

# **Religious Freedom and American Foreign Policy: The United States Commission on International Religious Freedom<sup>1</sup>**

**Keynote Address  
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## **I. The Need for International Religious Freedom**

Throughout the world, people are unable to freely practice the religion or belief system of their choice. Some struggle under totalitarian or authoritarian regimes that attempt to control thought and expression including religion.<sup>2</sup> Others live in countries whose governments are hostile toward certain minority or unapproved religions.<sup>3</sup> Even some fully democratic states

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<sup>1</sup> Leila Nadya Sadat, Professor of Law, Washington University in St. Louis; Commissioner, United States Commission on International Religious Freedom. These remarks are made solely in my personal capacity, and are not in any way an expression of the Commission's views.

<sup>2</sup> The State Department 2001 report includes Afghanistan, Burma, China, Cuba, Laos, North Korea and Vietnam in this category. UNITED STATES DEPARTMENT OF STATE, ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM (2001) [hereinafter STATE DEPARTMENT 2001 Report] at xvi-xvii.

<sup>3</sup> Including Iran, Iraq, Pakistan, Saudi Arabia, Turkmenistan and Uzbekistan. *Id.* at xviii-xix. Others are found in countries including Egypt, India, Indonesia, Nigeria, Belarus, Brunei, Bulgaria, Eritrea, Georgia, Israel and the Occupied Territories, Jordan, Malaysia, Romania, Russia, Turkey and Yugoslavia, *id.* at xx-xxiii, whose governments neglect the problem of discrimination against minority or non-approved religions, or that have adopted discriminatory legislation or policies that give preferences to favored religions while disadvantaging others.

such as France and Belgium have instituted laws or policies that stigmatize certain religions by labeling them, often indiscriminately and inaccurately, as dangerous “sects” or “cults.”<sup>4</sup> Persecution can take many forms: religions may be banned and individuals prohibited from worshiping as they wish, others may be terrorized by arrest, beatings, illegal detention, torture and ultimately death, or they may be brainwashed or coerced into following a belief system other than that of their own choosing.<sup>5</sup> When the Commission held hearings on North Korea earlier this year, we heard harrowing testimony regarding human rights abuses of all kinds, including, for example, the incarceration of entire families of Christians in maximum-security prisons where beatings, malnutrition and forced abortions are the norm.<sup>6</sup> The Commission heard similar tales of human rights abuses in Uzbekistan that included arrests, detentions, murders, the closing of mosques and internment in camps.<sup>7</sup> Indeed, religious persecution, when unchecked, can lead to the commission of atrocities on a wide scale — crimes against humanity, genocide or war

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<sup>4</sup> STATE DEPARTMENT 2001 REPORT, *supra* note 2, at xv. For an excellent analysis of the French anti-cult law, see Annick Dorsner-Dolivet, *Chroniques: Association, loi sur les sectes* 13 RECUEIL DALLOZ 1086 (March 28, 2002).

<sup>5</sup> Myers S. McDougal, Harold D. Lasswell, Lung-chu Chen, *The Right to Religious Freedom and World Public Order: The Emerging Norm of Nondiscrimination*, 74 MICH. L. REV. 865, 866-67 (1976).

<sup>6</sup> UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM, REPORT ON THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA (April 2002). The State Department reports that approximately 150,000 to 200,000 persons are being held by the DPRK regime for political reasons. *Id.* at 6. According to the State Department and eyewitnesses who have testified before Congress and the Commission, prisoners held because of their religious beliefs are apparently treated worse than other inmates. *Id.* at 9.

<sup>7</sup> REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM (May 2002) at 13 [hereinafter MAY 2002 REPORT].

crimes — committed in the name of religion or during conflicts with religious undercurrents, such as the Armenian genocide, the slaughter of European Jewry during the second world war, the 1990 conflict in the Former Yugoslavia and Sudan’s ongoing Civil War.

Recognizing the powerful connection between religious freedom, human dignity and world peace and stability, international law has addressed the problem of freedom of religion and belief in two ways. First, most of the world’s nations have committed themselves to the guarantees of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These “rights-based” instruments recognize the right of each individual to worship, or not, as he or she sees fit. For example, article 18 of the Universal Declaration provides: “Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”<sup>8</sup>

The Universal Declaration was adopted with no negative votes, and 48 of the 56 countries that were then members of the United Nations voted to approve its text.<sup>9</sup> Because the

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<sup>8</sup> This provision is qualified by Article 29, which permits governments to impose limitations “as . . . determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.” Universal Declaration of Human Rights G.A. Res. 217A(III). U.N. GAOR. 3<sup>rd</sup> sess, at 71, U.N. Doc. A/810 (1948) [hereinafter Universal Declaration].

