

THE ROLE OF RELIGION AND BELIEF IN THE FIGHT AGAINST TERRORISM



OSCE Conference On

The Role of Freedom of Religion and Belief in a Democratic Society:
Searching for Ways to Combat Terrorism and Extremism
Baku, Azerbaijan, 10-11 October 2002



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Foreword

The international conference held in Baku under the aegis of the OSCE Office for Democratic Institutions and Human Rights and supported by the Azerbaijani Government was an event of great importance. The events of 11 September 2001 caused great changes in the political climate and geostrategic processes of the world and thus showed once more to every country the disastrous essence of terrorism. There have been different and numerous stages of the strengthening of terrorism witnessed in history. There have even been times when terrorism was raised to the level of state policy and threatened the existence of nations. The events of 11 September will be recorded in the history of mankind as a tragedy never seen before.

Today, in the conditions of the modern process of globalization, we have become much closer to each other. And due particularly to this development, the dialogue between nations, cultures, and religions is becoming more significant. By developing this dialogue, by supporting it, we can facilitate the definition of the sources serving to create terrorism, and, by doing this, we can destroy its very roots. Unfortunately, today, in some cases, terrorism hides itself under the screen of religion and different spiritual developments. It nevertheless should not deceive us into diverting our attention from its actual meaning.

There was a period when terrorism tried to obscure its real intentions by using the beautiful slogans granted to humankind by the great French Revolution. The commissars implementing "the red terror" into life were executing this under the flags of communist ideology. Today, the terrorist forces, in order to achieve their provocative political targets, are using values that are sacred for all of us and are trying to justify terror to protect the interests of certain groups. While hiding under the cover of various religions, terrorism very skillfully is trying to hide its destructive purposes. No cover, no excuse or pretence should mislead us, since one can easily disclose the real face of terrorism under all false covers.

After the events of 11 September, Azerbaijan joined the anti-terrorism coalition and has taken part in a number of administrative and organizational measures as a country that is seriously struggling with international terrorism. International conventions and important legal documents recently adopted by us have created an efficient legislative base for the fight with terrorism. A number of changes were made to the Azerbaijani Criminal Code, and a special article was added referring to the criminal responsibility for the financing of terrorism. In May 2002, I approved a special plan of arrangements and measures devoted to corresponding decisions made by the Security Council of the United Nations organization targeting terrorism.

It is quite obvious that the meaningful activity of the Azerbaijani Government executed against terrorism does not limit itself to the facts I mentioned earlier. A lot has been done in the direction of strengthening the border regime, defining and preventing illegal channels of migration, and finding financial sources and different economic devices most likely supporting terrorist activity.

A number of projects that are very important for the Azerbaijani nation, as well as for the entire region, such as the Baku-Tbilisi-Ceyhan and Baku-Tbilisi-Erzurum oil and gas pipelines and the ensuring of their safety are an integral part of anti-terrorist activity, which we are fulfilling nowadays.

Azerbaijan takes an active part in a number of projects directed at fighting against international terrorism, and I would like to assure representatives of OSCE participating States, by means of this

conference, that the Azerbaijani Government is your reliable partner in the war against all forms of terrorism. As terrorism serves the realization of evil tendencies and intentions directed against humanity, we are sure that the fight against it should be consecutive, orderly, and merciless.

As a multireligious country, Azerbaijan brings a worthy contribution to relations between religions and cultures in the world. In this regard, I wish to remind you briefly of the history of taking the decision to conduct this conference.

The results of the Ministerial Council held in Bucharest in December 2001 were especially effective with regard to strengthening the fight against terrorism. I remember, while meeting Ambassador Gerard Stoudmann, then-Director of the ODIHR, in Baku at the beginning of 2002, we exchanged views about conducting the seminar on the theme of the role of religion in democratic society and decided that calling such a forum in Baku, noted for its ethnic and religious tolerance, was expedient from many points of view. Considering the significance of this event and participation of high-ranking representatives of the OSCE participating States and countries co-operating with the OSCE, it was decided thereafter to name it not a seminar but the "OSCE Baku Conference". In my view, our decision to hold this significant conference in the capital of Azerbaijan, Baku, was totally sound.

Azerbaijan is a Moslem country, as the majority of its population professes Islam. We are proud to say that Azerbaijan's scientists and philosophers have made a worthy contribution to the great Islamic civilization that has left an important trace in history. This was widely discussed by the representatives of various countries who attended the large international symposium on "Islamic Civilization in the Caucasus" held in Baku in 1998.

Azerbaijan is also defined as a secular country in its constitution. Relations between governmental and religious institutions are regulated by certain provisions of the constitution of the Azerbaijani Republic, the law "on religious freedom", and other legal documents. We consider religion mainly as a phenomenon and an integral part of our culture, historical heritage, and national ideology.

It is well known that a high level of tolerance is a reflection of high culture. The formation of such culture in individuals begins during their childhood. We are taking pains to lay the foundations of a culture of communication, religious tolerance, and co-operation through modern scientific-pedagogical principles, while educating a new generation and, speaking generally, we are succeeded in this. It is easy to say this, though it is quite difficult to realize it in practice.

There have been some historical periods when the position of religion in social life was not properly considered. Nowadays, when totalitarian systems and ideologies have failed, the role of religions in society is dynamically changing. Along with positive processes, there are a growing number of occurrences where religions are used as an encouragement to terrorism and extremism. To fully prevent the appearance of such events, it is necessary to integrate all layers of society, in particular politicians, scientists, believers, and religious figures. This conference provides a perfect opportunity for those who are ready for dialogue and co-operation.

Today, humanity is facing certain global problems. Unfortunately, the problems are many: from the determination of proper economic strategies to solving various ecological issues. While considering these problems, everyone should take into account that the greatest value for us, among all the complicated processes going on in the world, is the human being. The internal world of a human being, his ideology, education, science, and culture are signs determining his existence and internal state, as

well as the fact that his rights shall be protected by society. First of all, we are responsible for the life of every person: if terrorism jeopardizes one human life, then our civilization is in danger. All of us can resist the intentions of dark, evil, and destructive forces supporting extremism, terrorism, and aggressive separatism by finding a common language for mutual dialogue among cultures and religions just for the sake of all people's future and for the sake of the future of human civilization.

H.E. Heydar Aliyev
President of the Republic of Azerbaijan

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I Conference Agenda

Thursday, 10 October

10.00-11.00 Opening Session

Chairman: Ambassador Gérard Stoudmann, Director, OSCE/ODIHR

Opening address: H.E. Heydar Aliyev, President, Republic of Azerbaijan

11.00-11.30 Coffee Break

11.30-14.00 Working Session 1

THE ROLE OF RELIGION IN A MODERN DEMOCRATIC SOCIETY: RESPONDING TO SECURITY THREATS WITHOUT INFRINGING ON FUNDAMENTAL RIGHTS

Moderator: Ambassador Herbert Salber, Personal Representative of the OSCE
Chairman-in-Office to Central Asia

Co-Moderator: Dr. Rafiq Aliyev, Head of the Republic of Azerbaijan State Committee for Work
with Religious Associations

Introduction: Dr. Emre Öktem, Faculty of Law, University of Galatasaray
Dr. Nancy North, Charity Commission for England and Wales

Rapporteur: Dr. T. Jeremy Gunn, Senior Fellow for Religion and Human Rights, Emory
University, Member of the OSCE/ODIHR Advisory Panel on Freedom of Religion
or Belief

14.00-15.30 Lunch

15.30-18.00 Working Session 2

THE ROLE OF INTERRELIGIOUS AND INTERCULTURAL DIALOGUE IN FIGHTING TERRORISM, EXTREMISM, AND INTOLERANCE AND RESOLVING CONFLICTS

Moderator: Mr. Steven Wagenseil, First Deputy Director, OSCE/ODIHR

Co-Moderator: Mr. Anar Rzayev, Head of the Committee on Culture of the Parliament of the
Republic of Azerbaijan

Introduction: Dr. Abduljalil Sajid, Imam of the Brighton Islamic Mission

Rapporteur: Dr. Jolanta Ambrosewicz-Jacobs, Centre for European Studies, Jagiellonian
University, Krakow, Member of the OSCE/ODIHR Advisory Panel on Freedom of
Religion or Belief

Friday, 11 October

09.00-11.30 Working Session 3

THE ROLE OF EDUCATION IN PROMOTING TOLERANCE AND COMBATING THE GROWTH OF RELIGIOUS EXTREMISM

Moderator: Ambassador Peter Burkhard, Head of the OSCE Office in Baku

Co-Moderator: Mr. Makhmud Kerimov, President of the National Academy of Sciences

Introduction: Ms. Ingvill Plesner, Oslo Coalition on Freedom of Religion or Belief
Dr. Aleksei Malashenko, Professor, Moscow State Institute of International Relations, Scholar-in-Residence, Carnegie Moscow Center

Rapporteur: Prof. Dr. Gerhard Robbers, Director, Institute for European Constitutional Law, University of Trier, Member of the OSCE/ODIHR Advisory Panel on Freedom of Religion or Belief

11.30-13.00 Cultural Programme

13.00-15.00 Lunch

15.00-16.00 Closing Session

Moderator: Ambassador Gérard Stoudmann, Director, OSCE/ODIHR

Reports from the working sessions, including recommended follow-up measures

Concluding Conference Statement by the Moderator

II Conclusions and Recommendations

During a day and a half of Plenary Meetings and Working Sessions, representatives of OSCE participating States, OSCE Mediterranean Partners for Co-operation, non-governmental organizations and religious and spiritual leaders from the OSCE region and other states of the Great Silk Route met in Baku, Azerbaijan, on 10-11 October 2002 to discuss the role of religion and belief in a democratic society and the search for ways to combat terrorism and extremism.

Participants began their discussions with a common basis of several agreed documents, including the Charter of the United Nations, the Universal Declaration of Human Rights, and other relevant United Nations documents on tolerance, freedom of religion or belief, including the Vienna Declaration and Program of Action of 1983 and the Durban Declaration and Program of Action of 2001, as well as OSCE commitments on freedom of thought, conscience, religion or belief as contained in the Helsinki Final Act of 1975 and numerous subsequent documents.

They also shared common support for United Nations Security Council Resolutions 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, as well as General Assembly Resolution 56/1 and the decisions and programme of action decided at the Bucharest Meeting of the OSCE Ministerial Council and the Bishkek Conference on Terrorism of 2001 as a basis and framework for international co-operation to prevent and combat terrorism.

Participants at the Baku Conference agreed that:

- Religion and belief have an important role to play in modern and democratic societies for the individual and for society as a whole;
- The recourse to terrorism under the name of religion does not demonstrate a clash of cultures but a clash based on ignorance;
- All religions and similar beliefs preach tolerance and respect for the inherent humanity of all persons, and violence and terrorism are incompatible with the authentic spirit of religion;
- It is essential, in the fight against terrorism, for states and individuals to respect fully all human rights and the freedom of religion and belief in particular;
- They resolutely reject any attempt to justify terrorism and extremism on any political, religious, economic or social grounds;
- Just as religion may wrongly be used to justify terrorism, so can “anti-terrorism” actions of governments wrongly be used to justify actions that undermine human rights and freedom of religion or belief;
- They reject firmly the identification of terrorism with any particular religion or culture and stress that neither terrorist activities nor the anti-terrorist fight may be presented as a struggle for or against any religion or culture;
- Terrorism and extremism destroy the rule of law, human rights, fundamental freedoms and democracy and threaten peace and security;
- Armed conflict undermines the security and stability of the OSCE region and can create obstacles to the promotion and development of interreligious and intercultural dialogue;
- Persistent armed conflicts have been interlinked with terrorism in various regions of the OSCE area, and conflict zones can serve as safe havens for terrorists;
- Diverse, multiethnic, and multicultural societies are an essential and invaluable achievement of civilization and contribute to peace and strengthen relations between nations;

- Respect for sovereignty, territorial integrity and political independence of states; for the rule of law; and for human rights will contribute to the global fight against terrorism and the maintenance of international peace and security.

Further, the participants discussed the following recommended actions:

- Measures by states to combat terrorism must be consistent with the requirements of democracy, the rule of law and the respect for human rights and fundamental freedoms. They must be directed exclusively at the perpetrators of terrorist acts and their accomplices and not against any national, ethnic or religious community as such;
- There must not be any double standards or selectivity on political, ethnic and religious grounds in interpreting acts and manifestations of terrorism in various regions of the world;
- The incitement to interreligious discord and hatred, and the practice by some of providing ideological and spiritual motivation to a dispute, are extremely dangerous and inadmissible, and religious institutions and organizations should contribute actively to peaceful settlement of conflicts;
- The dignity and values of all religions or beliefs belonging to the human heritage should be respected, and all states should prevent the propagation in educational programmes of ideas based on religious hatred and discrimination;
- It is important for states to create favourable conditions in educational policies to promote the principles of mutual respect, and the protection and preservation of these values, and to ensure they pass from generation to generation;
- All states should establish and apply educational policies to strengthen the eradication of prejudices and misconceptions in the field of freedom of religion or belief, with a view to ensuring respect for pluralism and the acceptance of diversity in the field of religion or belief;
- Education in the field of freedom of religion or belief should also contribute to the goals of peace, social justice, mutual respect and friendship among peoples; to the elimination of ideologies or practices of intolerance and discrimination based on religion and belief; and to promotion of the freedoms of opinion, expression and research; as well as to the respect of pluralism and a greater acceptance of diversity;
- Violent or any other forced religious and cultural assimilation is inadmissible, and all states should promote conditions in which all members of diverse, multiethnic, and multicultural societies can express their cultural identity and manifest their religious beliefs, subject only to such strict limitations as are provided for in international law;
- All states should take measures to eliminate the possibility for any organization, group or individual to incite religious hatred and violence;
- All states should promote careful preservation of cultural and religious monuments and punish those responsible for acts aimed at the destruction of properties of cultural and religious heritage;
- States and individuals should address, at the earliest possible moment, the social, economic, and political factors that engender conditions in which terrorist organizations are able to recruit and win support;
- It is important, for the promotion of common universal values such as those enshrined in the Universal Declaration of Human Rights, the Helsinki Final Act and other relevant international human rights instruments, for states to foster dialogue among, and peaceful relations between, religions and cultures and to facilitate dialogue with religious organizations;
- The OSCE participating States should make more use of the ODIHR Advisory Panel on Freedom of Religion or Belief and should consider establishment of a Special Representative on Freedom of Religion and Belief;

- Interreligious and intercultural dialogue remain essential within the OSCE region and the area of the Great Silk Route and elsewhere and should be developed to establish trust and consolidate the fight against terrorism.

Finally, the participants agreed that:

- The Baku Conference provided an important opportunity for governments, spiritual leaders and civil society representatives to meet and to discuss ways in which they should co-operate to ensure religion and belief play their proper, positive role in the fight against terrorism, and they expressed the wish that similar meetings be organized again in the future, preferably under OSCE auspices; and that
- These common positions should be brought to the attention of the OSCE Permanent Council as the Baku Conference's contribution to preparations for the discussion of the fight against terrorism at the Ministerial Council in Porto this coming December.

III Working Session I

THE ROLE OF RELIGION IN A MODERN DEMOCRATIC SOCIETY: RESPONDING TO SECURITY THREATS WITHOUT INFRINGING ON FUNDAMENTAL RIGHTS

1. Introductory Remarks by Dr. Emre Öktem, University of Galatasaray, Istanbul

TERRORISM AND PERMISSIBLE RESTRICTIONS ON THE FREEDOM OF RELIGION IN INTERNATIONAL LAW

We shall try, in this paper, to give a survey of the international legal standards regarding the freedom of religion and its permissible restrictions and to examine the possible connections between this freedom and the fight against terrorism in order to make some observations with regard to today's religious issues.

1. Freedom of Religion and Permissible Restrictions in International Law

1.1. United Nations Documents

1.1.1. Universal Declaration of Human Rights

Article 18 of the Universal Declaration of Human Rights provides that:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observation.

Article 18 consists of two parts: the first clause guarantees the right to freedom of thought, conscience, and religion; the second enumerates the specific rights included therein. This second part is not exhaustive.¹ The freedom to change one's religion or belief concerns the internal sphere of the right to freedom of thought, conscience, and religion, the forum internum, whereas manifestations of religion or belief pertain to the external sphere of that right, or forum externum.²

Article 29 of the Universal Declaration subjects the exercise of the rights and freedoms provided by Article 18 "only to such limitations as are 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".

The Third Committee rejected a substitute article proposed by the Soviet representative that would have guaranteed freedom to perform religious services "in accordance with the laws of the country concerned and the requirements of public morality". A Swedish amendment that would have added the

¹ Lerner, Natan, "Religious Human Rights Under the United Nations" in *Religious Human Rights in Global Perspective-Legal Perspectives*, edited by Johan D. Van der Vyver and John Witte, Martinus Nijhoff Publishers, 1996, p. 86-87.

² Tahzib, Bahiyih G., *Freedom of Religion and Belief – Ensuring an Effective International Legal Protection*, Martinus Nijhoff Publishers, La Haye, 1996, p. 73.

words “provided that this does not interfere unduly with the personal liberty of anybody else” was similarly defeated.³ In matter of limitations, Article 18 should also be construed with regard to Article 30, which states that nothing in the Universal Declaration of Human rights “may be interpreted as implying for any state group or person destruction of any of rights and freedoms set forth therein”. Though not a binding treaty, the UDHR carries legal weight far beyond that of ordinary resolutions or even other declarations emanating from the General Assembly: both the International Court of Justice and many national courts have relied on the UDHR in their decisions, either as an interpretative tool or as international custom.⁴

Subsequent to the UDHR, a significant step towards the development of religious rights occurred in 1956, when Arkot Krishnaswami submitted his Study of Discrimination in the Matter of Religious Rights and Practices to the Subcommission on Prevention of Discrimination and Protection of Minorities of the UN Commission on Human Rights. Krishnaswami attempted to clarify the concept of freedom of thought, conscience, and religion as set forth in the UDHR and reduced his conclusions to a set of rules intended to show how the goals proclaimed in the UDHR may be reached. As for the regime of limitations, the Krishnaswami study states that public authorities “must see to it that any limitation imposed upon (the freedom of religion or belief) is exceptional; that it is confined within the narrowest possible bounds; that it is prescribed by law solely for the purpose of securing due recognition and respect for the right and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society; and that it is not exercised in a manner contrary to the purposes and principles of the United Nations”.⁵

1.1.2. The International Covenant on Civil and Political Rights of 1966

The UDHR’s commitment to the fundamental right of freedom of religion or belief was embodied in Article 18 of the ICCPR, which is a legally binding obligation for States Parties thereto. Article 18 provides that:

“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.

“No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

“Freedom to manifest one’s religion or beliefs may be subject 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.

“The States parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

³ Clark, Roger, S., “The United Nations and Religious Freedom” in *New York University Journal of International Law and Politics*, vol 11, no. 2, 1978, p. 200-201.

⁴ Eide, Asbjorn and Alfredsson, Gudmundur, “Contemporary Appraisal” in *The Universal Declaration of Human Rights-A Common Standard achievement*, edited by Gudmundur Alfredsson and Asbjorn Eide, Martinus Nijhoff Publishers, 1999, p. xxx-xxxi.

⁵ Krishnaswami, Arkot, “Study of Discrimination in the Matter of Religious Rights and Practices”, reprint in *New York University Journal of International Law and Politics*, vol 11, no. 2, 1978, p. 269.

The rights provided by Article 18 are primarily of a defensive nature. Passive freedom of religion and belief prohibits States Parties from dictating or forbidding confession to, or membership in, a religion or belief. Negative freedom ensures the right not to belong to any religious group or to live without religious confession. A system of state religion or a state church does not conflict with passive freedom of religion so long as the state permits other religions alongside the official one and does not exercise direct or indirect coercion to join the latter.⁶ However, the duty of the state is not confined to restrain itself from unduly interfering in religious rights: it must carry such rights into effect.⁷ The distinction between the *forum internum* and the *forum externum* appears in the ICCPR as well: freedom to maintain or to change religion or belief falls primarily within the domain of the inner faith and conscience of an individual. Protection of the individual from interference in the freedom of adopting a religion should be considered within the *forum internum*.⁸

Unlike the limitations clause found in Article 29 of the UDHR, which applies to all the rights and freedoms set forth therein, Article 18.3 of the ICCPR contains a limitation clause that refers only to limitations to be placed on freedom to manifest one's religion or belief. Unlike the other articles, the limitations clauses of Article 18 refer not to "national security" but to "public safety". In fact, the *travaux préparatoires* shed some light on the meaning of this term: during the fifth, sixth, and eighth sessions of the Commission on Human Rights, the English expression "public order" and the French expression "*l'ordre public*" gave rise to considerable discussion. In civil-law countries, *l'ordre public* is a legal concept used principally as a basis for negating or restricting private agreements in the exercise of police power or the application of foreign law. In common-law countries, the expression public order is ordinarily used to mean the absence of public disorder. The use of these expressions in the limitation clauses would create uncertainty and might constitute a basis for far-reaching derogations from the rights guaranteed. One proposal was made to change the "protection of public order" to the "prevention of public disorder". Another proposal was to add after the expression "public order" a modifying clause "in a democratic society". The limitation clause of Article 19 contains the expression "national security", and those of Articles 20 and 21, the expression "national security or public safety". It was also observed that the terms "national security" and "public safety" were not sufficiently precise to be used as a basis for the limitation of the exercise of the rights guaranteed. Although no separate discussion took place on Paragraph 3, several delegations expressed a preference for having the limitations clauses of the various articles of the Covenant drafted *mutatis mutandis* in identical terms. Finally, Paragraph 3, as drafted by the Commission on Human Rights, was adopted unanimously.⁹

Only manifestations of religion or religious practices can be restricted. In other words, the freedom of thought and conscience and the freedom to hold religious beliefs that are not translated into practices are beyond any restriction.¹⁰ Dinstein emphasizes that this disparity was not accidental, as it is noted in the *travaux préparatoires*, and argues that its implication is that freedom of religious observance can be restrained in order to preclude harm to human lives (extreme examples: human sacrifices, cannibalism, etc.). However, a political crisis affecting the security of the state cannot be used as an excuse to curtail religious freedom.¹¹ More reasonable examples can be found in life today, which witnesses hostile

⁶ Nowak, Manfred, U. N. Covenant on Civil and Political Rights – CCPR Commentary, N. P. Engel, Publisher, Kehl-Strasbourg- Arlington, 1993, p. 313, 317.

⁷ Margiotta Broglio, Francesco, "Il contenuto e l'espressione della libertà religiosa nelle convenzioni internazionali" in *La libertà religiosa*, Memoria del IX. Congresso Internacional de Derecho Canonico, Universidad Nacional Autónoma de México, 1996, p. 423.

⁸ Tahzib, *Freedom of Religion...*, p. 88.

⁹ Bossuyt, Marc J., *Guide to the "Travaux préparatoires" of the Covenant on Civil and Political Rights*, Martinus Nijhoff, 1987, p. 365-367.

¹⁰ Lerner, "Religious Human Rights...", p. 92.

¹¹ Dinstein, Yoram, "Freedom of Religion and the Protection of Religious Minorities" in Y. Dinstein and M. Tabory (eds.) *The Protection of Minorities and Human Rights*, Martinus Nijhoff Publishers, 1992, p. 151-152.

religious groups confronting one another or religious customs being made to serve political interests,¹² without forgetting terrorism. But such phenomena can hardly be considered as “manifestations” of religions; they are, rather, cases of its misuse. Religious freedom’s limitations regime is based on a fragile equilibrium: “Questions of faith are not infrequently professed and advocated with particular intensity, missionary zealotry, and fanaticism, which can prompt not only religious wars between different faiths but also the most severe measures of state suppression”.¹³

General Comment No. 22(48) on Article 18 (20 July 1993) provides an authoritative¹⁴ statement of the understanding of the article by the UN Human Rights Committee (which is the Covenant’s organ of control) and gives a quite far-reaching universal interpretation of Article 18, considering the manifold violations of this controversial right in actual state practice.¹⁵ Paragraph 8 is devoted to the restrictions on freedom of religion:

“Article 18(3) permits restrictions on the freedom to manifest religion or belief only if limitations are prescribed by law and are necessary to protect public safety, order, health and morals, or the fundamental rights and freedoms of others. The freedom from coercion to have or adopt a religion or belief and the liberty of the parents and guardians to ensure religious and moral education cannot be restricted. In interpreting the scope of permissible limitation clauses, States parties should proceed from the need to protect the rights guaranteed under the Covenant, including the right to equality and non-discrimination on all grounds specified in art. 2, 3 and 26. Limitations imposed must be established by law and must not be applied in a manner that would vitiate the rights guaranteed in article 18. The committee observes that paragraph 3 of article 18 is to be strictly interpreted: Restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security. Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes and applied in a discriminatory manner. The committee observes that the concept of morals derives from many social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition. Persons already subject to certain legitimate constraints, such as prisoners, continue to enjoy their right to manifest their religion or belief to the fullest extent compatible with the specific nature of the constraint. States parties’ reports should provide information on the full scope and effects of limitations under art. 18(3), both as a matter of law and of their application in specific circumstances.”¹⁶

Another article that is particularly pertinent to our issue is Article 20, which states that any propaganda for war and advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law. In the opinion of the Human Rights Committee (General Comment 11 of 29 July 1983), these required prohibitions are fully compatible with the right of freedom of expression as contained in Article 19, the exercise of which carries with it special duties and responsibilities.

¹² Nowak, U. N. Covenant..., p. 327.

¹³ Nowak, U. N. Covenant..., p. 320.

¹⁴ Evans, Malcom D, “Religious Liberty and international law in Europe, Cambridge University Press, 1997, p. 208.

¹⁵ Nowak, Manfred, “The Activities of the UN Human Rights Committee: Developments from 1 August 1992 to 31 July 1995” in Human Right Law Journal, vol. 16, No. 11-12, 1995, p. 379.

¹⁶ For the text: cf. Human rights Law Journal, vol 15, no. 4-5, 1994, p. 233-234.

The Committee's case law shows no cases relevant to direct relationship between religious phenomena and terrorism. However, a case regarding the misuse of religion for unlawful activities deserves some attention: the authors of the communication, "plenipotentiaries" of the so-called Assembly of the Church of the Universe, alleged that the judicial measures taken against their church had violated, among other things, their religious rights protected by Article 18. The tenets of this new church require cultivation, distribution, possession, and worshipping of the church's sacrament, "God's life tree", which is nothing other than marijuana, or *cannabis sativa*. In the Committee's view, the scope of Article 18 does not encompass the use of narcotics, and the communication constitutes an abuse of the right to present communications.¹⁷ Though irrelevant to terrorism, this case shows that no substantial infringement of law can be concealed by false religious practices.

1.1.3. The 1981 Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion and Belief¹⁸

The United Nations 1981 Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion and Belief, though not legally binding as a treaty obligation, stands as a milestone in the progressive development of human rights norms¹⁹ and may presently be considered as the most important international instrument regarding religious rights.²⁰ It distills many of the principles articulated in the ICCPR. Article 1.3 deals with the regime of limitations:

"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."

Proposals to add "national security" to the list of permissible limitations in Article 1.3 were not accepted.²¹ On the other hand, restraints based upon public morals, may, because of the inherent vagueness of the concept of morals, be abused to challenge the principles upon which the Declaration is based through attacks on the expression of beliefs and practices that diverge from the norm of majoritarian values. Restrictions upon proselytizing, which would be permissible under the Declaration to protect the rights of those targeted by the proselytizing activities, may conflict with the freedom of expression guaranteed in Article 19 of the ICCPR.²² Independent courts acting according to the rule of due process can be an effective counterweight to the arbitrary exercise of government authority.²³

Parallel to the limitations clauses, Article 1.2 prohibits coercion that would impair the freedom to have a religion or belief of one's choice and, therefore, forbids clearly the use or threat of physical force to compel believers (or non-believers) to abjure or to convert. An attack on the intellectual and psychological aspects of belief should be encompassed by the prohibited forms of coercion.²⁴ Accordingly, in case terrorism is used in order to exert such coercion, the state has not only the right, but also the duty, to prevent it.

