

Promoting Religious Freedom During the Campaign Against Terrorism": Patrick Merloe Prepared Testimony

November 27, 2001 Mr. Chairman and distinguished Members of the Commission: Thank you for this opportunity to appear before you today to discuss the vital importance of promoting religious freedom during the campaign against terrorism. It is an honor to testify before the Commission. This Commission has already spoken out clearly and forcefully on the subject before us today. In your October 8 letter to President Bush, the Commission expressed its concern that, in forging alliances against terrorism, the United States, and by implication other countries, should not compromise commitments to democracy and human rights - but, rather, should press to protect those rights worldwide. My comments will embrace that same spirit and will consider the specific questions you have asked me to address, including incentives and tools that may be employed to promote democracy and fundamental freedoms in the global anti-terrorism campaign. Waging a war against terrorism and conducting a forceful and sustained campaign to build democracy and promote human rights - including religious freedom - are complementary. If we are to defeat terrorism as a systematic force, we must dry up the reservoir of support for terrorists through economic development and the establishment of genuine pluralism. Extremists like the al Qaeda network live in a symbiotic relationship with authoritarianism and disrespect for human dignity. Autocracy, corruption and the lack of accountability exacerbate powerlessness, poverty and intolerance. These conditions breed extremism, including religious extremism that distorts religious tenants to cover terrorist dives for power. While hardcore fanatics may not be dissuaded from pursuing their course at any cost, concerted efforts must be directed at eradicating conditions that cause the heightened anger and despair, which drives too many people to support those who would conduct cowardly terrorist attacks. To remove these conditions people must believe that they have a stake in a future that will be better for them and their families. Such a future must, among other things, include freedom from discrimination, intolerance and abuses based on religion or belief. The best way to ensure that positive future is to foster an inclusive, democratic process that promotes tolerance and encourages citizen initiative. The right to freedom of thought, conscience and religion includes the freedom to manifest religion or belief in community with others, in private or in public. This right is tied directly to the fundamental freedoms of expression, association and assembly, which, as the members of the Commission well know, are set forth in succession in the Universal Declaration of Human Rights at Articles 18, 19 and 20. Article 29 of the Universal Declaration holds that the exercise of those rights shall be subject only to such limitations as are required by law, solely for the purpose of securing due recognition and respect for the rights and freedoms of others and the just requirements of morality, public order and the general welfare "in a democratic society." The provisions concerning rights to the freedoms of thought, conscience, religion, expression, assembly and association are followed immediately in the Universal Declaration by Article 21's recognition that everyone has the right to take part in government and that the will of the people, expressed in periodic and genuine elections, shall be the basis of authority of government. These precepts are also integral to the civil and political rights elaborated in the Universal Declaration that form the essential elements for the rule of law. Indeed, democracy, respect for human rights and fundamental freedoms, adherence to the rule of law and development are interdependent and mutually reinforcing. They - and their interrelationship - are not only the foundations for human progress in this country, but they are keys to international peace and security, which terrorism threatens. States have a responsibility to protect the life, liberty and security of persons within their jurisdiction. They also are obligated to eliminate violations of human dignity that subvert peace, democracy and the rule of law. States' obligations in this respect stem from customary law, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, to which 147 countries are parties, the United Nations human rights apparatus and treaty mechanisms, and the various regional human rights regimes. Beyond the legal basis for international obligations, experience of organizations like NDI - which since its founding in 1983 has worked in more than 90 countries - demonstrates that the promotion of democracy and respect for human rights is the best way to ensure stability. States where democracy has a long tradition or where it is truly consolidating are not on the watch list of terrorist breeding grounds. A strong international trend favoring democratic development and respect for human rights has emerged over the last 15 years. Unfortunately, however, democratic progress has stopped short or slid backwards in a number of countries, and authoritarianism is entrenched in others. Several of these problematic countries are important to the international coalition against terrorism. As this Commission noted in its October 8 letter, however, while government leaders in these countries must be part of a broader coalition to root out Osama bin Laden and the al Qaeda network, the price for cooperation should not include an open-ended sanction for their governing style or their lack of protection for human rights, including religious freedom. A review of the recent reports of UN Human Rights Commission's Special Rapporteur on Religious Intolerance, the Department of State's Annual Report on Religious Freedom and the documents of this Commission reveals that countries with poor showings in democratic development also suffer from religious intolerance. Among such countries are Uzbekistan, Pakistan, Russia, China and Egypt. In each such country there are those working to develop a tolerant, democratic society. Advocates for democracy and human rights in these nations are trying to create a third way between authoritarianism and Islamic extremism. These democracy-builders also are our allies against political and religious extremism, as much as the strongmen in charge of the governments whose cooperation we need in the campaign against terrorism. In Pakistan, nongovernmental organizations like the Human Rights Commission and the Women's Action Forum, to name just two, have been organizing community groups to address problems of freedom of the press and to encourage women to participate in political life. In Uzbekistan, the Human Rights Society is supporting the legal right of political movements to register with the state as official entities, while the Independent Human Rights Organization has played a significant role in exposing violations of religious freedom. In Kazakhstan, a coalition of

