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Blandine Chelini-Pont

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American Religious Diplomacy since the International Religious Freedom Act

Blandine Chelini-Pont / LID2MS - Université d'Aix-Marseille

I would like to present US religious diplomacy since 1998, the year in which the American Congress passed the International Religious Freedom Act. This US Federal Law intended to improve the general state of religious freedom in the world, country by country, thanks to specific pressure from the American diplomacy. If we leave aside that questionable claim to “monitor” how religious freedom is respected in foreign countries, some other questions remain open: Has this Law produced concrete results over the years? How successfully? How did the successive presidencies handle the diplomatic obligations included in the Law? Did they follow them, ignore them or combine them with their own international “religious” policy?

American religious diplomacy before the IRFA

Andrew Preston, a well-known Professor of American History and International Relations, has recently (2012) written a book entitled *Sword of Spirit, Shield of Faith* and subtitled *Religion in American War and Diplomacy*. In one thousand pages, Preston demonstrated, in line with many other scholars, the peculiar link between nationalist ethos, manifest Destiny, Christian-inspired

national narrative and the way in which the United States collectively understood and justified peace and war in its history.

This brilliant book intended to show how often the American Nation used its Crusade spirit to mobilize people in case of war, but also how many religious references have been and still are mixed with its liberal internationalism or with its benevolent diplomacy. Even if Preston's task was not to focus on religious freedom as a specific issue, within the American spiritually contradictory attitude (crusade or benevolence) towards the world, we can spot in the American Nation's past many allusions to religious freedom as a traditional element of American diplomacy, long before it became in 1998 an obligation of this diplomacy.

For example, in the distant era of American Progressive Imperialism, the State Department insisted many times before the Romanian and Russian governments that they defend the very endangered Jewish minorities and their right to be treated at least as human beings. Religious freedom as a right, discovered and practiced by Protestant Americans, was also an argument during the "Liberation" wars of Cuba and the Philippines. Not only were the Cuban and Filipino peoples freed from Spanish obscurantism but they were also free to be converted to the true faith thanks to Protestant missionaries.

I have no time to explain in detail how and when this very American concern for religious conscience became a Human Rights argument under Woodrow Wilson's presidency, in the context of its Creed of perpetual peace. In his famous Speech of April 1917, Wilson declared religious freedom as the quintessential Human Right and an essential condition for true peace. Later, Nazism and the Jewish genocide were, alongside other international developments such as the condemnation by the Vatican of Bolshevism and finally of Soviet persecution in the USSR, the reasons for devoting a complete article in the 1948 Universal Declaration to religious freedom as a human right.

After the war, freedom for believers became a recurrent argument in the ideological Cold War against all atheistic and repressive enemies; this was repeated non-stop in the religious programs broadcast to Eastern European countries by radio stations like *Voice of America* or *Radio Free Europe*, and later to Asian and South American countries. During the international Detente era, this freedom was included in the negotiations for the Helsinki Accords. Religious freedom was instilled in the global promotion of Human Rights, despite Secretary of State Henry Kissinger's lack of real interest in that issue. The American State Department worked hard toward the success of the Helsinki Declaration with its famous article 7 on Human Rights and fundamental freedoms that each of the 34 signatory states committed themselves to respecting. And we know how decisive the Helsinki Accords were for the betterment of religious freedom in Eastern Europe.

The context of the IRFA Congressional vote in 1998

I will skip a few years to get to the point of my communication.

Context before the law

During the 90's, the Sudanese civil war provoked strong mobilization in Christian Washington lobbies: Christian Black Sudanese were suffering from discrimination and persecution in the middle of a civil war in which Southern Sudan fought against the Islamist power of Khartoum. This was also a war to control oil fields. Beginning with 1994, the year in which the Congressional majority reverted to the Republicans, a strong Christian lobbying effect, led by different organizations like Freedom House, the National Association of Evangelicals, or the Hudson Institute think tank, started to prepare a Federal Law helping all Christians around the world obviously persecuted by Islamist powers or groups, killed by terrorist attacks or insidiously discriminated against in so-called Muslim countries.

Prof Jeremy Gunn has done research on the context in which this law, known as IRFA, was finally passed in 1998. Gunn explained how Christian pressure against persecutions was counterbalanced (as it is always the case in the US law-making process) by pressure from Human Rights lobbies and both groups agreed to join forces under the common link they found almost naturally, *id est* religious freedom. They were then supported by reli lobbies in Washington the International Academy for Freedom of Religion and Belief, and the International Religious Liberty Association.