¹⁷ Communication No. 570/1993, M.A.B., W.A.T. et J.A.Y.T c. Canada, 8 April 1994, Rapport du comité des droits de l'homme, vol. XI, Assemblée générale, Documents officiels, 49^eme session, p. 390-392.

¹⁸ For the preparation process of the Declaration see: Lerner, Natan, "Toward a Declaration Against Religious Intolerance and Discrimination" in Israel Yearbook of Human Rights, vol. 11, 1981, p. 84-89; Lerner, Natan, "The Final Text of the U. N: Declaration Against Intolerance and Discrimination Based on Religion or Belief" in Israel Yearbook of Human Rights, vol. 12, 1982, s. 186-188; Odio Benito, Elizabeth, (Rapporteur spécial de la Sous-commission de la lutte contre les mesures discriminatoires et de la protection des minorités) Elimination de toutes les formes d'intolérance et de discrimination fondées sur la religion ou la conviction, Nations Unies, New York, 1989.

¹⁹ Sullivan, Donna J., "Advancing the Freedom of Religion or Belief Through the UN Declaration on the Elimination of Religious Intolerance and Discrimination" in American Journal of International Law, vol 82, 1988, p. 488.

²⁰ Lerner, "Religious Human Rights...", p. 114.

²¹ Tahzib, Freedom of Religion..., p.169.

²² Sullivan, Donna J., "Advancing the Freedom of Religion...", p. 496, 499.

²³ Tahzib, Freedom of Religion..., p.170.

²⁴ Sullivan, Donna J., "Advancing the Freedom of Religion...", p. 4494.

1.2. *European Convention on Human Rights*

Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, ECHR), which contains the Convention's key substantive provisions on freedom of religion or belief, closely parallels the language of the UDHR and was drafted soon after the Universal Declaration.

1. Everyone has the right to freedom of thought, conscience and religion; this rights includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals or for the protection of the right and freedom of others.

The European Court of Human Rights pays special attention to the freedom of religion: "As enshrined in art. 9, freedom of thought, conscience and religion is one of the foundations of a 'democratic society' within the meaning of the Convention. It is, in its religious dimension, one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society which has been dearly won over the centuries, depends on it".²⁵

As for the limitations clauses, the *Travaux préparatoires* reveal that the terms "necessary for the interest of national security" were replaced by "necessary in a democratic society". This criterion, which serves to determine the concepts of public order, public health, morals, and public security (or safety) figuring the Articles 8, 9, 10, and 11, was introduced in order to convince the states that favour a casuistical method in drafting the ECHR.²⁶

Article 9 distinguishes the inner aspect of freedom of religion (*forum internum*) and its manifestations (*forum externum*). Only these latter may be subject to limitations; freedom of religion has, therefore, a privileged position vis-à-vis the other freedoms guaranteed by the ECHR. As the European Court of Human Rights has pointed out: "The fundamental nature of the rights guaranteed by art. 9 § 1 is also reflected in the wording of the paragraph providing for limitations for them. Unlike the second paragraphs of articles 8, 10 and 11 which cover all the rights mentioned in the first paragraphs of those articles, that of art. 9 refers only to 'freedom to manifest one's religion or belief'. In so doing, it recognizes that in democratic societies, in which several religions coexist within one and the same population, it may be necessary to place restrictions on this freedom in order to reconcile the interest of various groups and ensure that everyone's beliefs are respected."²⁷ Indeed, the fact that the freedom of religion is an element of a democratic and pluralistic society entails the placing of limitations thereupon in order to protect everyone's rights.²⁸ Nevertheless, unlike Article 18 of the ICCPR, Article 9 is not included among the rights that cannot be derogated from in times of war or public emergency

²⁵ Kokkinakis v. Greece, 3/1992/348/421, 25 /5/1993, § 31.

²⁶ Margiotta Broglio, Francesco, *La protezione internazionale della libertà religiosa nella Convenzione Europea dei diritti dell'Uomo*, Giuffrè, Milano, 1967, p. 24-25.

²⁷ Kokkinakis v. Greece, 3/1992/348/421, 25 /5/1993, § 33.

²⁸ Coussirat-Coustère, Vincent, "Article 9 § 2" in *La Convention Européenne des droits de l'Homme*, Commentaire article par article sous la direction de Louis Edmond Pettiti-Emmanuel Decaux-Pierre Henri Imbert, Economica, 1995, p.361.

that threatens the life of the nation, according to Article 15 of the ECHR. But this may be done only to “the extent strictly required by the exigencies of the situation”.

The limitations clauses figuring in the second paragraphs are worded on the same model and, though they contain differences, Strasbourg judges have shown a tendency to consider them together.²⁹ While assessing whether there is a violation of the Convention, the European Court of Human Rights poses four major questions: (1) Has there been interference with the rights concerned? (2) If so, is it prescribed by law? (3) Is it directed at one or more of the legitimate aims in Paragraph 2 of Article 9? (4) Is it necessary in a democratic society for achieving them?³⁰ The reason underlying the interrogation about the “legality” of the measure is to limit the executive’s arbitrary interference by the legislative power or by the judiciary. Among legitimate aims, one can distinguish, summarily, those of public interest, such as public safety, public health, etc., and those of private interest, namely, the freedom of others.³¹ These concepts would legitimate whatever arbitrary measures taken by the states if comprehended in an extensive manner; it is, therefore, necessary to interpret them restrictively.³² “The Court has consistently held that a certain margin of appreciation is to be left to the Contracting States in assessing the existence and the of interference, but this margin is subject to European supervision, embracing both the legislation and the decisions applying it, even those given by an independent court. The Court’s task is to determine whether the measures taken at national level were justified in principle and proportionate.”³³

1.3. OSCE Documents

The Organization for Security and Co-operation in Europe (OSCE)³⁴ was created as a negotiating forum designed to encourage peaceful co-existence between two irreconcilable ideologies that divided East from West in post-World War II Europe. The collapse of the Soviet bloc revealed that the CSCE had contributed to the liberalization process of the Eastern European countries through activities aimed at rendering effective the protection of fundamental freedoms.³⁵ Today, the OSCE is an intergovernmental institution committed to the promotion and preservation of human rights, the rule of law, and democratic pluralism. This transformation has had a major impact on the development by the OSCE of rules to foster religious tolerance in Europe.³⁶ It may be argued that, “apart from the human rights with a transborder character, religious freedom has, of all human rights, received the most attention in the documents of the CSCE (OSCE)”.³⁷ In the political agreement that made the OSCE documents possible and the acceptance, by the Soviets, of undertakings relating to human rights, particularly freedom of religion, it is possible to see the “seeds” that led to the collapse of Eastern European communism.³⁸ The

²⁹ Ktistakis, Ioannis, *La liberté de religion devant les organes de la Convention européenne des droits de l’Homme – Respect des traditions des différents pays européens ou formation d’un jus commune en matière des droits de l’Homme*, Mémoire préparé par Ioannis Ktistakis sous la direction de François Rigaux, dans le cadre du Mastère en Théorie du droit, Académie européenne de Théorie du droit, (yayınlanmamış yüksek lisans tezi) août 1996, p. 37.

³⁰ Greer, Steven, *Les exceptions aux articles 8-11 de la Convention européenne des droits de l’homme*, éditions du Conseil de l’Europe, Dossiers sur les droits de l’Homme, No. 15, 1997, p. 7.

³¹ Greer, Steven, *Les exceptions...*, p. 9,18.

³² Martinez-Torron, Javier, “La giurisprudenza degli organi di Strasburgo sulla libertà religiosa” in *Rivista internazionale dei diritti de l’uomo*, , 1993, p. 365.

³³ Kokkinakis v. Greece, 3/1992/348/421, 25 /5/1993, § 47

³⁴ The Conference on Security and Co-operation in Europe (CSCE) was transformed into the Organization for Security and Co-operation in Europe by the Budapest Document of 1994.

³⁵ Giglio, Cristina, “I diritti umani nel processo CSCE: dalla contrapposizione ideologica all’accordo sui principi” in *Rivista internazionale dei diritti dell’uomo*, 1993, p. 429.

³⁶ Buergenthal, Thomas, “The CSCE and the Promotion of Racial and Religious Tolerance” in *Israel Yearbook of Human Rights*,, vol 22, 1992, p. 31.

³⁷ Luchterhandt, Otto, “The CSCE Norms on Religious Freedom and Their Effects on the Reform of Soviet Legislation on Religion”, in A. Bloed and P. Van Dijk (eds.) *The Human Dimension of the Helsinki Process* Kluwer Academic Publishers, Netherlands, 1991, p. 162.

³⁸ Evans, “Religious Liberty...”, p. 366.

fact that the Holy See has played a very active role since the beginning of the Helsinki negotiations is also meaningful.³⁹

OSCE human dimension documents subsequent to the 1975 Helsinki Final Act have continued to deal with issues regarding freedom of religion.⁴⁰ As for the permissible limitations *regime*, the Vienna Concluding Document of 1989 and the Copenhagen Document of 1990 are particularly pertinent.

Paragraph 17 of the Vienna Document states that “participating States recognize the exercise of the above mentioned rights relating to freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their law and regulations and in their application the full and effective exercise of freedom of thought, conscience, religion or belief”.

The Copenhagen Document reaffirms that the exercise of religious rights may be subject only to such restrictions as are prescribed by law and consistent with international standards.

During the OSCE Ministerial Council in Bucharest in December 2001, the participating States stated that the fight against terrorism is not a war against religions or peoples and confirmed the commitment to the protection of human rights and fundamental freedoms.

The legal nature of the OSCE,⁴¹ and especially of its documents, constitutes a long debate. Theoretically speaking, OSCE documents are not international treaties and belong to the ambiguous category of “soft law”.⁴² Let us restrain to affirm that: “The legal binding force of these documents is not seriously doubted ... A commitment does not have to be legally binding in order to have binding force; the distinction between legal and non-legal binding force resides in the legal consequences attached to the binding force, not in the binding force as such”.⁴³

2. ***Terrorism and Permissible Restrictions to Freedom of Religion***

“Terrorism is a threat to democracy” is a *cliché* that is often repeated, especially in the political discourse. In fact, it has several meanings: terrorism actually aims to destroy democracy. Then, democracy must be defended against terrorism. But terrorism may destroy democracy by reaction, because democracy is founded upon a certain conception of human rights.⁴⁴ Efforts to respond to terrorism may be used to restrict the ambit of personal liberty that is the very heart of liberal societies and often the real target of the terrorist.⁴⁵ On the other hand, “counter-terrorism, in adopting abnormal rules that are distinct from the normal rules ... creates international needs to reconcile and harmonize

³⁹ Barberini, Giovanni, “La partecipazione della Santa Sede alla Conferenza di Helsinki-Un contributo alla tutela dei diritti umani et della libertà religiosa” in *La tutela della libertà di religione. Ordinamento internazionale e normative confessionali*, a cura di Silvio Ferrai e Tullio Scovazzi, Cedam, Padova, 1988, p. 172-190, Russo, Carlo, “La libertà religiosa nel processo di sicurezza e cooperazione in Europa dall’Atto finale di Helsinki al Documento conclusivo di Vienna” in *Présence du droit public et des droits de l’homme. Mélanges offerts à Jacques Velu*, vol. 3, Bruylant, Bruxelles, 1992, pp. 1824-1827.

⁴⁰ See Documents on the Human Dimension of the OSCE, Collection prepared by Dr. Dominic McGoldrick, Warsaw, 1995.

⁴¹ See Bertrand, Christine, “La nature juridique de l’Organisation pour la sécurité et la coopération en Europe(OSCE)” in *Revue générale de droit international public*, 1998-2, pp. 365 and ff.

⁴² See Karakaç, İtül, “Uluslararası Hukukta Yeni Edilimler: ‘Soft Law’ ve İnsan Hakları” (Soft Law and Human Rights) in *Uluslararası Politikada Yeni Alanlar, Yeni Bakışlar*, (New Issues and Perspectives in International Relations edited by Faruk Sönmezodlu), Der Publishers, İstanbul, 1998, pp. 117 and ff.

⁴³ Wright, Jane, “The OSCE and the protection of Minority Rights”, in *Human Rights Quarterly*, vol18, no. 1, 1996, p.193

⁴⁴ Soulier, Gérard, “La lutte contre le terrorisme et droits d’homme-De la Convention à la Cour européenne des droits de l’homme” in *Revue de science criminelle et de droit comparé*, (3), 1987, p. 663.

⁴⁵ Reisman, Michael, W, “International Legal Responses to Terrorism” in *Houston Journal of International Law*, vol 22:1 1999, p. 61.

these exceptional norms within the normal, constitutionally posited rules. Without such reconciliation and harmonization, counter-terrorist measures are destructive of constitutions, that is the public law framework of the legitimate exercise of authority".⁴⁶ The European Court of Human Rights, "being aware of the danger ... of undermining or even destroying democracy on the ground of defending it, affirms that the Contracting States may not, in the name of struggle against espionage and terrorism, adopt whatever measures they deem appropriate".⁴⁷

In fact, when faced with terrorism, states can take measures restraining or derogating from human rights and freedoms, *inter alia*, freedom of religion. However, states do not enjoy discretionary powers in doing so. Their decisions are subject to international rules. Among these, the ECHR deserves particular attention, because it constitutes the most elaborate system recognizing the individual as a subject of international law, and its jurisprudence displays a wide variety of legal situations.

We have seen the limitations clauses provided in Article 9. The fundamental difference between derogations and restrictions can be explained in a simplistic way as follows: whereas the restrictions comprise interference, making the enjoyment of the right concerned more onerous but not impossible, the derogations suspend the enjoyment of the right.⁴⁸ Article 15 of the ECHR, entitled "Derogation in time of emergency", reads:

- "1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.
- "2. No derogation from article 2, except in respect of deaths resulting from lawful acts of war, or from articles 3, 4, (paragraph 1) and 7 shall be made under this provision.
- "3. Any High Contracting Party availing itself of this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures which it has taken and the reasons therefor. It shall also inform the Secretary General of the Council of Europe when such measures have ceased to operate and the provisions of the Convention are again being fully executed."

According to the *Travaux préparatoires*, the insertion of Article 15 into the ECHR was due to a British initiative, supported by Greece and Belgium, despite French and Italian opposition.⁴⁹ It seems that Article 15 constitutes a clause of necessity and transposes into the Convention's law the state of necessity as it was developed in domestic law, particularly in civil law, criminal law, and constitutional law.⁵⁰ Paragraph 2 deals with the intangible rights that constitute the "*noyau dur*" and would be considered as part of *jus cogens*.⁵¹

⁴⁶ Schiff, David, "Managing terrorism in the British way" in *Terrorism and international law*, Edited by Rosalyn Higgins and Maurice Flory, Routledge, 1999 (reprint), p. 126.

⁴⁷ *Klass and others v. Germany*, 6 September 1978, § 49.

⁴⁸ Jean, Patrice, "The jurisprudence of the European Commission and Court of Human Rights with regard to terrorism" in *Terrorism and international law*, Edited by Rosalyn Higgins and Maurice Flory, Routledge, 1999 (reprint), p. 224-225.

⁴⁹ Tavernier, Paul, "Article 15" in *La Convention européenne des droits de l'homme. Commentaire article par article*, sous la direction de Louis Edmond Pettiti, Emmanuel Decaux, Pierre-Henri Imbert, Economica, Paris, 1999, p. 490.

⁵⁰ Ergeç, Ruşen, *Les droits de l'homme à l'épreuve des circonstances exceptionnelles. Etude sur l'article 15 de la Convention européenne des droits de l'homme*, Bruylant, Bruw xelles, 1987, pp. 39 et ff.

⁵¹ See. Sudre, Frédéric, *Droit international des droits de l'homme*, PUF, 1989, pp. 118-121, Tavernier, Paul, "Article 15" p. 498.

Article 15.3 requires that the Council of Europe be notified of all measures taken pursuant to the derogation and of the reasons therefor. The measures taken must be limited to the extent strictly required by the exigencies of the situation, according to the general principle of proportionality. Furthermore, the expression “not inconsistent with its other obligations under international law” provides complementary human rights protection.⁵²

In its *Lawless* Judgement, the European Court of Human Rights has affirmed its competence in assessing the existence of a public emergency threatening the life of the nation and stated that, “it is for the Court to determine whether the conditions laid down in art. 15 for the exercise of the exceptional right of derogation have been fulfilled in the present case”.⁵³

The jurisprudence of the institutions of the ECHR is made up of few cases with respect to the derogation clauses and terrorism. Article 9 has rarely surfaced in this matter. In a case resulting from a protest campaign by prisoners demanding special status as political prisoners, the European Committee on Human Rights specified that Article 9 does not imply the right to preferential status as a political prisoner, thus rejecting the contentions of *McFeeley* and others that the obligation of wearing a prison uniform and doing prison work was interference with their freedom of conscience.⁵⁴

3. Freedom of Association and Monitoring of Financing of Terrorism

Freedom of religion is closely connected with freedom of association, since religious communities need to organize themselves in the form of associations in order to perform religious rites; to ensure teaching for believers, especially for the youth; to publish religious literature; etc. On the other hand, it may occur that so-called religious terrorist groups misuse a religious association as a disguise for their criminal activity or to finance the latter. Article 11 of the ECHR deals with freedom of association, and its Paragraph 2 provides for the *regime* of restrictions:

“No restrictions shall be placed on the exercise of these rights (Freedom of peaceful assembly and association) other than such are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedom of others. ...”

In assessing the right to association, the European Court of Human Rights emphasizes that exceptions are to be construed strictly. In the *Sidiropoulos and Others v. Greece* Judgement, the European Court of Human Rights stated categorically that “the right to form an association is an inherent part of the right to freedom of association” and that “citizens should be able to form a legal entity in order to act collectively in a field of mutual interest association... Certainly States have a right to satisfy themselves that an association’s aim and activities are in conformity with the rules laid down by the legislation but they must do so in a manner compatible with their obligations under the Convention and subject to review by the Convention”⁵⁵ institutions. What is said for secular associations is valid for the religious ones. In the *Serif v. Greece* case, regarding the replacement by Greek authorities of a Muslim religious leader elected by the Turkish community of Western Thrace, religious freedom and freedom to association intermingle: the European Court of Human Rights concluded that there was a violation of

⁵² See Jean, *The jurisprudence...*, p. 224.

⁵³ *Lawless v. Ireland* 332/57, 1/7/1961, (Merits) § 22.

⁵⁴ *McFeeley and others v. United Kingdom*, Decisions and Reports, 20, pp. 44 and ff.

⁵⁵ *Sidiropoulos and other v. Greece*, 16695/95, 10/7/1998, § 40.

Article 9 and stated that, “in democratic societies, the State (does not need) to take measures to ensure that religious communities remain or are brought under a unified leadership”.⁵⁶

Accordingly, freedom of association enjoys a very wide scope of protection by the ECHR, but it may, however, be subject to restrictions justified by reasons of national security or public safety, for the prevention of disorder or crime. Terrorism is obviously included in these legitimate aims.

Other international instruments deal with the problem of the financing of terrorism. The United Nations International Convention for the Suppression of the Financing of Terrorism is entirely devoted to this problem. Regarding associations and other legal entities, Article 5 reads:

“(§ 1) Each State Party, in accordance with its domestic legal principles, shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for the management or control of this legal entity has, in that capacity, committed an offence set forth in art. 2. (*Definition and description of offences*) Such liability may be criminal, civil or administrative.

...

“(§ 3) Each State Party shall ensure, in particular, that legal entities liable in accordance with paragraph 1 above are subject to effective, proportionate and dissuasive criminal, civil or administrative sanctions. Such sanctions may include monetary sanctions.”

Regarding international co-operation, Article 18 calls upon States Parties to “cooperate in the prevention of the offences set forth in art 2 by taking all practicable measures, *inter alia*, by adapting their domestic legislation, if necessary, to prevent and counter preparations in their respective territories for the commission of those offences within or outside their territories, including: (a) Measures to prohibit in their territories illegal activities of persons and organizations that knowingly encourage, instigate, organize or engage in the commission of offences set forth in art. 2. ...”

In its Resolution 1373(2001) adopted subsequently to the cataclysm of 11 September 2001, the Security Council of the United Nations decided that all states shall:

“(art. 1...§ b) criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;... § (d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled directly or indirectly, by such persons and of persons and entities acting in behalf of or at the direction of such persons.”

By Article 6, the Security Council decided to establish a committee consisting of all members of the Council to monitor implementation of this resolution and called upon all states to report to the committee on the steps they have taken to implement this resolution.

As a country that has long suffered from terrorism, and being still a major target, Turkey has welcomed the adoption of Security Council Resolution 1373(2001), which constitutes, according to the official

⁵⁶ Serif and other v. Greece, 38178/97, 14 December 1999, § 52.

point of view, a solid and comprehensive instrument for combating terrorism on a universal scale. It submitted the report required by the Resolution as early as December 2001 and specified, among other things, its legislation containing provisions that may apply to prevent and suppress the financing of terrorist acts, namely, the law on the fight against terrorism, the Penal Code, the law on the prevention of money laundering, and the law on the prevention of benefit-oriented criminal organizations. Turkish legislation also contains regulatory provisions barring the financing of terrorist activity. Pursuant to the request by the Government of the United States of America concerning the blocking of the assets of persons, companies, and organizations connected with Osama bin Laden and the Al-Qaeda terrorist organization, the Government of Turkey launched an official investigation that resulted in the identification of one individual of foreign nationality having assets in Turkey. The assets of this individual were blocked through an administrative decision taken by the Investigation Board of the Ministry of Finance.⁵⁷

4. *Instead of a Conclusion. Religion and Terrorism: Incompatible by Nature*

“One of the significant changes in the field of terrorism over the past 20 years has been the increase in the number of groups claiming religious beliefs as source of legitimacy for their actions.”⁵⁸ The most attention is being paid to Islamic radical groups, especially after 11 September, needless to say. World public opinion, approved or even encouraged by some Western scholars and politicians, tends to consider Islam itself as a genuine source of terrorist violence, overlooking the economic and socio-cultural aspects of the problem.⁵⁹ The tragic events of 11 September 2001 contributed considerably to feed such prejudices. Fortunately, some institutions have taken care to specify the nature of the fight against terrorism: the NATO Parliamentary Assembly declared in its Ottawa Plenary Session of 9 October 2001: “3) We will not fall into the trap of the terrorists who want to lure us into a conflict between religions and cultures. We pledge to defend civilisation and culture against barbarism. All religions and cultural heritages stand together in this effort based on universal values”.⁶⁰

It is undeniable that the so-called Islamic terrorists pretend to act in the name of Islam.⁶¹ But for propaganda reasons, most terrorists avoid the term terrorism. According to the interpretation of the terrorist, terrorism is “war”, and civilian targets represent an “active front”. For argument’s sake, accept for a moment the terrorist’s position: terrorism is war. Even if this is the case, Islamic tradition would still condemn such acts, because it places strict limitations upon the exercise of military force.⁶² “Islamic religious ethics emphasize orderly and peaceful social relations and condemn clandestine violence against defenceless victims ... Islamic law prohibits all violence except in official punishment of crime, strict private self-defence or against combatants in formally declared legitimate war as regulated by law.”⁶³

⁵⁷ “Measures Taken by the Republic of Turkey Against Terrorism”, Report to the Security Council Committee established pursuant to resolution 1373(2001), December 2001.

⁵⁸ Mayer, Jean-François, “Cults, Violence and Religious Terrorism: An International perspectives” in *Studies in Conflict and Terrorism*, 24, 200, p. 361.

⁵⁹ In its 1989 Resolution, the General Assembly of the United Nations had called for states “...to contribute to the progressive elimination of the causes underlying international terrorism and to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien domination and foreign occupation, that may give rise to international terrorism and may endanger international peace and security. (GA Resolution 44/29, 4 December 1989, cited by Higgins, Rosalyn, “The general international law of terrorism” in *Terrorism and international law*, edited by Rosalyn Higgins and Maurice Flory, Routledge, 1999 (reprint), p. 19) See also Fox, Jonathan, “Religion as an Overlooked Element of International Relations” in *International Studies Review*, vol. 3 issue 3, 2001, p. 71: “...in much of the Third World, the failure of secular Governments... has led to a legitimacy crisis that has facilitated or even enhanced the ability of religious movements to oppose them”.

⁶⁰ Document AU 262SA(01) 12 rev 1.

⁶¹ A historical perspective shows us that terrorism is not only an appanage of Islam and many ancient religious traditions have made their terrorist “contributions”, such as the Jewish Zealots-Sicarii or the Hindu Thugs. See: An-Naim, Abdullahi Ahmed, “Islamic Ambivalence to Political Violence: Islamic Law and International Terrorism” in *German Yearbook of International Law*, vol 31, 1988, p. 310.

⁶² Schwartz, David Aaron “International Terrorism and Islamic Law” in *Columbia Journal of Transactional Law*, 29, 1991, p. 640.

⁶³ An-Naim, Abdullahi Ahmed, “Islamic Ambivalence to Political Violence: Islamic Law and International Terrorism” in *German Yearbook of International Law*, vol. 31, 1988, p. 307.

It would not be erroneous or exaggerated to assert that the first positive rules on humanitarian law were set up by Islamic tradition. Although Islam is a younger religion than Christianity, its tradition on war and peace coalesced before the Christian one did.⁶⁴ As early as 634 AD, Caliph Abu Bakr established rules of humanitarian warfare based on religious prescription to govern the conduct of his Islamic army against Syrian Christians.⁶⁵ These rules include, among others, respect for monks, priests, and their monasteries; an absolute prohibition against killing women, children, or religious men, unless they are involved in warfare; a prohibition against destroying orchards and palm trees and against setting fire to houses; and an obligation to treat prisoners with dignity.⁶⁶ The eighth-century Islamic scholar Shaybani built the Islamic law-of-war doctrine basically on the Prophet's hadiths and the aforementioned rules.⁶⁷

The use of civilian targets by the so-called Islamist terrorists leads unavoidably to a violation of Islamic rules of war. Therefore, the ideology of Islamist terrorists turns into a vicious circle: pretension to defend Islam by ... violating its primordial rules.

Prejudices among believers of various religions, or about one specific religion, proceed from a certain lack of knowledge. The more human beings get acquainted with others, the more they realize that they have more to share than to litigate. As Leonardo da Vinci, the apex of Renaissance thought, art, and science, stated: "Love for anything is the son of its cognition. Love is more fervent as the cognition is more certain". Religion appeals to one's conscience, to the heart, and most religions seek to liberate the individual from sin, hatred, preoccupation with material things, and oppression by others.⁶⁸ Inter-religious dialogue constitutes the hope to "disarm the evil by the goodness"⁶⁹ and to outpace Huntington's "clash of civilizations" towards a harmony between cultures in the name of a humanism reconciled with modernity and rooted in all religions' universal values.⁷⁰

At the Assisi meeting of September 1994, the representatives of almost all religions and confessions signed up to a declaration that states: "In the name of God, we declare to all human beings, believer or not: There is no holy war. Only peace is holy".⁷¹ An International Conference on Peace and Tolerance was held at Istanbul on 7-9 February 1994, gathering more than one hundred high representatives of Judaism, Christianity, and Islam. The participants agreed, in the concluding declaration, that war cannot be justified in the name of God and a crime committed in the name of religion is a crime against religion.⁷²

⁶⁴ Mayer, Ann Elizabeth, "War and Peace in the Islamic Tradition and International Law" in *Just War and Jihad, Historical and Theoretical Perspectives on War and Peace in Western and Islamic Traditions*, edited by John Kelsey and James Turner Johnston, Greenwood Press, Westport, 1991, p. 195.

⁶⁵ Naftzinger, James A. R. "The functions of Religion in the International Legal System" in *The Influence Religion on the Development of International Law*, edited by Mark W. Janis, Martinus Nijhoff Publishers, 1991, p. 157.

⁶⁶ Ahmed Rechid (Turnagil) "L'Islam et le droit des gens" in *Recueil des Cours de L'Académie de Droit International*, tome 60, 1937, p. 452-453., Truyol y Serra, Antonio, *Histoire du droit international public*, Economica, Paris, 1995, p 21-22, 37.,

⁶⁷ See. Muhammad ibn al-Hasan ach-Chaibani, *Le Grand Livre de la conduite de l'Etat*, (Kitab as-Siyar al Kabir, commenté par Abu Bakr Muhammad ibn Abu Sahl Ahmed, Chams al-A'immah as Sarakhsi, traduit par Muhammed Hamidullah, éditions Türkiye Diyanet Vakfı, Ankara, 1989.

