Increasing the effectiveness of religious freedom advocacy: a perspective from the U.S.

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Abstract

For the United States and its Western allies religious freedom is a fundamental right, inextricably linked to a variety of other notions of freedom. Although surveys indicate that citizens around the world aspire to some form of religious liberty, nonetheless it and other human rights are constrained for at least 60% of the world's population. Since 1998 the U.S. has committed itself to championing the religious liberty of people around the world, but at the same time indicators by Freedom House and other organizations suggest the world is becoming "less free." With this context in mind, the U.S. and its partners need to redesign a forward-looking strategy of religious freedom advocacy that includes, at a minimum, developing an academic sub-discipline of international religious freedom studies, engaging big business, and building partnerships with other governments.

Keywords religious freedom, International Religious Freedom Act, human rights, United States of America, Department of State, U.S. Commission on International Religious Freedom, academics, business, diplomacy.

For the United States and many of its closest allies, religious freedom is a fundamental right, inextricably linked to a variety of other notions of freedom: worship, conscience, speech, press, assembly, and the like. In addition, religious freedom is uniquely a part of America's founding narrative and the U.S. continues to be a consistent champion of religious liberty both at home and abroad. From the perspective of

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most U.S. citizens, it is simply impossible to conceive of a situation in which basic human rights were observed without religious freedom and it is similarly doubtful that one can imagine a community where true religious freedom exists – including the right to change or leave religion – while other human rights are in jeopardy.

The U.S. is not alone. A recent Pew Global Attitudes survey found that over 90% of the people in the forty-six countries surveyed say that religious freedom is important to them.[1] Religious freedom is a fundamental liberty: that the individual can believe in and make choices about matters of faith. A decade after the U.S. committed to championing religious freedom abroad, it is necessary to revisit a forward-looking strategy of religious freedom diplomacy. Three elements of a twenty-first century strategy to more effectively influence the global balance in favor of religious freedom are developing an academic sub-discipline of international religious freedom studies, engaging big business, and building partnerships with other governments.

1. Existing U.S. international religious freedom policy

Citizens in the U.S. tend to see religious freedom as an inherent right, one that is expressed and protected in the First Amendment of the Constitution: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The U.S. also has a long tradition of supporting religious freedom within the modern human rights framework, most notably as a nation that has adopted the Universal Declaration of Human Rights (UDHR), the 1966 International Covenant of Civil and Political Rights (ICCPR), and the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Furthermore, because almost every country has adopted the UDHR (not legally binding) and

[1] Pew Global Attitudes Survey (2007). The Survey included numerous countries with large Muslim populations, including Nigeria, Indonesia, Pakistan, and others. The Pew Survey was broken into a number of subsidiary reports, the most pertinent being available at: http://pewglobal.org/2007/07/24/a-rising-tide-lifts-mood-in-the-developing-world/.

the ICCPR (a legally binding treaty), the U.S. sees its promotion of religious and other civil liberties as simply calling other countries to live up to their commitments. Article 18 of the ICCPR commits countries to the following:

> 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
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> 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
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> 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

In addition to its multilateral commitments, the U.S. has undertaken concrete actions to promote religious liberty worldwide for nearly four decades. Significant efforts in that period include the concern for the plight of Soviet Jews and later Soviet Pentecostals during the Cold War. In 1974 Congress passed the Jackson-Vanik Amendment, which linked trade relations with the Soviet Union to the freedom of Jews and others to emigrate. The following year, the Helsinki Accords resolved the territorial status of the Soviet Union, linking that issue to a substantive human rights agenda that included religious freedom.

Two decades later, and after intense lobbying and political maneuvering, President Clinton signed the International Religious Freedom Act of 1998 (IRFA),[2] which

1. Declared, "The right to freedom of religion undergirds the very origin and existence of the United States…as a fundamental right and as a pillar of our Nation…Freedom of religious belief and practice is a universal human right and fundamental freedom…"

[2] For a detailed history of the political debate at the time and the establishment of IRFA, see the summer 2008 issue of *Review of Faith and International Affairs*, 6(2), especially the following essays: Nina Shea, "The Origins and Legacy of the Movement to Fight Religious Persecution" and Laura Bryant Hanford, "The International Religious Freedom Act: Sources, Policy, Influence." These essays derived from the Georgetown University symposia discussed below.

