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BELARUS: New concordat gives Orthodox enhanced status

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

The 12 June concordat between the Orthodox Church and the state has given the Orthodox extensive influence in state bodies, with Metropolitan Filaret of Minsk hailing it as "a blank cheque to develop co-operation programmes with all branches of power". Forum 18 News Service notes that the concordat means the state now accepts the Orthodox designation of Belarus as its "canonical territory", and commits the state and the Church to work together in "the common fight against pseudo-religious structures". Although the final text no longer contains "anti-constitutional provisions" such as immunity from prosecution and media censorship powers for Orthodox clergy, member of parliament Ivan Pashkevich told Forum 18 he was worried that they will be incorporated into subsequent agreements between the Orthodox Church and individual state bodies which will be closed to public scrutiny.

Whereas in Russia the Orthodox Church (Moscow Patriarchate) has been concluding concordat-style agreements with various organs of state gradually over seven years (see F18News 27 May 2003), in neighbouring Belarus it has just won far more extensive influence in the affairs of a greater number of state bodies at one fell swoop.

An "Agreement on Co-operation between the Republic of Belarus and the Belarusian Orthodox Church" was signed on 12 June by Prime Minister Gennadi Novitsky and Metropolitan Filaret (Vakhromeyev) of Minsk and Slutsk, who reportedly hailed it as "a blank cheque to develop co-operation programmes with all branches of power". (The Russian-language text is on the Church's official website www.church.by, though not on the website of the governmental National Centre of Legal Information ncpi.gov.by.) In addition to several other state bodies, the agreement endorses collaboration between the Orthodox Church and the Ministries of Education, Culture, Health, Labour, Information, Internal Affairs, Defence, Natural Resources, and the Ministry for Emergencies.

Previously the Orthodox Church had publicised agreements concluded with only two state authorities: the Sentence Administration Committee within the Ministry of Internal Affairs (August 1999), and President Aleksandr Lukashenko's former employer, the Belarusian Border Troops (January 2003).

Although he did not sign the document himself, Lukashenko described the conclusion of a co-operation agreement with the Orthodox Church as "most timely" during his four-hour state of the nation address on 16 April, commenting that "the Orthodox Church is the basis of our faith... who will help it, if not us?" While the co-operation agreements forged by the Moscow Patriarchate in Russia do not have explicit Kremlin endorsement, the Belarusian concordat therefore enjoys top-level state approval.

So far the only other former Soviet republic to conclude a concordat with a local Orthodox Church at the highest state level is Georgia, whose President Eduard Shevardnadze signed a "constitutional agreement" together with Patriarch-Catholicos Ilya II on 14 October last year. The provisions in that document, however, such as exemption from tax and restitution of church property, broadly correspond to those in existing laws on religion and lower-level co-operation agreements in both Russia and Belarus.

The new Belarusian concordat goes much further by introducing into the legal terminology of the state several key concepts vigorously promoted by the Moscow Patriarchate since the break-up of the Soviet Union.

The most significant is in Article 1, in which the state guarantees the Orthodox Church "right of ecclesiastical jurisdiction on its canonical territory". According to the Moscow Patriarchate, this encompasses the whole of the Republic of Belarus. Commenting to Belarusian news agency Belapan shortly after the co-operation agreement was concluded, Minsk-based lawyer Dina Shavtsova suggested that, in practice, this provision would result in "the Orthodox community causing problems for members of other denominations trying to build houses of worship in any inhabited area".

In a statement accompanying the signing ceremony, Metropolitan Filaret remarked that, when freedom of religious belief was proclaimed in the Soviet Union at the close of the 1980s, "various neo-cultic doctrines proliferated due to ignorance about religion". Albeit similarly unspecific, such terminology now carries legal weight in Article 2 of the agreement, which states that co-operation between the Orthodox Church and state bodies widens the scope for "the common fight against pseudo-religious structures". While Article 4 maintains simply that the agreement "does not have the aim of harming the rights of any confessions or citizens," it does not rule this out as its consequence.

Prime Minister Novitsky has reportedly stated that the agreement does not restrict governmental co-operation with other religious confessions. Its terminology, however, underlines the exclusivity of the Orthodox Church's new role: While the Republic of Belarus is termed throughout as "the State," the Belarusian Orthodox Church is referred to simply as "the Church," and both signatories assert that the strengthening of their mutual co-operation "responds to the interests of the Belarusian people" as a whole.

Commenting on the concordat, Shavtsova also remarked that the Orthodox Church was gaining power over the state rather than becoming a state institution. On the important issue for the state of property restitution, however, the agreement's provision for general co-operation between the Orthodox Church and the Ministry of Culture falls short of challenging a tough restriction in the new law on religion, the like of which would be vigorously protested by the Moscow Patriarchate if it existed in Russia. According to Article 30 of the Belarusian law, religious organisations are given preference by the state in the restitution of religious buildings and their adjoining territory, "except for those which are used as objects of culture, physical culture and sport".

Speaking to Forum 18 from Minsk on 23 June, member of parliament Ivan Pashkevich said that an unpublished draft version of the concordat contained anti-constitutional provisions such as immunity from prosecution and media censorship powers for Orthodox clergy. Although these provisions do not appear in the final version, he said, this made it "much more dangerous," since they will be incorporated into subsequent agreements between the Orthodox Church and individual state bodies which will be closed to public scrutiny.

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