⁶⁸ Arinze, Cardinal Francis, "Interreligious Dialogue at the Service of Peace" (Lecture given at the University of Ankara) in *Islamochristiana*, 13, Rome, 1987, p. 3.

⁶⁹ Talbi, Mohamed, "Le message de paix de l'Islam. Contribution à une théologie oecuménique de la Paix" in *Recueil d'articles offerts à Maurice BORRMANS par ses collègues et amis*, Rome, 1996, p. 231.

⁷⁰ Borrmans, Maurice, "Cultures et civilisations au service de l'homme: du conflit à l'harmonie" in *Islamochristiana*, (Rome) 27, 2001, p.55.

⁷¹ Cited by Talbi, "Le message de paix ...", pp. 237-238.

⁷² Jacob, Xavier, "Les relations islamo-chrétiens en Turquie" in *Islamochristiana*, (Rome) 21, 1995, p. 111. Mgr. Pelâtre, the Vicaire apostolique of Vatican at Istanbul, comments on the conference in the following terms: "It has never been observed yet Muslim Turbans and Orthodox Bishops' hats, green-dressed religious chiefs of Albanian Bektashis and a Catholic Cardinal fraternizing in the O Greek Patriarchate's halls. We are not accustomed to hear the Patriarch presenting his greetings for the next-coming Ramadan to the Muslims. During the Conference's sessions, the President of Religious Affairs of Turkey, the Greek Patriarch and the Great Rabbi Scheneier as well as other Jewish delegates were sat together." (*Yn Présence*, March 1994, cited by Jacob, p. 111).

The use of religion in the discourse of terrorism is simply nonsense and is based on the distortion of holy texts, as well as on the misuse of socio-economic conditions. Humanity could not overcome so-called religious terrorism without taking into account these realities. On the other hand, believers should take the initiative and show the courage to criticize their own co-religionists who tolerate or approve of terrorism. Of course, academic wishful thinking is not always easily implemented in real life, and the *arcana* of legal reasoning hardly resists terrorist discourse. I would like to finish this presentation by expressing my hopes that the words of King Solomon, a symbol of wisdom venerated by three monotheistic religions, come true: "There is that speaketh like the piercings of a sword, but the tongue of the wise is health".⁷³

⁷³ Proverbs, 12/18.

2. Introductory Remarks by Dr. Nancy North, Charity Commission for England and Wales, Council of Europe Expert

THE ROLE OF RELIGION IN A MODERN DEMOCRATIC SOCIETY: RESPONDING TO SECURITY THREATS WITHOUT INFRINGING ON FUNDAMENTAL RIGHTS

Note: This is not a verbatim account, since the presentation was made from notes. It seeks to provide a faithful representation of the themes.

European history offers us extreme examples of religious intolerance. In 16th-century England, and depending on which monarch ruled at the time, adherence to either the Roman Catholic or Protestant faith brought persecution and sometimes death to the believer. One's religion was synonymous with one's politics, and it registered an identity that might bring persecution by the state. However, the freedom to practise religious belief has long been regarded as an important principle in civil society, and now, perhaps more than ever, we need the religions of the world to be vigorous in their assertion of a moral code that, above all else, supports the right to life, Article 2 of the Convention. Equally in these uncertain and uneasy times, states must be vigilant against the unjustified infringement of human rights. We need to be particularly protective of the freedom to practise religion, since some terrorist elements have exploited religion to justify heinous actions that have no foundation in religious tenets, resulting in unjustified prejudice against religions. Thus, in executing its duty to protect its citizens, a state should not only discriminate between the legitimate pursuit of religious belief and maleficent distortions but should also support and, if necessary, protect followers of a particular faith from the ignorant and misguided reactions of others. In these challenging times, the law is an essential moral touchstone and regulator of human rights.

Human Rights and UK Law

Human rights law in the United Kingdom is grounded in the European Convention of Human Rights (ECHR). Article 9 of the ECHR maintains the right to freedom of thought, conscience, and religion and asserts the freedom of an individual to manifest her/his religion or belief in worship, teaching practice, and observance. There are two limbs to this right. The first element is an absolute right: no government should attempt to coerce an individual's thinking or compel them to reveal or change their beliefs. The second element, the right to manifest one's religion or beliefs, is limited by considerations of public interest, for example, in the interests of public safety, public order, or the protection of the rights and freedoms of others. Decisions that interfere with this in order to serve a greater good must therefore be carefully weighed.

Since the 1998 Human Rights Act, courts in the United Kingdom considering issues of common law must have regard to the ECHR. Precedents incompatible with Convention rights are not binding on decisions of the courts. In addition, primary legislation may be declared incompatible with Convention rights by a higher court (e.g., the Court of Appeal). This would trigger action by the government to correct the anomaly. As a consequence of the Human Rights Act, all public authorities must adhere to Convention rights.

Using the Charity Commission as an example of a public authority, I will explain how consideration of human rights issues must and can be integrated into public functions. I will also describe the charity sector in England and Wales. Please be aware that the definition of a charity is very precise in law and that not all non-governmental organizations (NGOs) are considered charities even if they might be

viewed, in the general use of the term, as undertaking charitable or worthy work. However, the issues I will discuss apply equally to NGOs.

The Commission is a government agency charged with the regulation of charities in England and Wales (Scotland and Northern Ireland have different arrangements). At present, approximately 185,000 charities are registered, with a combined annual income of £ 25 billion (approximately ₣39 billion). There are benefits associated with registration, including respectability, with which comes the power to persuade the public to give, and various forms of tax relief, which help to maximize income for a charity's good work.

The Commission's concern is to sustain the good reputation of the charity sector in England and Wales and to safeguard funds from maladroitness or criminal actions. It maintains a live register of charities and requires them to submit annual accounts and a statement of their activities. The latter should be in keeping with the "purposes" (declared aims) of the charity. Charities that are found to have discrepancies in their accounting processes, or whose actions seem ill-advised, are invited to explain, and the Commission will advise them on correct approaches for the future. Where there is serious cause for concern, the Commission has a statutory duty to investigate and will, if necessary, invoke its powers under the 1993 Charities Act.

Charities/NGOs are attractive prospects for terrorist groups. To begin with, the idea of a charity – especially a religious one – is very appealing. Charities are seen as "doing good" and therefore tend to be regarded with less suspicion by governments. Their reputation as benevolent organizations provides an excellent means of raising funds for terrorist purposes, and their facilities offer both cover and support for the organization of terrorist operations. Overseas destinations for aid frequently coincide with areas of political unrest in which proscribed groups may operate. This is a fortunate coincidence for terrorist groups, since it can provide a useful means of transferring funds without arousing suspicion, a process that exploits the inconsistent regulation of charities across borders. It should be remembered that the vast majority of NGOs are legitimate concerns; we would nevertheless like them to be on their guard against exploitation by others.

The Commission will always investigate any allegations of a charity's links with terrorism. This, of course, includes those charities whose objects or purposes relate to the teaching or practice of religion. Its powers are formidable and include the ability to require financial information and documentary evidence and to freeze bank accounts while sanctioning those payments essential to ensure that no harm comes to beneficiaries; to restrain the actions of trustees; to remove trustees and appoint others; and to appoint a receiver and a manager to temporarily take control. The Commission takes very seriously its obligation to adhere to the European Convention on Human Rights in all its functions, and its processes reflect this. For example, it ensures that its regulations and policies are clearly stated on its website (<http://www.charity-commission.gov.uk>) and in booklet form, that decisions and actions are based on objective evidence and are proportionate, and that there is a clearly stated internal appeal process. Ultimately, Commission decisions are open to judicial review. In the execution of any of its powers, the Commission will take steps to ensure that the essential needs of a charity's beneficiaries are met. For example, payments would be authorized for essential services such as heating and lighting to enable religious services to take place.

Here are some examples, published on our website, of investigations the Commission has undertaken into charities.

- **The Trusts of St. Michael and St. George.** The two linked trusts were established for the furtherance of the Roman Catholic religion. Investigations revealed unacceptable links with the International Third Position, a far-right movement. Funds were being transferred to Spain that were deemed inappropriate under the stated objects or aims of the charity. During the investigation, the charity's accounts were frozen to stop the flight of money. Ultimately, the charities were persuaded to sever their connections with the International Third Position. They continue as registered charities.
- **Iran Aid.** This registered charity dispatched considerable sums of money via Germany and the United Arab Emirates allegedly to support needy beneficiaries in Iran. Allegations were received by the Commission that the beneficiary was a guerrilla organization in Iran and not those stated by the charity: children of alleged victims of torture. The Commission investigated the transmission of charitable funds to beneficiaries in Iran. During the inquiry, the trustees were unable to provide any evidence that funds were being used to support the purported beneficiaries. Furthermore, the Commission could not corroborate the charity's claims with other NGOs working in Iran. Iran Aid was eventually closed down by a manager appointed by the Commission, and funds remaining in its accounts were passed to a new charity to support those in need in Iran.
- **The International Development Foundation.** Concerns about this charity were raised in the Montebourg Report, distributed by the French Assemblée Nationale. It was suggested that the charity had links to Osama bin Laden. An initial meeting between the Commission investigators, a charity trustee, and its administrator to discuss matters did not allay the concerns, and an inquiry was instituted under Section 8 of the Charities Act 1993. The charity's banking details and later its records were required to be submitted. Its bank account was frozen, and no payments could be made without the Commission's sanction. However, after consideration of the evidence, the Commission concluded that the allegations were unfounded, and the charity was exonerated. Irregularities were found in the administration and accounting processes, for which advice was given.

These examples have demonstrated the investigative and corrective powers of the Charity Commission, which, if unchecked, would reflect a corrosive degree of state power, incompatible with democracy. The Commission's actions, however, are themselves regulated in law. Less obvious in the brief accounts of these cases is the mesh of careful and measured practices underpinning investigations and actions that are framed with reference to the Human Rights Act. It is important to extrapolate from these, and from the earlier discussions, the principles by which a public authority should operate in order to maintain conformity with the Convention. Its actions should be:

- In pursuit of a legitimate aim;
- Prescribed by law; and
- Necessary in a democratic society. And the following questions should be asked about the operations of a public authority:
 - Do they pursue a pressing social need (maintaining public confidence)?
 - Are actions proportionate – not excessive?
 - Are there relevant and sufficient reasons to justify action?

The parties concerned must have a fair hearing, and the authority must be capable of being held to account.

To return to the question implicit in the Conference's first session: how can we protect the right of an individual to manifest her or his religious belief? First, as citizens, we should remember that with rights come obligations. We should not take our rights for granted, nor should we exploit them for evil purposes. Equally, the state has a responsibility to protect its citizens from those who use religion to incite and justify murder, but it must discriminate in the use of its powers so that the innocent practitioners of a faith are not oppressed. In confused and threatening situations, this equilibrium may be difficult to maintain, but the Convention and case law provide the essential benchmarks, and these, in turn, must inform the policies and practices of public authorities. If the state, in the execution of its powers, is constrained in law by Convention rights and can be held to account by the international community, the essential freedoms that so many of us take for granted will endure.

I would like to acknowledge the contributions of Simon Gillespie and Kenneth Dibble of the Charity Commission to the conference presentation and this paper.

3. Remarks by Co-Moderator Dr. Rafiq Aliyev, Head of the Republic of Azerbaijan State Committee for Work with Religious Associations

RELIGION AND THE STATE: PRINCIPLES OF AUTONOMOUS CO-EXISTENCE

The conference in which you are participating is dedicated to a difficult problem that is troubling all of humanity and affects the fate of all people. In other words, it is dedicated to an analysis of the relationship between a person's beliefs and his actions, as well as the results thereof.

Many people make the mistake of not distinguishing between the role of religion and the role of beliefs in a democratic society. They do not completely understand these two concepts, and, perhaps because of such an approach, concepts such as terrorism, extremism, religion, and belief, as well as the interrelation between them, remain unclear not only for ordinary people but also for those who work in this field. People confuse freedom of belief with freedom of religion.

Freedom of belief has been recognized as one of the fundamental human rights in many international agreements, conventions, decisions, and resolutions, and one could say that this has been reflected in the constitution of every state in the world.

Nonetheless, we should take into account that fact that a person's beliefs are not limited to religion and that freedom of belief itself, in principle, is regulated by laws and is realized within the framework of the law.

If we make a small excursion into history, we'll see that people's beliefs, including religious beliefs, and their actions have often been in contradiction. Both in society at large and in the family, questions of belief are often the primary factor for the origin of a number of difficulties and conflicts.

Terrible wars, tragic conflicts, numerous changes in the map of the world, the founding and fall of empires, beginning in ancient times and continuing right up to today, were not always the result of a quest for power. Beliefs, and often religious beliefs, were a part of these battles. Historical facts bear witness that, during wars that were conducted for the sake of religion or under the guise of religion, at least as much blood was spilled as during World War I and World War II.

The destruction of Jerusalem by pagans, the fall of the Roman Empire at the end of the fourth and beginning of the fifth centuries as a result of the spread of Christianity, the Crusades, Islamic conquests, the Inquisition in the Middle Ages, as well as other events and facts, are directly related to religious beliefs, once more bearing witness that beliefs, in the form of religion, have not always taken hold in society through peaceful means and, in order to obtain power, have sometimes resorted to force and weapons.

We are not talking about the divine essence of religion but about different approaches to the understanding of that essence and to the practice of religion in society.

Immediately after 11 September 2001, there appeared many people who began to make a connection between terrorism and religion. People could also be found who were calling Islam the religion of terror. A whole year has passed since these tragic events, but nobody wants to show courage and clarify the question about the existence of a connection between religion, religious beliefs, and terror. Some people have, with caution, indicated that there is a connection between religion and terrorism or extremism; others have made efforts to prove that there is no connection between religious beliefs and terrorism and extremism and, thus, to protect religion and religious organizations.

Religion and beliefs, however, are not abstract concepts. Terrorists, extremists, and people sacrificing their lives in the name of religion are not abstract; they are real people, each of whom has a religion, nationality, and citizenship.

If we, even superficially, analyse the events of the 20th century, or even of the last 50 years, we will be assured that the existence of a religious factor in the “ideologization” of today’s wars and conflicts is indisputable.

Events of recent years, in particular the Israel-Palestine confrontation; the tragic events in Ulster, which have been going on for 30 years; the events occurring in Yugoslavia; the first and second Chechen wars; and, finally, the occupation of 20 per cent of the territory of Azerbaijan, give concrete meaning to everything that has been said. These wars and conflicts, which have resulted in a great loss of human life, are subject to the influence of the religious factor, and, in several of them, religion and religious organizations have played a role as a source of ideology. Although the Armenian Apostolic Church has, in words, supported attempts at finding a peaceful solution to the Armenian-Azerbaijani conflict over Nagorno-Karabakh, it still has not recognized that this conflict is the result of Armenia’s policy of occupation, and, in 1988-1989, it even supported the separatist ideas of Armenians in Karabakh.

Therefore, when discussing the role of religion in democratic society, one ought to pay attention to the peace-loving character of heavenly religions and holy writings and examine the activities of people practising religion through the prism of the laws of a democratic and civilized society and, taking into account the significant authority of religious leaders, one ought to define their role and responsibility in a democratic society.

This responsibility should be, at a minimum, an adequate reaction to the privileges that religious figures receive in a democratic society and to the civil rights that are guaranteed by international and domestic legislation. In analysing the processes occurring today in democratic societies, it becomes clear that, for the protection and complete guarantee of human rights and freedoms, including freedom of religion, a democratic society needs strong authority and effective administration.

These two factors, which are important for society, have a direct connection with morals and are indirectly related to people’s beliefs.

1. I am sure that, in the fight with terrorism, the front shouldn’t be lined with tanks, guns, and fighter planes but with true religious figures and authoritative religious leaders who should declare a “holy jihad” in the name of preserving the integrity of the democratic society of which they are citizens. In this battle, the concept of “religion separated from the state” should be set aside; society should make a common, concerted effort to defeat the horrible disease of terrorism. The parameters of this joint activity should be extremely clear and comprehensible. Religions, religious leaders, and religious organizations need to assist the strengthening of state power at the expense of their activities in the sphere of spirituality, insofar as strong authorities have wide-ranging possibilities to provide for freedom of belief and freedom of religion.

Such close co-operation should not lead to an increase or decrease of the rights, advantages, or powers of either party. It should be seen as a special type of joint fight for the world in general.

2. As far as I am concerned, one of the fundamental aspects of the fight against religious extremism and terrorism on religious grounds is the development of proper religious education. There should

not be a lack information about religion in society. However, religion doesn't have to become a priority in terms of informing the public. At the same time, people should get information about religion not only from religious figures but also from other sources. Even the state should provide such information. This will weaken people's susceptibility to religious fanaticism and guarantee the objectivity of the information provided.

The administrative persecution of those who are strict adherents of a particular religion and their being treated like second-class citizens pushes them to conduct underground religious activities that foster in people, especially in youth, the spirit of "romantic revolutionaries", which can play a fundamental role in the development of terrorism and extremism.

The state and religion are two important elements of the foundation of society. The former implies the rule of law; the latter implies – the essence of the law – morality and spirituality. Power, ethics, and morality – in reality, these concepts complement one another in the life of society. In other words, power and laws are the result of moral and spiritual criteria; together, they play a paramount role in society.

Laws have to protect morality and spirituality. History has shown that power devoid of morality does not last long. Morals have traditionally stemmed from religious values. Consequently, the state and religion need one another, are necessary for one another, but only under the conditions of **autonomous co-existence**. History doesn't know any convincing facts or successful practice that would prove the opposite. Here, we have the most important question: what sort of autonomous co-existence should this be, so that politics is not devoid of morality and spirituality, so that it can create the conditions for preserving the true significance of heavenly religions, and so that the social status of religion in society is defined such that it does not interfere in the state's role as the regulator of social relations in society?

In a society built on democratic foundations, the state should create identical conditions for all religions and beliefs. The state should not promote any particular religion. In my opinion, one of the main reasons for the lack of success of a lengthy, interreligious dialogue is the representation of religions as privileged, traditional, non-traditional, and destructive and the creation of interrelations among them on this basis. If we are talking about beliefs, then we should be interested in whether those beliefs are healthy or unhealthy, helpful for society or harmful. If a harmful belief takes the form of a religion, then it should meet serious opposition from society, and the state should further this. We shouldn't assess the fight with unhealthy forms of belief that are propagated under the guise of religion as an infringement on freedom of religion. Unfortunately, a number of international organizations take exactly this approach to this question. In society, the only general law for citizens professing different religions and ideologies is the constitution of a particular state.

For religions and religious figures, a person's spirituality and religious outlook are, of course, a priority field of activity. By bringing up highly moral and spiritually pure people, religious figures and leaders can, without interfering in politics, carry out their own sacred mission and, in addition, help the state. By impeding the transformation of extreme religious fanaticism into extremism, they can bring great benefit to society. In my opinion, this can be seen as the best form of **autonomous co-existence** in relations between religion and state in a modern democratic society, and these relations should be built on such a fundamental basis.

4. Rapporteur's Report: Dr. T. Jeremy Gunn, Senior Fellow for Religion and Human Rights, Emory University, Member of the OSCE/ODIHR Advisory Panel on Freedom of Religion or Belief

The working session was moderated by His Excellency, Ambassador Herbert Salber (Germany, on behalf of the Chairman-in-Office). The co-moderator was Mr. Rafiq Aliyev (Azerbaijan). Introductory reports were provided by Dr. Emre Öktem (Turkey) and Dr. Nancy North (United Kingdom).

The excellent introductory reports by the experts established the foundation of the problem. The rights of freedom of religion or belief, as well as the rights of association, are guaranteed in many international human rights instruments and in the constitutions and laws of most countries. Participating States of the Organization for Security and Co-operation in Europe also have pledged themselves to respect these rights fully. On the other hand, both the written instruments and the political realities presume that states may limit some activities if they constitute a serious threat to public order.

Dr. Öktem reviewed with care the international instruments and OSCE commitments that pertain to limitations on rights and interpreted their provisions with respect to security issues. He also asserted that it would be wrong to attribute violence to any single religion and noted that all religions were capable of producing extremists who would use religion as a justification for violence. Dr. North described particularly the recent experience in Britain regarding the need to ensure that charity associations not be used as a cover to disguise terrorist activities.

The interventions by states and NGOs coalesced around two central themes: that of the so-called “clash of civilizations” and the practical measures that states could take to ensure that they do not overreact to very real, but nevertheless circumscribed, dangers.

The Clash of Ignorances

Several interventions made reference to the expression “clash of civilizations”, which was described by political scientist Samuel Huntington. But all who spoke on the subject rejected the expression as descriptive of current events. The challenge to this conception was articulated most clearly by a representative from the Council of Europe, who questioned whether there really is a “clash of civilizations”, suggesting instead that there really is a “clash of ignorances”. It is not civilizations that are struggling with each other; it is the enemies of civilization who are misusing the symbols, imagery, and language of different civilizations to provoke conflicts among them. The true enemies, therefore, are not civilizations, but people within civilizations who misuse the language of religion and culture to commit violence and terrorist acts against others.

There was widespread support for the belief that there should not be discrimination against religious groups. A representative of the Russian Orthodox Church made an important intervention wherein he noted, “of course, all religions should be treated equally and, of course, there should be no discrimination against religious minorities”. Although there were differing opinions on how the laws of states should enact such principles, there was no disagreement expressed on the underlying principles.

Just as Terrorists Are Misusing “Religion” as a Justification for Committing Violence, so States Are Misusing “Security” as a Justification for Suppressing Human Rights

Several interventions pointed out that some states, including OSCE participating States, are now using “security” as a rationale for suppressing political dissent, attacking human rights advocates, and refusing to adhere to constitutional and human rights obligations. Thus, just as the enemies of civilization are misusing the name of “religion,” so are some governments misusing “security” to suppress their own people. In response to these serious concerns, several interventions described how states might legitimately pursue their security interests without infringing on protected rights.

The most comprehensive intervention was provided by a representative from Canada, based upon some of her country’s recent experiences. She and others offered a number of recommendations that included the following:

- First, governments should clearly state what legal measures they are taking to combat terrorism. Laws and regulations should be clearly published so that the public knows the rules by which the government is operating, and governments should adhere to the published laws and regulations;
- Second, governments should exercise great care and discretion to the extent that their laws employ terms such as “terrorist,” “extremist,” “dangerous sects,” etc. so as to avoid being overinclusive and to avoid permitting vague laws to be used against groups that do not pose a genuine danger. The laws should be drafted in such a way as to target clearly persons and groups that are dangerous and not to allow the laws to be used against groups that are merely unpopular or different;
- Third, governments should provide accurate information about how they are enforcing the laws, including such information on the number of people arrested, incarcerated, and the nature of the accusations against them;
- Fourth, governments should report the information about security measures in such a way as to provide for political accountability. Governments (or executive branches) should, for example, report information about anti-terrorism activities to parliaments and legislatures and respond to questions about how the laws are being enforced; and
- Fifth, there needs to be an independent judicial review of police actions and laws. The accused should be able to receive fair trials, and laws should be subject to an independent review by an independent judicial authority. Though states may have very different ways for accomplishing such a review, such reviews need to be conducted outside the political system.

A representative of the United States observed that when security laws are used to attack groups that are not genuinely dangerous, but that are simply offering different religious beliefs or different viewpoints, such measures are counterproductive and undermine political stability.

The Vienna Concluding Document articulates the position to which participating States should adhere when seeking to promote security: limitations on freedoms should be narrowly construed so as to ensure the recognition of rights and to promote long-term political stability.

IV Working Session II

THE ROLE OF INTERRELIGIOUS AND INTERCULTURAL DIALOGUE IN FIGHTING TERRORISM, EXTREMISM, AND INTOLERANCE AND RESOLVING CONFLICTS

1. **Introductory Remarks by Dr. Abduljalil Sajid, Imam of the Brighton Islamic Mission, United Kingdom**

THE ROLE OF RELIGION AND BELIEF IN A DEMOCRATIC SOCIETY: SEARCHING FOR WAYS TO COMBAT TERRORISM AND EXTREMISM

I am honoured — and deeply humbled — to be invited to speak to you this afternoon on the very important and timely topic of the role of religion in the response to terrorism. From the very outset, I wish to give you greetings from the British Muslim community and their representative body, the Muslim Council of Britain (MCB). Congratulating you for organizing this conference, I quote from the message of Mr. Iqbal Sacranie, the Secretary General of the MCB:

“I am pleased to learn from MCB Central Working Committee member Imam Dr Abduljalil Sajid that he will be attending as an invitee of the British Foreign Commonwealth Office and contributing to this timely conference on ‘The Role of Religion and Belief in a Democratic Society: Searching Ways To Combat terrorism.’”

“The Muslim Council of Britain is a national umbrella organization that serves and represents British Muslims by sharing in the common good of our society as a whole. The MCB works with a number of government forums such as the Inner Cities Religious Council and the Race Relations Forum and many other major faith communities to promote the well-being of all. Cultural diversity and religious pluralism inspire healthy competition between communities and nations, and God enjoins us to direct that competition towards the seeking of the common good for all humanity. Co-operation and Solidarity among faiths means that competing human communities strive to understand and reach out to one another in pursuit of a united human ethic and vision.

“The Muslim Council of Britain condemns violence and terror of all kinds, as there is no justification for senseless and extrajudicial killing. Terrorism is an evil and destructive phenomenon that inflicts pain and suffering on defenceless people. Those who have planned and perpetrated such atrocities, regardless of their religious, ideological, or political beliefs, stand outside the pale of human values. Islam commands us to be just and to wrong no one.

“To eradicate terrorism, it is imperative that we address the conditions that can give rise to it. To combat terrorism effectively, we need a united front against terrorism. Building bridges between nations and peoples must be an integral part of that strategy. Sadly, the world is instead being pushed towards more violence and division. Instead of vengeance, we need justice, and, instead of rhetoric, we need reason. We must deny terrorists the opportunities to exploit the social, economic, and political problems that continue to blight our world.

“The real and long-term answer to the evil of terrorism is to give people their due stake in both the resources and the affairs of their world. The Muslim Council reiterates its own commitment to the way of peace and

pro-existence in its quest for the common good of all. On behalf of the Muslim Council of Britain, I wish you every success with your conference and look forward to receiving a full report from Imam Abduljalil Sajid."

Let me begin from the very outset to clarify Islam from Muslim. Most people treat Islam and Muslims as synonymous and mutually interchangeable terms, often saying Islam where they ought to say Muslims and vice versa. In my opinion, the word "Islam" should be used exclusively for the "way of life" based upon divine sources: the book known as the Qur'an, "the word of God", and Sunnah, "the proven practices of the Prophet" (peace and blessing of God be upon him). "Muslims" as human beings are free to abide by, or deviate from, divine guidance, as they feel fit according to their own conscience. Islam never claimed to be a new faith. It is the same faith that God ordained with the creation of the first man sent to Earth. Islam confirms almost all Biblical and Hebrew prophets as the prophets of Islam and their messages as the messages of Islam as long it is confirmed in the Qur'an, the book of Islam. The moral and ethical code of Islam is similar to Judaism, Christianity, and many other major world faiths. The only difference is in theology, concepts, and practices in method of worship of the one and the only one God and methodology of how morality and ethics should govern all spheres and aspects of our human life.

Islam: Din, Dunya and Dawla

The general theory of Islam begins with a consideration of the application of Islamic Shariah (law) in daily life. According to Islamic teachings, the creator not only laid down laws governing the natural universe but also rules for human conduct in all aspects of life. Unlike natural order, which follows its predetermined laws, mankind has the freedom to rebel and follow its own "man-made" laws, which is, however, a form of unbelief (*shirk*). Non-submission to the will of Allah is not only an act of ingratitude (*kufir*) for divine mercies but also a choice for evil and misery in this world and punishment in the life hereafter. In Islam, all aspects of natural life have been God-willed; therefore, the ultimate purpose of all creation is the compliance of the created with the will of the creator.