2. Established a permanent, statuatory Ambassador at Large for International Religious Freedom at the U.S. Department of State, leading an Office of International Religious Freedom.
3. Created an independent U.S. Commission on International Religious Freedom (USCIRF) to make recommendations to the President and Congress.
4. Mandated an Annual Report on International Religious Freedom to include every country in the world.
5. Provided a menu of options for U.S. government action to name, shame, and punish violators of religious freedom, with a special focus on "Countries of Particular Concern[3]."
6. Called for institutionalized training, programming, and recognition for U.S. diplomats engaged in this work.[4]

The designation of "Countries of Particular Concern" (CPC) is of particular interest. The Secretary of State may designate as a CPC a government that is an egregious violator of religious freedom. Under IRFA, this allows the U.S. government to move beyond quiet diplomacy and public shaming to more robust forms of punishment, including economic sanctions (though these are rarely employed for solely religious freedom justifications). It is noteworthy that in 2000 the Department of State labeled the following countries as CPCs: Afghanistan (Taliban), Burma, China, Iran, Iraq, Serbia, and Sudan.[5]

[3] The designation by the Secretary of State (under authority delegated by the President) of nations guilty of particularly severe violations of religious freedom as "Countries of Particular Concern" under the International Religious Freedom Act of 1998 (H.R. 2431) and its amendment of 1999 (Public Law 106-55) is one if the instruments of the IRF Office. Nations so designated are subject to further actions, including economic sanctions, by the United States.

[4] 2008 was the tenth anniversary of IRFA becoming law, and a series of activities marked the milestone including a special issue of the journal *Review of Faith and International Affairs*, the publication of a book on U.S. foreign policy and religious liberty by the former director of the Department of State's Office of International Religious Freedom, and three symposia on IRFA hosted by Georgetown University and synthesized into a policy recommendations brief for the Obama Administration titled by Thomas F. Farr and Dennis Hoover as *The Future of US International Religious Freedom Policy.* Available at: http://tinyurl.com/4tmnmbl.

[5] It is also noteworthy that USCIRF, in testimony to the U.S. Congress, criticized the Department of State for not listing the following countries as CPCs: Laos, North Korea, Saudi Arabia, and Turkmenistan. See "State Department Annual Religious Freedom Report for 2000," available at: http://uscirf.gov/component/

The most recent list of CPCs (2010) included: Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan, and Uzbekistan.[6]

More recently, President George W. Bush promoted democracy and human liberty, including religious freedom, as part of his global "freedom agenda." During the Bush era important work on behalf of persecuted religionists of various faiths worldwide occurred, largely due to the consistent advocacy of the Department of State. However, religious freedom did not appear to be a key policy priority as it was rarely linked in an explicit fashion by Administration officials to the rhetoric and policies of the Freedom Agenda. A brief examination of the situation under the current presidency gives an ambiguous impression. When President Obama entered office he fulfilled a campaign promise by making a major speech to the Muslim world from the Muslim world, more specifically from Cairo, the epicenter of Sunni scholarship. In that speech, President Obama asserted, "Freedom in America is indivisible from freedom to practice one's religion," and later made religious freedom one of seven priority areas of challenge for the Muslim world. The president argued, "People should be free to choose and live their faith based upon the persuasion of the mind and the heart and the soul," and he approvingly cited the ways that religious freedom is good for a society: respect for others, tolerance for diversity, interfaith dialogue, and "interfaith service... [such as] combating malaria in Africa, or providing relief after a natural disaster."[7] Furthermore, President Obama referred directly to the plight of non-Muslim religious minorities under pressure, such as the Maronites and Copts, and specifically highlighted religious freedom not only as an American ideal, but as a fundamental human right. Broadcast viewers of the speech saw and heard the thunderous applause that greeted this point of the speech. Nonetheless, observers of Muslim-majority countries note major disparities between Obama's conception of religious liberty and realities on the ground in Saudi Arabia, Pakistan, Egypt, and elsewhere. In addition marked efforts have been observed to downgrade the Office for International

content/article/232-ct2000/1987-september-7-2000-qstate-department-annual-report-on-international-religious-freedom-for-2000q.html.

[6] The designees can be found in the Department of State's annual report, available at: http://www.state.gov/g/drl/rls/irf/2010/148659.htm.

[7] Thomas F. Farr and Dennis Hoover as *The Future of US International Religious Freedom Policy*. Available at: http://tinyurl.com/4tmnmbl.

Religious Freedom since the Obama administration.[8] This begs the question: after a decade of IRFA, why have we not seen more success?

Why isn't it more successful?

A decade after IRFA's passage, where has the U.S. been successful in convincing other governments and other societies to structurally and systematically change their religious freedom policies? Another question may be, why has the U.S. not been more successful in facilitating substantive global change? These questions recurred time and again at three symposia on IRFA's past, present, and future hosted by Georgetown University's Berkley Center for Religion, Peace, and World Affairs in 2008-2009.[9] When speaking of past successes, advocates at the symposia argued that the institutionalization of U.S. international religious freedom policy in U.S. code as well as in the Department of State and a high-level commission was a success in and of itself. A second form of "success" described by participants is those discrete cases where an individual or family was released from prison and/or allowed to emigrate (or was driven out of the country) due to U.S. pressure. Each of these interventions is a human rights success, and often is a matter of individual life or death. Finally, it is noteworthy – though little known outside of government – that in discrete cases the U.S. was able to influence other countries to modify laws, customs and practices as well as extremist or anti-Semitic religious views, such as in elementary school textbooks.