The International Religious Freedom Act was passed under Bill Clinton's presidency. President Bill Clinton asked the State Department's Democracy, Human Rights and Labor Office to draft reports, with an *ad hoc* committee of twenty people all appointed by him. The said commission prepared two reports. Within the Congress, two drafts were prepared: one by Republican representatives (Wolf Project) focused on the persecution of Christians, Jews, Bahais, and Tibetan Buddhists, and the other by Democratic senators (Nickle Project) which was more 'universalist' and sensitive to international principles. The final draft was a mix between the draft produced by the Senate and the reports done by the presidential *ad hoc* committee.

Content of the IRFA Federal Law

What did this law put in place? It planned recurrent actions led by a specific Office, the new Office on International Religious Freedom, under the responsibility of the Under-Secretary for Civil Security, Democracy and Human Rights in the State Department. This Office was to be chaired by an ambassador-at-large who would be responsible for visiting countries, meeting people and drafting annual reports on the state of religious freedom around the world. His/her reports had to classify countries from the best to the worst, the latter being called "countries of particular concern" (CPCs). In light of these reports, the State Department would select from a list of 15 possible sanctions, including the breaking of commercial relations – something which has never actually been applied to this day.

The new Office was doubled by an independent Commission, the USCIRF (United States Commission on International Religious Freedom), comprising 9 members half of which were appointed by the President and half by the Congress according to a complex equilibrium reflecting the weight of Democrats and Republicans. This Commission would also make annual reports similar to those of the State Department OIRF.

The ambivalent posterity of the Law from 1998 to President Obama's administration

Let us now analyze the work done by the Office for religious freedom and the US Congressional Commission on IRF from President Clinton to President Trump, and how it was constrained or favored depending on the Presidential diplomatic policy.

The Office for International Religious Freedom

During the last years of Bill Clinton's presidency, the Office for International Religious Freedom was led by a very charismatic ambassador-at-large, Robert Seiple. Seiple was an energizing and warm Evangelical long in charge of the World Vision charity. He traveled a lot during the 2 years of his term and the Office reports under his mandate were widely received and contributed to raising awareness of international Human Rights NGOs, which began to prepare similar reports on the state of religious freedom around the world.

After Robert Seiple's mandate, the OIRF seems to have lost its clout. George Bush appointed an ambassador-at-large only in 2002, after almost two years of vacancy. Presbyterian minister John Hanford took over and remained in office until President Obama's presidency, but he did not leave a lasting memory. The next ambassador-at-large, named by President Obama after another 2 years of vacancy, was a black woman pastor, Suzan Johnson Cook, who had no international experience. She resigned in October 2013 after she received no support from President Obama when her visa to China was refused by the Chinese authorities. Pastor Cook was replaced after one year in December 2014 by Rabbi David Saperstein, a lawyer and great representative of liberal Judaism. President Trump named Kansas governor Sam Brownback as his new ambassador-at-large for international religious freedom, who was confirmed with difficulty by the Senate in January 2018 because of his extreme focus on persecuted Christians...

Several reasons could explain the reduced role of the Office for International Religious Freedom since 1998.

1. The first one is the weak institutional role given to this office, which diminishes the impact of its activity despite its ambassador-at-large officially acting on behalf of the President. The ambassador's activity remains drowned in the bureaucracy of the Under-Secretary and the ambassador does not directly report to or advise the Secretary of State, unlike the other special representatives of the State Department. This situation changed very late, in December 2016, thanks to the last IRFA amendment. From then on, the ambassador-at-large has been reporting directly to the Secretary of State (almost 20 years after the first passage of the Law).
2. The second factor of weakness has been the traditional reluctance of the American diplomatic community to integrate religion into its working parameters, while the

ambassador-at-large always came from a religious background. Madeleine Albright herself in her 2006 book *The Mighty and the Almighty* urged American diplomats to train in religious matters because they were so ignorant on them. But the American diplomatic community was and remains traditionally very secular, with a certain disregard for religion and the IRFA, as the latter was in great part the product of political pressure from the religious right. So there was no keen interest in conducting annual inquiries among the American embassies concerning the religious freedom issue... There is no guarantee that the situation will improve today, given that the new ambassador named by President Trump is no more a “religious” specialist, but a very rightist politician.