The Islamic way of life can be summarized in three words: (1) *din* (religion); (2) *dunya* (community); and (3) *dawla* (state). Islamic Shariah covers all of these three aspects. From the Islamic point of view, life is a unity. It cannot be divided into watertight compartments. Islamic Shariah gives directions to all aspects of life in its entirety. Islamic Shariah is a complete scheme of life and an all-embracing social order where nothing is superfluous and nothing lacking. Therefore, there is no separation between state and church. Secularism, in the view of Muslims, destroys the transcendence of all moral values. In Qur'anic words, "those who forget God eventually forget themselves" (59:19), and their individual and corporate personalities disintegrate.

Muslims are required to observe religious rules in the community and to establish an Islamic state to achieve man's righteousness. It is the duty of every Muslim to co-operate with others to seek a common good. It is the duty of an Islamic state to establish a just social order based on principles of harmony, respect, freedom, and dignity where all human beings are accepted with all of their differences. Diversity is not only recognized but also appreciated in Islamic society. Muslims can discharge this responsibility collectively by establishing an Islamic state with power to command (*amr*) and prohibit (*nahy*). Thus, an Islamic state is an indispensable condition of Islamic life in the true sense of the word "Islam".

Religion: Building Bridges or Erecting Walls?

Religion as a social force can be harnessed to build bridges or manipulated to erect walls. How religion functions in society depends upon a number of factors, among them, the political, economic, and

cultural environment in which the particular religion operates. We should see religion as a total way of life anchored in faith in God and expressing itself in ethical conduct at the individual and social levels. Justice, love, and compassion – values that are highly cherished in any religion – rather than form, ritual, and symbols, should propel this way of life. Since these values are universal, religion, which serves as a conduit for them, should also be preached and practised in a genuinely universal manner. This is what one expects the practitioners of religions to do in the coming century to counter the challenge of globalization. They should discard the narrow, exclusive concept of religion, which often confines virtue and goodness to one's own kind. Justice and compassion in this exclusive approach seldom transcend one's own religious boundaries. We should eliminate forever such religious exclusivists.

In a sense, certain aspects of globalization may make it easier for us to get across the universal, all-embracing message of religion and its core values. Given the worldwide reach of the media today, we have, for the first time in history, the opportunity to convey to humankind as a whole the universal essence of each of our religions. Instead of allowing narrow-minded bigots to monopolize the airwaves, why shouldn't men and women with a universal outlook state their case through the global media infrastructure? Even more important, societies everywhere, as we have observed, are becoming less and less exclusive and more and more multireligious.

It is as if social reality itself is forcing us to get rid of our exclusive attitudes and develop a universal orientation to our religion, which will be more accommodating of "others". Indeed, one gets the feeling that each and every society is slowly, often painfully, beginning to realize what "humanity as a single family" means. Perhaps this is the path that nations must take for a universal community founded upon our common humanity to emerge. It is a community that globalization will never be able to achieve. When such a universal community of different religions and peoples bound by their common humanity becomes a reality, we will understand what the illustrious mystic, Jallaluddin Rumi, meant when he wrote, "The lamps are different but the light is the same". In brief, religion motivates its followers to do good deeds such as charitable work and encourages them to do common good for the betterment of all humanity.

Interplay of Religion and Politics

Although a deep understanding of the interaction between the political and religious spheres requires a systematic and elaborate examination of their meaning, I will limit my statement to delineating their boundaries and identifying a few areas of friction between the two.

Religion refers to those aspects of life that relate to the determination of the total meaning of existence. It is concerned, in particular, with three grand questions about human existence: its origin, its purpose, and its destiny. Although the above three questions can be raised from a philosophical point of view, the religious response to them is distinguished from the philosophical by the degree of conviction one enjoys over the other. That is to say, a religious conclusion with regard to the above grand questions is not only supported by rational arguments but by emotional attachment and possibly spiritual experience as well.

This difference gives religion an advantage over philosophy in that it makes religiously based convictions a better springboard for action. It is a fact of history that people with deep religious conviction are willing to endure greater difficulties and make greater sacrifices in pursuit of their religious ideals than those whose attachment to their ideals is based on purely rational calculations. Paradoxically, though, religion's source of strength is also its source of weakness. For it is

always easier to dissuade people from erroneous points of view when the latter are based on theoretical arguments rather than religious convictions. And, while shared religious conviction can create more harmony in the public sphere, the possibilities of interpersonal and intercommunal conflicts are bound to increase in multireligious societies.

Islamic Democratic Roots

In the Muslim world, the relationship between religion and politics has not been articulated in clear and unambiguous terms but is still a matter of experimentation and debate. Historically, Muslim political order was established by a community that rejected the idea of conferring any religious status on the head of the state and political authorities. Political succession was based on a notion of choice (*ikhhtiyar*), but this was later transformed into a de facto domination by powerful clans beginning with the *Umayyads*. This prompted Muslim scholars to limit state power to the realm of defence and maintaining intercommunal order and to limit legislative authority within juristic confines, away from the dictates of the state. There is dire need of modern political practices and institutions in the Muslim world. Democracy, constitutionalism, and the rule of law are no more than a show, a political facade in most Muslim societies. The roots of the problem can better be understood when one realizes that modern political structures are superimposed on an intrinsically traditional political culture.

There is a dire need to evolve a new understanding of how religion and moral standards relate to the public sphere from within the Muslim experience, instead of relying on notions borrowed from the historical West and superimposed on society. The Western world, which continues to experience an erosion of the moral and transcendental core of its social life, stands, on the other hand, to learn a great deal by opening itself to the remarkably different mode of interplay between religion and public life in the world of Islam.

Islam is essential for the development of a better future for human society because its adherents constitute one-fifth of world's population. No democratic order can be achieved or maintained by discarding the aspirations and ethos of one-fifth of world's population. Yet, Islam is an essential partner for developing a democratic and peaceful world for a more basic reason. Islam holds in high esteem the most fundamental values that make a democratic and pluralist society possible, namely, equality, freedom, justice, and interracial and interreligious solidarity and co-operation. The emphasis Islam places on the values of equality, freedom, justice, and pluralism is manifested in the Islamic scripture, the Qur'an; in the practices of the Prophet of Islam and those of his companions; in the historical experience of Muslim society; and in ethos of the contemporary Islamic reform movements.

In Search of a Common Ground

The question that preoccupies us as implied by the theme is this: *Can we find a common ground on which Muslims and non-Muslims stand comfortably in a democratic and pluralist society?* My answer is a resounding "yes".

The Qur'an directs Muslims to find a common ground with other religious communities. This common ground is expressed as a mutual respect of the freedom and autonomy of different religious communities – that none should appropriate to themselves the right to impose their way of life on other religious communities. The Qur'an is also clear that there can be no force in religious matters. The Qur'an urges Muslims to seek a political order based on peaceful co-operation and mutual respect and warns them against placing religious solidarity over covenanted rights and the principles of justice.

Religious conflict, particularly between Islam and Christianity, in the past, more often than not rose out of human excesses and the desire to stir religious passion to support political goals. It is true that the two religions advance a slightly different conceptualization of God and of humanity's relation to the divine, but *doctrinal differences are not limited to interreligious relationships. One can find more doctrinal diversity within each of the two religions than between them. Muslims and Christians, on the other hand, share similar core values of respect of human life and dignity and profound commitment to charity and the common good.*

A Muslim who commits a serious crime or murders a non-Muslim for monetary gain or for other any reason deserves to receive a just punishment, and a non-Muslim who saves a life deserves praise and admiration. The reaction of Christians and Jews to these acts would be no different. One ought to condemn wrongdoing and support good deeds, regardless of the identity of the actor. Hence, action rather than religious affiliation should determine the social worth of people. The question of global peace in a multicultural, multireligious world is ultimately a question of shifting the locus of social evaluation and order from doctrine to value. Since complete secularism has led to the erosion of morality and the rise of nihilism, religious commitment is becoming increasingly central to public life.

The views they express today and teach in public and in Shari'a departments of traditional Islamic colleges would have been sufficient for them to be branded as heretics just a century ago. Leading scholars of the Azhar University, such as Muhammad Abu Zahra, Mahmoud Shaltout, Muhammad al-Ghazali, and Yusuf al-Qardawi, have been emphasizing equality between men and women and between Muslims and non-Muslims.

Combating Terrorism

Terrorism is a plight that must be fought. No amount of anger and discontent can justify the targeting of non-combatant civilians with the brutality we all witnessed on 11 September 2001. The level of destruction inflicted on civilians, the brutality with which the terrorist attacks were executed, and the fact that the terrorist design was undertaken by extensive deliberation and determination sent shock waves throughout the world and brought condemnation from foes and friends alike. Targeting thousands of unarmed civilians, using civilian airliners carrying civilian passengers, and bringing down two of the most spectacular buildings on the whole planet in a drama that was played out on live television in front of millions of viewers made the attacks even more sinister and apocalyptic.

But terrorism cannot be fought by mystifying it or by ignoring its root causes. The first step for developing a sound strategy to effectively combat terrorism is to examine the conditions that give rise to the anger, frustration, and desperation that fuel all terrorist acts. To focus on individuals and organizations that employ terror, while ignoring the socio-political circumstances that give rise to acts of desperation, can potentially strengthen the arms of the terrorists. A devastating force unleashed against elusive groups can exacerbate the very conditions that gave rise to resentment, frustration, and anger.

Terrorism is fuelled by the actions of exclusivist regimes that privilege some and deny basic rights to others and by rogue governments that use state security agencies and excessive force to silence critics and political opposition. To be effective in fighting terrorism, we must dry the swamps of abuse and injustice that have bred radicalism all over the world.

Terrorism and Islam

There is no accepted definition of terrorism by any international organization. The present usage of the word terrorism means the unlawful use of force or violence against persons or property to intimidate or coerce a civilian population, thus undermining the civil authority, excluding acts perpetrated by states or by coalitions of states. A definition of terrorism from an Islamic perspective might well be more wide-ranging than current usage.

The Islamic scholars (Imams and Ulema) of the Muslim Council of Britain in their meeting on 29 September 2001 suggested that terrorism include: "Indiscriminate murder and the shedding of blood without due process of law, driving people out of their homes and lands, destruction of crops and livestock, the spreading of *Fasad* or *Fitna* (destruction, chaos, mischief and corruption which encompasses political, economic, social and moral corruption) on earth – are examples of criminal acts and evil behaviour condemned by Islam."...to spread mischief and corruption on earth and destroy crops and cattle. God does not like mischief and corruption. (2:25). (For the full text, see <http://www.mcb.org.uk>.)

Islam and terrorism are contradictory terms. Islam condemns and rejects all forms of terror, killing without due process of law, injustice, corruption, tyranny, and oppression. There is no justification for the usage of terms such as "Islamic terrorists". As a Muslim, we must take account of the deeds of other Muslims in the name of Islam. I feel ashamed when I hear that Muslims are breaking the law of Islam. I sincerely apologize to those who have suffered due to any senseless actions of so-called Muslims. I seek forgiveness from Allah for any mistake done and ask forgiveness from my fellow beings. However, we must find the root cause of the problem.

Terrorism, in fact, is systematic, premeditated, and calculated. It spans vast aspects covering the entire world and manifests itself in various forms and shapes. Sometimes, the religion of Islam is held responsible for the acts of a handful of Muslims who are associated with acts of destruction and terror. Islam, which means peace, cannot encourage its adherents to work for death and destruction. It is an irony of our time that the light of Islamic learning, which brought an end to the Dark Ages of the West, is now being seen as responsible for the advent of an age of terror. Islam is peace, not terror.

The efforts to blame Islam for terrorism are not only baseless and erroneous but are unmistakably malicious and ill-intended. Islam, like many religious traditions, stresses charity, mercy, and compassion. Historically, Islam is recognized for its tolerance towards other religions, even when bigotry and intolerance were widely accepted and practised in medieval times. But, like other religious traditions, Islam recognizes the right of peoples to fight aggression, even though it puts a higher premium on forgiveness. Reciprocity, or "an eye for an eye", is found not only in Islam but in Christianity and Judaism as well. Further, like other religions, Islamic texts contain statements that emphasize forgiveness and peace, along with others that permit the use of force for fighting back against aggression and for achieving just peace.

In Deuteronomy, the fifth book of the Torah, Moses narrates to the Israelites a fiery message from God as they prepare to enter the promised land: "I will make mine arrows drunk with blood, and my sword shall devour flesh; and that with the blood of the slain and of the captives, from the beginning of revenges upon the enemy." Likewise, the Gospels contain texts that call for the use of force to avenge the rights of people and to punish the unjust. In the Gospel of Matthew, a statement attributed to Jesus reads: "Think not that I am come to send peace on earth. I came not to send peace, but the sword."

A partial and out-of-context reading of religious texts, combined with a desire to reciprocate against real or perceived injustice, may lead misguided individuals and radical groups to commit atrocities in the name of religion and justice. Muslim scholars and leaders must speak against using Islam and Islamic doctrines to undertake acts rooted in political ambition or frustration. By the same token, media organizations have the duty to present a balanced picture of Muslim society and faith, rather than feeding on the frenzy of bigotry and stereotyping. The media more often than not focus on the eccentric and extraordinary and, as such, bring distorted pictures of Middle Eastern realities. Rather than showing radical Islamic groups standing on the fringe outside mainstream society, the media reverse the picture by projecting radicalism and extremism as the norm in the Middle East. The sight of a handful of Palestinian youths celebrating an American calamity is newsworthy, but a demonstration by thousands of sympathetic Arabs is not.

Religious Extremism

Islam is a religion of moderation. The holy Qur'an defines Muslims as the well-balanced middle nation model for others (2:143) and advises them not to follow extremism in religious interpretation (4:171, 5:77, 22:78). The holy Prophet warned Muslims: "Beware of extremism in your religion as people before you were destroyed themselves because of their extremism"; "Do not be hard upon yourself in your opinion in the matter of faith"; and "Always choose the easy way in your religious way on matters of faith. Certainly religion is easy" (collection of sayings of the holy Prophet by Ahmed, Nisai, Al-Hakim, and Ibne Maja). In my humble opinion, Islam believes in a civil society based on the rule of law; anyone who creates chaos (*Fitna or Fasad*) in society through terror can be treated as *harabi* (waging war against society) and should be brought to justice accordingly through the legal process. Islam and terrorism are contradictory terms. Islam condemns and rejects all forms of terror, killing without due process of law, injustice, corruption, tyranny and oppression. There is no justification for the usage of terms such as "Islamic terrorists". The holy Prophet of Islam said, "By God, he is not a true believer, from whose mischief his neighbours do not feel secure" (Bukhari, Muslim).

Sanctity of Life

One of the distinctive features of the present world is the overwhelming presence of violence in our societies. The nature of indiscriminate and senseless violence is considered one of the prime threats to world peace and security. I must make it clear that Islam upholds the sanctity of human life, as the holy Qur'an declares that killing one innocent human being is like killing the entire human race (5:32, 6:151, 17:33), like all other faith traditions. Islam considers all life forms sacred. The first and foremost basic right of a human being given by God is the right to live in peace and security. However, taking a criminal's life by the state in order to administer justice is allowed in Islam, as it upholds the rule of law and helps maintain peace and security in society. Only a proper and competent court can decide whether an individual has forfeited his right to life by disregarding the right to life and peace of other human beings. The accused must be given full facilities under the law to the right of defence. Extrajudicial killings are strictly prohibited in Islam.

Suicide Killing

Killing oneself is prohibited in Islam (4:29), as it is an abuse of the divine gift of life. According to Islamic law, those who commit or try to commit suicide are committing a major sin and will be sent to the fires of hell. Even patients who are in severe pain are prohibited from wishing for death. The holy Prophet said: "Do not harm yourself or injure others". The holy book of Islam does not call on young volunteers to strap explosives to their bodies and set them off in crowded public areas in Israel. That

much is clear. Suicide bombers are waging a distinctly modern type of warfare not sanctioned in any faith. Many Muslim clerics and scholars have criticized the theology of suicide bombers, and the practice is very controversial within Islam. In the past year alone, the supreme religious leader and Grand Mufti of Saudi Arabia, Sheikh Abdul Aziz bin Abdullah al Sheikh, said he feared that using explosives in this manner is a form of suicide and therefore condemned. And an influential Sheikh, Al-Azhar Mohammed Sayed Tantawi, said bombers who detonate explosives among civilians are not fighting a true war and cannot be considered martyrs. These voices are not often heard because the Muslim community is united in the moral righteousness of the Palestinian cause. Let me remind you of the Islamic position:

“Hurt no one so that no one may hurt you. Remember that you will indeed meet your Lord, and that He will indeed reckon your deeds.” From the last sermon of Prophet Mohammed (peace be upon him).

“Hijacking planes, terrorizing innocent people and shedding blood constitute a form of injustice that cannot be tolerated by Islam, which views them as gross crimes and sinful acts.” Shaykh Abdul Aziz al-Al-shaikh, Grand Mufti of Saudi Arabia and Chairman of the Senior Ulama, on 15 September 2001.

“The terrorists acts, from the perspective of Islamic law, constitute the crime of hirabah (waging war against society).” A fatwa of 27 September 2001 signed by many scholars, such as Shaykh Yusuf al-Qaradawi, Grand Islamic Scholar and Chairman of the Sunnah and Sira Council, Qatar Judge; Tariq al-Bishri, First Deputy President of the Council of Preachers, Egypt; Dr. Muhammad s. al-Awa, Professor of Islamic Law and Shari’a, Egypt; Dr. Haytham al-Khayyat, Islamic scholar, Syria; Shaykh Fahmi Houaydi, Islamic scholar, Syria; and Shaykh Taha Jabir al-Alwani, Chairman, North America High Council.

“Neither the law of Islam nor its ethical system justify such a crime.” Dr Zaki Badawi, Principal of the Muslim College in London. Cited in *Arab News*, 28 September 2001.

“It is wrong to kill innocent people. It is also wrong to praise those who kill innocent people.” Mufti Nizamuddin Shamzai, Pakistan. Cited in *The New York Times*, 28 September 2001.

(The above statements by high-ranking international Muslim scholars and leaders appeared in an advertisement placed by the Becket Fund for Religious Liberty in *The New York Times*, 17 October 2001 and reproduced in the MCB book about 11 September titled “In Quest of Sanity”.)

Roots of Extremism and Fanaticism

There are Muslims who claim to be religious but try to impose their views on others through force or violence. They forget that Islamic teaching advocates the fundamental principle of respect for individual freedom of conscience and belief. Islam believes that freedom of belief is a basic God-given right to all human beings. Extremism and fanaticism are alien to Islam. However, there are a few verses of the holy Qur’an that have been interpreted in such a way that some Muslims may take a view to impose their views over others. For example, the holy Qur’an commands Muslims to live and rule their lives according to the revealed message of God. If any Muslim does not decide according to the holy Qur’an, then he is not only a wrongdoer, a rebel, and disobedient but also a non-believer (5:44-47). These verses were interpreted by some that if a Muslim ruler has completely abandoned Islamic law, then it is legitimate to disobey him and change him by force. They also believe that, as Islam does not make any distinction between communities of believers and the Islamic state – because the state is simply a political arm to establish common good – it is important that Islamic law be established within Islamic societies. Due to their political ends, they establish effective ways to promote their views by every means available to them.

In my opinion, fanaticism, terrorism, and extremism are symptoms of a problem, not the actual cause. In order to combat and eradicate these evils altogether, our long-term goal should be to eliminate the underlying social and political causes that breed them. We must continue fighting against racism (colour or cultural), anti-Semitism, Islamophobia, xenophobia, and bigotry in words and deeds in all aspects of our society. Paralleling our actions against terrorism, we must have equally vigorous efforts to enhance freedom, human dignity, justice, and humanitarian values. Some possible factors behind the violent terrorist acts may include:

- Hatred, hurt, and prejudice;
- Fear and powerlessness;
- Occupation and domination;
- Injustice and suffering;
- Corruption and greed;
- Oppression and control;
- Dictatorship and total authority;
- Debt, poverty, and hunger;
- Frustration and helplessness;
- Dislike of inclusive society; and, above all,
- Discrimination and Islamophobia.

There is a new type of terrorism that has emerged recently in the forms of arson, bombing, and sabotage in the name of saving the environment, ecology, and animal kingdom. Racism (colour or cultural), anti-Semitism, Islamophobia, xenophobia, and bigotry must be in words and deeds. I am glad to note that, from the very beginning, the British Prime Minister together with the American President made it clear that Islam and the Muslim community are not to blame for the tragedy. We are dealing with fanatical individuals who have behaved in this most abhorrent and abominable manner. This is not a crusade or conflict between Islam and the West. Prime Minister Tony Blair said, "Blaming Islam is as ludicrous as blaming Christianity for loyalist attacks on Catholics or nationalist attacks on Protestants in Northern Ireland".

Diversity Recognized, Appreciated, and Celebrated

Islam presents the concept that all human beings are equal and that we are equal because we are all creatures of God with no distinctions of colour, race, or country or tribe or clan or anything else. One would find that fanaticism is generated in the last analysis either from any of these false prejudices when you try to group humanity into certain watertight compartments. One cannot change the colour of one's skin; one cannot change one's place of birth. If one believes in any of these standards, then rational fusion of the human race is not possible, and you become intolerant towards others.

In Islam, the rational fusion is possible for whatever tribe you come from, from whatever race you come, whatever colour you may have, whatever territory you might be born in, whatever language you speak, you are one, you can be one. You belong to one race: the human race; one family: the human family. You belong to one brotherhood. Diversity among fellow human beings must be recognized, appreciated, and valued in all aspects of life. The majority community is always judged by the way it treats its minority community.

Ends Cannot Justify Means

Another point is that Islam is very unique and firm in asserting that the ends cannot justify the means. A source from where fanaticism and intolerance have most often come is the mistaken belief that ends justify means. This means that to achieve even good ends you could resort to evil means. The principle

that Islam has enunciated is that: “Good and bad are not equal. Replace evil by good” (holy Qur’an 41:34).

If you fight falsehood with falsehood, it is falsehood that prevails. If you replace vice with vice, it is vice that triumphs. If you exchange evil for evil, it is evil that is victorious. Islam says that evil is to be eliminated by good. If you pursue this technique, then only you would be able to fill the earth with goodness, and justice, and peace, and fellow feeling. Islam has struck at the roots of fanaticism. If you reflect upon the system that Islam has provided, you would find that fanaticism has no place in it, but idealism is the lifeblood of it. In the Qur’an, it has been mentioned that the mission for which this Muslim nation has been created is that you call people to goodness. As far as wrong (*munkar*) is concerned, you are permitted to eliminate it. But as far as the truth and virtue (*ma’ruf*) are concerned, they are not to be enforced by power.

You can very easily see that Islam has clearly discriminated between idealism and fanaticism. It has done everything to generate in us real idealism, noble idealism, virtuous idealism, and to protect us from the evil influences of fanaticism. The holy Prophet (peace be upon him) has said that Islam is a religion of the middle path.

The Qur’an has called the Muslim nation “*Ummat al-Wusta*”, the people of the middle and model nation, the people who maintain balance and equilibrium in all their affairs. Adhering to idealism, protecting and avoiding the extremes of fanaticism – this is the middle path, and it is this path that Islam offers to all humanity. Through education, diplomacy, dialogue, and firmness, Muslims are urged to deal with extremism and fanaticism in the world.

What we are dealing with here is a very serious problem of hatred, fear, and prejudice. Those people who were responsible for killing thousands of people in the United States in what was clearly a carefully planned and expertly executed operation must be brought to justice. However, deep-rooted hatred can only be fought with dignity, education, understanding, dialogue, and diplomacy. Unless the roots of hate are addressed, there will be irrational people who will continue to commit such heinous evil crimes against humanity. Let all sensible people stand for peace and justice and make concerted efforts to fight terrorism by eliminating all injustices and exploitation in their part of world. I believe that being tough on the causes of this evil act is as important as identifying the terrorists themselves. I believe that without a revival of moral values, nurturing a shared sense of forgiveness and understanding, maybe we face an even greater challenge. We must pray to overcome hatred and violence in ourselves. Let us rededicate ourselves to peace, human dignity, and the eradication of the injustices that breed rage and vengeance. It requires multireligious co-operation of all decent people from all shades and all sections of our communities from all over the globe. I have provided some good practices of bridge building from various international interfaith organizations, three faith forums, and interfaith network at the end of this paper as appendices.

Global Ethics and Interfaith Dialogue

I am reminded of the words of Professor Hans Kung: “No peace among nations without peace among the religions and no peace among the religions without dialogue between the religions”. I add: “No peace without justice and no justice without forgiveness and compassion”. Dialogue and agreement must be conscientiously applied and maintained to create bonds of love, care, trust, and confidence. Its prerequisite is proper education and learning from one another. We must speak and act truthfully with compassion. We must treat others as we wish others to treat us. Every human being must be treated fairly, humanely, and with dignity, without any fear or discrimination.

I have admired the work of Prince Hassan El Talal over the years for promoting better understanding between different faiths and advocating dialogue for resolving conflicts. His short book “Continuity, Innovation and Change” is must-read for every Muslim. I not only share his vision but also say that he represents true Islamic scholarship in the current debate on the issue of world peace. The building of peace requires an attitude of sanctity and reverence for life, freedom, and justice; the eradication of poverty; dissolution of all forms of discrimination; and the protection of the environment for personal and future generations. The ideals of peace include fundamental and global directives, such as:

- Do not kill, i.e., have respect for life;
- Do not steal, i.e., deal honestly and fairly;
- Do not lie, i.e., speak and act truthfully; and
- Do not commit sexual immorality, i.e., respect and love one another.

I confirm that Islam is faith of moderation and girder of unity for all mankind and blessing for mankind, because Muslim model communities exist where:

- All of God’s creation – whether human, animal, or the environment – is valued and respected;
- Where people want more to serve others than to get what they can for themselves;
- Where no one has too little or too much;
- People respect the right of others to disagree with us;
- People are sensitive and courteous to all.

We affirm that in Islam the belief in God or the divine is the bedrock of one’s faith out of which flow ideas on the meaning and purpose of life and on the unity and dignity of mankind. Thus, human dignity is an acknowledgement of the divine presence in each and every one of us and unites us into a single family. We believe in “thinking globally but acting locally”. The world will not change for the better unless the conscience of individuals is changed first.

We should pledge to increase our awareness by positive thinking in understanding one another. We must pledge to be courageous defenders of peaceful teachings and interpretations of Islam and to be exemplary peacemakers in our personal, family, and social conduct of our lives in order to be create a socially beneficial, peace-fostering, bridge-building, and nature-friendly way of life.

Remember, Remember, Remember: Evil Is Not in the Body; Evil Is in the Mind; Therefore, Harm Nobody. Just Change the Mind.

Lord, You said and Your word is true! Love is stronger than hate. O God Almighty, You are peace and from You peace comes. Bestow upon all of us Your peace and make our final destiny in Your eternal abode of peace. Let there be respect for the earth, peace for its people, love in our lives, and delight in the good, forgiveness for our past wrongs, and from now on a new start.

APPENDIX 1

Building Good Relations with People of Different Faiths and Beliefs

In Britain today, people of many different faiths and beliefs live side by side. The opportunity lies before us to work together to build a society rooted in the values we treasure. But this society can only be built on a sure foundation of mutual respect, openness, and trust. This means finding ways to live our lives

of faith with integrity and allowing others to do so, too. Our different religious traditions offer us many resources for this and teach us the importance of good relationships characterized by honesty, compassion, and generosity of spirit. The Inter Faith Network offers the following code of conduct for encouraging and strengthening these relationships.

As members of the human family, we should show each other respect and courtesy. In our dealings with people of other faiths and beliefs, this means exercising goodwill and:

- Respecting other people's freedom within the law to express their beliefs and convictions;
- Learning to understand what others actually believe and value and letting them express this in their own terms;
- Respecting the convictions of others about food, dress, and social etiquette and not behaving in ways that cause needless offence;
- Recognizing that all of us at times fall short of the ideals of our own traditions and never comparing our own *ideals* with other people's *practices*;
- Working to prevent disagreement from leading to conflict; and
- Always seeking to avoid violence in our relationships.