Nevertheless, in my opinion there seems to be little or no change in the general domestic or international climate with regard to this issue.[10] Indeed, by Freedom House's measurement, the world is

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[8] Thomas F. Farr, Obama administration sidelines religious freedom policy, Washington Post, Friday, June 25, 2010. Available at: http://www.washingtonpost.com/wp-dyn/content/article/2010/06/24/AR2010062405069_1.html.

[9] The author edited the symposia findings, "Report of the Georgetown Symposia on International Religious Freedom Policy," The Berkley Center for Religion, Peace & World Affairs, Georgetown University (2009), available at: http://berkleycenter.georgetown.edu/publications/report-of-the-georgetown-symposia-on-us-international-religious-freedom-policy.

[10] Others maintain that in addition to a heightened U.S. government focus there is now more NGO and church attention to the issue. In some countries, like in Germany, observers note an increased policy and press attention to religious freedom and persecution.

generally becoming "less free" in recent years rather than "more free."[11] The Department of State's list of Countries of Particular Concern and the Commission's "watch list" of violators remain remarkably stable – indeed, they have grown over the past decade. Again the question, how can U.S. international religious freedom policy become more successful?

Rather than finger-pointing at institutional friction (USCIRF vs. Department of State), eyeballing modest staffs and budgets, or other "insider" technical factors, attention should be focused on why large parts of the world are not changing with regard to religious freedom, and especially, under what conditions they would change.

First, the U.S. may have unrealistic expectations about global change on the religious freedom issue. Advocates of international religious freedom want other societies to "see the light" on this and related human rights issues, without there being a fundamental systemic change in those societies. In other words, American expectations may be unrealistic, or simply ridiculous, if they assume that other societies will evolve in this narrow area – legally and culturally respecting religious difference and practice – with no simultaneous change in wider patterns of culture, regime, and regard for human rights. Indeed, it may be that the places where religious freedom has most quickly matured in the past two decades are those societies which have faced significant, often wrenching, changes in the structure of the policy.

Certainly this was the case for post-Warsaw Pact Eastern Europe in the 1990s, and some of these countries still struggle on the issue of religious freedom.

Issues of religious liberty, diversity, and public practice are intertwined with a wider set of political and cultural issues, including a sense of national identity, the relationship of an established church to the state, immigration and entry of foreigners, financial remittances, the character of development and humanitarian assistance, and the like. This does not mean the U.S. should not champion religious freedom; rather, this is an observation that such complexities are often poorly understood or disregarded by Western diplomats and human

[11] Freedom House. (2010) "Freedom in the World 2010: Global Erosion of Freedom." It must be kept in mind that this list includes many facets of freedom and is not focusing on religious freedom only.

rights organizations (particularly secular ones). At times the complexities were used as an argument in order not to raise religious freedom as an issue in and of itself. Hence, what is needed is a better integration of the wider network of issues related to religious freedom, particularly in the training of U.S. diplomats as they engage other countries on human liberty. Such issues include the intersection of economic growth, support for democratic institutions, and national happiness with religious and associated freedoms. A savvy, twenty-first century diplomat should be able to make the case for religious freedom in a way that locates it in broader arguments about the host government's national interests, public goods, and global norms of human liberty.

Of course, national interests are the critical lever in at least two ways. First, one of the reasons that government elites have neglected religious freedom policy is because it does not neatly fit into the *realpolitik* (political realism) mindset to which many in the security and diplomatic corps subscribe. Of course, such a view is wrong-headed because clearly it is in the U.S. national interest to see fundamental human liberties enshrined within the rule of law worldwide. National interests are a critical lever in a second way: the United States should behave in ways that make it clear it is in the interest of their partners to embrace religious freedom. To date, however, diplomacy and moral persuasion has been the U.S. government's primary vehicle for promoting international religious freedom. What has not been done effectively in my opinion is to change the structure of global norms, either by duress or winsome diplomacy. To be more precise, few countries have found it in their interest to change their laws, customs, and practices with regards to religious freedom since IRFA took effect. Indeed, most countries have signed on to the ICCPR and have religious freedom protections enshrined in their constitutions, but this does not stop the Afghans, the Saudis, the Chinese, or others from repressing minority faiths within their borders.

Moreover, unlike the lobby for some issues in the U.S., like the environment, there is no consolidated constituency of voters and donors to punish Capitol Hill and the Executive Branch for failure in the field of international religious freedom. The situation is compounded by a poor understanding of the issues both by citizens and by foreign policy experts, such as those government officials who

wrongly think religious freedom advocacy violates the Establishment Clause of the U.S. Constitution. In short, what is needed is a retooling of international religious freedom promotion in the areas of academia, business, multilateral partnerships, and domestic outreach.

