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UNCLAS SECTION 01 OF 04 CAIRO 003611

AID FOR ANE/ENA
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E.O. 12958:N/A

TAGS: PREL, PGOV, EG

SUBJECT: OPPOSING RELIGIOUS PERSECUTION LEGISLATION

REFS: A) STATE 65264 B) CAIRO 3181 AND PREVIOUS

1. SENSITIVE BUT UNCLASSIFIED. PROTECT ACCORDINGLY.

SUMMARY

2. EMBASSY CAIRO PREVIOUSLY SUBMITTED A SERIES OF REPORTS ON THE STRONGLY NEGATIVE EGYPTIAN REACTION TO THE AMERICAN APPROACH TO THE SUBJECT OF RELIGIOUS PERSECUTION (REF B). THIS SERIES OUTLINES THE CONCERNS OF THE GOVERNMENT AND MUSLIM AND CHRISTIAN RELIGIOUS LEADERS. IT ALSO CONVEYS THE OPPOSITION EXPRESSED IN THE PRESS AND BY PUBLIC FIGURES. IN GENERAL, EGYPTIANS CONSIDER CONGRESSIONAL ACTION UNWARRANTED AND ANTI-MUSLIM. CHRISTIAN RELIGIOUS LEADERS AND THE MAJORITY OF THE CHRISTIAN POPULATION, AS WELL AS MUSLIMS, OPPOSE THE LEGISLATION. (NOTE: EGYPT IS HOME TO MORE THAN SIX MILLION ADHERENTS OF THE COPTIC ORTHODOX CHURCH, WHICH IS THE LARGEST CHRISTIAN MINORITY IN THE MIDDLE EAST. END NOTE) CONGRESSIONAL DISCUSSION OF THE ISSUE HAS STIRRED UP COMMUNAL TENSION, AND AGGRAVATED THE BILATERAL RELATIONSHIP. ADDITIONAL CRITICISM OF AMERICAN ACTION IS LIKELY WHEN THE ORTHODOX EASTER IS CELEBRATED APRIL 19.

3. THIS CABLE OFFERS A SUMMARY OF OUR GENERAL CONCERNS ABOUT THE CURRENT LEGISLATIVE PROPOSALS AND A LIST OF OUR SPECIFIC CONCERNS ABOUT THE NICKLES BILL. IT ALSO CONTAINS OUR SUGGESTIONS FOR AN ALTERNATIVE APPROACH TO THIS SUBJECT, DRAWING ON THE MISSION'S EXPERIENCE IN EGYPT. END SUMMARY

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4. BELOW WE OUTLINE OUR GENERAL CONCERNS ABOUT THE RELIGIOUS PERSECUTION LEGISLATION UNDER CONSIDERATION.

-- EXEMPLARY GOAL: WE LAUD CONGRESSIONAL INTEREST IN THE PROMOTION OF RELIGIOUS FREEDOM. IT IS AN EXEMPLARY GOAL SHARED BY THE ADMINISTRATION AND PURSUED IN U.S. OVERSEAS MISSIONS. THE POLICIES, PROGRAMS AND DIPLOMATIC ACTIVITIES OF THE U.S. STATE DEPARTMENT, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT, AND U.S. INFORMATION AGENCY CURRENTLY PROMOTE THE FREEDOM OF RELIGION AND THE EXPANSION OF RELIGIOUS TOLERANCE.

THERE IS SCOPE FOR ADDITIONAL ADVOCACY, BUT THE PROPOSED LEGISLATION WILL NOT SUCCEED IN INFLUENCING OTHER COUNTRIES TO PRODUCE THE DESIRED RESULTS. MORE TROUBLING, IN SOME COUNTRIES THE LEGISLATION WILL HARM THE COMMUNITIES IT SEEKS TO ASSIST. FINALLY, IN SOME INSTANCES THE LEGISLATION WILL UNDERMINE OTHER IMPORTANT U.S. POLICY GOALS.