<sup>9</sup> Eight abstentions were cast by Saudi Arabia, the Soviet Bloc countries (USSR, Czechoslovakia, Poland, Ukraine, Byelorussia and Yugoslavia) and South Africa. Two

Declaration was “nonbinding,” and many felt that the rights elaborated therein should acquire an international enforcement mechanism, two Covenants were ultimately adopted to enforce the Declaration, one on Civil and Political Rights (the ICCPR),<sup>10</sup> the other on Economic, Social and Cultural Rights (the ICESCR).<sup>11</sup> At present, 144 States are Parties to the ICCPR, article 18 of which implements and expands upon the right to religious freedom enshrined in the Declaration.<sup>12</sup> These international norms have been further reinforced in regional human rights treaties such as the European Convention for the Protection of Human Rights and Fundamental Freedoms, the American Convention on Human Rights, and the African Charter on Human and

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countries, Honduras and Yemen, were absent. *The Universal Declaration of Human Rights: A Magna Carta for all Humanity*, United Nations Department of Public Information, available at <http://www.unhchr.ch/udhr/miscinfo/carta.htm> (last visited May 20, 2002).

<sup>10</sup> As of May 13, 2002, 148 countries are parties to the ICCPR, and several other important nations, such as China and Turkey, are signatories. *Status of ratification of the Principal International Human Rights Treaties*, available at [www.unhchr.ch/pdf/report.pdf](http://www.unhchr.ch/pdf/report.pdf) (last visited May 20, 2002). International Covenant on Civil and Political Rights, G.A. Res. 2200(XXI), U.N. GAOR, Supp. No. 16, at 52, U.N. Doc. A/6316 (1966).

<sup>11</sup> The ICESCR entered into force on January 3, 1976; the ICCPR followed on March 23, 1976. International Covenant on Economic, Social & Cultural Rights, G.A. Res. 2200A(XXI), U.N. GAOR, Supp. No. 16, at 49, U.N. Doc. A/6316 (1966). The United States ratified the ICCPR in 1992 and has signed but not ratified the ICESCR.

<sup>12</sup> 145 Countries are Parties to the Economic & Social Covenant. ICESCR available at [untreaty.un.org/english/bible/englishinternetbible/partI/chapterIV/treaty4.asp](http://untreaty.un.org/english/bible/englishinternetbible/partI/chapterIV/treaty4.asp) (last visited May 20, 2002). The optional protocol which permits individuals to petition the Human Rights Committee established in the Covenants has 102 parties and 29 signatures. The optional protocol provides that the Committee will inform a state of any allegations of violations against it. The state then has six months to submit an explanation and remedy, if any is necessary, to the Committee. Optional Protocol to the International Covenant on Civil and Political Rights, communication No. 547/1993, U.N. Human Rights Committee, 70<sup>th</sup> sess., para. 9.2, U.N. Doc. CCPR/C/701D/547/1993 (2000).

Peoples Rights.

Second, in addition to rights-based instruments, the international community has adopted instruments that focus on the need for religious tolerance. Indeed, the Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief provides that “it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion or belief and to ensure that the use of religion or belief for ends inconsistent with the charter of the U.N. . . . is inadmissible.”<sup>13</sup>

The principle of tolerance for the rights of others is, of course, a necessary corollary to the peaceful exercise of one’s own rights — one cannot exist without the other. Moreover, it has recently become apparent that religious freedom and religious tolerance are intimately connected to world order.<sup>14</sup> In the absence of cold war ideology, identity or civilizational politics<sup>15</sup> has brought religion and religious conflict to the forefront of global politics in a negative and sometimes terrifying manner.<sup>16</sup> The disintegration of the Former Yugoslavia in the

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<sup>13</sup> Declaration on the Elimination of All Forms of Intolerance and the Discrimination Based on Religion or Belief, G.A. Res. 36/55, 36 U.N. GAOR, 73d plen. mtg., Supp. No. 51, at 171, art. 1(1), U.N. Doc. A/36/684 (1981).

<sup>14</sup> McDougal, *supra* note 5, at 879.

<sup>15</sup> *See generally* SAMUEL HUNTINGTON, THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER (1996). Huntington takes a fairly dismal view of human nature, arguing that world order is a zero-sum game between civilizations consisting of human beings that are destined to “hate” each other, and that require, for “self-definition and motivation . . . enemies.” For a more positive assessment of the human condition that directly challenges Huntington’s work, *see* RICHARD FALK, RELIGION AND HUMANE GLOBAL GOVERNANCE 67-68 (2001).