2. International Religious Freedom Studies as an academic discipline

In the 1980s a group of scholars, some of whom would later become known as the Copenhagen School, began to increasingly focus on threats to "human security" rather than solely focusing on superpower rivalry as the *sine qua non* of international security. With the fall of the Soviet Union and the rise of ethno-nationalist civil war, particularly in the Balkans, with all of the attendant threats to human life and property (e.g. landmines, small arms proliferation, disease, banditry), a sub-discipline known as "human security" was launched.[12] Human security today is more than a sub-discipline; in fact, it has sired its own set of sub-disciplinary research agendas on small arms/light weapons, migration, refugees, and the like. In fact, today one can earn a Masters degree or graduate concentration in human security from major universities in Europe, North America, and Asia. How could a similar discipline or sub-discipline of international religious freedom studies be launched?

An academic sub-discipline of international religious freedom studies would revolve around the shared research agenda of an interdisciplinary network of scholars across multiple colleges and universities. That network would publish original research on international religious freedom and its relationship to other disciplines, including international law, economics, development, comparative politics, cultural anthropology, and the like. Leading scholars would direct graduate research and dissertations on international religious freedom and would publish in both popular and academic publications. From the outset, a peer-reviewed venue devoted to international religious freedom research should be established in the U.S., just as the human security field has created its own set of

[12] One historical account of this is Karina Paulina Marczuk's "Origin, Development, and Perspectives for the Human Security Concept in the European Union," published by the Social Science Research Council (2007) and available at: http://ssrn.com/abstract+997246.

publications: *Journal of Human Security*, *Human Security Journal* (for graduate students), *Praxis*, and others. Such a publication, *The Journal of International Religious Freedom Studies*, should start by engaging scholars and practitioners in cutting edge, future-oriented thinking on religious freedom promotion, such as the recent work of sociologists Brian Grimm and Roger Finke, political scientists Daniel Philpot, Alfred C. Stepan, and Timothy Samuel Shah, former U.S. diplomat-turned professor Thomas F. Farr, and others. Interestingly, the first such journal appeared in 2008 in South Africa, affiliated with the International Institute for Religious Freedom of the World Evangelical Alliance (*International Journal for Religious Freedom*), and this is a positive first step. However, additional venues for research, particularly affiliated with a major American university, will further spur research.

Academic teaching and discussion must take place in undergraduate courses as well. Hence, international religious freedom studies should be the primary theme of some college classes and can be a secondary theme in many others, just as has been the case with human security studies, creating a wider awareness among undergraduates and rooting the study in academic departments and curriculum rather than solely at think tanks and advocacy centers. With the growth of teaching and student interest, I envisage that some universities will take the lead in developing more formal academic programs on international religious freedom, such as an undergraduate minor, post-graduate certificate, or master's concentration. Over time it is desirable that the discipline will develop as a semester-length course at dozens of schools and as a component of hundreds of distinct syllabi. In addition institutions are needed that will provide critical homes for vigorous study and teaching, including at the Masters and Ph.D. levels, perhaps schools like Georgetown University (based in Washington, DC) or Baylor University (based in Waco, Texas and home of the *Journal of Church and State*).

Furthermore, scholars must take their findings and teaching strategies to academic conferences such as the annual conventions of the International Studies Association, the American Political Science Association, the American Sociological Association, and others. Today, all of those venues have specific "human security" panels and discussions; the same could be true in five years for international religious freedom studies.

Finally, to root an academic discipline for the future requires financial nourishment. Scholars working in the field should already be seeking grants from existing foundations which might be interested in emerging international religious freedom research due to the quality of the research question (not the breadth of the sub-discipline). Scholars will have to seek general institutional research monies, and thus compete with their colleagues in the marketplace of ideas, based on the quality of their research design and novelty of their theses. Scholars will have to convince government funding agencies, such as the U.S. Institute of Peace, that this topic is worthy of support and must do the same with private foundations focused on supporting foreign policy and human rights research. A first, important step in this area is the recent establishment of the Joseph R. Crapa Fellowship by the U.S. Commission on International Religious Freedom, which provided its first support to outstanding scholars on religious freedom research in 2009. With intellectual, institutional, and financial resources a new generation of thinking and understanding to champion international religious freedom will emerge.

3. Engaging the business community

Nike is the world's largest premiere sportswear manufacturer, and its symbols (the Swoosh, "Just Do It") and reputation are truly global. In recent years Nike has consistently worked to develop and maintain a pro-environment image. For instance, in 2007 Nike joined Canon and Unilever at the top of a list of environmentally-friendly businesses.[13] Thus, September 30, 2009 was a powerful but not shocking moment: Nike resigned from the Board of the U.S. Chamber of Commerce, issuing the following statement, "We fundamentally disagree with the U.S. Chamber of Commerce on the issue of climate change and their recent action challenging the Environmental Protection Agency [.....] is inconsistent with our view that climate change is an issue in need of urgent action."[14] Nike committed to retaining its organization

[13] Deborah Zaborenko, "Canon tops the list of climate-friendly companies," (June 19, 2007). Available from Reuters at http://www.reuters.com/article/id USN18408837200706l9?feedType=RSS.