-- FLAWED APPROACH: THE PROPOSED LEGISLATION RESPONDS TO THE SYMPTOMS, NOT THE ROOT CAUSES OF RELIGIOUS PREJUDICE. THE LEGISLATION RESTRICTS U.S. ACTION TO A NARROW SPECTRUM OF PUNITIVE, COERCIVE MEASURES. BUT CONDITIONS OF POVERTY, ILLITERACY AND IGNORANCE, POLITICAL INSTABILITY, CULTURAL INSECURITY, AND HISTORICAL EXPERIENCE ARE THE PRIMARY SOURCES OF RELIGIOUS INTOLERANCE. IN RESPONSE TO SUCH COMPLEX CONDITIONS, DEVELOPMENT ASSISTANCE AND OTHER POSITIVE INDUCEMENTS ARE FAR MORE LIKELY TO BE EFFECTIVE THAN THREATS. IN THIS SENSITIVE FIELD, TOUGHER IS NOT BETTER.

-- BOOMERANG EFFECT: THE PUNITIVE MEASURES STIPULATED IN THE PROPOSED LEGISLATION WILL HURT THOSE INDIVIDUALS AND COMMUNITIES SUFFERING FROM RELIGIOUS INTOLERANCE, FIRST BY DEPRIVING THEM OF U.S. ASSISTANCE AND SECOND BY CREATING CONDITIONS FOR REVENGE. MOREOVER, CURRENT U.S. GOVERNMENT EFFORTS TO PROMOTE RELIGIOUS TOLERANCE WILL BE UNDERMINED IF WE CUT OFF AMERICAN SUPPORT FOR PROGRAMS DESIGNED TO ALLEVIATE POVERTY, DEVELOP THE ECONOMY, IMPROVE ACCESS AND QUALITY OF EDUCATION, AND INCREASE EXPOSURE TO AMERICAN VALUES. CUTS IN DEVELOPMENT ASSISTANCE WOULD ALSO HAVE AN ADVERSE IMPACT ON THE GENERAL POPULATION OF THE COUNTRY.

-- BOOMERANG EFFECT CONTINUED: IN MANY COUNTRIES, U.S. GOVERNMENT CRITICISM OF VIOLATIONS OF RELIGIOUS FREEDOM WILL DISCREDIT LOCAL EFFORTS TO PROMOTE RELIGIOUS TOLERANCE AND PROVOKE COMMUNAL TENSION. GOVERNMENTS AND SOCIETIES WILL FOCUS ON DENYING AMERICAN ALLEGATIONS INSTEAD OF ADDRESSING THE PROBLEM. AMERICAN ASSOCIATION WITH MINORITY RELIGIOUS COMMUNITIES WILL PROVIDE EXTREMISTS WITH THE PRETEXT TO CHALLENGE THE LOYALTY AND PATRIOTISM OF THESE COMMUNITIES. BY HIGHLIGHTING RELIGIOUS IDENTITY IN NEGATIVE TERMS, WE MAY INADVERTENTLY FOSTER RELIGIOUS DISCRIMINATION AND RELIGIOUS NATIONALISM.

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-- COLLATERAL DAMAGE: THE PROMOTION OF RELIGIOUS FREEDOM IS ONE OF MANY U.S. GOVERNMENT GOALS ABROAD. U.S. DEVELOPMENT ASSISTANCE ALSO PROMOTES IMPORTANT AMERICAN INTERESTS LIKE STABILITY, COMMERCE, AND COOPERATION ON TRANSNATIONAL ISSUES SUCH AS PROTECTING THE ENVIRONMENT AND FIGHTING TERRORISM AND DRUG TRAFFICKING. THESE INTERESTS COULD BE HURT BY CUTS IN ASSISTANCE. MOREOVER, NEGATIVE PUBLIC REACTION TO AMERICAN CRITICISM WILL MAKE IT DIFFICULT FOR FOREIGN GOVERNMENTS TO COOPERATE WITH US ON OTHER UNRELATED ISSUES.