<sup>16</sup> FALK, *supra* note 15, at 54-55.

1990s and the ongoing crisis in the middle east obviously have deep religious overtones, as did the terrorist attacks of September 11<sup>th</sup>. Promoting tolerance as well as human rights is an important vehicle to curb fundamentalist and nationalist movements because it removes the impetus behind their organization and eliminates potential justifications for intervention on behalf of coreligionists.<sup>17</sup> Indeed, tolerance of nonbelievers, or those whose faith or lack of it may lead them in directions not approved by the prevailing orthodoxy, is arguably the only way that the rights enshrined in these international instruments may be freely exercised.

In addition to these explicit means by which international law focuses on the need for freedom of religion and belief and religious tolerance, the intimate connection between religious freedom and other international human rights cannot be ignored. Religious freedom is fundamental to the concept of human dignity and personhood. Our ability to define for ourselves our relation to the infinite and the expression of our soul is not only one of the first freedoms, but is profoundly intertwined with other expressions of our personhood — the right of free speech, association, and to be free from persecution.

## **II. The International Religious Freedom Act of 1998**

In 1998, concerned about religious persecution abroad, Congress adopted the International Religious Freedom Act (IRFA)<sup>18</sup> to ensure that the weight of American foreign policy was focused squarely behind the guarantees of the ICCPR and the Universal Declaration.

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<sup>17</sup> Nathan V. Adams IV, *A Human Rights Imperative: Extending Religious Liberty Beyond the Border*, 33 CORNELL INT'L L.J. 1, 34 (2000).

<sup>18</sup> 22 U.S.C. § 6431 (1998).

The legislation that ultimately became IRFA was introduced by Congressman Frank Wolf (R-VA) on May 21, 1997.<sup>19</sup> Originally entitled the “Freedom from Religious Persecution Act,”<sup>20</sup> the bill, as initially drafted, ran into fairly serious opposition, particularly from those who felt that it was designed only to protect Christians from persecution, without regard to other faiths.<sup>21</sup> In addition, the legislation required the government to automatically impose sanctions upon countries found to be severe violators of religious freedom. It was subsequently amended to broaden the focus and to remove some of the automatic sanctions provisions and other problematic provisions, and a significantly revised version was adopted by the Senate on October 9, 1998, by a vote of 98-0.<sup>22</sup> The House adopted the Senate version of the bill on October 10, 1998 by a vote of 375-41,<sup>23</sup> and IRFA was signed into law by President Bill Clinton on October

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<sup>19</sup> 143 CONG. REC. E996-97 (daily ed. May 21, 1997) (Statement of Rep. Wolf).

<sup>20</sup> H. R. 2431, 105<sup>th</sup> Cong. (1<sup>st</sup> Sess. 1997).

<sup>21</sup> 143 CONG. REC. E1757-58 (daily ed. Sept. 16, 1997) (Statement of Rep. Hamilton). Prior to IRFA’s adoption, in 1996 Congress expressed its concern with the persecution of Bahai’s, Christians, and Jews. *See Persecution of Christians Worldwide: Hearing before the Subcomm. On Int’l Relations*, 104<sup>th</sup> Cong. (1996); *Worldwide Persecution of Jews: Hearing before the Subcomm. On Int’l Operations and Human Rights of the House Comm. On Int’l Relations*, 104<sup>th</sup> Cong. (1996); *Resolution on the Persecution of Christians*, S. Con. Res. 71, 104<sup>th</sup> Cong. (1996); *Resolution on the Persecution of Bahai’s in Iran*, H.R. Con. Res. 102, 104<sup>th</sup> Cong. (1996). In 1997, Congress requested that the Department of State report on the persecution of Christians throughout the world, which it did. UNITED STATES POLICIES IN SUPPORT OF RELIGIOUS FREEDOM: FOCUS ON CHRISTIANS (Report Consistent with the Omnibus Consolidated Appropriations Act, Fiscal Year 1997, H.R. REP. NO. 3610).

<sup>22</sup> 144 CONG. REC. S12099 (daily ed. Oct. 9, 1998).

<sup>23</sup> *Id.* at H10434 (daily ed. Oct. 10, 1998).