[14] Matthew Presuch, "Nike leaves U.S. Chamber of Commerce over climate policy," in *The Oregonian* (September 30, 2009). Available at: http://www.oregonlive.com/environment/index.ssf/2009/09/nike_leaves_us_chamber_of_comm.html

membership in the Chamber, however, in order to change its policy; the Chamber had publicly criticized the EPA's plan to require mandatory reporting on greenhouse gases from sectors across the entire U.S. economy.[15]

There are several possible reasons that Nike and other businesses would choose to be eco-friendly; one of them is the lessons learned from a different yet related set of controversies in the 1990s over sweatshops. During the 1990s, as apparel makers increasingly moved their production lines overseas, Nike was repeatedly hammered with criticisms of sweatshop conditions, human rights violations, and environmental concerns at its factories in Asia. Time and again the company had to respond to public allegations, usually made by Western activists and investigative reporters, of poor working conditions, environmental concerns, child labor, repressive management, and the like. Nike (and other athletic attire producers) was hit among its most critical target demographic – university students – when the "sweat-free campaign" began in the 1990s, ultimately resulting in a Workers Rights Consortium and a pledge by dozens of major university bookstores and athletic departments to adhere to a Designated Suppliers Program.[16] Parallel efforts by NGO's, such as Oxfam's NikeWatch, collaborated in pressuring Nike through bad publicity.

According to a recent article in *Business Ethics*, Nike represents a "tipping point" in corporate responsibility, particularly in the areas of workers' rights and the environment. A case in point is Nike's Corporate Responsibility Report, 176 pages detailing its commitments and activities to corporate responsibility. In fact, Nike CEO Mark Parker writes in the report's introduction, "This report is published at a tipping point. It's time for the world to shift…We see sustainability, both social and environmental, as a powerful path to innovation, and crucial to our growth strategies." Moreover, in 2008 sixty-six of the Standard & Poor 100 companies published a corporate responsibility report, up from forty-nine the previous year.[17]

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[15] The EPA did issue such a rule in 2010. See the EPA's website for details at http://www.epa.gov/climatechange/emissions/ghgrulemaking.html.

[16] See for instance, the Students United Against Sweatshops official site at http://usas.org/about-us/.

[17] Michael Connor, "Nike: Corporate Responsibility at a "Tipping Point"" in *Business Ethics* (January 24, 2010). Available at: http://tinyurl.com/4dldtg4.

In sum, Nike represents one story out of hundreds in the American corporate community where ethically-informed activism, and some government scrutiny, is changing corporate behavior. It is in Nike's interest to compete in the global marketplace with competitively-priced products. This explains their move from North American to off-shore production over the past quarter century. Nonetheless, corporations like Nike have been challenged on issues of environmental sustainability and workers' rights, often to the benefit of those working at factories in Latin America and Asia. Moreover, companies like Nike often go the next step by partnering with non-profit organizations and local communities through media-reported charitable giving, such as through Nike's partnership with the RED campaign (AIDS funding).[18] What might the international religious freedom community learn from the anti-sweatshop and pro-environment campaigns, or other successful campaigns raising money and awareness on AIDS, breast cancer, dolphin-free tuna fishing, and the like?

The international religious freedom community should engage big business in terms of its interests: positive publicity, respect for human rights and the rule of law, and profit. And this is important for religious freedom activists because there are many places where American companies may have levers of influence as strong as those of the U.S. government, due to the numbers of people working in their factories and the ease of moving that infrastructure out of the country in a globalized economy. Thus, it is incumbent on religious freedom advocates to demonstrate to big business how it is in their interests to be publicly supportive of religious freedom.[19]

How does one demonstrate that it is in the interests of the business community to explicitly support religious freedom? By linking religious freedom to a wider human rights agenda – topped by religious freedom – and making the issue publicly visible to major corporations. At first this should be done in the spirit of partnership, notifying major corporations that they are working in environments of state-sanctioned religious persecution and repression. Over time such efforts may include a more confrontational approach, such as public calls for companies to make a public stand on religious freedom as a

[18] For details on Nike's charitable giving, see http://www.nikebiz.com/responsibility/community_programs/.

[19] This is in fact action called for by IRFA (sec. 701).

human right and/or to threaten to move their production lines to environs with better human rights records (e.g. from Vietnam and Cambodia to elsewhere). Companies do not want sustained negative publicity that results in decreased consumer demand, particularly if the issue is tacit support to authoritarian governments violating the fundamental rights of their people.