SPECIFIC CONCERNS ABOUT THE NICKLES BILL

5. BELOW WE OFFER A LIST OF SPECIFIC CONCERNS ABOUT THE RELIGIOUS FREEDOM LEGISLATION INTRODUCED BY SEN. NICKLES.

-- IMPROVEMENT OVER WOLF-SPECTER: THE NICKLES BILL ALSO RAISES OUR CONCERNS ABOUT A RIGIDLY PUNITIVE APPROACH. BUT SEVERAL PROVISIONS, INCLUDING A SECTION SPECIFYING MEANS TO PROMOTE RELIGIOUS FREEDOM, AN EXPANSION OF THE RANGE OF OPTIONS FOR PRESIDENTIAL ACTION IN RESPONSE TO VIOLATIONS OF RELIGIOUS FREEDOM, AND PROVISION FOR CONSULTATIONS WITH FOREIGN GOVERNMENTS, CONSTITUTE A SIGNIFICANT IMPROVEMENT ON THE WOLF-SPECTER LEGISLATION. NONETHELESS, SEVERAL ALARMING PROVISIONS REMAIN. THESE INCLUDE:

-- SERIOUS PROBLEMS WITH THE DEFINITION OF RELIGIOUS PERSECUTION: THE DEFINITION OF RELIGIOUS PERSECUTION IN SECTION 1(9) IS BOTH TOO VAGUE AND TOO BROAD (EXCEEDING, FOR EXAMPLE, THE DEFINITION USED IN THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS). THIS DEFINITION IS CRITICAL BECAUSE IT WILL DETERMINE A COUNTRY'S INCLUSION IN THE BILL'S PROPOSED ANNUAL REPORT ON RELIGIOUS PERSECUTION. SUCH INCLUSION, IN TURN, APPEARS TO MANDATE PRESIDENTIAL ACTION. AS CURRENTLY DRAFTED, THIS VAGUE AND BROAD DEFINITION WILL CAPTURE AN ERRONEOUSLY HIGH NUMBER OF COUNTRIES. UNWARRANTED INCLUSION IN THE REPORT WILL STIGMATIZE COUNTRY REPUTATIONS UNFAIRLY AND NEEDLESSLY AGGRAVATE OUR BILATERAL RELATIONS. MOREOVER, MANDATORY PRESIDENTIAL ACTION IS TIED TO THIS EXPANSIVE DEFINITION OF RELIGIOUS PERSECUTION. SECTION 401 CALLS FOR THE PRESIDENT TO ACT "FOR EACH FOREIGN COUNTRY THE GOVERNMENT OF WHICH ENGAGES IN OR TOLERATES RELIGIOUS PERSECUTION, AS DESCRIBED IN THE ANNUAL REPORT ON RELIGIOUS PERSECUTION."

-- DEFINITION PROBLEMS CONTINUED: SPECIFICALLY, THE DEFINITION DOES NOT CONSIDER THE PERPETRATOR OF THE ACT OF RELIGIOUS PERSECUTION, E.G., WHETHER PERPETRATED BY A GOVERNMENT OR NON-GOVERNMENTAL GROUP. THE DEFINITION IS ALSO SILENT ON RELATED QUESTIONS, SUCH AS WHETHER THE GOVERNMENT TOOK CORRECTIVE ACTION IN RESPONSE TO THE ACT. SECONDLY, THE DEFINITION FAILS TO CONSIDER THE FREQUENCY OR CHARACTER OF THE ACT OF RELIGIOUS PERSECUTION. THUS, A SINGLE OR ROGUE VIOLATION WILL BE CONSIDERED EQUAL TO A SYSTEMATIC POLICY OR PATTERN OF

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VIOLATIONS. THIRDLY, THE DEFINITION DOES NOT DISTINGUISH AMONG ACTS OF INTOLERANCE, DISCRIMINATION, AND PERSECUTION. THUS, ACTS WHICH VARY TREMENDOUSLY IN SEVERITY -- FOR EXAMPLE, PROFESSIONAL DISCRIMINATION AND FORCED MASS RESETTLEMENT -- WILL BE CONSIDERED EQUAL.