When we talk about matters of faith with one another, we need to do so with sensitivity, honesty, and straightforwardness. This means:

- Recognizing that listening as well as speaking is necessary for a genuine conversation;
- Being honest about our beliefs and religious allegiances;
- Not misrepresenting or disparaging other people's beliefs and practices;
- Correcting misunderstandings or misrepresentations not only of our own but also of other faiths whenever we come across them;
- Being straightforward about our intentions; and
- Accepting that in formal interfaith meetings there is a particular responsibility to ensure that the religious commitment of all those who are present will be respected.

All of us want others to understand and respect our views. Some people will also want to persuade others to join their faith. In a multifaith society where this is permitted, the attempt should always be characterized by self-restraint and a concern for others' freedom and dignity. This means:

- Respecting another person's expressed wish to be left alone;
- Avoiding imposing ourselves and our views on individuals or communities who are in vulnerable situations in ways that exploit these;
- Being sensitive and courteous;
- Avoiding violent action or language, threats, manipulation, improper inducements, or the misuse of any kind of power; and
- Respecting the right of others to disagree with us.

Living and working together is not always easy. Religion harnesses deep emotions that can sometimes take destructive forms. When this happens, we must draw on our faith to bring about reconciliation and understanding. The truest fruits of religion are healing and positive thinking. We have a great deal to learn from one another that can enrich us without undermining our own identities. Together, listening and responding with openness and respect, we can move forward to work in ways that acknowledge genuine differences but build on shared hopes and values.

Inter Faith Network for the UK 1993, 2000, <http://www.interfaith.org.uk>

APPENDIX 2

Joint Statement by 14 International Interfaith Organizations

Fourteen international interfaith organizations released a statement following the 11 September tragedy. Their websites offer an excellent introduction to the work of these organizations and initiatives in interfaith dialogue that are contributing to peace and justice throughout the world.

“In response to recent tragic events in the United States of America and ongoing conflicts with religious dimensions around the world, our international interfaith organizations offer our inter-religious dialogue expertise and resources to address the current crisis and promote peace-building initiatives.

“We have direct experience of bringing into peaceful and constructive dialogue the mainstream and marginalized and the moderate and militant religious voices of our world. Working with the world’s faith communities, we have found that interreligious dialogue can help heal wounds caused by feelings of injustice, isolation, and inequality.

“Our international interfaith organizations, with their global outreach and networks, offer peaceful alternatives to war. Contact us: (in alphabetical order)

- **Council for a Parliament of the World’s Religions**
info@cpwr.org
www.cpwr.org
- **International Association for Religious Freedom**
hq@iarf.net
www.iarf-religiousfreedom.net
- **International Interfaith Centre**
(Coordinating organization)
iic@interfaith-center.org
www.interfaith-center.org
- **Interfaith Youth Core**
jpinzino@ifyc.org
- **Millennium World Peace Summit of Religious and Spiritual Leaders**
info@milleniumpeacesummit.org
- **Minorities of Europe**
deepak@gnaik.freemove.co.uk
www.moe-online.com
- **Peace Council**
icpc@peacecouncil.org
www.peacecouncil.org
- **Temple of Understanding**
templeunderstanding@prodigy.net
www.templeofunderstanding.org
- **United Nations Spiritual Forum for World Peace Initiative**
ggonzale@netline.cl
- **United Religions Initiative**
office@uri.org
www.uri.org

- **World Conference on Religion and Peace**
info@wcrp.org;
www.religionsforpeace.org
- **World Congress of Faiths**
worldconfaiths@aol.com
www.worldfaiths.org
- **World Faiths Development Dialogue**
wfdd@btinternet.com
www.wfdd.org.uk
- **World Fellowship of Inter-Religious Councils**
upasana_dr@satyam.net.in

“Our activities include:

- Working with religious leaders and activists in conflict situations throughout the world, including the Balkans and Africa;
- Developing a voluntary code of practice for religious and belief communities;
- Preparing a summit of religious and spiritual women at the United Nations in Geneva;
- Giving voices to marginalized young people throughout Europe;
- Internationally addressing issues of racism, communalism, conflict transformation, disarmament, security, the needs of HIV/AIDS orphans, and religious freedom;
- Bringing local people into locally rooted yet globally connected dialogue;
- Contributing peaceful and constructive solutions to difficult situations;
- Training young people for community-based interfaith work and social action;
- Evolving a Global Engagement Network of guiding institutions to address global, critical issues;
- Organizing a Parliament of the World’s Religions;
- Creating active dialogue between faith communities and multilateral development agencies on poverty and development;
- Hosting international gatherings to promote interfaith understanding and co-operative efforts for peace; and
- Making available a variety of information and educational programmes to encourage widespread spiritual, religious, cultural, intellectual, and social reflection.”

The following organizations may be helpful sources of information about interfaith programming and materials.

- The **Conexus Multifaith Media Center** distributes resources that support interreligious understanding and co-operation. Materials that are particularly useful in this context include: *Sourcebook of the World’s Religions: An Interfaith Guide to Religion and Spirituality*; *All in Good Faith: A Resource Book for Multifaith Prayer*; *The 2002 Multifaith Calendar*; the *Golden Rules Poster* (versions from 13 religions); and the *Multifaith Information Manual*, which was designed for use in institutions such as hospitals, professional training schools, and prisons. For detailed information on these and other media, or to place an order, call toll-free 1-877-784-7779 or visit: www.conexuspress.com;
- The **Council on American-Islamic Relations (CAIR)**, a prominent Washington-based Islamic advocacy group, works to protect the human rights of Muslims and to provide appropriate information about Islam. It also provides frequent news releases pertinent to the 7 million Muslims in North America. Visit www.cair-net.org;

- The **Humanitarian Resource Institute** (HRI) offers a website that serves as a hub of news, links, and emergency and relief information, especially for use by religious and civic organizations. Visit: www.humanitarian.net. Also visit HRI's new Interfaith News Network for its coverage of the World Trade Center terrorist incident at www.humanitarian.net/interfaith/tradecenter;
- The **Temple of Understanding** provides educational programmes, conferences, and interfaith services for the New York region, the United Nations community, and internationally, through videos, personal contacts, experiential programmes, conferences, and multifaith prayer services. Visit www.templeofunderstanding.org;
- The **World Conference on Religion and Peace** is the world's largest interfaith organization with chapters in many countries around the world. It works internationally with religious institutions and through NGOs and the United Nations community; it addresses a host of peace-related issues and co-ordinates multifaith leadership in arenas such as conflict resolution, disarmament, and religious freedom. Visit www.wcrp.org;
- The **North American Interfaith Network** (NAIN) offers networking among approximately 60 interfaith organizations in Canada, Mexico, and the United States. Its website offers a directory of interfaith organizations, a list of religious websites, NAIN's online newsletter and Interfaith Digest, a chat room, a library, young-adult pages, and other related information. Its next annual conference will be held in Wichita, Kansas, next August. Visit www.nain.org;
- The **United Religions Initiative** is a grass-roots international interfaith organization with more than 130 co-operation circles and numerous affiliate organizations and individuals. The URI Emergency Response Network (in San Francisco) offers a model in which more than 100 religious leaders in the greater Bay Area have formed a network to respond instantly to verified acts of hate violence perpetrated against religious, ethnic, racial, and gender minorities in northern California. Visit www.uri.org;
- The **World Interfaith Congress**. This interfaith networking website offers free directory listings, content, discussion, and network services to more than 800 faith-based, ecumenical, and interfaith organizations, plus many individual participants. Additional organizational representatives are invited to participate by providing their own information and accessing discussions, documents from religious and interfaith organizations, project descriptions, contact information for many other organizations with numerous areas of service and focus, and more. Visit www.interfaithcongress.org. Please note that this website was inactive for a time but is now poised for greater participation.

APPENDIX 3

A First for the Middle East: An Interfaith Summit with the Leaders of the Three Monotheistic Faiths

This summit, the first of its kind in the Middle East, took place on the initiative of the Deputy Foreign Minister, Rabbi Michael Melchior, and in cooperation with the Archbishop of Canterbury, Dr. George Carey (the head of the Anglican Church).

Prime Minister Sharon, PA Chairman Arafat, President Mubarak of Egypt, and British Prime Minister Blair have welcomed this dramatic event. The regional leaders in attendance were: the Sephardi Chief

Rabbi Bakshi-Doron, Rabbi Melchior, Rabbi David Rosen, Rabbi Froman, Rabbi Brodman, Sheikh Mohammed Sayed Tantawi (the Grand Sheikh of Al-Azhar), Sheikh Taisir Tamimi (Chief Justice of the Sharia Courts in the Palestinian Authority), Sheikh Tal El Sider (Minister of State for the PA and one of the highest religious authorities in the PA), and the heads of the churches in the region, headed by the Latin Patriarch, His Beatitude Michel Sabbah.

The following is the text of the First Alexandria Declaration from 21 January 2002:

“In the name of God who is Almighty, Merciful and Compassionate, we, who have gathered as religious leaders from the Muslim, Christian and Jewish communities, pray for true peace in Jerusalem and the Holy Land, and declare our commitment to ending the violence and bloodshed that denies the right of life and dignity.

“According to our faith traditions, killing innocents in the name of God is a desecration of His Holy Name, and defames religion in the world. The violence in the Holy Land is an evil which must be opposed by all people of good faith. We seek to live together as neighbors respecting the integrity of each other’s historical and religious inheritance. We call upon all to oppose incitement, hatred and misrepresentation of the other.

- “1. The Holy Land is holy to all three of our faiths. Therefore, followers of the divine religions must respect its sanctity, and bloodshed must not be allowed to pollute it. The sanctity and integrity of the holy places must be preserved, and freedom of religious worship must be ensured for all.
- “2. Palestinians and Israelis must respect the divinely ordained purposes of the Creator by whose grace they live in the same land that is called holy.
- “3. We call on the political leaders of both peoples to work for a just, secure and durable solution in the spirit of the words of the Almighty and the Prophets.
- “4. As a first step now, we call for a religiously sanctioned cease-fire, respected and observed on all sides, and for the implementation of the Mitchell and Tenet recommendations, including the lifting of restrictions and return to negotiations.
- “5. We seek to help create an atmosphere where present and future generations will co-exist with mutual respect and trust in the other. We call on all to refrain from incitement and demonization, and to educate our future generations accordingly.
- “6. As religious leaders, we pledge ourselves to continue a joint quest for a just peace that leads to reconciliation in Jerusalem and the Holy Land, for the common good of all our peoples.
- “7. We announce the establishment of a permanent joint committee to carry out the recommendations of this declaration, and to engage with our respective political leadership accordingly.”

Information Department of the Consulate General of Israel to New England:
information@boston.mfa.gov.il
www.israelemb.org/boson

APPENDIX 4

Full Message of MCB Secretary General to the OSCE International Conference, Gulistan Palace, Baku, Azerbaijan, 10-11 October 2002

"I am pleased to learn from MCB Central Working Committee member Imam Dr Abduljalil Sajid that he will be attending as an invitee of the British Foreign Commonwealth Office and contributing to this timely conference on "The Role of Religion and Belief in a Democratic Society: searching ways to Combat terrorism"

"The Muslim Council of Britain (MCB) is a national umbrella organisation that serves and represents British Muslims by sharing in the common good of our society as a whole. The MCB works with a number of government forums such as the Inner Cities Religious Council and the Race Relations Forum and many other major faith communities to promote the well being of all. Cultural diversity and religious pluralism inspire healthy competition between communities and nations, and God enjoins us to direct that competition towards the seeking of the common good for all humanity. Co-operation and Solidarity among the faiths means that competing human communities strive to understand and reach out to one another in pursuit of a united human ethic and vision.

"The Muslim Council of Britain condemns violence and terror of all kinds, as there is no justification for senseless and extra judicial killing. Terrorism is an evil and destructive phenomenon that inflicts pain and suffering on defenceless people. Those who planned and perpetrated those atrocities, regardless of their religious, ideological or political beliefs, stand outside the pale of human values. Islam commands us to be just and wrong no one.

"To eradicate terrorism it is imperative that we address the conditions that can give rise it. To combat terrorism effectively we need a united front against terror. Building bridges between nations and peoples must be an integral part of that strategy. Sadly, the world is instead being pushed towards more violence and division. Instead of vengeance we need justice and instead of rhetoric we need reason. We must deny terrorists the opportunities to exploit the social, economic and political problems that continue to blight our world.

"The real and long-term answer to the evil of terrorism is to give people their due stake both in the resources and the affairs of their world. The Muslim Council reiterates its own commitment to the way of peace and pro-existence in its quest for the common good of all. On behalf of the Muslim Council of Britain I wish you every success with your conference and look forward to receiving a full report from Imam Abduljalil Sajid."

Iqbal Sacranie
Secretary General
The Muslim Council of Britain

2. **Remarks by Archpriest Vsevolod Chaplin, Deputy Chairman of the Russian Orthodox Church Foreign Relations Department, Moscow Patriarchy**

A RELIGIOUS VACUUM ATTRACTS EXTREMISTS

Many people in Europe and the whole world see the misuse of religion by extremists as a serious concern. This is no wonder, if we recall the way radicals tried and sometimes succeeded in using religious feelings to escalate conflicts in the Balkans, hostilities between Armenia and Azerbaijan, and a whole series of dramatic situations in the North Caucasus. What can we do to respond to extremism that uses religion as a cover?

Of course, this response should involve police measures; religious leaders must denounce terrorism and extremism while fostering dialogue between religions. Many other things also need to be done. However, I would like to focus on a very important aspect of the problem: the most efficient and stable method of preventing pseudo-religious terrorism consists in supporting traditional religious groups that have proven their goodwill and their commitment to peace and dialogue. In many cases, the societies themselves are supportive of these groups, and the government should take notice of this and make the right legal and political conclusions.

Yet, most unfortunately, this kind of support is often thwarted for the sake of an ideology of strict separation between the church and the state – an exaggerated understanding of secularity. For example, in Russia, the church is separate from the state. This means, first of all, that it may not interfere in public governance or public authority. This is the way secularity is understood in most countries, and international law does not tend to extend this interpretation. This does not mean that religion must be totally absent from schools, the army, or the police; from diplomatic efforts; state-supported mass media; social welfare structures; or public institutions in general.

It is true that the Russian Constitution stipulates that all religious groups be treated equally. Every one of them can engage in religious services and practices or propagate its religious views. None of these groups may be treated with prejudice by courts or law enforcement agencies. However, equality is likewise guaranteed to trade unions, artistic associations, charities, non-government theatres, museums, and television stations. Yet, why does the government offer more support to some of these entities and less – or none – to others? Perhaps it is because the citizens view these groups in different ways. The groups do not all have the same importance for the life of the nation; some of them do the society more good than others; and, finally, their social scope is unequal.

Despite equal basic rights of religious groups and their equal legal responsibilities, the citizens – the main subjects of public authority – still enjoy the right to choose whom to support. This right has to be accepted as a positive value in international law and world politics, because extremists will lose their ground if this right is consistently implemented. Let us note that in Western Europe, where many generations had received religious education, extremism is much less popular. Meanwhile, in the post-Soviet space, after long years of attempts to “keep religion within church walls”, “religious” radicals and swindlers have attracted millions and become active on a wide scale that has only recently begun to narrow.

Let us look at high schools and universities. There are good reasons why the present Russian Constitution no longer contains the Soviet principle of “separating the school from the Church”.

Religious education at school poses no danger if the classes are strictly optional, attended by pupils on their and their parents' explicit wishes. By the way, this will guarantee that "non-traditional religion", or any kind of religion, will not be imposed on pupils against their will.

At universities, theology and secular religious studies can co-exist very well. At the same university, a student must enjoy the opportunity to choose the former if he's a believer, the latter if he is not. Meanwhile, in Russia and many other CIS countries, the teaching of religion has been monopolized by sceptical agnostic approaches. We must recall that under international law, parents have the right to demand that their children be educated according to the beliefs shared in the family. Perhaps students, too, can expect the state to have more respect for their views.

Russian public authorities are now considering the possibility to begin training Islamic clergy at secular universities, using state funds for this purpose. These plans are quite natural. Only recently, Muslim priests would only be trained abroad, almost without exception, often at religious centres with a notorious radical bent. I believe the same kind of support must be offered to Christian religious education. The "religious vacuum" in which few people have knowledge to go with their faith and many are ignorant in spiritual matters does not help to combat extremism. Worse still, it is dangerous: experience shows us that the vacuum is easily filled with radical trends. Apart from particular Islamic teachings, these include para-Christian radical trends and totalitarian pseudo-religious sects. Just by stopping to preserve this vacuum artificially, we shall possess an important tool with which to fight extremism. This should be kept in mind by international organizations, as well as by national authorities.

3. Remarks by Co-Moderator Anar Rzayev, Head of the Committee on Culture of the Parliament of the Republic of Azerbaijan

INTERCULTURAL DIALOGUE: A NECESSITY FOR A MODERN DEMOCRATIC SOCIETY

Today, we are taking part in a very interesting and important event. The international conference on “The Role of Religion and Belief in a Democratic Society: Searching for Ways To Combat Terrorism and Extremism”, organized by the OSCE’s Office for Democratic Institutions and Human Rights, with the support of the Government of the Republic of Azerbaijan, broaches a subject that has a significant meaning for modern democratic societies. Taking into account the problems that will be discussed, I think that this conference is one of a number of other OSCE conferences – in particular, the Bucharest conference (3-4 December 2001) and Madrid (23-25 November 2001) – and meetings that have been conducted since the 11 September tragedy in the United States.

Today, we are witnesses to conflicts arising because of religious, national, and racial differences. We have watched bloody wars, acts of terrorism, and displays of extremism. Local conflicts not suppressed in time have developed into conflicts between whole countries, which have, in turn, provoked similar conflicts in other countries. Social, political, and economic problems that are not solved in a timely fashion are yet another reason for acts of extremism and terrorism. The result of these conflicts is the spilling of blood of innocent people, since these are the people who suffer most of all from such conflicts, and, for that reason, fear begins to reign in society.

It should be noted that terrorism and extremism need to be opposed, insofar as they are alien to the level of progress that has today been achieved in nearly all spheres of human activity. But I think that this problem should be resolved in a cultural way.

Contacts between different cultures and their mutual influence create elements of common development. However, innovations are not always properly understood. We follow these processes, but we don’t see; we listen, but we don’t hear. Thus, we cannot put up serious resistance to negative processes, and this is slowing down the process of global regeneration.

The situation that we are facing today can be explained in the following way: on the one hand, one could suppose that the confrontation in modern society arose between different cultures, or, to be more exact, between traditional, Islamic culture and modern, Western culture. This, of course, is untrue. The above-mentioned cultures know their own virtues and shortcomings, and they constantly aim to gain benefits from one another. Consequently, confrontations arise on social, political, and economic grounds; intercultural dialogue is capable of resolving these problems.

Intercultural dialogue can be conducted if there are grounds for it, i.e., we have to recognize the necessity for such dialogue, and we have to fill this cultural “gap”. I think the time for this has already arrived.

Regardless of how this era of technological progress has influenced our lives; regardless of how the unified information space has expanded, the problem of terrorism and extremism has to be resolved not only on the socio-economic level but also on the cultural level. And for that, we need intercultural dialogue.

From day to day, we feel the need to continue this dialogue. Representatives of different cultures are capable of reconciling the parties involved in a conflict by trying to find the ideas and thoughts they

have in common. Mostly, they should provide people with correct information about different cultures, propagate the principles of tolerance and peaceful co-existence, show concern for respect for human rights, regardless of religious or national association. They should fight against injustices arising from violations of freedom of religion and conscience. All these efforts need to be an integral part of intercultural dialogue.

Azeri writers think it is important to establish the roots of terrorism and extremism, and we think that, in the sphere of religious enlightenment, much must still be done to determine the social and psychological reasons for religious intolerance. We hope that the literary works of Azeri writers dedicated to this topic will be published in the very near future.

I would once again like to wish all the conference participants success and express my confidence that your suggestions and recommendations with respect to the problem of intolerance in modern democratic societies will be very helpful in resisting terrorism and extremism.

4. Rapporteur's Report: Dr. Jolanta Ambrosewicz-Jacobs, Centre for European Studies, Jagiellonian University, Krakow, Member of the OSCE/ODIHR Advisory Panel on Freedom of Religion or Belief

General Overview

The OSCE has been concerned with the issues of freedom of religion or belief since the Helsinki Declaration on Principles Guiding Relations between Participating States (1975). The indispensable right of an individual to conscientious belief and religious communities to maintain entity status was later reaffirmed during numerous meetings and in many documents and charters. The Vienna Concluding Document introduced a positive obligation on governments "to take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers." Participating States also undertook to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers.

Difficult Questions

Working Session 2 focused on concrete strategies to prevent the escalation of interethnic, intercultural, and interreligious violence. There were several difficult questions raised by speakers during Working Session 2 and several vital recommendations that came as answers.

One question was whether we can find remedies within religions themselves? Promotion of interreligious dialogue was stated as an intrinsic task of religions. Religion per se is not a source of hate. On the contrary, principles of religions are to treat others well, so they do not treat us badly. Religious convictions, however, as Imam Dr. Abduljalil Sajid emphasized in his introductory opening to this session, can create either harmony or conflict. Needless to say, they may be misused, instrumentalized.

The next question concerned the input of interreligious dialogue in maintaining peace in the world. Religious leaders have the potential to moderate, mediate, and defuse tensions, possibly on a very low-key, local level. In many instances, the influence of religious leaders is heightened in conflict situations, as populations turn to them during times of increased tensions of an ethnic, economic, or other nature that can lead to conflict. Unfortunately, history is replete with examples where this potential to mediate and moderate has not been used.

Before I turn to examples of good practice and crucial recommendations presented by the speakers, let me turn to the few vital thoughts that emerged during the session:

- The concept of inclusive society – a society that opens space for all that feel excluded – is of paramount importance;
- Political pluralism cannot exist without religious pluralism; and
- The idea of thinking globally and working locally as a universal guidance.

Several specific recommendations need to be mentioned as the outcome of the session. I will start with examples of good practice brought up by the participants:

- Meetings among religious leaders, which are already taking place, but this is apparently not enough;

- interreligious academic dialogue; and
- mutual interfaith co-operation, namely, working and praying together; lectures in each other's places of worship, as in Brighton.

Among recommendations based on an agreement that societies are culturally and religiously diverse, we can list:

- Facilitating open public discussion that will reveal unpronounced, hidden tensions that are often under the surface and/or suppressed by legal-system issues;
- Acknowledging that religious communities may be a source of invigorating ideas and much-needed reforms, not necessarily a danger for public order;
- Identifying the root causes of extremism/terrorism as a prerequisite of any preventive strategy, namely, exclusion, injustice, corruption, and marginalization should be acknowledged and dealt with; and
- Integrating marginalized groups into the decision-making process, since underrepresentation only suppresses individual and group needs that may otherwise erupt.

In order to implement these recommendations, participating States should:

- Pass anti-discrimination laws;
- Develop mechanisms to ensure entity status of marginalized groups; and
- Repeal laws that criminalize beliefs.
- Implement hate-crime laws that are clearly defined and based on international standards;
- Establish a council of religious leaders for the purpose of dialogue and conflict resolution
- Teach forgiveness as a precondition for peace (religious leaders are in a position to implement this);
- Establish interfaith forums between representatives of governments, policy makers, and representatives of religious communities;
- Request OSCE assistance to help to organize regular interfaith roundtables based on identifying emerging problems on a regional level;
- Facilitate communication between state and religious organizations by means of more frequent meetings of religious leaders, believers, NGOs and state representatives;
- Conduct interstate conferences, especially for states engaged in past conflicts or that are undergoing the reconciliation process; and
- Counteract ignorance by engaging educators in the process of enhancing understanding of religious heritage.

One of the merits of this meeting is its pragmatic approach. Searching for social reform on a grand scale has not always led to the desired results. Through such remedies, we can approach each other, but we cannot become people who care about each other. The essence of tolerance – a notion frequently heard in the presentations during Working Session 2 – is the right of people to behave according to their beliefs, even if we do not like it. Being tolerant means not to pressure anyone to change their beliefs, to respect other opinions and habits, and to be free from prejudices. Tolerance is broadly interpreted as the willingness of individuals to accept the right of everyone to be different. It means respect for the opinions of others without being judgmental. This value comes from the individual rather than the state. However, the state should take measures to ensure respect for all human beings and to encourage tolerant attitudes, as this is an essential component of peace and security.

V Working Session III

THE ROLE OF EDUCATION IN PROMOTING TOLERANCE AND COMBATING THE GROWTH OF RELIGIOUS EXTREMISM

1. **Introductory Remarks by Ms. Ingvill Plesner, Oslo Coalition on Freedom of Religion or Belief**

FOSTERING TOLERANCE & SECURING FREEDOM OF RELIGION OR BELIEF IN SCHOOL EDUCATION

1. **Introduction**

The focus of this paper is educational approaches that might contribute to peaceful co-existence through the fostering of tolerance and respect for freedom of religion or belief in pluralistic societies. I shall first outline aims and strategies for such educational approaches. I will then point out some dilemmas that should be taken into consideration when these aims are to be achieved in school education without conflicting with basic provisions on freedom of religion or belief. Different models of education about religion or belief in the public school system of Western countries will be presented and evaluated briefly on the basis of the main aims and dilemmas outlined. In the end, I will also point out some of the challenges related to the distinction between public (state) and private responsibility in this field, looking at different Western states' approaches to the teaching of Islam in public schools.

2. **Aims and Strategies**

There is a close connection between the aims of (public) school education in general and the aims of education about religion or belief and for human rights education in particular. Therefore, not only education about religion or belief (ERB) but also other school subjects (for instance, civic education) might contribute to inter-religious tolerance and respect for human rights. Although I shall focus mainly on models of ERB in this paper, most of the aims outlined below could and should provide guidance for all school education.

Main Aims

Respect for the individual's identity and integrity should be a foundation of all types of education. This includes respect for the pupil's religious and/or philosophical conviction, and it should be borne in mind especially if/when the school provides education about religion or belief.

The development of *intercultural and interfaith solidarity* based on understanding and identification between individuals across all borders of faith and culture should be another aim for education in pluralistic societies. This more inclusive "we" (a global identity) is not in contradiction to, but rather based on, the recognition of the particular identity of each individual.

Main Strategies

To achieve these main aims, *promoting a culture of tolerance* is a precondition and, thus, a challenge for school education as a whole. Tolerance does not presuppose a recognition of other views or beliefs

as equally true as the one you hold yourself, even though you might recognize that you do not know for sure in a scientific sense whether your position is right. On the contrary, tolerance – by definition – presupposes that you have a basic conviction that differs from the other person’s conviction, which you still endure, or tolerate.¹ Therefore, the individual belief in the exclusive truth of particular religious or philosophical views and beliefs must not be understood as a negation of the principle of tolerance. Tolerance, however, presupposes both understanding and respect for people with other views or beliefs.

Knowledge about other religions and worldviews is an important precondition for the development of a culture of tolerance. At some level, all pupils should get at least basic information about other religions and worldviews besides their own. Just as the right to freedom of religion or belief also includes the freedom not to hold a religious view, I would like to stress the fact that an inclusive education about religion or belief should also teach about life stances (secular worldviews or philosophical convictions) and philosophical convictions. ERB could be taught as a part of history, civics, or other classes, and/or it could be a specific school subject with its own curricula. The chosen model must never infringe upon the basic rights of children and their parents to choose their religious, philosophical, and moral education.

Knowledge of, and respect for, the freedom of religion or belief of others can be seen as another precondition for tolerance and peaceful co-existence in pluralistic societies.² We must not only tolerate but also recognize the *right* of others to think and believe differently than we do, even when we believe they are wrong. Education about human rights in general and about freedom of religion or belief in particular should therefore also be a part of school education.

I would also like to draw attention to the *dialogue* about the cross-cultural and multireligious consensus about human rights and basic values as an important part of, and precondition for, work for tolerance and peaceful co-existence in pluralistic societies. Such dialogue might also be an important precondition for successful school education about (freedom of) religion or belief. Interfaith and intercultural dialogue projects and scientific studies show that most religions and life stances have resources in their view of man and their basic value foundations to support both the idea of human dignity and of human rights. The teachings of faith communities, as well as ERB in schools, therefore can play an important role both in the teaching of human rights and in the search for common, cross-cultural values in a broader sense. We might distinguish between at least two approaches to interfaith and intercultural dialogue. The dialogue can be seen (mainly) as:

- a search for the minimum common denominator (for instance, a cross-cultural consensus about the universality of basic human rights); and/or
- as a search for the maximum common denominator (understood as a broader sense of “common values”).