Simultaneously, religious freedom advocates must develop a broader public constituency at home. Americans overwhelmingly support religious freedom, but it is not usually seen as a major foreign policy issue for the U.S., not even among the highly-religious segments of the American public. Hence, efforts to generate public support – particularly among young adults – will be critical in demonstrating the public interest and the will of the citizenry to major corporations, who will in turn see it as being in their interest to support religious freedom and associated human rights.

Is it possible that existing U.S. institutions – the independent U.S. Commission on International Religious Freedom – play a convening role in moving forward a public-corporate agenda on international religious freedom? The Commission's credentials, network of past and present commissioners, and Washington DC location make it possible as a forum for introducing business leaders to international religious freedom thought leaders.

4. International and multilateral partnerships

When it comes to religious freedom, it often seems that the U.S. is "going it alone." When one reads the press releases of USCIRF or the Department of State's IRF Office, very little is said about bilateral or multilateral partnerships on behalf of international religious freedom.[20] Similarly, a careful read of the history of the Department of State's efforts to promote religious freedom through 2005, Thomas F. Farr's *World of Faith and Freedom*, records little bilateral or multilateral partnership to promote international religious freedom.[21] This is not to

[20] However they are explicitly addressed in multiple sections of IRFA defining U.S. policy on this issue. It must also be conceded that a lack of a press releases does not equate with a lack of action.

[21] Thomas F. Farr. *World of Faith and Freedom: Why International Religious Liberty Is Vital to American National Security*, New York: Oxford University Press, 2008. – However omission from the scope of this book does not yet prove that no meaningful work has been done in this area.

say that the U.S. does not want partners, but that the international environment is often unfriendly toward international religious freedom. In fact, it seems that the U.S. government has to be constantly vigilant to keep the international community from backsliding, such as watch-dogging the UN as the General Assembly and the Human Rights Council consistently pass "Defamation of Religions" resolutions, sponsored by the Organization of Islamic Conference, that in effect abrogate individual religious freedom and related liberties of speech, press, and assembly. A look at the U.S. government entities that do this work, and a consideration of their future, suggests avenues for de-conflicting efforts and maximizing partnerships.

4.1 The U.S. Commission on International Religious Freedom

The question we will return to is how the U.S. can better develop synergistic bilateral and multilateral partnerships to promote international religious freedom abroad. First, a look at the U.S. government's two entities who do this work. The USCIRF is a champion for religious freedom. It is made up of nine distinguished appointees (commissioners) who work part-time for the Commission (e.g. a couple of days a month plus trips abroad during the year) and are served by a staff of religious freedom and human rights experts. The Commission wisely selected a new Executive Director in late 2009 with substantive foreign policy experience.

A look at the activities and publications of the Commission suggests that it primarily sees its role as a watchdog[22] – not only of egregious religious freedom violators abroad, but also of the U.S. Department of State, which USCIRF clearly has seen in the past as being weak in pushing, or punishing, governments for religious freedom violations. The Commission consistently calls to account, with a critical edge, other governments – from Switzerland to China to Saudi Arabia – for violations of religious freedom. The Commission's press releases for the past eighteen months make it clear that the commissioners feel most comfortable as a critical voice, though they did praise one government (the Dutch) for supporting international religious freedom and did engage in meetings with the Organization of Cooperation and Security in Europe (OSCE). They also took an active

[22] This is not what the USCIRF was established to do.

stand against the "Defamation of Religions" resolutions and publicly supported UNESCO's decision to not name a religious freedom violator to a senior post.

Much of the USCIRF professional staff's time is spent developing its own annual report on the state of religious freedom worldwide. In other words, the U.S. government publishes two reports annually. One is the Department's of State Annual Report on International Religious Freedom, mandated by the IRF Act to cover the status of religious freedom in each foreign country and including U.S. actions taken to promote religious freedom. The other is by USCIRF, required by the IRF Act to review the facts of religious freedom violations internationally and to present policy recommendations each year to the U.S. government. Both entities are required by their founding legislation to provide an annual report, but it is clear from the legislation's language that the original intent was not for USCIRF to spend its time duplicating the work of the Department of State. Indeed, the original authorizing legislation for USCIRF (which many felt explicitly expected the Commission to fade after a single four-year authorization), mandated the following from the USCIRF report:

> (1) the annual and ongoing review of the facts and circumstances of violations of religious freedom presented in the Country Reports on Human Rights Practices, the Annual Report, and the Executive Summary, as well as information from other sources as appropriate; and
>
> (2) the making of policy recommendations to the President, the Secretary of State, and Congress with respect to matters involving international religious freedom.[23]

Certainly, at close to 400 pages, the most recent USCIRF report is more than simply a hard-hitting analysis of the material in the Department of State's "Annual Report on International Religious Freedom". Is a better division of labor possible between USCIRF and the Department of State that will help the U.S. government better develop bi- and multilateral alliances on behalf of international religious freedom? What might that division of labor look like with regards to USCIRF? The Commission could focus a greater amount of its attention on the U.S. public: informing, educating, and mobilizing public support at home (and abroad) for a vigorous religious freedom

[23] This is taken from Title II of The International Religious Freedom Act of 1998 (Public Law 105-292); Available at: http://www.uscirf.gov/index.php?option=com_content&task=view&id=349&Itemid=45.

policy. At the same time, the Commission could continue to make policy recommendations, including for multilateral coalitions, pushing the Department of State and the Administration to elevate promotion of religious freedom in U.S. diplomacy.