27, 1998.<sup>24</sup>

IRFA, as enacted, purports to make religious freedom a central element of United States foreign policy. The Congressional findings set out in section 2 of the Act provide first, that “the right to freedom of religion undergirds the very origin and existence of the United States. Many of our Nation’s founders fled religious persecution abroad, cherishing in their hearts and minds the ideals of religious freedom.”<sup>25</sup> In addition, the findings refer to the international human rights instruments, including the Declaration and the ICCPR, and note that “more than one-half of the world’s population lives under regimes that severely restrict or prohibit the freedom of their citizens to study, believe, observe, and freely practice the religious faith of their choice.”<sup>26</sup>

Finally, the Congressional findings state that it is the purpose of the Act:

- (1) To condemn violations of religious freedom and to promote . . . the fundamental right to freedom of religion.
- (2) To seek to channel United States security and development assistance to governments other than those found to be engaged in gross violations of the right to freedom of religion as set forth [in certain United States laws].
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<sup>24</sup> On IRFA and its adoption *see, agate*. Jeremy Gunn, *A Preliminary Response to Criticisms of the International Religious Freedom Act of 1998*, 2000 B.Y.U. L. REV. 841 (2000); David Little, *Does the Human Right to Freedom of Conscience, Religion and Belief have Special Status*, 2001 B.Y.U. L. REV. 603 (2001); Note, *Who Asked You?: The Appropriateness of U.S. Leadership in Promoting Religious Freedom Worldwide*, 33 VAND. J. TRANSNAT’L L. 987 (2000).

<sup>25</sup> 22 U.S.C. § 6401(a)(1). For a critique of this “idealized” view of America’s religious history, see Gunn, *supra* note 24, at 846 (noting that many religious minorities in the United States suffered from discrimination or violence throughout U.S. history).

<sup>26</sup> 22 U.S.C. § 6401(a)(4).

- (1) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples.<sup>27</sup>

To accomplish these goals, IRFA established three mechanisms. First, it established an Office of International Religious Freedom within the State Department, under an Ambassador at large.<sup>28</sup> Second, the State Department was charged with preparing an annual report that assesses the level of religious freedom in every country in the world<sup>29</sup> and identifies countries of particular concern (CPCs) in which the government has engaged in or tolerated particularly severe violations of religious freedom.<sup>30</sup> Third, a separate, bipartisan Commission was

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<sup>27</sup> *Id.* § (b).

<sup>28</sup> *Id.* § 6411(a). The statute provides:

The Ambassador at Large shall be a principle adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad and with advice from the Commission on International Religious Freedom, shall make recommendations regarding (A) the policies of the United States Government toward governments that violate freedom of religion or that fail to ensure the individuals's right to religious belief and practice; and (B) policies to advance the right to religious freedom abroad.

*Id.* § (c)(2).

<sup>29</sup> *Id.* § 6412(b)(1). Each Annual Report shall contain a description of the status of religious freedom in each foreign country. In addition to the Annual Report, Section 108 of the Act mandates the preparation and maintenance of issue briefs on religious freedom, on a country-by-country basis, “consisting of lists of persons believed to be imprisoned, detained, or placed under house arrest for their religious faith, together with brief evaluations and critiques of the policies of the respective country restricting religious freedom.” *Id.* § 6417(b).

<sup>30</sup> *Id.* § 6442(b)(1). The legislation defines “particularly severe violations of religious freedom” as  
Systematic, ongoing, egregious violations of religious freedom, including violations such as—

established to make independent recommendations to the President and State Department concerning issues of international religious freedom.<sup>31</sup> The Commission has nine members — three appointed by the President, two named by leaders of the President’s party in Congress, and four named by the leaders of the opposite party in Congress.<sup>32</sup> The Ambassador at Large is an *ex officio* nonvoting member of the Commission.<sup>33</sup> Each serves a two-year, renewable term. I was appointed by Congressman Richard Gephardt to serve until May 2003.<sup>34</sup>

### III. The Commission’s Work

The Commission is primarily responsible for the annual and ongoing review of the facts and circumstances of religious freedom violations presented in the State Department’s annual

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- (A) torture or cruel, inhuman, or degrading treatment or punishment;
  - (B) prolonged detention without charges;
  - (C) causing the disappearance of persons by the abduction or clandestine detention of those persons; or
  - (D) other flagrant denial of the right to life, liberty, or the security of persons.

*Id.* § 6402(11).

<sup>31</sup> *Id.* § 6431(a).

<sup>32</sup> IRFA provides that members of the Commission must be selected among distinguished individuals noted for their knowledge and experience in fields relevant to the issue of international religious freedom, including foreign affairs, direct experience abroad, and international law. *Id.* § (b)(2)(A).