3. The third factor of the OIRF’s reduced influence is perhaps its progressive invisibility under the international “religious” trends followed by each presidency. To say nothing of President Bush’s administration and its axis-of-evil policy which undermined the OIRF’s legitimacy to supervise respect for religious freedom, while President Obama’s administration seemed to abandon religious freedom as a diplomatic concern. For example, Barack Obama refused to receive the Dalai Lama early in his first term. He already wanted to avoid China’s anger. Since then, the Tibetan cause has disappeared from all official statements. Some years later, in 2012, a new incident occurred around China. The *Washington Post* reported the misadventure of religious freedom ambassador Suzan Johnson Cook, who intended to visit in China members of the Falun Gong sect, representatives of the Uyghur Muslim minority, some evangelical Christians and Tibetan leaders, all closely controlled by the Chinese authorities. Her visa was denied, her meetings forbidden. According to the *Washington Post*, Cook was instructed not to speak publicly about this aborted trip because, once again, the Chinese Vice-President and future President Xi Jinping was soon to visit Washington. This snub decided Cook’s resignation. Similarly, OIRF reports’ recommendations concerning not only China but also Saudi Arabia as countries of particular concern did not result in sanctions. State Department inaction under Obama was so obvious or embarrassing that, in 2014, the US Congressional Commission on International Religious Freedom directly pointed it out and demanded an amendment to the IRFA to put more pressure on the Executive to meet its obligations concerning religious freedom.
4. The fourth reason of IRFA’s weak influence is a continuation of the third. The Office for International Religious Freedom has also been challenged since its inception by new offices and new “religious positions” created in the State Department or outside it, like the Office of Faith-Based and Neighborhood Partnerships created under President Bush.

For example, Bush named a US representative-ambassador to the Organisation of Islamic Cooperation, an intergovernmental organization financed by Saudi Arabia, which has the ambition to represent all Muslims around the world. President Bush’s OIC representative, Sada Cumber, was maintained in office by President Obama until 2010, when he was replaced by Rashad Hussein, a judge of Indian origin and a former prosecutor in the Justice Department. Hussein did a remarkable job of conciliation in order to convince the OIC to relinquish its recurrent resolution, presented since 1998 to the Human Rights Council and the United Nations General Assembly, to punish religious defamation.

Under Bush's second term, one specific program called *Islam In America* and aimed at Muslim communities was set up. This program was improved in 2010 with a new ritual created in the White House: the *Ramadan Iftar dinner* which ambassadors of Muslim countries are invited to share in order to mark the beginning of Ramadan and is opened by the President of the United States

With President Obama, there was an obvious move towards the Islamic world, which was focused on dialogue and partnership. It was Obama's Islamic policy within the broader spectrum of US "religious engagement". Hillary Clinton, then Secretary of State, created the position of Special Representative to the Muslim communities and appointed a woman for it, Farah Pandith, formerly Senior Adviser to the Under-Secretary of State for European and Eurasian Affairs.

Religious commitment philosophy, a conceptual tool of Obama's era, was thought up by a working group of scholars who supported the idea of integrating spiritual smart power into American foreign policy and in particular establishing a real dialogue with leaders and religious communities, especially the Islamic ones. In 2010, this group published an explicit report entitled *Engaging Religious Communities Abroad: A New Imperative for US Foreign Policy*. In July 2010, Barack Obama announced a new Religion and Global Affairs advisory board, bringing together members of the National Security Council and the Office of Faith-Based and Neighborhood Partnerships. Consequently, in October 2011, Hillary Clinton decided to add to her Strategic Dialogue Group with Civil Society a subgroup on religion and foreign policy. This subgroup produced many recommendations, including a permanent office for religious dialogue within the State Department. This was implemented in 2013, when Secretary of State John Kerry created the Office of Faith-Based Community Initiatives of the State Department and named theologian Shaun Casey at its head. Casey could report directly to the Secretary of State with the mission to guide him and to serve as an intermediary for all domestic or foreign religious personalities. This office had 25 members, a set of guidelines entitled *The US Strategy on Religious Leaders and Faith Community Engagement* and a training program for diplomats. The role of Special Representative to Muslim Communities was maintained and attached to this new office.

The US Commission on International Religious Freedom

To conclude, the International Religious Freedom diplomacy established 20 years ago seems to never have really materialized. But there is a caveat to this dim assessment, because the second body created by the IRFA was Congressional. And the US Commission on the IRFA has been and remains very active and independent. It worked as a small diplomatic body free from the Administration and its changing policy. During the 2000s, the USCIRF formed an international network made up of hundreds of NGOs, foreign civil servants, scholars and especially law scholars from around the world. The Commission published annual reports, read and widely used by Human Rights activists, religious groups and chancelleries, besides the reports of the NGO Human Rights Watch and of the UN Special Rapporteur on religious freedom.

This commission was emulated by the European Parliament in 2014. So, when it is easy to spot the amplification of religious freedom as an international issue during the 2000s, we should largely attribute it to its work as a kind of global network of meetings, hearings, or visits to charity,

human rights or religious freedom NGOs and church representatives conducted together with specialized scholars. This active network has helped a lot to improve the links between law, religion and democracy through the international standards of religious freedom.