4.2 The Department of State's Office for International Religious Freedom

The Department of State's Office of International Religious Freedom likewise is staffed with smart, talented people although very few are from the Department's cadre of Foreign Service Officers, suggesting that the IRF Office is not a place to go for career enhancement in the diplomatic corps. To the public eye the Office seems to be primarily focused on "reporting," that is, gathering information for publication in its mammoth annual country-by-country report on international religious freedom. The most recent report is nearly 1700 pages in length, requiring engagement with Department of State country desks and embassies for over 180 countries worldwide. Indeed, the diplomatic finesse of the IRF Office staff is probably tested to its limits in getting information and buy-in from all of the players at embassies and within the Department who must sign-off on their respective sections of the Report.

The Office says little publicly about its bilateral and multilateral efforts to build partnerships on behalf of international religious freedom: it provides no "fact sheets" on its website, has only released three press releases on any topic in 2010, and has posted only four "remarks" since the Obama Administration took office, which perhaps is of no surprise as long as no Ambassador at Large is in office. That is not to suggest that the Office is not busy – simply generating the annual report is a never-ending endurance race. Furthermore, much of the Office's work is intervention and advocacy outside the limelight.

Moreover, the IRF Office has been visibly active via diplomatic channels on the "Defamations of Religion" and related issues (noted above). The Office also engages in a case by case basis on the flesh-and-blood issue of religious persecution abroad, Falun Gong in China, Christians in Central Asia, or Baha'is in North Africa.[24] For the individuals who are the beneficiaries of this attention, it may be their only hope for life and liberty. Of course, it is much easier for the

[24] This list is not meant to be representative.

Office to engage directly with foreign governments when there is an Ambassador at Large for Religious Freedom in residence. Unfortunately, however, there has been no Ambassador for at least a third of the Office's lifespan.

4.3 Building bi- and multilateral partnerships

With all of this in mind, it is clear that the U.S. does not have robust bilateral and multilateral partnerships on the issue of international religious freedom, despite the commitments of nearly all governments under the legally binding ICCPR as well as most domestic constitutions that pay lip service to "religious freedom." Moreover, neither the Department of State's IRF Office nor the USCIRF appears to have sufficient time to more intensively develop enduring partnerships with other countries on behalf of religious freedom. Can this be done more effectively?

First, as noted in the previous section on engaging the business community, the fundamental way to get the attention of elites is through grassroots mobilization. Perhaps a division of labor between USCIRF and the Department of State is in order here, with USCIRF consciously choosing to not duplicate Department of State efforts (e.g. a lengthy annual report) and focusing its energies domestically on raising awareness of the issues for citizen education and grassroots action. It is citizens who can pressure the president and especially the Congress to devote more time and attention to this issue, but it is likewise American citizens, via transnational networks (e-mail, church groups, economic boycotts) that can serve as a powerful actor via international civil society on behalf of religious freedom. An important handbook to aid some such efforts was published in 2009 by Baylor University Press, *Religious Freedom Advocacy: A Guide to Organizations, Law, and NGOs.*[25]

Second, neither the Department of State nor USCIRF will really be effective engaging internationally without the public, firm support of the White House and the Secretary of State. Clearly this is lacking at present. As Dennis Hoover recently wrote, what is needed is

[25] H Knox Thames, Chris Seiple, and Amy Rowe. *International Religious Freedom Advocacy: A Guide to Organizations, Laws, and NGOs*, Waco, Texas: Baylor University Press, 2009.

"strategic vision and political will."[26] It took the Obama administration more than a year and a half to nominate an Ambassador at Large for International Religious Freedom (a post still not filled as of March 2011), despite President Obama making religious freedom a priority in his 2009 Cairo speech, and despite the fact that the Administration has not only named all of the human rights posts at the Department of State, but has also named dozens of special envoys across the government, including recently one to Monitor and Combat Anti-Semitism housed in the same bureau as the IRF Office.