These approaches to the aims of interfaith dialogue can also be seen as two conceptions of what is the necessary value foundation or common ground in a pluralistic society. Of course, such dialogue presupposes that there are arenas for meetings among people of different faiths. In some countries, public school is, or is supposed to be, such an arena, as we shall see later in this paper.

¹ Plesner in Durham, Lindholm, Bahia: *Freedom of Religion or Belief. A Deskbook*, Kluwer Law International 2003.

² “Freedom of thought, conscience and religion is one of the foundations of a “democratic society” within the meaning of the Convention. It is, in its religious dimension, one of the most vital elements that is to make up the identity of believers and their conception of life but also a precious asset for atheists, agnostics, sceptics, and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it” (*European Court of Human Rights 1993: Kokkanakis vs.Greece*).

3. *Dilemmas*

Freedom of religion or belief as outlined in international human rights conventions puts limits on the freedom of the state in defining the content of compulsory teaching about religion or belief. The rights of the child, as well as the rights of the parents in this respect, are stated in several human rights conventions.³ The 1981 UN Declaration on the elimination of all forms of discrimination based on religion or belief reads as follows: “Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interest of the child being the guiding principle” (Article 5, Paragraph 2). Also, basic human rights declarations and conventions underline the close relationship between promotion of tolerance and freedom of religion or belief. For instance, the 1981 UN Declaration about the elimination of intolerance and non-discrimination about religion or belief states that: “The child shall be protected from any form of discrimination on the grounds of religion or belief. He shall be brought up in the spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men”(Article 5, Paragraph 3).⁴ According to these statements, two main concerns must be taken into account in defining the content of religious education:

- 1) On the one hand, the public educational aim of promoting tolerance and mutual understanding between people of different faiths; and
- 2) On the other hand, the rights of the parents to have a last say in the religious or philosophical and moral education of their children.

When developing and practising models of education about religion or belief, one must deal with the challenge of balancing these two concerns. By examining the experiences of different countries, we shall see how dilemmas deriving from these competing concerns may be met in ways that can effectively serve the fostering of tolerance, as well as respect the equal right to freedom of religion of all inhabitants.

4. *Models*

A basic question in some countries – like the United States and France – is whether ERB should be offered by (public) schools at all. In other countries, ERB is offered in some way or another in public schools, and the questions are whether it should be compulsory or optional and whether or not the classes should be (partly or fully) divided by confessional adherence during education in this field. The

³ The right of parents (or guardians) to decide upon the religious and moral education of their children is stated in several other human rights treaties, e.g. The 1948 UN Universal Declaration on Human Rights (art. 26,3), the 1950 European Convention on Human Rights (art. 2 of Protocol No. 1 to the Convention), the 1966 Convention on Civil and Political Rights (art. 18, 4), the 1966 Convention on Economic, Social and Cultural Rights (art. 13,3), the 1969 UNESCO Declaration on the Elimination of discrimination in Education (art. 5,1) and the 1989 Convention on the Rights of the Child (art. 14, 28 and 29).

⁴ These aims and principles have later on been included in the UN Convention on the Rights of the Child of 1989 (CRC). Article 3 of the CRC further underlines a basic principle that must be heeded by the state also in the field of education; In all actions concerning the child “the best interests of the child shall be a primary consideration” (art. 3,1). Article 29 of the CRC outlines aims and principles for the education of the child: It shall be directed to the development of the child’s personality and talents to their fullest potential (29,1 a). Further it shall ensure respect for the child’s parents and his or her own cultural identity, language and values, as well as respect for the national values of the country in which ... the child is living and for civilizations different from his or her own (29,1 c). The education also shall prepare the child for “responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups...” (29,1 d).

study of the Special Rapporteur on Freedom of Religion or Belief (Abdelfattah Amor) presented in connection with the 2001 Madrid Consultative Conference on School Education in Relation with Tolerance, Non-Discrimination and Freedom of Religion or Belief, shows that ERB is optional in most countries of the world. Also in a large number of countries, the pupils are divided by confessions. In some of the countries where ERB in public schools is organized by confessions, it does not provide knowledge about other religions, while in other countries, it does so to a certain extent. Some countries have developed models of education about different religions or belief traditions in which all the pupils of different confessions take part. The two main *ideal typical* approaches to teaching about religion or belief may be outlined when looking at the practice of different countries:

- The pluralistic/integration model; and
- The confessional/segregation model.

Sorting the practices of specific countries into two main categories may, however, prove difficult. There are differences in the profiles of the so-called “pluralistic” and “integrated” approaches of different countries, e.g., when looking at Europe. The English model – often called the “multi-faith approach” – has a more comparative and multireligious profile than the Norwegian and Danish ones. In Norway and Denmark, more emphasis is still on the Christian tradition, even though knowledge about other religions and philosophical traditions is a part of the curriculum.⁵ It would, however, be misleading to group them with countries that still provide “confessional” education in the traditional sense. This is proven by the fact that loyalty to the doctrines of a particular denomination is no longer required for teaching ERB in Norwegian and Danish public schools, as it is, for instance, in the German *Bundesländer*, where “religious education” is taught as a school subject. Also, some interesting variations can be found at the regional and local levels of the countries surveyed here. In parts of England, many schools strongly emphasize the pluralistic approach both in the content of their ERB and in their development of didactic principles.⁶ The main focus is on religions present in the local community. This principle of “local differentiation” has also been implemented in the new Norwegian subject and has led to differences in the profile of ERB at the local level. The main model in Germany is confessional education in segregated groups. But some German states (*Bundesländer*) have chosen other models, for instance, Berlin and Brandenburg. In France, there is no national curriculum for religious education. But in Alsace-Lorraine (the province of Alsace-Moselle), religious education is an ordinary school subject.

In most countries or regions with “confessional/segregated” education, the development of curriculum and recruitment of teachers for the subject are carried out in co-operation between churches and public school authorities. Some places (for instance, in Austria and in some German states), the responsibility for the confessional subject lies mainly with the church/religious community. In most countries with some kind of “pluralistic/integrated” model, the school authorities have the last say in these respects, but, also here, there are exemptions. In England, there are local co-operation councils with representatives of the school authorities and of different religious communities in the area that make decisions on the curricula for the subject.

So, to what extent might these different models contribute to the fostering of tolerance and the protection of freedom of religion or belief?

⁵ In Norway, the parliament has recently reiterated that at least 50% of the time in the RE classes in total shall be spent on the Christian traditions. In Denmark, knowledge about other religions than Christianity is not to be taught before the second level of primary school (about the age of 11).

⁶ The multireligious approach in the English school system is also expressed by the fact that the schools are obliged to organize “collective worship”, where all pupils shall gather in a veneration of a divine creature or force. As a main rule, the collective worship (CW) shall have a “mainly Christian” character, though “without being distinctive of any particular denomination” (Department of Education Circular, 1994). The schools might also choose to have a CW with a mainly non-Christian character if this seems more natural with regard to the religious diversity of the pupils (Ibid).

At first glance, the obvious answer might be that a multi-faith/pluralistic model where all pupils are gathered should both be the best way of fostering tolerance and be unproblematic in relation to freedom of religion or belief as it is not confessional (at least not in the traditional sense of the word). And certainly this model probably better serves the aims outlined in the introduction of this paper than a confessional/segregation model in the sense that the pupils might both learn about other traditions besides their own and take part in a dialogue with pupils of other faiths about differences and similarities in approaching different moral and existential questions. However, experiences from different countries demonstrate that not all parents and pupils share this opinion. In several countries, parents have used their right to take their children out of classes, even though the education is intended to be non-confessional and “neutral”, for instance, from the subject *Lebensgestaltung, Ethik und Religion* in the German Bundesland Brandenburg, and from the subject *Christianity, Religion and Life Stance* in Norway. In Norway, as well as in Sweden, the rights of parents to let their children opt out of these subjects that claim to be non-confessional/pluralistic, teaching about different religious traditions, has been limited since 1997/1998. In the case of Norway, this has even led to trials where parents of different groups (both secular humanists and Muslims) have claimed the right to exemption, referring to the international human rights provisions mentioned above that protect the rights of the parents to refuse education for their children that contradicts their own religious and/or philosophical convictions. These examples demonstrate that there is a need to respect the rights of parents also when the subject is intended to be “neutral” and “non-confessional”. Tolerance is not likely to be the message to the children if freedom of religion or belief is not respected.

On the other hand, a confessional/segregation model might, as we have seen, include some information about other religions, as, for instance, in Finland. Then the children might both develop a safe religious identity and learn about “others”. A particular platform is a precondition for tolerance, since the concept refers the challenge of tolerating opinions and convictions other than one’s own. The concept of tolerance will, however, probably be taught on a more theoretical level when the pupils are not engaging in dialogue with children of other faiths when they learn about other religions. Also, the segregation of the pupils by confessions might in itself send a message to the children that underlines the differences rather than encourages a sense of community and identification across borders of faith. The confessional approach does not conflict with freedom of religion or belief as long as it is optional or where there is a possibility to choose between different confessional and non-confessional subjects (like in Germany and Finland). If one particular confessional subject is made compulsory for pupils of all confessions, it is in obvious conflict with the rights of parents mentioned above.

We have seen that there are dilemmas related to both of the main approaches presented above: the confessional/segregation model and the pluralistic/integration model. Also, the position of some countries not to offer any education about religion or belief in public schools might be seen as a model, like in France and the United States. This model certainly does not conflict with the rights to freedom of religion or belief. Also, tolerance, as a basic attitude, might be taught in other subjects, and the children might get some information about different religions in relation to their learning about different cultures and regions in, for instance, history classes and civics. The integration of information about different religious traditions, focusing on the cultural dimension of religion, is, for example, currently being discussed as a possibility in France. The pupils will probably not, however, get the chance to gain a deeper understanding of the religious belief system of others as they might if there was one subject focusing on this. Nor will they have as good a chance to engage in dialogue about this with pupils of other faiths.

It seems, therefore, that there are dilemmas related to all models, if both regard for freedom of religion or belief and the quest of fostering tolerance are to be taken into account.

5. *A Public or a Private Responsibility?*

As we have seen, there are variations between countries both in whether or not ERB is offered and in who has the responsibility for such education if offered in public schools: the public authorities, the churches/religious communities, or the two in co-operation. Of course, both confessional and multi-faith education might be offered also in private schools. Here, the dilemmas referred to above probably are not so pressing, since the parents have chosen the school for their children and can take them out of that school if they do not approve of the profile of the subject. This possibility to opt out of school applies, of course, also to public schools in the sense that the parents might choose a private school for their child. For many parents, this is just a theoretical possibility, since there are no such schools in the area, or because they cannot afford it. Also, some countries have quite a strict practice with regard to the right to establish private schools, for instance, on religious grounds.

A particular challenge is related to situations where public school authorities allow some faith communities to use the school building, after or during school time, to educate the children of their congregation. Questions then arise about whether all faith communities must be let in and if there should be any interference with the form and content of the education offered by the faith communities. These questions have been discussed in the Netherlands and in Germany in relation to Islamic education offered by imams. Should there be, for example, a demand that private educators in public schools commit themselves to values that are seen as “shared” in larger society, such as human rights, equal treatment of sexes, etc.? Also, when ordinary school teachers are to educate children about different faiths, they must emphasize certain interpretations of the different doctrines of, for example, Christianity and Islam. Should they then choose to teach children about the theological and moral positions of the different religions that are more in compliance with the value foundation of the public school (human rights, tolerance, etc.), and how should they then comment on religious traditions and interpretations that are not in compliance with these values? These are questions that need to be discussed further.

At both the national and the international levels, educators and representatives of the public authorities should engage in dialogue with representatives of different faith communities and human rights experts. These groups – and probably more – are all needed if the dilemmas are to be fully understood and if good solutions to them will be found. Also, one should not try to develop one model that should be applied in all countries. Rather, there should be a cross-disciplinary and cross-national discussion of different models and how they might serve the fostering of tolerance and the protection of religion or belief. More specific development of models must be carried out at the national and local levels.

2. **Remarks by Prof. Vladimir Bobrovnikov, Institute for Oriental Studies, Russian Academy of Sciences, Moscow**

ISLAMOPHOBIA AND RELIGIOUS LEGISLATION IN POST-SOVIET DAGHESTAN

Using Daghestan as an example, this article will trace how the post-Soviet leadership of the Russian Federation and its regions developed a new religious policy in the North Caucasus. What aims are the federal and republican authorities pursuing? What are their fears, and how legitimate are they? What sort of relations exist between regional administrations, republican leaderships, and federal authorities? How well do the authorities control the religious situation in their republics? Why is so-called Wahhabism being propagated in the region? In an attempt to answer these questions, I have weighed up federal and Daghestani legislation against statistical data from the last few years and against the field and archival materials that I collected in the North Caucasus between 1992 and 2001.

1. *The Concept of an 'Islamic Threat' in the North Caucasus*

Let us begin with an evaluation of the notion of an "Islamic threat" that federal authorities have been applying to the post-Soviet North Caucasus. This notion, to a large extent, determines federal policies in the Caucasus.

In the late 1990s, the federal authorities learned from experience just how dangerous it is to ignore the growth of sociopolitical and inter-religious tensions in the Caucasus, especially in its north-eastern parts (Daghestan and Chechnya). Two Russian-Chechen wars; fierce clashes between adherents of different Islamic trends in the North Caucasus; never-ending kidnappings; and a wave of terrorism that culminated in the recent explosions of apartment blocks in Moscow, St. Petersburg, and other Russian cities – all of this makes Russian policy makers think in terms of the need to reinforce power structures and toughen their religious policies in the region. They proceed on the conviction that, otherwise, the Russian-Chechen tensions will be transformed into a new war in the Caucasus.

Such fears have motivated a number of statements by the federal government and parliament, by former Russian President Boris Yeltsin, by the many prime ministers who held that post in the late 1990s, and eventually by the incumbent President Vladimir Putin.

The Federation Council made public a typical document of this kind in January 1997, long before the start of the second Russian-Chechen war. It reads: "Recently, an explosive situation has evolved in the North Caucasus. It is prone to further escalation and possible renewal of military action, which can, under certain conditions, grow into a large-scale Caucasus war and cause the disintegration of Russia ... The Federation Council of the Federal Assembly of the Russian Federation expresses its concern over the current situation and appeals to all the nations, all Russian citizens living in the region, asking them to show their prudence and discretion, to ignore provocations, to resist attempts to involve them in military hostilities that will bring new endless victims and misery ..."¹

The ghost of a future Caucasus war has long been haunting the Muslim leadership of the Russian Federation as well. Muslim leaders hold an important place among the political elite in Moscow and

¹ Statement of the Federation Council of the Federal Assembly of the Russian Federation (RF) "On the Situation in the Northern Caucasus", 23 January 1997. // *Collected Laws of the Russian Federation*. 1997, № 5, Art. 630, p.1001, 1002. Cp.: Address of the State Duma of the Federal Assembly of the Russian Federation to Religious Citizens of Russia in Connection with the Armed Conflict in the Chechen Republic // *Ibid.* 1994, № 35, Art. 3671; *Mir za nedelyu*. 11-18.12.1999 etc. (in Russian).

are close to the federal authorities. On the eve of the first war in Chechnya, Ravil Gaynutdin (R.I. Gaynutdinov), Moscow Mufti and Chairman of the Spiritual Board of Muslims of Central European Russia, published "An Address to the President of Russia, Boris Yeltsin". In this document, he compared what the Russian military was doing near Grozny to the "military adventurism" of the tsarist generals who had unleashed the Caucasus war in the late 18th century.² On 21 August 1996, Gaynutdin warned the Russian government of the danger that the Chechen conflict could turn into a Muslim-Christian war, and he asked the government led by Viktor Chernomyrdin to prevent General Pulikovskiy from storming the city of Grozny.³

According to federal authorities, the current situation in the North Caucasus poses two main risks that may eventually lead to war. The first is the socio-economic crisis that has bedeviled the region since the late 1980s. The Russian government has admitted that the situation is especially grave in the north-eastern parts of the region, namely, Dagestan and Chechnya. In September 1997, it was observed that, "by social indicators, (the Republic of Dagestan) is listed almost last in the Russian Federation". It is believed in government circles that the growing unemployment, inflation, low standard of living of most people, and uncontrolled migration are nourishing regional separatist movements.⁴

Federal authorities believe that yet another threat to peace and stability in the North Caucasus comes from the subversive activities of Western and Muslim states that are aiming to dissect Russia and wish to incorporate the Caucasus into their spheres of influence. While in the early 1990s the Russian government regarded local nationalists as Russia's No. 1 enemy in the Caucasus, it has been two or three years since it began to fear radical Islamic reformists usually referred to as Wahhabites⁵ and thought to be the instigators of war in the Caucasus. In the eyes of the federal and Dagestani governments, these people are anti-Russian agents working to remove Dagestan and the entire Caucasus from Russian authority.

Who are the Wahhabites? For almost a decade now, this word, derived from the name of a well-known, 18th-century religious reformer from Saudi Arabia, Muhammed ibn Abd al-Wahhab, has been used in the North Caucasus as a derogatory term for ideological or political opponents of local, official Muslim religious leaders. The Wahhabites themselves regard this term as an insult and do not accept it. One group stands out among people usually denoted by this word: a radical community of religious reformers, either young or middle-aged. This group is very critical of the leadership of the Spiritual Board of Muslims of Dagestan (SBMD) and of its key actors, followers of sheiks from the *Nakshbandiyya* and *Shasiliyya* Sufi brotherhoods that resumed their activities in the 1990s.

Islamic reformers insist that they aim to purify Islam from unacceptable innovations (Arabic: pl. *bida'*, sg. *bid'a*), such as Sufism and the cults of saints. They call for a return to the traditions that existed in the days of the Prophet Muhammad. The Wahhabites call themselves "brothers" (Arabic: *ihvan*) or enthusiasts of the revival of their ancestors' religion (Arabic: *as-salaf*, whence the Arabic name for the movement *as-salafiyya* and for its members, *as-salafites*). For the community, they use the name *Jamaat*.⁶ In their dogmatism, interpretations of the Sharia, community structure, and religious ritual,

² *Mufti Ravil Gainutdin. Address to the President of the Russian Federation B.N. Yeltsin. // Muslim Spiritual Organizations and Associations of the Russian Federation. Moscow, 1999, p.139. (in Russian).*

³ *Mufti Sheik Ravil Gainutdin. To the President of the Russian Federation B.N. Yeltsin, to the Chairman of the Russian Government V.S. Chernomyrdin, to Security Council Secretary A.I. Lebed. // Ibid, p. 141. (in Russian).*

⁴ *Collected Legislation of the Russian Federation. 1997, № 37, Art. 4307, p.7412, № 52, Art. 5909, p.10425; Cp.: Address by President of the Russian Federation B.N. Yeltsin to the Federal Assembly of the Russian Federation "The Russia for Which We Are Responsible" // Etnopolitichesky Vestnik. 1996, № 2, p.11-14. (in Russian).*

⁵ Cp. opinion pieces in newspapers close to the Russian parliament: *Izvestia*. 19.02.1998; *Nezavisimaya Gazeta*. 18.03.1998. (in Russian).

⁶ For details on the reformist Islamic trend within Wahhabism in the North Caucasus, see: *Bobrovnikov V.O., Yarlykapov A.A. Wahhabites in the Northern Caucasus // Islam on the Territories of the Former Russian Empire. Moscow, 1999, issue 2, p.19-23. (in Russian).*

today's Wahhabites in the North Caucasus differ significantly from the followers of Muhammed ibn Abd al-Wahhab. The two movements have emerged under very different historical conditions; their social foundations and political manifestations are quite dissimilar. By their views and structures, Daghestani Wahhabites are closer to the late-20th-century fundamentalist movements in Arabic countries, such as the Muslim Brothers in Egypt or the Islamic Salvation Front in Algeria.

For the purposes of this report, it is even more important to note that in the late 1990s, Wahhabism was increasingly used as a label for political opponents of the Spiritual Board of Muslims of Daghestan. It is applied to groups that, in fact, adhere to nearly opposite views. So-called Wahhabites include the moderate reformist Ahmed-kadi Akhtaev, whom we shall mention below; the radical politician Movladi Udugov, who is not very religious yet tries to parade as a Muslim; and even the notorious terrorist Shamil Basaev; as well as many others, some of them pure bandits who have nothing in common with the movement except their "Caucasus nationality".⁷

The National Security Concept of the Russian Federation signed by President Yeltsin on 17 December 1997 mentions the need to "take into consideration (in the religious and social policies of the centre) the destructive role of various religious sects that cause considerable damage to the spiritual life of Russian society, pose direct danger to the life and health of Russian citizens, and are frequently used as a cover for unlawful activities", mostly meaning the Wahhabite movement in the North Caucasus.⁸

I believe that Russian federal authorities began to think in terms of a "Wahhabite threat" under the influence of official Muslim leaders in Daghestan and Moscow who took an uncompromising stand towards their political and ideological opponents in the post-Soviet Muslim community. After all, the initiative to slam Wahhabites in the Caucasus came from Daghestani Muslim religious leaders rather than the Russian government. The late Daghestani Mufti S.M. Abubakarov had said on many occasions that "Wahhabism is a pseudo-religious political movement with a radical extremist bent" that should be opposed.⁹

The Mufti Council of Russia – the supreme co-ordination body of Russia's Muslim leadership, tightly linked to the Daghestani Muftis – responded to the clashes between Wahhabites and their opponents in the villages of Karamakhi, Chabanmakhi, and Kadar on 12 May 1997 by condemning "the unrestrained ambitions and lust for spiritual power of the activists of Wahhabism – a movement that only just appeared in Russia and is alien to the vast majority of Muslims".¹⁰

The Wahhabite threat in the North Caucasus and especially in Daghestan haunts both the mass media of various orientations and high-ranking officials from the presidential administration. It goes to show that K.M. Tsgolov, the deputy of former Nationalities Minister V.M. Mikhailov, upon returning from a visit to Daghestan, told Moscow journalists that "the threat of Muslim fundamentalism is evident" in Daghestan. As former head of the presidential Department of Domestic Policy Issues, A.V. Loghinov said, "we are increasingly concerned about ... Muslim extremism".¹¹ Judging from publications in Moscow newspapers,¹² such fears are shared by liberal democrats (LDPR), Russian nationalists, and communists, as well as pro-democratic forces in the Russian government and Duma.

⁶ See, for example: *Znamya Islama (Liva' al-Islam)*. 1999, № 1-2, p.8; *Izvestia*. 14.08.1999. (in Russian).

⁷ Decree of the President of the Russian Federation of 17 December 1997. № 1300 // *Collected Legislation of the Russian Federation*. 1997, № 52, Art. 5909, p.10432. (in Russian).

⁸ Muslim Spiritual Organizations and Associations of the Russian Federation. Moscow, 1999, p.17. (in Russian).

⁹ Statement of the Mufti Council of Russia in connection with events in Daghestan // *Ibid*, p.145. (in Russian).

¹¹ *Khalif*, an Islamic sociopolitical newspaper. 1997, № 2; *Moskovsky Komsomolets*. 11.11.1997. (in Russian).

¹² Cp.: *Nezavisimaya Gazeta*. 18.03.1998, p.12. (in Russian).

In the last two or three years, the media have actively spread such attitudes. Quite a few Moscow-based journalists are terrified by Wahhabism in the North Caucasus. Once in a while, Moscow newspapers come out full of titles like “Jihad Approaches Daghestan Border” (*Izvestia*, 10 February 1998), “El Wahhab Arrives in Daghestan” (*Izvestia*, 19 February 1998), “The Caucasus Increasingly Aflame with Jihad” (*Izvestia*, 21 April 1998), “The Liberation Front Approaches Stavropol Region” (*Izvestia*, 25 April 1998), “Temporary Quiet Calm in Daghestan Is More Worrying than Cries of Allah Akbar” (*New Izvestia*, 29 May 1998), and “Wahhabism Is a Logical Consequence of the History of Caucasus War” (*Izvestia*, 14 August 1999). As Russian Minister Abdulatipov wisely remarked, “against the background of war in Daghestan and the deteriorating situation in the North Caucasus in general, a stereotype is being propagated in Russia by which any Muslim is an Islamic extremist”.¹³

Alongside the general growth of Islamophobia, one should note that some new people in the federal government are sympathetic towards Islam. Some of them have come from Daghestan or other Muslim Russian republics to join the new federal elites, such as R.G. Abdulatipov, mentioned above; Duma member G.G. Gamidov; or N.M. Khachilaev, Chairman of the Russian Union of Muslims, who took Gamidov’s seat in the Duma after the latter was murdered in Makhachkala in August 1996. Khachilaev lost his seat in the Duma and went into hiding in Chechnya following the notorious events of May 1998 when his followers seized the government building in Makhachkala, yet he managed to maintain close ties with the Moscow-based Muslim political elite. All of those listed above, and all other prominent Russian policy makers of Muslim origin – such as Ruslan Khasbulatov, Aman Tuleev, Mintimer Shaymiev, Murtaza Rakhimov, Aslan Maskhadov, Ruslan Aushev, and others – openly declare that they are followers of Islam. Every one of them made the Hajj in the 1990s (most of them did it several times).¹⁴

Despite differences in political and religious views, all of the above-mentioned policy makers regard Islam to be a potential source of cultural revival and stabilization in the North Caucasus. Due to their efforts, Islam has a slightly privileged status with Russian federal authorities,¹⁵ a status it had never enjoyed before under either Soviet or pre-Soviet authorities. The head of the Spiritual Board of Muslims of Central European Russia (renamed the Spiritual Board of Muslims of European Russia in December 1998), Gaynutdin, is on good terms with influential Moscow Mayor Yuri Luzhkov.¹⁶ The latter has repeatedly mentioned that the Moscow government supports “the Muslim tradition in Russia”. The Mayor often attends events organized by the Moscow Mufti Board, e.g., he attended the International Islamic conference entitled “The Role of Muslims in the Spiritual Revival of Russia” held in Moscow on 5-6 June 1999.

As a result of this positive relationship with Moscow and federal authorities, the Moscow Muslim community succeeded in taking over the historical Central Mosque in 1991 and in building several large mosques in various Moscow and suburban districts in 1995-1998. Luzhkov’s administration supports the construction of a huge Oriental Humanities Centre in the Nagatino District that will include a mosque, a madrasah college, conference halls, a Muslim business club, etc.¹⁷ Federal authorities have frequently reiterated their support of Islam as a faith adhered to by Russian citizens. Beginning in the mid-1990s, President Yeltsin would offer his congratulations to Christians on Easter and Christmas and to Muslims on Kurban-Bairam. In a presidential speech made on such an occasion

¹³ The Northern Caucasus: Islam in Politics and Politics in Islam. Roundtable held at Moscow Carnegie Center on 19 August 1999. (in Russian).

¹⁴ For details, see: *Malashenko A.V. Islamic Revival in Contemporary Russia*. Moscow, 1998, p.85. (in Russian).

¹⁵ In the *Concept of National Security of the Russian Federation*, somewhat ignorantly mentioning the traditional Islamic faith as one of the ‘churches’ (!), B.N. Yeltsin notes: “A crucial role in preserving traditional spiritual values is played by the Russian Orthodox Church and the Churches of other confessions” // *Collected Legislation of the Russian Federation*. 1997, № 52, Art. 5909, p.10432. (in Russian).

¹⁶ For details, see: *Malashenko A.V. Islamic Revival*, p.122. (in Russian).

¹⁷ *Muslim Spiritual Organizations and Associations of the Russian Federation*. Moscow, 1999, p. 45-46. (in Russian).

in April 1998, Yeltsin emphasized his “deepest gratitude to the Muslim community of Russia for their help in solving the problems faced by the country”.¹⁸ Since 2000, President Putin has continued this tradition. Quite typically, in a meeting with the Mufti Council of Russia held on the eve of his inauguration, Putin spoke of Russia as a “great Christian and Muslim nation”.