nongovernmental organizations has lobbied the Parliament to overturn legislation that would eliminate the last remnants of independent media. In Egypt, a number of civil society groups led by the respected academic, Saad Eddin Ibrahim, monitored parliamentary elections and reported on abuses. Harassment or jail has often been their reward, but in all cases, these democratic activists are not trying to overthrow governments - they are trying to take away the lifeblood of extremism by providing political space for pluralist debate, peaceful dissent and reform. Democratic activists and other human rights proponents in these and other countries that are part of the international coalition against terrorism now fear that they might be caught in a kind of "squeeze play" between governments that are using the call to action against terrorism to root out benign forms of political participation, on the one hand, and, on the other, religious extremists who have always regarded democratic reform as a threat to their visions of an Islamic state. Based on broad international experience, it is clear that in each of these situations political reform aimed at establishing open societies and genuine pluralism is critical to the success of the global campaign against terrorism.

Incentives: Incentives are necessary for semi-authoritarian states to move in a positive direction in promoting democracy and tolerance as part of the campaign against terrorism. The most important incentive is to promote understanding among such governments that their own medium- and long-term self-interests in stability and progress are best achieved through developing genuine pluralism and a democratic political process. National histories and traditions will lead to differing approaches to these tasks, because there is no single model for democratic development. The political will of national leaders in these countries, however, must be mustered to meet the desire of their populations to embrace democracy over authoritarianism and religious extremism. Material incentives through bilateral and multilateral assistance can be provided to reward those governments that both cooperate with the campaign against terrorism and adopt an active approach to developing democratic governance and promoting human rights. Such rewards can help reinforce political will but are not a substitute for it. NDI does not take positions on financial assistance to specific governments, but it is clear that there are benefits to using rewards for democratic progress as a part of the fight against terrorism, including debt relief and development assistance. A corollary to this would be negative incentives in the form of refusing or curtailing assistance to those governments that have a negative track record in respecting democracy and human rights.

Tools: There are a number of tools that can be employed to reinforce promotion of democracy and human rights, including religious freedom, in the campaign against terrorism. Some of the tools are directly tied to the material incentives. These include screening banking and capital market transactions to identify money laundering and investment in support of terrorist organizations, with corresponding asset seizures. Freezing or other controls of private assets associated with terrorist organizations or states that support terrorism are other tools that the Commission noted for discussion at this hearing. Of course, such tools could also be used against states that negate democratically elected governments or manifest a pattern of gross violations of human rights, including violations based on religion or belief. A number of other tools also merit consideration, including the following. The first tool is the voice of governments and nongovernmental sectors in the international community. There must be clear and unequivocal advocacy for democracy and human rights - including religious freedom - within the call for cooperation against terrorism. It must be unmistakable that the fight against terrorism includes respect for human dignity. Actions to the contrary by governments and non-state entities must be exposed and denounced as terrorism is eradicated. Within governmental sectors, the role of diplomatic missions, use of public diplomacy tools and other executive branch instruments must be joined by legislative efforts. In this country, the State Department's Country Reports on Human Rights Practices, which are mandated by Congress, reporting under the International Religious Freedom Act, including the reports and other work of this Commission, activities of Congress' Commission on Security and Cooperation in Europe and the work of Congressional Committees and Subcommittees are of central importance. Intergovernmental organizations and human rights mechanisms that promote democracy and human rights are also significant tools in this multifaceted campaign. The United Nations is likely to be an important part of a future Afghanistan that respects religious freedom and other human rights - including the rights of women and various ethnic groups - and provides a democratic political process. The UN human rights mechanisms and regional mechanisms also should be employed, including the Human Rights Commission and Sub-Commission and the Human Rights Committee. The European Human Rights Court can now reach the Caucuses and Central Asia, while the Organization for Security and Cooperation in Europe can engage its 55 participating states, including those in Central and Eastern Europe and Eurasia. Other regional organizations also have important roles to play around the globe. The work of these organizations should be supported even as cooperation is built through mechanisms related to law enforcement, intelligence and military action. Newly developing international communities of democracies and networks of democratic activists are also potentially important tools for promoting democracy, human rights, including religious freedom, and combating terrorism. The Community of Democracies convened last year in Poland, joined by over 100 countries, will come together again next year in Seoul, Korea. The World Movement for Democracy and the World Forum on Democracy are bringing together scholars, civic, religious, labor and political activists from around the world. The NDI-organized Emerging Democracies Forum, held in Yemen in 1999, brought together leaders from 16 countries, and a present NDI initiative would organize a meeting of democratic political leaders from predominately Muslim countries to discuss effective ways of encouraging democracy in the Muslim world. Each of these and other examples illustrate the desire within the international community to advance democracy and human rights, which should be reinforced during the campaign against terrorism. Domestic civil society organizations that promote democracy and human rights, combat intolerance and foster pluralism are essential instruments in the global campaign against terrorism. So too are political parties and organizations that embrace democracy, good governance, pluralism and human rights, including religious freedom. The work of these organizations and of the brave men and women who conduct their activities must be defended and supported both financially and with technical assistance. The importance of "creating and improving legal frameworks for and necessary mechanisms for enabling the wide participation of all members of civil society in the promotion of democracy" was recognized in UN General Assembly Resolution 55/96, adopted on December 4 of last