What is needed is an energetic engagement strategy for the next decade, with an empowered Ambassador at Large for Religious Freedom at the helm. Others have well articulated how that position should be integrated within the Department of State – including a direct report to the Secretary or Deputy Secretary of State – so attention should be focused on where that individual's energies should be best spent: developing and implementing a bi- and multilateral engagement strategy.[27] The Ambassador first must demonstrate to the closest allies of the U.S. that championing religious freedom is in their fundamental interests. It is in their interests, at home and abroad, because a culture of fundamental liberties is a global public good that reinforces the rule of law, good governance, and economic growth. Moreover, it is in their interests to promote religious freedom abroad because it is precisely in closed, repressive societies that the claims of violent religious groups such as al Qaeda are most appealing.

Such an effort must be country-specific, rather than focused on international institutions. The UN, OSCE, Council of Europe, the Organization of American States, and other regional organizations all have statements on behalf of human rights and religious freedom, and many of them have mechanisms for bringing complaints about religious persecution before some sort of human rights watchdog. Existing efforts

[26] Dennis R. Hoover, "President Obama and Religious Freedom Promotion Since the Cairo Speech," in *Review of Faith and International Affairs* (online edition, March, 8, 2010). Available at http://rfiaonline.org/extras/articles/599-obama-religious-freedom-cairo-speech.

[27] An important set of suggestions for U.S. international religious freedom policy, particularly as regards the Ambassador at Large and the Department of State, is Thomas F. Farr and Dennis R. Hoover's *The Future of U.S. International Religious Freedom Policy*, published by the Institute for Global Engagement (2009). – A "multi-lateral team" with a dedicated team-leader has in fact been created under the previous Ambassador at Large.

should continue, on these and all fronts, to combat persecution. But the U.S. must build a "coalition of the willing" in national capitals in order to promote a global culture of international religious freedom.

It is likely that the Ambassador will not find much immediate traction with many of the United States' Western European allies, due to problems that they are having domestically as well as their secularist human rights orientation. Nonetheless, he or she should work very hard, especially on the United States' Anglophone (Canada, New Zealand, Australia, UK) and Scandinavian allies to take more of a lead on this issue. However, there is a second set of countries that could prove to be valuable partners in promoting international religious freedom: developing countries where religious groups were in the vanguard against oppression and supported the transition and consolidation of democracy. South Africa, for example, is a highly religious country where churches played a critical role in eroding apartheid and promoting both democratic institutions as well as popular reconciliation. Poland, with its distinctive Catholicism, has a Church that was in the vanguard of anti-totalitarianism. Religious voices in Latin America were key human rights critics of authoritarian regimes in the 1980s and remain credible, powerful voices in the region. Hence, governments such as South Africa, Brazil, Chile, El Salvador and others may be the next generation of religious freedom leaders on the global stage, and such partnerships make global change on behalf of religious freedom possible.

5. Conclusion

What the U.S. needs from its friends are not partners in "tolerance," if by tolerance is meant "putting up with" religion. Rather, it needs allies who are champions of religious liberty, advocates who will promote a universal respect for individual and collective religious freedom. The way to build this "coalition of the willing" is at first a sustained, multisectoral approach to international religious diplomacy led by existing government institutions such as USCIRF and the Department of State's IRF Office as well as the wider U.S. citizenry, which will influence the Congress and Executive branch to take this and related issues more seriously.

The good news is that some European governments are taking an increased interest in these issues. For example, the German government stated in its 2009 coalition agreement that questions on freedom of

religion should be a part of its foreign policy, especially the situation of Christian minorities all over the world. The head of the governing party in the German parliament issued a press release in coordination with her Austrian colleague on "Freedom of Religion in the World and Against Discrimination and Persecution of Christians," calling on the EU High Representative to develop an annual report on religious liberty, citing USCIRF as model.[28] Furthermore, in November 2010 the Austrian Parliament unanimously adopted a resolution requesting that the government shall be active in promoting freedom of religion in its diplomacy and calling on the EU High Commissioner in Brussels to install a Commission on religious liberty.[29]

In the long-run, three additional elements of a twenty-first century U.S. strategy to more effectively influence the global balance in favor of religious freedom are necessary: developing an academic sub-discipline of international religious freedom studies, engaging big business, and building partnerships with these and other governments. In short, when we think ahead to IRFA's twenty-fifth anniversary in 2023 and the speeches we would like to give on IRFA's successes, it is hard to imagine a successful international religious freedom diplomacy that was not based on sustained academic, business, and multilateral strategies.

[28] Coalition agreement of October 26, 2009, Topic V.6, page 127. Available at: http://www.cdu.de/doc/pdfc/091026-koalitionsvertrag-cducsu-fdp.pdf. Accessed November 17, 2010). The joint statement is dated September 21, 2009. Available at: http://tinyurl.com/4wyyofn. Accessed November 17, 2010).

[29] Available at: http://www.parlament.gv.at/PAKT/VHG/XXIV/UEA/UEA_00501/fname_200295.pdf. Accessed January 31, 2010.