Ironically, the government’s policy of cooperating with “the Islamic tradition” made it support the celebration of the 200th anniversary of Imam Shamil, a notorious 19th-century opponent of Russian authority in the Caucasus. The anniversary was widely celebrated in Daghestan in October 1997. The main streets of Makhachkala were renamed: Kalinin Avenue became Imam Shamil Avenue and 26 Baku Commissars Street was renamed after Magomed of Yarag, Shamil’s spiritual instructor (*Murshid*).¹⁹ Half of the financing for the festivals was provided from the federal budget. The festivals’ Organizing Committee included representatives of the federal authorities: Abdulatipov; former Nationalities Minister V.A. Mikhailov; leaders of the State Committee on Youth Issues; and representatives of the Ministry of Culture, the Ministry of Interior, and the Russian Academy of Sciences.²⁰

At present, the Mufti Council of Russia is cooperating with the Moscow and federal governments to prepare for the celebration in April 2000 of yet another anniversary: 14 centuries (according to *Hijra*) since Islam began to propagate in Russia.²¹ The Organizing Committee of the anniversary began to function in Moscow in spring 2000. It is co-chaired by Moscow Mayor Luzhkov and Chairman of the Russian Mufti Council Gaynutdin. On 6 April 2000, a concert was held at the Moscow MkhAT theatre to celebrate the 1,400th anniversary of Islam in Russia.²² On 11 May 2000, a conference on “Islam and Political Stability in Russia” was held at the Russian State Duma on the occasion of the anniversary. The conference was attended by politicians and academics, including Abdulatipov, M. Zargishiev, and L.R. Syukiyaynen, a prominent expert on Islamic law. In 2001, the 1,400th anniversary of the Islamic faith will be celebrated in Moscow, Makhachkala, and Derbent.

Despite their antagonism, the followers and opponents of Islam in the Moscow federal elite have something in common where their views are concerned. Both have a very obscure notion of Islam or the current religious situation in the North Caucasus in general and Daghestan in particular. In post-Soviet times, a real barrier of mutual misunderstanding has developed between Moscow and the Caucasus and in general between Muslim and non-Muslim regions. As a rule, Moscow-based media draw a much-distorted picture of the religious situation in the regions. Judging by statements of the Russian leadership, top federal and Moscow authorities think along the same lines.

Let me describe a typical example. In the winter of 1998, *Izvestia* correspondent Yu. Sneghirev visited Makhachkala and the “Wahhabite villages” of Karamakhi and Chabanmakhi. This is what he wrote: “The word ‘Wahhabite’ is used in Daghestani families to scare small children. Whenever a potential terror attack is prevented in Daghestan, it is in their midst that they look for conspirators. The terrifying image of the religious militant wearing a beard but no moustache is haunting Daghestan.” In fact, according to a subsequent opinion poll in Daghestan, just 4.2 per cent of the respondents made a connection between growing terrorism and “religious extremism”.²³ The majority (66.2 per cent)

¹⁸ *Rossiyskaya Gazeta*. 8.04.1998, № 68. (in Russian).

¹⁹ Field data collected by V.O. Bobrovnikov in Daghestan in 1997; *Longuet-Marx F. Le retour de l’imam? // Nouveaux mondes. Caucase: axes anciens, nouveaux enjeux*, 1998, No 8, p. 169-175.

²⁰ Russian Government Order № 1166-p, 18 August 1997 // *Collected Legislation of the Russian Federation*. 1997, № 34, Art. 4023. *Longuet-Marx F. Le retour de l’imam? // Nouveaux mondes. Caucase: axes anciens, nouveaux enjeux*, 1998, No 8, p. 169-175.

²¹ Muslim Spiritual Organizations and Associations of the Russian Federation. Moscow, 1999, p. 27. (in Russian).

²² *Islam Minbere*. № 4 (65), p.1, 2.

²³ *Snegirev Yu. El Wahhab Arrived in Daghestan // Izvestia*, 19.02.1998. (in Russian).

attributed terrorism to “political groups, clans, and the mafia struggling for power and assets”.²⁴ The contemporary Russian press publishes similarly distorted facts on almost a daily basis.

It should be further emphasized that federal authorities have absolutely fantastic ideas about “traditions” in the post-Soviet North Caucasus and other regions. Many Moscow policy makers are convinced that with the fall of the Soviet regime, “traditional” pre-Soviet institutions and values were revived in the regions and that the government will be able to use them to strengthen its insecure hold on the regions. These institutions are primarily village communities, family ties, the church, and religious leaders. As A.A. Nikishenkov shrewdly observed, “new journalistic genres of ‘praising’ the traditional culture of various nations have emerged” in post-Soviet times.²⁵ In the chiefly Muslim-populated parts of the North Caucasus, the term “traditionalist” is applied to Muslim clerics who cooperate with the authorities.²⁶

In reality, as shown in several recent publications,²⁷ the contemporary rise of Islamic trends in the entire post-Soviet East would not have happened if it had not been for the Soviet reforms that led to the emergence of quasi-traditional societies in those regions.²⁸ Local “traditions” referred to by authorities, as well as by religious leaders, had in fact been either completely overhauled or created in the course of reforms. Some of the traditions that shaky state structures try to use as a foothold – such as local self-governments and clans – in fact have a destabilizing, illegitimate impetus rather than the supposed stabilizing, law-abiding potential.²⁹

The mutual hostility between official Muslim religious leaders and oppositional Muslim communities in Daghestan and the North Caucasus is understood by the Russian government in terms of a struggle between “traditional” pro-Russian and anti-Russian “Wahhabite” Islam. In fact, both the SBMD leadership and their opponents originated from the same Muslim movement. Anti-Russian tendencies only appeared among Wahhabites in the Caucasus in the late 1990s. Just 10 years ago, future Wahhabites had no anti-Russian bent and fought for freedom of conscience alongside their ideological opponents. In a joint effort in 1989, they removed M. Ghekkiev from his office of Mufti of the Spiritual Board of Muslims of the North Caucasus. Only a few years later did they split up as a result of ideological differences and power struggle.³⁰ It is worth mentioning here the interesting and scarcely known fact that B.M. Kebedov and other Wahhabite leaders got their traditional Islamic education at underground madrasah schools in Daghestan led by Sufi Sheiks.³¹

The mass media and authorities regard Wahhabite Islam as political and religious extremism. Meanwhile, the majority of political radicals and terrorists “signed up” to this movement, such as Movlady Udugov, Zelimkhan Yandarbiev, Shamil Basaev, or Salman Raduev, are neither Islamic reformers nor even profound believers. These people are completely secular and have very little understanding of basic Islamic ideas and practices. In recent years, when some of them declared that

²⁴ Opinion poll conducted in Makhachkala by the Regional Centre for Ethnopolitical Studies at the Daghestan Science Centre of the Russian Academy of Sciences. Quoted from: *Shikhsaidov A. Islam in Daghestan // Central Asia and the Caucasus*. 1999, № 4 (5), p.111. (in Russian).

²⁵ *Nikishenkov A.A. Customary Law and Problems of Its Bibliography // Customary Law of the Nations of Russia. A Bibliographical Index*. By A.A. Nikishenkov. Ed. Yu.I. Semenov. Moscow, 1998, p.3. (in Russian).

²⁶ See, for example: *Izvestia*. 10.02.1998. (in Russian).

²⁷ See, for example: *Bobrovnikov V.O., Roschin M.Yu. The Fate of the Muslim Community in the Collective Farms of Highland Daghestan. // Etnopolitichesky Vestnik*, 1996, № 2; *Abashin S.N. the Social Roots of Central Asian Islamism. // Identity and Conflict in Post-Soviet States*. Eds. M.B. Olcott, V. Tishkov, A. Malashenko. Moscow: Moscow Carnegie Center. 1997. (in Russian).

²⁸ Although *traditional* and *non-traditional religions* are vague and imprecise terms, I shall use them in this report in their formal legal, rather than their true historical, sense. The reason is that both terms have found their way into the vocabulary of federal lawmakers, and it will therefore be difficult to avoid them while discussing federal policies.

²⁹ For details see: *Bobrovnikov V. Mythologizing Sharia Courts in the 20th Century Caucasus // ISIM Newsletter*, 2000, № 5.

³⁰ *Bobrovnikov V. The Islamic Revival and the National Question in Post-Soviet Daghestan // Religion, State & Society*. 1996, vol. 24, No. 2/3, p. 235.

³¹ Field data collected by V.O. Bobrovnikov in Highland Daghestan in 1995-1996. Cp.: *Bobrovnikov V.O., Yarlykapov A.A. Wahhabites in the Northern Caucasus // Islam on the territories of the former Russian Empire*. Moscow, 1999, issue 2, p. 20. (in Russian).

they were close to Islamic reformists, they were in fact bluffing.³² Moreover, it was the Russian media that first labeled them as Islamic radicals.

In the Islamic movement proper, radicals were a minority up to 1998. By the mid-1990s, Wahhabites split up into several groups dominated by three prominent wings.³³ The moderate Wahhabite wing was led by A. Akhtaev from the village of Gubden. He was against using the Islamic faith for political purposes and called for Islamic education for Russian Muslims. In 1996, he founded the al-Islamiyya movement in Makhachkala, aiming to revive Islamic culture and particularly the network, destroyed in Soviet times, of madrasah schools at Daghestani mosques. Akhtaev's ideas were popularized in *Znamya Islama* ("Ar-Raya al-Islamiyya", the Banner of Islam), a Russian-language newspaper printed in Makhachkala in 1995-1998.

The movement centred around Bagautdin Kebedov (Baha ad-din Muhammad as he prefers to call himself in Arabic), the Imam who led the madrasah in the city of Kizilyurt. Kebedov, born in Santlada village, was politically active, took part in arguments with Sufi Sheiks and SBMD muftis but did not support the idea of armed hostility with Russian authorities until 1998. Throughout the 1994-1996 Russian-Chechen war, he remained indifferent to the movement for the independence of Chechnya. Supported by international missionary organizations such as the World Assembly of Islamic Youth (WAMY), Kebedov's followers published several hundred thousand educational booklets in Moscow and Makhachkala. The booklets covered topics like rules for observing Islamic rituals, basic Sharia norms, and the life of the Prophet Muhammad. Kebedov authored a booklet called *Namaz*, or prayer (Santlada Publishers, Moscow, 1993; 2nd edition, Badr Publishers, Moscow, 1999) and a manual of Arabic for beginners.

The small number of radicals were led by Kebedov's pupil Ayub (Anguta) Omarov, a very young man from the village of Kvanada who established his own community among ethnic Daghestanis in the city of Astrakhan. His followers called for Islamic rule in Daghestan. Omarov declared that Daghestan, whose public authorities "have sunk into disbelief" (*shirk*), was a "war area" (*Dar al-Harb*) on which it is allowed under the Sharia to unleash a "holy war" (minor *jihād*) against infidels. However, as far as I know, none of his followers fought in the Russian-Chechen wars or took part in terrorist attacks in the North Caucasus and Central Russia.³⁴

Initially, the militant groups that now terrify Daghestani and federal authorities did not exist among Wahhabites. They appeared by the end of the 1994-1996 Russian-Chechen war, chiefly as a response to the actions of Interior Ministry forces and federal troops and to the growing persecution of Wahhabites. It was then that the Chechen from Jordan (or Saudi Arabia) who calls himself Khattab organized a military school in the village of Karamakhi in Daghestan that trained "brothers" for the *jihād*. He later moved to Chechnya with a group of Daghestani combatants and joined in the guerrilla war against federal troops. The military training center for Wahhabites continued to function in Karamakhi under the leadership of Jarulla Gajibagomedov.³⁵

In May 1998, villagers stormed the police headquarters in Karamakhi and chased Daghestani public officials from the village; they proclaimed Islamic Sharia rule in the area. Simultaneously, the Congress

³² Bobrovnikov V.O. *Abreks and the State: Violence Culture in the Caucasus*. // *Vestnik Yevrazii*. 2000, № 1 (8), 40. (in Russian).

³³ For details see: Bobrovnikov V.O., Yarlykapov A.A. Wahhabites in the Northern Caucasus // *Islam on the territories of the former Russian Empire*. Moscow, 1999, issue 2, p. 21-23. (in Russian).

³⁴ Field data collected by V.O. Bobrovnikov in Daghestan and Moscow in 1996-1999.

³⁵ Field data collected by D. Nechitailo published in: *NG-Religii*, 24.11.1999, p.4. Cp.: *Musulmane*. 1999, № 2 (3), p.69-70. (in Russian).

of Nations of Ichkeria and Daghestan (CNID), based in Chechnya and led by Movlady Udugov, announced its solidarity with Daghestani "brothers". In December 1998, the CNID, acting "in the interests of security of the Chechen Islamic state and for the worldwide triumph of Islamic ideas (quoted from their statement)", organized the Islamic Peacemaking Battalion led by Khattab and the notorious terrorist and warlord Shamil Basaev.³⁶

The Russian government overestimates the role played by Arab missionaries and the financial support from Saudi Arabia in the emergence of Wahhabism. Judging from the field data that I collected in Kebedov's home village, the movement had emerged in Daghestan as early as the mid-1970s.³⁷ Certainly no financial support or missionaries could have reached the region at that time. Kebedov and his followers began to get financial support from abroad in the early 1990s after the fall of the Iron Curtain that had separated Caucasus Muslims from their co-believers abroad for more than seven decades. The actual amount of this aid is grossly overstated. One can hear absurd rumors that Wahhabites are paid from several hundred to several thousand US dollars for each new convert. Yet, no facts have been published so far to support these rumors.

As we shall see later, failure to understand the current religious and social situation in the North Caucasus seriously undermines the efficiency of the federal reform programme in the region.

2. Programme of Religious and Social Reform

In 1994-1999, Yeltsin's government, the State Duma, and Federation Council prepared a set of legal instruments that they hope will serve to stabilize the religious and social situation in the North Caucasus early in the third millennium. Just a few of the instruments pertain to this region only; the rest are relevant to other Russian regions as well but place special emphasis on the North Caucasus. The federal legislative reform follows two main dimensions: religious-political and socio-economic. Let us begin with the first.

Religious-political reform is centred around the federal law "on freedom of conscience and religious associations". The passing of this law by the Duma caused heated debates between supporters of inclusive and exclusive policies towards non-traditional religions and the activities of foreign missionaries. The draft law was lobbied for by the Russian Orthodox Church and opposed by the Russian Islamic opposition, including the head of Russia's Muslim Council, Khachilaev. It was also criticized by the US government and the Western home countries of the main Protestant centres that engage in missionary activities in Russia. Pressure from abroad made Yeltsin veto the law on 23 July 1997.³⁸ Yet, after three revisions, it was eventually passed by the Duma and signed by the President on 26 September 1997.

The passing of this law is the landmark at which Russian religious policy turned towards rigid government control over religious communities, including Islamic ones. The previous law "on freedom of belief", passed by the RSFSR Supreme Soviet in 1990, did not erect any barriers to missionary activities, the establishment of new communities, the opening of churches and prayer houses or religious schools, or the circulation of religious publications and press. For the first time after almost

³⁶ Bobrovnikov V.O., Yarlykapov A.A. Wahhabites in the Northern Caucasus // Islam on the territories of the former Russian Empire. Moscow, 1999, issue 2, p.22. (in Russian).

³⁷ Field data collected by V.O. Bobrovnikov in the Tsumadin, Khasavyurt and Kizilyurt Regions of Daghestan in 1992-1997.

³⁸ Collected Legislation of the Russian Federation. 1997, № 26, Art. 3009, № 28, Art. 3382 и 3357, № 39, Art. 4515; Cp.: Moskovsky Komsomolets. 11.11.1997; Roschin M. Legislating Religion // War report. November 1997, p. 40.

seven decades of persecution, the law effectively guaranteed Muslims in the North Caucasus and other religious communities the right to freedom of conscience and to religious association. Similar guarantees for believers in Daghestan were stipulated by the law “on freedom of conscience and religious organizations”³⁹ passed by the Supreme Soviet of Daghestan on 5 May 1991.

The new federal law on freedom of conscience reiterated the secular nature of the Russian state (Article 4.1) and the rights of Russian citizens and foreign nationals in Russia “to profess individually or corporately with other persons any religion, or not to profess any, and to choose and change freely, and to hold and disseminate religious and other convictions and to act in accordance with them” (Article 3.1).⁴⁰ Yet, the preamble gives special priority to Islam, the Russian Orthodox Church, and other traditional faiths that the Russian authorities pledge to respect and support. Islam is mentioned as one of the religions “constituting an integral part of the historical heritage of the peoples of Russia”.⁴¹

Substantial limitations have been placed on the rights of “non-traditional” religious associations, meaning the movements that appeared in Russia in the post-Soviet period. A trial period of 15 years is set for those. They must renew their registration papers on a yearly basis (Articles 11, 27.3).⁴² Moreover, they have no right to apply for financial or any other support from the federal or regional authorities; their clerics are not exempt from military service; they are not allowed to establish religious schools, give religious instruction to children, engage in religious practices at hospitals or penitentiaries, print or circulate religious publications, host foreign religious offices, or invite preachers or other activists from abroad. (Articles 27.3, 3.4, 5. 3; 5.4, 13.5, 16.3, and 17.1; and 17.2, 18.2, 19, and 20.2).⁴³

As a follow-up to the new federal law, the National Assembly of Daghestan passed on 30 December 1997 a new Daghestani law “on freedom of belief and religious organizations” to replace the law “on freedom of conscience and religious organizations” enacted in Daghestan in May 1991. Its enactment was also preceded by protracted disputes between Daghestani authorities and the nationalist and Islamic oppositions. After popular debates and review of the first draft by the National Assembly on 27 February 1997, it was significantly modified. The Daghestani law is by no means a replica of the federal law. It does not set a 15-year trial period for non-traditional faiths, since the only religion in Daghestan to meet this requirement is the Russian Orthodox Church. Still, the law follows the federal course to strengthen government control over religious communities and draw a line between “traditional” and “non-traditional” faiths.⁴⁴ For this purpose, a number of federal rules are phrased in concrete terms relevant to the North Caucasus.

While the new federal law had been lobbied for by the Russian Orthodox Church, its Daghestani version was supported by the Spiritual Board of Muslims of Daghestan, which regards local Islamic opposition as its main foe. This is why the new law has provisions forbidding Muslim communities not registered with the SBMD to have their own mosques or religious schools, to publish or circulate religious publications, or to maintain contacts with Arab missionary organizations (Chapter I, Article 4.7; Chapter III, Article 12; Chapter IV, Articles 15, 22).⁴⁵

³⁹ *Newsletter of the Congress of People's Deputies of the Russian Soviet Federal Socialist Republic (RSFSR) and the Supreme Council of the RSFSR*. 1990, № 21, Art. 240, 241; *Collected Legislation of the Russian Federation*. 1995, № 5, Art. 346; *Daghestanskaya Pravda*. 14.05.1991. (in Russian).

⁴⁰ Federal Law “On Freedom of Conscience and Religious Associations”, September 26, 1997, № 125-FC II *Collected Legislation of the Russian Federation*. 1997, № 39, Art. 4465, p.7667-7668. (in Russian).

⁴¹ Alongside Christian Orthodox and Islamic faiths, the list includes ‘Buddhism, Judaism and other religions (the latter refer to pagan cults of nations living in Northern Russia – V.B.)’. Islamic faith comes second on the list. See: Federal Law “On Freedom of Conscience and Religious Associations” // *Collected Legislation of the Russian Federation*. 1997, № 39, Art. 4465, p.7666. (in Russian).

⁴² *Ibid.*, p.7671-7672, 7677.

⁴³ *Ibid.*, p.7677-7678, 7667, 7669, 7673, 7674-7676.

⁴⁴ *Daghestanskaya Pravda*. 6.03.1997; *Collected Laws of the Republic of Daghestan*. 1997, № 12. (in Russian).

⁴⁵ *Ibid.* 1998, № 1, Art. 123.

The Daghestani law stipulates that “a religious organization may be denied state registration ... if a previously registered organization bearing the same name already exists on the territory on which this religious organization intends to be active” (Chapter IV, Article 19).⁴⁶ In the context of Daghestan, this means a ban on Muslim communities that do not accept the authorities of the Mufti, since they carry the same names as registered SBMD communities, “Muslim Jamaats” (i.e., communities affiliated with mosques).

It should be noted that the new federal and Daghestani laws, compared to laws passed in 1990-1991, take better account of the current religious situation in Russia in general and in the regions in particular. For instance, the new federal law categorizes religious organizations into ones that have subdivisions in several regions (“centralized”, Articles 8.2, 5, 6; Article 9.2), regional (“local”, Article 8.2-8.3; Article 9.1) and local ones (“religious groups”, Article 7).⁴⁷

Moreover, the Daghestani law of 5 May 1991 paid too much attention to monasteries and religious missions (Articles 11, 14, 18, and 28), none of which exist in Daghestan. At the same time, it did not use the basic terms needed for describing the religious situation in Daghestan, such as Islam, mosque, or Jammat. This discrepancy was remedied in the 1997 law.⁴⁸

Yet, the new laws have serious shortcomings, e.g., neither one can be enforced on its own. Before the registration procedures for religious associations prescribed by both laws can start to function, one needs to prepare and publish extensive commentaries to both laws, plus a number of legal instruments now being drafted by the Russian and Daghestani Governments. This was one of the reasons why the Russian Orthodox Church, although supported by the Duma, could not sue NTV for breaking Article 3, Section 6, and Article 26 of the federal law by broadcasting “The Last Temptation of Christ”, a film that insulted the religious feelings of Christians.⁴⁹

Alongside work on the religious legislation, the federal centre tried to prevent the crisis in the North Caucasus from being aggravated further. A Declaration on the Protection of Rights and Freedoms of the Citizens of the Russian Federation was made back in 1990. However, as former President Yeltsin admitted, Russia had “often proclaimed new rights and freedoms but did not provide mechanisms for their implementation, guarantees, or responsibilities”.⁵⁰ The 1995-1999 laws were meant to close this gap.

To stabilize the social situation in Daghestan and in the North Caucasus in general, federal legislators envisaged a series of measures at three levels: federal, regional, and Daghestani. First, the Programme for Social Reform in the Russian Federation for 1996-2000 has been implemented in the region. Its main aims are boosting living standards; eliminating unemployment, both visible and concealed; boosting workers’ skills and competitive abilities; ensuring citizens’ constitutional rights to work, education, health care, and housing, especially for women and children; and improving social infrastructure. The Programme was implemented in two stages; the second stage started in January

⁴⁶ Ibid., p.237.

⁴⁷ Federal Law “On Freedom of Conscience and Religious Associations” // Collected Legislation of the Russian Federation. 1997, № 39, Art. 4465, p.7669-7671; Cp.: Newsletter of the Congress of People’s Deputies of the RSFSR and the Supreme Council of the RSFSR. 1990, № 21, Art. 240. (in Russian).

⁴⁸ The Law of the Daghestani Autonomous Soviet Social Republic “On Freedom of Conscience and Religious Organizations” // *Daghestanskaya Pravda*. 14.05.1991; *Collected Laws of The Republic of Daghestan*. 1998, № 1, Art. 123. Cp. its evaluation by Mufti B-Kh Isaev, then-Head of SBMD: *Daghestanskaya Pravda*. 15.05.1991. (in Russian).

⁴⁹ See: Duma Statement “On the Address Made by Alexis the 2nd, Patriarch of Moscow and All Russia, to the State Duma of the Federal Assembly of the Russian Federation.” // *Collected Legislation of the Russian Federation*. 1998, № 2, Art. 245. (in Russian).

⁵⁰ Address by President of the Russian Federation B.N. Yeltsin to the Federal Assembly of the Russian Federation “The Russia for Which We Are Responsible” // *Etnopolitichesky Vestnik*. 1996, № 2, p.6 (in Russian).

1998. In 1998-2000, the region gradually switched to hourly wages. Taxation was reduced for disadvantaged citizens. There are also plans to create new jobs while preserving existing ones, to pass a new Labor Code, to launch a comprehensive reform of retirement funds, and to begin reforming welfare agencies.

Chapter XI deals with regional aspects of reforms. It reads: "special attention will be paid to ... regions and territories that are in a crisis situation as a result of natural disasters, ecological or technological disasters, military action, acute interethnic conflicts, and to regions that accept uncontrolled refugee and IDP flows. Such regions must be granted special status and receive aid, as a rule, in the framework of federal target aid programmes".⁵¹ The North Caucasus and especially Daghestan, not yet fully recovered from the consequences of the Russian-Chechen war and seasonal natural disasters in highland areas, were both granted special status. Since September 1997, the Federal Target Programme of Economic and Socio-Political Development of the North Caucasus Region for the Period until 2005 has been in the drafting process in Moscow,⁵² with contributions from central and regional ministries for nationalities and economics.

On top of the comprehensive programmes mentioned above, the Russian authorities provide part of the funding for regional events in Daghestan in the framework of two socio-economic programmes launched in 1992, The Highlands and Southern Daghestan, and one launched in 1993, Northern Daghestan. The socio-economic crisis that has plagued Daghestan since the disintegration of the USSR has had an especially negative impact on those three areas. By fully implementing these three programmes by 2001, authorities hope to succeed in improving local living standards by reviving local rural economic life and stopping the outflow of the majority of the workforce. Yet another aim pursued by the programmes is to reinforce public order, which is in particularly bad shape in the northern parts of Daghestan bordering on the Chechen Republic.

Regional Daghestani programmes rely on financial support from Moscow. Since 1995, around 15 per cent of the federal budget has been redistributed among the regions. In 1997 alone, transfers to Daghestan from the federal regional support fund attained 4 trillion non-denominated rubles. Of these, the State Employment Fund granted 14 billion rubles to compensate arrears in unemployment aid; the Obligatory Medical Insurance Fund provided 8 billion rubles for territorial maternity and child-protection programmes. In 1997 alone, subsidies from the federal budget were used to recruit 1,000 men from the local population to serve in supplementary units of the Daghestani police and OMON.⁵³ Moreover, in 1995, federal authorities allowed funds from foreign states and banks, provided on a competitive basis and guaranteed by the Russian government, to be used to restructure the economic situation in Daghestan. In 1997-1998, it was planned to attract up to \$300 million in foreign funding to Daghestan.⁵⁴

At first glance, all these comprehensive measures have every reason to work out. Yet, in fact, the federal social programme has certain shortcomings. In many ways, its efficiency is impaired by the corruption of executive powers in Moscow and in the North Caucasus. The federal authorities are aware of the corrupt practices of public offices but have so far failed to remedy this situation. As President Yeltsin put it, "this phenomenon has now become appalling; its scope has grown in a dangerous way".⁵⁵ This

⁵¹ *Collected Legislation of the Russian Federation*. 1997, № 10, Art. 1173, p.2109. (in Russian).

⁵² Decree of the RF Government, August 28, 1997 // *Collected Legislation of the Russian Federation*. 1997, № 36, Art. 4186, p.7196-7197. (in Russian).

⁵³ *Novoe Delo*. 14.06.1997, p.1; Decree of the RF Government, September 10, 1997, on urgent measures to stabilize and develop the economy of the Republic of Daghestan" // *Collected Legislation of the Russian Federation*. 1997, № 37, Art. 4307 (in Russian).

⁵⁴ *Ibid.*. Cp.: *Novoe Delo*, 09.05.1997, p.2. (in Russian).

⁵⁵ Address by President of the Russian Federation B.N. Yeltsin to the Federal Assembly of the Russian Federation "The Russia for Which We Are Responsible" // *Etnopolitichesky Vestnik*. 1996, № 2, p.7. Cp. Draft law on measures to combat corruption: *Collected Legislation of the Russian Federation*. 1997, № 49, Art. 5578. (in Russian).

is why a large percentage of the federal subsidies to the Daghestani budget, largely controlled by private banks, do not, in fact, reach the population. Despite numerous Duma regulations concerning the payment of wages,⁵⁶ there are still arrears in salaries and pensions paid from the budget. Doctors and teachers are particularly disadvantaged. In 1997-1999, the latter repeatedly held strikes and rallies in Makhachkala and other cities in Daghestan.⁵⁷ All these facts show that the first stage of the federal programme for social reform in Daghestan failed to achieve its primary aims.