-- PROBLEMS WITH THE PROPOSED COMMISSION AS DESCRIBED IN TITLE II: THE LEGISLATION'S PROPOSALS REGARDING THE ESTABLISHMENT OF A COMMISSION ON INTERNATIONAL RELIGIOUS PERSECUTION WOULD DISRUPT AND CONFUSE THE TRADITIONAL FOREIGN POLICYMAKING PROCESS BY AWARDED THE COMMISSION RESPONSIBILITIES THAT DUPLICATE THE ACTIVITIES CURRENTLY UNDERTAKEN BY THE EXISTING FOREIGN POLICY APPARATUS OF THE EXECUTIVE BRANCH, AND BY STRIPPING THIS APPARATUS OF OTHER FUNDAMENTAL DUTIES. SPECIFICALLY, IN ADDITION TO THE ANNUAL HUMAN RIGHTS REPORTS, THE LEGISLATION MANDATES STATE TO PREPARE AN ANNUAL REPORT ON RELIGIOUS PERSECUTION DUE MAY 1. THIRTY DAYS LATER, THE PRESIDENT -- IN CONSULTATION WITH THE PROPOSED AMBASSADOR AT LARGE, SPECIAL ADVISOR, AND COMMISSION BUT NOT/NOT THE STATE DEPARTMENT OR NSC -- MUST DETERMINE WHICH GOVERNMENTS OF THE COUNTRIES INCLUDED IN THE ANNUAL REPORT ON RELIGIOUS PERSECUTION HAVE ENGAGED IN GROSS VIOLATIONS OF THE RIGHT TO RELIGIOUS FREEDOM. THIS IMPORTANT DETERMINATION WOULD TRIGGER A REQUIREMENT THAT THE PRESIDENT ACT AGAINST THESE COUNTRIES WITHIN ONE YEAR. SEPARATELY, ON AUGUST 1, THE COMMISSION -- NOT/NOT THE TRADITIONAL FOREIGN POLICY COMMUNITY -- MUST PROVIDE THE PRESIDENT AND CONGRESS WITH A REPORT ON POLICY RECOMMENDATIONS IN RESPONSE TO ACTS OF RELIGIOUS PERSECUTION. THE LEGISLATION ALSO CALLS ON THE COMMISSION TO MONITOR RELIGIOUS PERSECUTION, AN ACTIVITY ALREADY UNDERTAKEN BY EMBASSIES.

-- TROUBLING INCLUSION OF ADDITIONAL CITIZEN ACCESS TO U.S. MISSIONS ABROAD: SECTION 107 WOULD PERMIT U.S. CITIZENS TO ENGAGE IN RELIGIOUS ACTIVITIES ON MISSION GROUNDS. SUCH A PROVISION WILL NEEDLESSLY INCREASE LOCAL GOVERNMENT SUSPICION ABOUT EMBASSY ACTIVITIES, AND LIKELY BE VIEWED AS AN ATTEMPT TO EXERCISE "EXTRATERRITORIAL" PROTECTION RIGHTS FOR RELIGIOUS MINORITIES. IN A COUNTRY SUCH AS EGYPT, THIS PROVISION IS IMPRACTICAL AND UNWARRANTED. CHRISTIANS WORSHIP FREELY IN EGYPT, SO THERE IS NO NEED TO USE EMBASSY GROUNDS. MOREOVER, MORE THAN 10,000 AMERICAN CITIZENS RESIDE IN EGYPT. PERMITTING REGULAR ACCESS TO MISSION GROUNDS FOR THIS HIGH NUMBER OF CITIZENS IS NOT FEASIBLE.

ALTERNATIVE APPROACH TO PROMOTING RELIGIOUS FREEDOM

6. WHY AN OVERSEAS VIEW MATTERS: THE MEN AND WOMEN WHO WORK IN THE FOREIGN SERVICE SEEK TO EFFECTIVELY PROMOTE RELIGIOUS FREEDOM IN OTHER CULTURES AND COUNTRIES. INDEED, MANY OF US HAVE BEEN EYE WITNESSES TO THE BRUTAL RESULTS OF INTOLERANCE. WE IN THE FIELD HAVE THE RESPONSIBILITY TO ADVISE OUR COLLEAGUES IN WASHINGTON HOW TO SUCCESSFULLY TAILOR OUR POLICY FOR

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SUCCESS. VIOLATIONS OF RELIGIOUS FREEDOM OCCUR IN SPECIFIC ENVIRONMENTS FORMED BY A COMPLEX INTERPLAY OF HISTORY, ECONOMICS, POLITICS, AND CULTURE. THESE TANGLED CONDITIONS ARE NOT AN EXCUSE FOR INACTION BUT CLUES TO IDENTIFYING AN EFFECTIVE APPROACH.