year. Among other things, that resolution noted the right to form, join and participate in the activities of nongovernmental organizations that promote democracy and defend human rights. Such organizations include civic and human rights groups, political parties, trade unions and religious associations that engage in public affairs. In your November 9 letter to President Bush submitting recommendations on promoting religious freedom in Uzbekistan, this Commission singled out such civil society institutions and called for U.S. government support for assistance programs for them, including technical assistance. I would agree with that call. Finally, it should be noted that nonprofit international nongovernmental organizations, like NDI, the International Republican Institute, the American Center for Labor Solidarity, the Center for International Private Enterprise, all four of which were founded as part of a bipartisan initiative that created the National Endowment for Democracy, and groups like Freedom House, the American Bar Association Central and East European Law Initiative, The Carter Center and the International Foundation for Election Systems, as well as a number of international human rights organizations, are dedicated to promoting democracy and human rights around the world. These organizations operate close to the ground, with domestic civic, religious, labor and political activists, as well as government officials, who are toiling in the trenches for democratic reform. The technical assistance activities of these international democracy and human rights organizations are also important tools in the long-term campaign against terrorism. They too deserve sustained support. Mr. Chairman: In conclusion I would like to stress that the global campaign to eliminate terrorism is long-term and complex. The immediate phase of the campaign is defined largely by its military element. This element is likely to play various roles over time. International cooperation is critical to success on the military front. A law enforcement element, also with heightened international cooperation, is central to the campaign as well. Diplomatic initiatives are also crucial to the success of the campaign. At the same time, building tolerance and genuine pluralism is vital to eradicating terrorism as a systematic international force. Indeed, promotion and realization of religious freedom is also a critical element in cutting off the lifeblood of terrorism. Building inclusive and tolerant political processes, respect for human rights, application of the rule of law to achieve proper accountability for wrongdoing and fostering economic development are all vital elements of the campaign. A successful global campaign against terrorism must be sustained over time and cannot be waged in a piecemeal fashion. With the international community mobilized and operating on a grand scale, we must look beyond the immediate battle. Osama bin Laden and al Qaeda must and will be defeated. A new international terrorist force will spawn, however, unless the breeding ground of political and religious extremism is uprooted. Homegrown democracy and promotion of human rights are essential tools for that task worldwide - including in those countries on the front lines of the campaign against terrorism. Those wielding the reigns of government must be encouraged to muster the will to promote democracy and human rights - to accept that it is the will of their people that provides the basis for governmental authority. The costs of supporting efforts to promote democracy and human rights are far less in human and financial terms than allowing a cycle to develop of constantly suppressing terrorism's regeneration. Emphasizing the positive side of the globalization of human values not only makes a clear and consistent statement about the principles for which we stand - ensuring the freedoms that terrorism seeks to destroy is the only way to succeed in eradicating terrorism.