<sup>33</sup> The first individual to hold the position of Ambassador at Large was Robert A. Seiple, who served from May 1999 to September 2000. The current Ambassador is John V. Hanford III, who took office in May 2002. <http://www.uscirf.gov/cirfPages/faqs.php3#4> (last visited May 21, 2002).

<sup>34</sup> The other members of the Commission are: Felice D. Gaer (Chair), Firuz Kazemzadeh, Richard D. Land, Bishop William Francis Murphy, Leila Nadya Sadat, Nina Shea, Charles R. Stith, Shirin Tahir-Kheli, Michael K. Young (Vice-Chair).

report, as well as other sources, and for making policy recommendations to the President, the Secretary of State and Congress with respect to matters involving international religious freedom.<sup>35</sup> The Act requires the Commission to make recommendations both in response to progress and in regard to violations of religious freedom.<sup>36</sup> With respect to the latter, IRFA specifically suggests a menu of policy recommendations ranging from private diplomatic inquiries or formal protests to the imposition of various sanctions.<sup>37</sup> In practice, the Commission has recommended a variety of policy tools for the President’s consideration.

The real teeth in IRFA are found in Subchapter III of the legislation, which sets out directives for the President to follow in response to findings of religious freedom violations. Indeed, the Act requires the President to oppose religious freedom violations, and to “promote the right to freedom of religion,” based upon the State Department’s Annual Report and, *inter alia*, findings or recommendations by the Commission.<sup>38</sup> In general, the President has complete discretion to take the actions he or she might see fit,<sup>39</sup> except with regard to countries designated

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<sup>35</sup> 22 USC § 6432(a).

<sup>36</sup> *Id.* § (b)-(c). IRFA also requires the Commission to “monitor facts and circumstances of violations of religious freedom, in consultation with independent human rights groups and nongovernmental organizations, including churches and other religious communities, and make such recommendations as may be necessary to the appropriate officials and offices in the United States Government.” *Id.* § (e).

<sup>37</sup> *Id.* § (b)-(c).

<sup>38</sup> *Id.* § 6441(a)(1)-(2).

<sup>39</sup> *Id.* § (c)(1)(A)(providing that the President shall respond to violations of religious freedom by taking the “action or actions that most appropriately respond to the nature and severity of the violations of religious freedom”).

as “countries of particular concern” that have engaged in particularly severe religious freedom violations (as defined by the Act).<sup>40</sup> With regard to these countries, he is required to take more serious actions, including withdrawing development and security assistance and prohibiting certain other financial relationships between the United States and the governments of the countries in question.<sup>41</sup> However, because the President is permitted to waive the application of severe sanctions if he finds that doing so would “further the purpose of [the Act],” or is required by an “important national interest of the United States,”<sup>42</sup> IRFA has considerably less mandatory effect.

As of this writing, the Commission has just completed its third year.<sup>43</sup> In its first year it focused upon religious freedom violations in Sudan, China and Russia, and issued recommendations regarding other countries engaging in or tolerating religious freedom violations as the need arose.<sup>44</sup> In October 1999, the State Department designated Burma, China,

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<sup>40</sup> *Id.* § 6442(b)(1)(A).

<sup>41</sup> *Id.* § 6445(a)(9)-(15). However, in no case may a Presidential action prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other humanitarian assistance. *Id.* § (d).

<sup>42</sup> *Id.* § 6447(a)(2)-(3).

<sup>43</sup> It is now contemplated that the Commission will terminate its work on May 14, 2003. *Id.* § 6436. However, proposals to extend the Commission’s tenure are currently pending in Congress.

<sup>44</sup> See REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOMS (May 2000) [hereinafter MAY 2000 REPORT] as well as the *Staff Memorandum for the Chairman: Religious Freedom in Sudan, China and Russia*, annexed thereto, available at [www.uscirf.gov/reports/01may00report\\_index.php3](http://www.uscirf.gov/reports/01may00report_index.php3) (last visited May 20, 2002).

