take years, as it requires the Ukrainian authorities to investigate, build a case, and go through legal proceedings.

The Ukrainian religious legal framework operates with individual parishes, not single church organizations, due to long-standing conflicts between Orthodox factions. Currently, there are around 8,000 congregations registered as part of UOC-MP under Metropolitan Onufriy, while between 2,000 and 3,000 are in Russian-occupied areas of Ukraine. The law requires a legal procedure for each congregation to be dissolved, which would amount to approximately 4,000 lawsuits. As noted by independent expert Dr. Sebastian Rimestad, this law is mostly symbolic, with limited practical effect in its implementation.^{ix}

Members of the Ukrainian Council of Churches and Religious Organizations have expressed support for the law, stating, "We affirm that religious rights and freedoms are respected in Ukraine, even amidst the brutal war, and that our believers, despite certain challenges related to the war, have the opportunity to express their religious feelings and beliefs with dignity."^x In contrast, the main spokesperson against the law in western Europe is the lawyer Robert Amsterdam, who has been hired by UOC-MP under Metropolitan Onufriy and has been instrumental in spreading the narrative of the law as a threat to religious freedom. He has been criticized for being a hired pro-Russian lobbyist.^{xi}

On August 24th, the WCC "urges caution" in a press release and stating that they are "deeply alarmed by the potential for unjustified collective punishment of an entire religious community and violation of the principles of freedom of religion," which might result in "a religious organization being banned." The WCC has described these "measures as tantamount to collective punishment of a living worshipping religious community in Ukraine," and has noted that the government of Ukraine is responsible for protecting the rights of all its citizens.^{xii} The WCC's statement also echoes many points from the statements made by the Russian Orthodox Church and Amsterdam's office.

Questions

The WCCs reaction in the statement from the 24th august raises the following questions

1. *Purpose*: the WCC general secretary and moderator express they are "deeply alarmed". Why are they alarmed and by who?
2. *Justice*: The WCC call the law "unjustified". What do the WCC general secretary and moderator see as unjust in the law?
3. *The content of the law*: the law and the Ukrainian religious legal framework does not operate with religious organizations, but with individual congregations as singular legal units. What do the WCC general secretary and moderator then mean with the law potential being "collective punishment" and "ban of a religious organization"? What does the WCC base such assessments and statements on?
4. *The timing*: Why did the WCC act with such haste in this case? Why did the moderator and secretary general not involve experts or ask the Ukrainian government to clarify, as they did with patriarch Kirill's remark on the war being "holy"?

5. *The breach of the memorandum of understanding between WCC and CEC*: why did the WCC not consult CEC, as the agreement is in the memorandum between both parties? In our view, the case is closely related to CEC and its member churches, wherefore CEC should have been consulted.
6. *Who benefits from the statement*: all churches, theologians and the WCC should ask themselves, who benefits from the WCC statement that goes directly against the UCCRO (Ukrainian Council of Churches and Religious Organizations) and the Ukrainian state. What urged the general secretary and moderator to deliver this statement?

On behalf of the Danish National Council of Churches



Chairman, bishop Peter Birch, Evangelical Lutheran Church in Denmark

Secretary General, dr. Emil Hilton Saggau

ⁱ <https://war.ukraine.ua/> ; <https://www.statista.com/statistics/1293492/ukraine-war-casualties/>

ⁱⁱ <https://www.mar.in.ua/wp-content/uploads/2023/04/Religion-on-Fire-report-2023-ENG.pdf> ; <https://www.ncronline.org/news/not-single-catholic-priest-left-russian-occupied-ukraine-reveals-major-archbishop>

ⁱⁱⁱ <https://www.rferl.org/a/russia-patriarch-kirill-dying-ukraine-sins/32052380.html>

^{iv} <https://www.oikoumene.org/news/wcc-cannot-reconcile-world-russian-peoples-council-decree-describing-ukraine-conflict-as-holy-war>

^v Dr. Thomas Bremer notes it has been separated (see <https://www.dialogtut.org/wp-content/uploads/2023/09/review-uoc-report-2.pdf>), while the expert committee under Head of the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience Viktor Yelenskyj refuse it (https://risu.ua/en/letter-to-dr-thomas-bremer-professor-em-university-of-munster_n143365)

^{vi} <https://www.csis.org/analysis/russias-religious-persecution-and-misinformation-ukraine>

^{vii} https://www.forum18.org/archive.php?article_id=2896

^{viii} The full law in Ukrainian is available here: <https://itd.rada.gov.ua/billInfo/Bills/Card/41219>

^{ix} <https://www.kristeligt-dagblad.dk/kirke-og-tro/kirker-med-forbindelse-til-rusland-forbydes-i-ukraine>

^x <https://www.ucanews.com/news/ukraines-religious-leaders-for-ban-on-russian-orthodox-church/106129>

^{xi} <https://www.linkedin.com/pulse/lauren-homers-dangerous-disinformation-religious-robert-amsterdam-kouoe/?trackingId=1SBIH1rtSauLo6Qnr6vDnw%3D%3D> ; See the Amsterdam office's statement here:

<https://amsterdamandpartners.com/open-letter-in-response-to-the-law-and-liberty-trust-on-freedom-of-religion-in-ukraine/> ; and the critic of him: <https://www.intelligenceonline.com/corporate-intelligence/2024/03/08/inside-the-lobbying-and-pr-drive-in-washington-for-pro-russian-ukrainian-church,110189073-art>

^{xii} <https://www.oikoumene.org/news/wcc-urges-caution-with-new-law-passed-by-ukrainian-rada>