7. IN EGYPT, FOR EXAMPLE, SUCCESSIVE FOREIGN INVASIONS BY THE CRUSADERS AND FRENCH AND ENGLISH IMPERIALISTS IN THE NAME OF CHRISTIANITY HAVE LEFT A LEGACY OF SKEPTICISM ABOUT THE MOTIVES OF OUTSIDERS. TODAY, CONGRESSIONAL CRITICISM OF EGYPT -- WHEN CONSIDERED IN CONJUNCTION WITH U.S. SANCTIONS AGAINST IRAQ, IRAN, LIBYA, AND THE SUDAN -- LEAD MANY EGYPTIANS TO CONCLUDE THE UNITED STATES AND THIS LEGISLATION ARE ANTI-MUSLIM. THE COMBINATION OF THIS HISTORICAL LEGACY AND REGIONAL POLITICAL CONTEXT CREATES A SEVERE CREDIBILITY GAP FOR THE PROPOSED LEGISLATION.

8. POSITIVE NOT PUNITIVE: IT IS THE VIEW FROM THE FIELD THAT THE QUESTION OF RELIGION, WHICH RELATES TO AN INDIVIDUAL'S FUNDAMENTAL CONCEPT OF LIFE, MUST BE APPROACHED WITH TREMENDOUS SENSITIVITY AND RESPECT. IN MOST INSTANCES, MOBILIZING U.S. GOVERNMENT PROGRAMS, POLICIES, AND DIPLOMACY TO POSITIVELY INDUCE ACTIONS THAT PROMOTE RELIGIOUS FREEDOM WILL BE THE MOST EFFECTIVE WAY TO PRODUCE RESULTS. DIALOGUE, CONSULTATION, AND OUTREACH WILL BE THE MOST PRODUCTIVE MEANS OF EXERCISING U.S. LEADERSHIP. PUNITIVE, COERCIVE MEASURES SHOULD BE A LAST RESORT OPTION IN EXTREME CASES.

9. THE DEFENSIVE REACTION IN EGYPT TO MERE DISCUSSION OF THE BILL IN WASHINGTON IS PROOF OF THE COUNTERPRODUCTIVE IMPACT OF A RIGIDLY NEGATIVE APPROACH. LOCAL EFFORTS TO ADDRESS THE ISSUE HAVE BEEN FROZEN BECAUSE EGYPTIANS FEAR BEING CHARACTERIZED AS UNPATRIOTIC. THE FACT THAT MUCH OF THE AMERICAN DISCUSSION OF CONDITIONS IN EGYPT HAS BEEN DISTORTED BY EXAGGERATION AND FALSEHOOD HAS INFLAMED EGYPTIAN PRIDE AND SUSPICION, AND DEFLECTED ATTENTION FROM THE REAL PROBLEMS. THE LEADER OF THE COPTIC ORTHODOX CHURCH, POPE SHENOUDA III, AND LEADERS OF OTHER CHRISTIAN DENOMINATIONS HAVE DENOUNCED THE LEGISLATION AS UNWISE AND DANGEROUS TO THEIR COMMUNITIES.

10. INDIRECT PROGRAMS, POLICIES AND DIPLOMACY: IT IS INCORRECT TO ASSUME THAT THE USG HAS NEGLECTED THIS ISSUE. POVERTY, ILLITERACY AND IGNORANCE, POLITICAL INSTABILITY, CULTURAL INSECURITY, AND HISTORICAL EXPERIENCE ARE THE PRIMARY SOURCES OF RELIGIOUS PREJUDICE. MANY U.S. PROGRAMS IMPLEMENTED IN EGYPT ADDRESS THESE UNDERLYING CONDITIONS. PROGRAMS DESIGNED TO ALLEVIATE POVERTY, DEVELOP THE ECONOMY, INCREASE ACCESS AND QUALITY OF EDUCATION, AND PROVIDE FOREIGNERS WITH EXPOSURE TO AMERICAN THINKING AND OPERATIONS ALL CONTRIBUTE TO AN IMPROVED ATMOSPHERE FOR RELIGIOUS TOLERANCE. PROJECTS TO MODERNIZE THE JUDICIARY AND