Iran, Iraq and Sudan as “countries of particular concern,” and also listed the Taliban regime in Afghanistan and the Milosevic regime in Serbia as “particularly severe violators of religious freedom.”<sup>45</sup>

In its second year, the Commission considerably broadened its activities, urging that Laos, North Korea, Saudi Arabia and Turkmenistan be added to the CPC list, a suggestion that the State Department declined to follow.<sup>46</sup> The Commission also noted that India, Pakistan, Uzbekistan and Vietnam were countries in which serious violations of religious freedom had occurred that warranted careful State Department monitoring. It also expressed concerns about sectarian violence in Indonesia and Nigeria.<sup>47</sup> The Commission held hearings, traveled abroad on fact-finding missions, met with foreign diplomats and officials, and interviewed numerous representatives of victims of religious freedom violations.<sup>48</sup> In addition to the recommendations made regarding each of the countries identified in the report, the Commission recommended that companies (U.S. or foreign) doing business in CPC countries be required to disclose their activities in any registration statement, annual proxy statement or current report filed with the Securities and Exchange Commission.

These proposed capital market sanctions have not been yet been adopted. However, the

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<sup>45</sup> MAY 2000 REPORT, *supra*, note 43, at 13.

<sup>46</sup> REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM (May 2001) [hereinafter MAY 2001 REPORT], *available at* [www.uscirf.gov/reports/01may01report\\_index.php3](http://www.uscirf.gov/reports/01may01report_index.php3) (last visited May 20, 2002).

<sup>47</sup> *Id.* at 17.

<sup>48</sup> *Id.* at 1.

Commission continues to take the position that American money should not flow to prop up repressive governments; indeed, the Commission's work is not merely to make policy recommendations directed towards changing U.S. actions abroad, but also to formulate guidelines that push human rights considerations to the forefront of financial and other decisions that benefit the U.S. economy or other U.S. national interests. Thus, this year the Commission publicly urged the President and his advisers not to neglect human rights considerations in the campaign against terrorism, both in regard to the situation in Afghanistan, as well as with respect to new alliances and partnerships formed with repressive regimes in countries such as the Sudan and Uzbekistan.<sup>49</sup>

## **Conclusion**

As the Commission's first annual report notes, the "Commission is the only governmental agency in the world with the sole mission of reviewing and reporting the facts and circumstances of violations of religious freedom."<sup>50</sup> The Commission's work, I have found, is useful, challenging and fascinating. I have been honored to serve as a member, and hope that as an international law and human rights scholar, I have been able to make a unique contribution, bringing the voice of the law as a complement to the extraordinary knowledge and experience of my fellow Commissioners. My experience has convinced me that having an independent human rights commission at the center of government policy-making is generally positive, placing

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<sup>49</sup> The Commission's third annual report summarizing the current year's activities was issued in May 2002, and can be found on-line at [www.uscirf.gov](http://www.uscirf.gov).

<sup>50</sup> MAY 2000 REPORT, *supra* note 43, at 14

humanitarian concerns on the table alongside financial, political and national security concerns when political trade-offs start getting made.

Congress' adoption of IRFA came during a time when a resurgence of interest in religion and religious life burst upon the international scene as part of the public debate about the contours and shape of the new world order. In many countries, the renewed interest in religion appears to be animated by negative spiritual energy that is often destructive of human potentiality, denies freedom, and claims exclusive (and intolerant) access to truth. But there are other more positive energies contained in this renewal of religion that are associated with "a reaffirmation of the spiritual sense of the person, a feeling for the sacred and the mystery that lies at the heart of human existence and an embrace of human solidarity."<sup>51</sup>

The challenge is to harness this positive energy and with it, reaffirm the principles of nondiscrimination and religious tolerance that are at the core of international human rights law. This, I believe, is the Commission's mandate — not to impose the "American way" on other nations, but rather to put the considerable economic and political weight of the United States and its policies behind the principles articulated in the Universal Declaration of Human Rights and subsequent instruments. As Mary Ann Glendon recently wrote in her book on Eleanor Roosevelt and the adoption of the Universal Declaration:

The Declaration was not meant to impose a single model of right conduct . . . but . . . a common standard that can be brought to life in different cultures in a legitimate variety of ways. . . . In a world marked by homogenizing global forces on the one hand and rising ethnic assertiveness on the other, the need is greater

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<sup>51</sup> Falk, *supra* note 15, at 7.

than ever for clear standards that can serve as a basis for discussions across ideological and cultural divides. Until something better comes along, it is, as Mrs. Roosevelt once remarked of the UN itself, 'a bridge upon which we can meet and talk.'<sup>52</sup>

The Commission, and indeed all Americans, must stand with the persecuted on that bridge, regardless of their faith, color or national origin, until the goal of human rights, and more particularly freedom of thought, conscience, religion and belief, for all beings, everywhere, has been achieved.

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<sup>52</sup> MARY ANN GLENDON, *A WORLD MADE NEW* xviii-xix (2001).