EXPAND LEGAL EDUCATION AND TRAINING SUPPORT THE RULE OF LAW. THE MISSION'S EFFORTS TO INVIGORATE CIVIL SOCIETY, INCREASE DECENTRALIZATION, AND ENCOURAGE PRIVATIZATION FOSTER BETTER CONDITIONS OVERALL FOR HUMAN RIGHTS. U.S. DIPLOMACY IN SUPPORT OF THE MIDDLE EAST PEACE PROCESS PROMOTES STABILITY AND A REDUCTION IN RELIGIOUS-BASED TENSION.

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11. DIRECT PROGRAMS, POLICIES AND DIPLOMACY: THE USG ALSO PROMOTES RELIGIOUS FREEDOM EXPLICITLY. THE SUBJECT IS REGULARLY RAISED IN OUR BILATERAL DIALOGUE, AND INCLUDED ON THE BILATERAL AGENDAS OF VISITING SENIOR GOVERNMENT OFFICIALS AND MEMBERS OF CONGRESS. U.S. GOVERNMENT SUPPORT FOR INTERNATIONAL HUMAN RIGHTS LAW ALSO PROVIDES A MECHANISM FOR PROMOTING FREEDOM OF RELIGION. USIA EXCHANGE PROGRAMS DESIGNED TO PROMOTE CIVIL SOCIETY AND RELIGIOUS EDUCATION ARE EXAMPLES OF TARGETED PROGRAMMING EFFORTS.

12. NEW INITIATIVES IN SCHOOLS, MEDIA, AND HOUSES OF WORSHIP: WE RECOMMEND THE USG EXPLORE THE DEVELOPMENT OF COUNTRY-SPECIFIC INITIATIVES TO ADDRESS IMBALANCES OR DEFICIENCIES IN EDUCATIONAL CURRICULA AND GOVERNMENT MEDIA, ESPECIALLY TELEVISION. THESE INITIATIVES COULD INCLUDE EXCHANGE VISITS OF ACADEMIC AND MEDIA SPECIALISTS AND SPONSORSHIP OF CONFERENCES OR OTHER FORA. IN EGYPT'S SCHOOL SYSTEM, GREATER ATTENTION TO THE COPTIC PERIOD OF HISTORY AND IMPROVED ACADEMIC INSTRUCTION IN ISLAM ARE DESIRABLE GOALS. THE USG COULD ALSO INVESTIGATE SUPPORTING NON-ACADEMIC EDUCATIONAL ACTIVITIES, SUCH AS SUMMER CAMPS AND EXCHANGES FOR CHILDREN, INCLUDING VISITS TO CHURCHES AND MOSQUES. INCREASED CHRISTIAN RELIGIOUS TELEVISION PROGRAMMING OR SERIALS ADDRESSING COPTIC LEADERS (E.G., EGYPTIAN NATIONALIST SA'AD ZAGHOUL) ARE OTHER EXAMPLES OF WAYS OF PROMOTING BETTER UNDERSTANDING. IN ADDITION, WE RECOMMEND CONSIDERATION OF AN OUTREACH PROGRAM TO RELIGIOUS LEADERS. THIS PROGRAM COULD ENCOURAGE INTER-RELIGIOUS DIALOGUE AND ADVOCATE THE INCLUSION OF RELIGIOUS TOLERANCE THEMES IN RELIGIOUS INSTRUCTION.

13. BY USING USG DIPLOMATIC AND FINANCIAL RESOURCES TO TARGET SCHOOLS, MEDIA, AND HOUSES OF WORSHIP, WE WOULD REACH THE THREE MOST INFLUENTIAL FORCES IN AN INDIVIDUAL'S DAILY LIFE. BY EXPOSING PEOPLE TO THE BENEFITS OF RELIGIOUS TOLERANCE AND THE COSTS OF RELIGIOUS PREJUDICE, WE WILL MOST EFFECTIVELY PROMOTE FREEDOM OF RELIGION, WHILE SIDESTEPPING THE COUNTERPRODUCTIVE IMPACT OF A PUNITIVE APPROACH.
BATTLE