Despite widely advertised federal and regional programmes of social and health insurance, Daghestan still rates 87th in Russia in terms of the living standards of its population. The 1990s saw an increase in the mortality rate, especially among children – 40 per cent of newborn babies are not healthy. The local subsistence level is one of the lowest throughout the country. As of 1 January 1999, a total of 64,500 unemployed were registered with the employment services; on top of that, an estimated 70,000 are unemployed but not registered. Only 17,200 receive unemployment aid.⁵⁸ Surveys of the Accounts Chamber of the Republic of Daghestan show that more than 55 per cent of families with three or more children in the republic are extremely poor. Highland areas are especially affected. Large families in the Akhvakh, Akhtyn, Botlikh, Lak, Khiva, and Tsumadin highland regions have especially low per capita incomes. The regions suffer from an acute shortage of village teachers and doctors. The only hospitals are located in regional centers that frequently become inaccessible in winter. From what I saw myself, the regional hospitals in the Tsumadin and Rutul regions each have just one surgeon and eight to ten hospital beds per 20,000-30,000 people.⁵⁹

A serious shortcoming of the federal social policy in Daghestan and in the entire North Caucasus is its failure to account for local realities. In this respect, regulations passed in recent years resemble Communist Party documents made in the so-called period of stagnation. They seem to embrace all the essential dimensions of social development but are not specific about anything. Where social issues in the post-Soviet Caucasus and Daghestan are concerned, federal programmes fail to mention the mass flight of ethnic Russians to central and southern Russia and that of highland Jews to Israel. Meanwhile, more than 11,500 Russians and 5,100 Jews left Daghestan in 1991-1999. In 1997 alone, 1,298 people migrated from Daghestan. The majority of the migrants were city dwellers from Makhachkala, Derbent, Kaspiysk, Kizlyar, and Kizilyurt.⁶⁰ With the departure of Russians and Jews, most of whom were employed in the social sphere and in industry, and with the disintegration of the military-industrial system, Daghestan's major cities can no longer function normally. However, federal authorities are not particularly concerned about this problem.

Moreover, even the success of the federal social programme does not necessarily mean that the Wahhabism issue will be solved. It was mentioned above that government circles have the erroneous notion that Wahhabites appeared in the North Caucasus as a result of the growing economic crisis and the drop in living standards among local Muslims. Yet, this vision is not corroborated by fact. Judging from my field data, the first Wahhabite communities in the cities of Kizilyurt and Astrakhan and in the villages of Pervomayskoye, Karamakhi, Chabanmakhi, and Kadar were chiefly middle class. In post-Soviet times, they got most of their income from trade transit between Iran, Azerbaijan, and southern Russia. Even Moscow journalists who went to Karamakhi noted that only a few local families did not own a Kamaz truck.⁶¹

⁵⁶ *Collected Legislation of the Russian Federation*. 1997, № 1, Art. 21; № 43, Art. 5525; № 26, Art. 300; № 47, Art. 5358; № 9, Art. 1049, 1086; № 13, Art. 1497, 1519; № 24, Art. 2740, 2442; № 28, Art. 3417; № 51, Art. 5731 etc. (in Russian).

⁵⁷ *Argumenty i Fakty. Daghestan*. 1997, № 20, p.2, № 22, c.2; Field data collected by V O Bobrovnikov in 1997 (in Russian).

⁵⁸ *Daghestanskaya Pravda*, 16, 22, 27, 2.03.1999; *Makhachkalinskiye Izvestia*, 29.01.1999. Cp.: *Novoe Delo*, 13.01.1995, p.3; *Profsoyuznaya Tribuna*. № 7-8, 1996, p.4. (in Russian).

⁵⁹ *Novoe Delo*, 14.04.1997; Field data collected by V.O. Bobrovnikov in 1997 (in Russian).

⁶⁰ *Daghestanskaya Pravda*, 12, 25.01.1994; *Makhachkalinskiye Izvestia*, 21.01.1994, *Novoe Delo*, 17.05.1997, p.8. Cp.: Field data collected by V.O. Bobrovnikov in 1997 (in Russian).

⁶¹ *Izvestia*, 29.08.1998. (in Russian).

3. *A Union with Traditional Islam and a Response to Wahhabism*

The federal programme for religious and social reform in Daghestan and in the North Caucasus in general can only be implemented in constant co-operation between secular and religious authorities at the federal, Daghestani, and local levels. The Russian leadership has long been aware of the need to organize co-operation of this kind but only recently has had the opportunity to do so.

The problem is that the collapse of the USSR and de-sovietization of Russia served to undermine the hierarchy between Moscow and the regions. The government and state security agencies lost their hold on the Muslim community of Daghestan, which embraces 90.9 per cent of its population. In 1989-1992, the Spiritual Board of Muslims of the North Caucasus (SBMNC) broke up into independent Mufti boards of the individual republics. The Spiritual Board of Muslims of Daghestan (SBMD), established in the capital of Daghestan, in turn, split into ethnic Mufti boards at the Third Congress of Daghestani Muslims in February 1992. The new SBMD leadership that came to power on 29 February 1992 was composed of ethnic Avars and supported chiefly by the Avar population. Its disintegration continued in 1992-1994, when a Kumyk Spiritual Board and a Lak Spiritual Board were established in Makhachkala and a Darghin Kasiat in Izerbash.⁶² In 1999, yet another Spiritual Board of Muslims, that of the Nogai ethnic group, was established in the village of Terekli-Mekteb, the centre of the Nogai region.

Since the mid-1990s, the religious and secular authorities in Daghestan, the North Caucasus, and Moscow have begun reintegrating. The initiative did not come from Moscow: its source was the official Muslim religious leadership that declared its commitment to "traditional" Islam and its opposition to Wahhabites. By September 1994, the SBMD succeeded in integrating the majority of Muslim communities registered in Daghestan (850 out of 1,270). In May 1995, the SBMD Council of Ulems ruled to: "1. establish Mosque Councils (*shura*) at all Juma mosques in the republic; 2. establish regional councils of religious leaders composed of Imams of the Mosque Council of every city in the region; and 3. establish a Supreme Council of Spiritual Boards affiliated with the Spiritual Board of Muslims of Daghestan and composed of the Chairs of the regional Boards of Spiritual Leaders".⁶³

Meanwhile, the SBMD established a strong lobby in the Supreme Council of Daghestan using the Islamic Party of Daghestan (IPD) to which most of the SBMD leaders belonged. On 26 February 1994, the IPD succeeded in lobbying for a law that banned all Muslim spiritual authorities in Daghestan except the SBMD. Following clashes between Wahhabites and traditionalists in the Buynak region on 12 May 1997, the SBMD sent an address to the government of Daghestan, asking it to impose a "legal ban on aggressive decadent religious movements (i.e., Wahhabism)".⁶⁴

In August 1998, the SBMD and a number of other Mufti Councils in the North Caucasus initiated the creation of the Coordinating Centre of Muslims of the North Caucasus (CCMNC) for the express purpose of fighting Wahhabism in Nazran. Represented on the CCMNC were, in addition to Daghestan, the Spiritual Boards of Muslims of the Chechen Republic; the Republics of Ingushetia, Kabardino-Balkaria, and Karachaevo-Cherkesia; Stavropol Krai (Territory); Adygheia; and North Ossetia-Alania. Magomed Albogachev, the Mufti of Ingushetia and Chair of the Republican SBM, was elected the Chair of CCMNC.⁶⁵ In the words of the charter members of the CCMNC, their purpose was "to neutralize the

⁶² For details see: *Bobrovnikov V. The Islamic Revival and the National Question in Post-Soviet Daghestan // Religion, State and Society. (Oxford, 1996, vol. 24, no 2/3), p. 235-236.*

⁶³ *As-salam*, 1995, № 1. (in Russian).

⁶⁴ *Daghestanskaya Pravda*, 26.02. 1994; *Argumenty i Fakty. Daghestan*. 1997, № 22, p.1. (in Russian).

⁶⁵ *Muslim Spiritual Organizations and Associations of the Russian Federation*. Moscow, 1999, p.18. (in Russian).

forces that attempt to alienate the North Caucasus from Russia". During the session of the Centre in February 1999, the new Mufti of Daghestan and the Chair of the SBMD, Ahmad-hajji Abdullaev, formulated the long-term goal of the CCMNC as "setting up joint activities with the State Duma of the Russian Federation ... in order to ensure political stability in the region and to resist extremist religious tendencies (such as Wahhabism, etc)".⁶⁶

At the federal level, the SBMD established contacts with top personnel at the Federal Security Service (FSB), the successor to the Soviet KGB. A meeting was arranged as early as spring 1994 in the FSB Directorate between FSB representatives and the then-Chair of the SBMD, M. Darbishev; his Deputy S.M. Abubakarov; and the IPD Chairman, S. Asiyatilov. To quote the Mufti, the meeting discussed the prospects of the FSB and the SBMD "jointly fighting against the world of crime and forming a common stand against Wahhabism – a reactionary trend in the Muslim world – and against the cult of violence and amorality ... " and establishing control over the enrollment of Daghestanis in Islamic universities abroad. The ties between Mufti Councils and Russian state security offices were strengthened in 1996-1997. As far as the resistance to Wahhabites is concerned, the FSB Directorate for the Republic of Daghestan regularly takes the side of the SBMD and its leaders.⁶⁷

It is important to emphasize that, while attempting to control all Mufti Councils and Muslim communities subordinated to them on the territory of the republic, the SBMD refused to be, in its turn, completely subordinated to the republican and federal authorities. Thus, it was openly hostile to the creation on 23 December 1993 of the Administration of Religious Affairs of the Soviet of Ministers of the Republic of Daghestan (later renamed the Committee of Religious Affairs, or CRA), classifying it as "unconstitutional interference in the life of the faithful".⁶⁸

Nevertheless, close ties developed between the SBMD on the one hand and the CRA, the State Council, and the People's Assembly of the Republic of Daghestan on the other. The former members of the Communist *nomenklatura* who became leaders of post-Soviet Daghestan now agitated for an alliance with "traditional Islam". M.G. Aliev, Chairman of the People's Assembly, formulated their credo in a recent speech in this manner: "Without religion, our history is null and void, and thus we will be helping out traditional religious groups ... and with this in view, we will strengthen the position of the Spiritual Board".⁶⁹ The Government of the Republic of Daghestan offers substantial financial backing to the SBMD. For example, in October 1998, the SBMD received 250,000 rubles from the budget of the republic.⁷⁰

The SBMD currently exerts considerable influence on the political decisions of the Daghestani authorities in matters of religion. After the armed conflicts between federal forces and Wahhabites in the Buinak district in August-September 1999, the People's Assembly of the Republic of Daghestan passed on 16 September 1999 the law, which was lobbied for by SBMD, "on the ban on Wahhabism and other extremist activities within the territory of the Republic of Daghestan". The main thrust of the law was to "ban the creation and functioning of Wahhabite and other extremist organizations" on the territory of the Republic of Daghestan as "violating the Constitution of the Republic of Daghestan" and

⁶⁶ *As-salam*, 1999, № 5. (in Russian).

⁶⁷ *Daghestanskaya Pravda*, 06.04.1994; *Argumenty i Fakty. Daghestan*, 1997, № 22, p.1; *Nurul Islam*, 1997, № 5, p.2; *Novoe Delo*, 21.11.1997. (in Russian).

⁶⁸ *Daghestanskaya Pravda*, 27.01.1994; *Severny Kavkaz*, 29.01.1994, c.1. (in Russian).

⁶⁹ Quoted from: *Shikhsaidov A. Islam in Daghestan // Central Asia and the Caucasus*, 1999, № 4 (5), p.113. (in Russian).

⁷⁰ *Muslim Spiritual Organizations and Associations of the Russian Federation*, Moscow, 1999, p.31. (in Russian).

“threatening the territorial integrity of the republic” (Article 1).⁷¹ By the end of 1999, a Division for Fighting Wahhabism was created in Makhachkala as part of the republican Ministry of Interior.⁷²

In reality, this decree implemented a number of articles in the recent law of the Republic of Daghestan “on the freedom of conscience and religious associations” and was oriented against non-traditional religious communities in the republic. Wahhabites were banned from setting up mosque communities, prayer houses, or schools independent of the SBMD (Articles 1 and 3). Also banned were the activities of religious missions in Daghestan, as were dissemination and storing of printed matter and audio and video materials supplied by the Wahhabite camp (Article 1). A Daghestani youth wishing to enroll in a religious university abroad is now required to obtain an assignment from the SBMD that is seconded by the Administration of Religious Affairs of the Republic of Daghestan (Article 3). All religious organizations on the territory of the republic were given three months after the enactment of the law to undergo re-registration (Article 4). Administrative penalties were established for violations of the provisions of the law: arrest and detention for up to 15 days and fines from 100 up to 500 minimum monthly wages.⁷³

The new law suffers from serious shortcomings. First, the definition of *Wahhabism and other extremist activities* is given in very loose and fuzzy terms. There is a very serious danger that this definition will be applicable to all political and ideological enemies of the current leadership of the SBMD. Furthermore, the authors of the law proposed essentially to return to purely Soviet administrative approach when dealing with matters of faith. At the present time, however, the federal authorities, and even less so the SBMD, have no real power to implement all the injunctions of the law and to establish strict control over the activities of religious communities on the territory of the republic. As for the religious persecution, it can only strengthen the Wahhabites who recently went underground.

In their turn, the federal authorities started to embrace the idea of co-operation with representatives of Islam and other traditional religions. Alas, this happened only in recent years. Contacts of this type began in the second half of the 1990s during work on the new legislation concerning freedom of conscience in the Russian Federation (see earlier in this text). In June 1995, the Council for Interaction with Religious Assemblies was created in the Office of the President of the Russian Federation. It was chaired by frequently replaced Chiefs of Staff of the President of the Russian Federation. The Council incorporated the hierarchs of the Russian Orthodox Church, Armenian Gregorian Church, and other “traditional faiths”. The interests of the SBMD and other North Caucasus Mufti authorities were protected in the Council by Gaynutdin, Chairman of the Council of Muftis of the Russian Federation and Chairman of the SBMER.⁷⁴ The composition of the Council changed several times during the last year, but the Russian Orthodox Church, being represented by three hierarchs, always retained considerable influence. The upshot of the work of the Council was the law “on the freedom of conscience and religious associations” that we analysed earlier.

Such consultative councils comprising representatives of the Russian Orthodox Church and of the Spiritual Board of Muslims of Central Russia and of the Volga Area were created in 1995-1996 under

⁷¹ *Daghestanskaya Pravda*, 24.09.1999. (in Russian).

⁷² Bobrovnikov V.O., Yarlykapov A.A. Wahhabites in the Northern Caucasus // *Islam on the territories of the former Russian Empire*. Moscow, 1999, issue 2, p. 22. (in Russian).

⁷³ *Daghestanskaya Pravda*, 24.09.1999. (in Russian).

⁷⁴ RF Government Order of October 13, 1996, № 505-rp // *Collected Legislation of the Russian Federation*. 1996, № 43, Art. 4909; Orders of the RF President of May 14, 1997, № 185-rp and December 17, 1997, № 529-rp // *Collected Legislation of the Russian Federation*. 1997, № 20, Art. 2269, № 51, Art. 5801. Cp. interview with A.V. Loghinov in: *Moskovsky Komsomolets*. 11.11.1997. (in Russian).

the federal government and the parliament. Aspects of religious and social politics are monitored in the Government of the Russian Federation by the Commission on Religious Associations, which is supervised by the Minister of Labour and Social Development of the Russian Federation. In the State Duma, religious and social reforms are channeled through the Committee on Social Associations and Religious Organizations. Both in the Commission and the Committee, the influence of the Russian faiths regarded as traditional (the Russian Orthodox Church first and foremost) is very considerable.⁷⁵ The SBMD and other “traditionalists” from the North Caucasus are not represented here. However, owing to the participation of such Islamophobic personalities as, for instance, K.M. Tsagolov, the attitude towards Islam that was built into the draft laws prepared here is typically negative.

In recent years, the federal government has constantly sought contact with religious and secular policy makers not only at the republican level but also at the local level. With this in mind, the restructuring and strengthening of administrations in the subjects of the Russian Federation were started as far back as 1993. Low-level regional councils were disbanded and replaced with bodies of self-government. This new form came to Daghestan later than to other republics in the North Caucasus – only by the end of 1995. The bodies of local self-government also incorporated local Muslim leaders, most of whom supported the SBMD.⁷⁶ The main idea of the Russian lawmakers was for the bodies of local self-government to revive the pre-Soviet traditions of self-governed rural communities and the institutions of “people’s diplomacy”.⁷⁷ In 1996-1999, the bodies of local self-government of Daghestan and other subjects of the Russian Federation were greatly strengthened by divesting them with broad administrative functions and transferring to them considerable amounts of funding from the republican budget.

The co-ordination of all three levels of the executive branch – local, regional, and federal – became the responsibility of special plenipotentiary representatives of the President of the Russian Federation in the region. The statutes of such representatives were signed by the President already on 5 February 1993 and were later modified in 1995 and 1997. The plenipotentiary representatives were given the task of “informing the President on the political, social, and economic situation” in the region and to “interact” with administrative authorities of the Russian Federation, with the subjects of the Russian Federation, the bodies of local self-government, and also with “political parties and other associations of social and religious nature active in the region” with the purpose of implementing the President’s decrees and instructions.⁷⁸

It is too early yet to pass judgment on the efficiency of the federal system of religious and social control in Daghestan and other subjects of the Russian Federation in the North Caucasus. Reform of executive structures has not yet been completed. However, it is already possible to identify the main miscalculation of federal policies in the region. The installation of innumerable councils, commissions, and committees created a highly bureaucratic state machinery. By confessions of responsible officials in the Russian Federation, the Moscow and Makhachkala bureaucracies consume a huge fraction of the funds apportioned for the stabilization of the religious and socio-political situation in the Daghestan Krai.⁷⁹

⁷⁵ *Collected Legislation of the Russian Federation*. 1997, № 20, Art. 2269, № 51, Art. 5801; № 14, Art. 1720; № 23, Art. 2718, № 47 Art. 5489; № 39 Art. 4488. (in Russian).

⁷⁶ Bobrovnikov V.O. Islam and the Soviet Legacy in Collective Farms of North-Western Daghestan. // *Etnograficheskoe Obozrenie*. 1997, № 5, p.137. (in Russian).

⁷⁷ Law of the Republic of Daghestan “On Local Self-Government in the Republic of Daghestan”. Makhachkala: People’s Assembly of the Republic of Daghestan, 1995. Decree of the RF Government, June 11, 1997, № 568 “On the Main Dimensions of the Local Self-Government Reform in the Russian Federation” // *Collected Legislation of the Russian Federation*. 1997, № 34, Art. 3984. (in Russian).

⁷⁸ Presidential Decrees of February 5, 1993, № 186, January 17, 1995, № 53 and July 9, 1997, № 696 // *Collected Law Acts of the President and Government of the Russian Federation*. 1993, № 6, Art. 481; *Collected Legislation of the Russian Federation*. 1995, № 4, Art. 282; 1997, № 28, Art. 3421. Cp.: The Provision on the Presidential Plenipotentiary in the Republic of Adygheya, the Republic of Daghestan, the Kabardino-Balkarian Republic, the Karachaevo-Cherkessian Republic and Stavropol Krai // *Collected Legislation of the Russian Federation*. 1997, № 12, Art. 1420. (in Russian).

⁷⁹ *Collected Legislation of the Russian Federation*. 1997, № 48, Art. 5525; № 49 Art. 5578. (in Russian).

So far, neither religious nor secular authorities have been able to control the religious and social atmosphere in Daghestan or in the entire North Caucasus. Judging by the latest results of elections to the People's Assembly of the Republic of Daghestan (in March 1999), the SBMD does not enjoy any substantial support from Daghestan's Muslims.⁸⁰ It was no accident that the deputy chairman of SBMD running for a place in the Assembly was rejected by voters. Not a single imam or other religious leader in Daghestan won a place in the People's Assembly. Disregarding the official ban on the activity of national Mufti Councils, the Kumyk Jamaats are still subordinated to the Kumyk Spiritual Board headed by Bagautdin-haji Isaev, while the majority of Dargin Jamaats are still subordinated to the Kasiat in Izberbash headed by Abdulla-haji Aligadjiev. Most of the Nogai Muslim communities recognize A.S. Arslanov, Chairman of the Spiritual Board of Muslims of the Nogaisk region of the Republic of Daghestan, as their Mufti.⁸¹ The information available to the State Committee on Nationalities shows that in the 1990s more than 20 divisions (*virds*) of the Sufi *nakshbandia*, *kadiria*, and *shazilia* brotherhoods resumed their activities, despite failing to get the approval of state registration.⁸²

A wave of repression against Wahhabites rolled through the entire North Caucasus and part of Central Russia in 1997-1999. Soon after the terrorist attack (blamed on Wahhabites) on an army unit billeted in Buinaksk, B.V. Kebedov and his 18 followers had to find shelter from persecution by the police somewhere in Chechnya. His Kizilyurt madrasah was raided and destroyed. The Caucasus Islamic Centre in Makhachkala, closely connected with B.M. Kebedov and the Karamakhi Jamaat, was closed. Muhammed-Shafi Janghishiev, who headed the centre, was arrested in 1998 and accused of illegal possession of weapons and of having ties to Abi Ovar, a Kuwaiti citizen and the leader of the regional Wahhabite centre in Baku.⁸³ The *Khalif* newspaper published by the centre was closed. After A. Akhtaev died in March 1998, his large library of books and manuscripts in Arabic was destroyed.

Finally, after the incursion of detachments of the Congress of the Peoples of Ichkeria and Daghestan into the territory of northern Daghestan on 30 August 1999, federal troops surrounded the villages of Karamakhi, Chabanmakhi, and Kadar.⁸⁴ The villages were taken after a long assault. Arrests of Wahhabite imams began in the autumn and winter of 1999-2000 in the North Caucasus and were accompanied by the destruction of their newspapers and books, videos of sermons by B.M. Kebedov, and prayer houses and mosques. In Karachaevo-Cherkessia, the Imamatus Karachaya party was declared Wahhabite and disbanded. Its leaders were arrested.

However, it proved impossible to erase the Wahhabite movement through repression and military action. In Daghestan, Wahhabites went underground without suspending their activities. The centre of the movement moved to Chechnya. B. Kebedov settled in the village of Urus-Martan and soon found influential followers and protectors: M. Udugov, Z. Yandarbiev, and Shamil Basaev. He formed the Islam Jamaat Assembly and the Islam Army of the Caucasus that is now fighting in the Russian-Chechen war. Unconfirmed reports claim that the Islam Army of the Caucasus also kidnapped policemen in Daghestan in order to exchange them for Chechen "fighters" now in the hands of the federal forces. There is reason to believe that J. Gajibagomedov, who commanded the defence of Karamakhi in August-September 1999, escaped to Chechnya after the village fell to federal troops.⁸⁵ Federal forces took Urus-Martan by the winter of 1999 but failed to capture B.M. Kebedov or to wipe out the guerrilla detachments of Wahhabites in Chechnya.

⁸⁰ Shikhsaidov A. Op. cit., p.112. (in Russian).

⁸¹ Yarlykapov A.A. Islam amongst Grassland Nogai in the 20th Century (A historical and ethnographical study). Ph.D. thesis. Moscow, 1999, Ch. III. (in Russian).

⁸² *Nurul Islam*, 1997, № 1, p.1, 5; Cp.: *Daghestanskaya Pravda*, 18.12.1996. (in Russian).

⁸³ *Izvestia*, 14.08.1999. (in Russian).

⁸⁴ *The Moscow Times*, 1.09.1999; *Daghestanskaya Pravda*, 24.09.1999. (in Russian).

⁸⁵ *NG-Religii*, 24.11.1999. (in Russian).

To a certain extent, the persecution of Wahhabites stimulated the further propagation of radical Islamic movements in the North Caucasus. Together with masses of refugees from the Chechen territories caught in military operations, Wahhabites drifted into the republics of the North Caucasus that had borders with Chechnya. Communes of “brothers” numbering from several dozens to several thousand members were reported in Vladikavkaz and Nalchik, in Nogai villages, and in regional communities of Daghestani refugees from the Neftekumsk region of the Stavropol Krai. Some reports claim that Wahhabites were seen in Karachaevo-Cherkessia. According to unofficial federal data, sizable numbers of Wahhabites from Chechnya and Daghestan relocated in the last months of 1999 and spring of 2000 to Stavropol Krai and the Astrakhan region. In Astrakhan, the radical wing of the movement headed by Imam Ayub Omarov is said to have grown much stronger.⁸⁶

Despite the blockade of Chechnya and the decision of the Ministry of Foreign Affairs of the Russian Federation to introduce a visa regime on the borders of CIS countries, it is quite impossible today to sever the ties stretching across the South Caucasus between the North Caucasus and Muslim missionary centres abroad. Owing to the massive participation of citizens of Daghestan in the Hajj (nearly 14,000 Daghestani pilgrims in 1999 alone)⁸⁷ and the progress in trade with Arab countries through “shuttle-merchants” and commercial companies in Daghestan, contacts between Daghestan and the Islamic world have grown progressively stronger. Cultural and religious ties to Muslims in the Near and Middle East have developed rapidly. Nearly ten so-called centres of knowledge were opened in Daghestan in 1997-1998 by the Islamic organization El-Hairiya, which is based in the United Arab Emirates. More than a thousand Daghestani citizens are currently studying in Islamic universities in Arab countries.⁸⁸ The modern Daghestani diaspora is now evolving in certain countries in the Near East.

The community of Daghestanis in the famous Muslim university Al Azhar in Cairo is fairly active. Abbas, the brother of B. Kebedov, plays an important role in its life. He took part in the political turmoil in the North Caucasus at the beginning of the 1990s. In 1990, he was elected to the Council of Ulems of the USSR Islamic Revival Party (IRP) and became its Chairman (*rais*) in January 1991. Later, he enrolled as a student in Al Azhar. He currently lives almost exclusively in Egypt but maintains contacts with his brother and with Wahhabites in the North Caucasus.⁸⁹ The date until which the implementation of the reform programme proposed by the federal centre (discussed earlier) has been delayed by the current religious and social climate in Daghestan is uncertain.

4. Conclusions

Let us make our main conclusions. An analysis of reforms in Daghestan in which federal authorities have participated shows that, in 1994-1999, Russian religious and social policies in the North Caucasus changed dramatically. Yeltsin’s government chose a policy of reinstating the vertical hierarchy between the regions and the centre that had been largely destroyed in 1991-1993. Today’s authorities led by Vladimir Putin are following the same political course. In the religious and social sphere, Moscow wishes to stabilize the situation in the region and is seeking control over oppositional religious groups. Federal authorities regard the activities of Islamic fundamentalists, so-called Wahhabites, as the main threat to regional stability. To a large extent, this opinion is based on the fact that, since the 1990s, Moscow policy makers have been increasingly concerned about the “Islamic threat”.

⁸⁶ Bobrovnikov V.O., Yarlykapov A.A. Wahhabites in the Northern Caucasus // Islam on the territories of the former Russian Empire. Moscow, 1999, issue 2, p. 23. (in Russian).

⁸⁷ Field data collected by V.O. Bobrovnikov in 2001.

⁸⁸ *Daghestanskaya Pravda*. 14.06.1997. (in Russian).

⁸⁹ Daghestan: an Ethnopolitical Portrait. Ed. V.F. Gryzlov. Vol. 2, Moscow, 1994, p.39, 300; vol. 4, Moscow, 1995, p.176 (in Russian); Field data collected by A. Shurpaev; Field data collected by V.O. Bobrovnikov in 1999.

With the Russian Orthodox Church, the SBMER, and the SBMD as its allies, the federal centre is trying to oust the Wahhabites from the Caucasus. To this end, it is using the federal law “on freedom of conscience and religious associations” and its Daghestani version, the law “on the ban on Wahhabism and other extremist activities on the territory of the Republic of Daghestan” and a number of legal acts that empower agencies of local self-administration. On the other hand, Russian authorities want to overcome the profound socio-economic crisis in the republic by improving legislation concerning labour, retirement, health care, and insurance and by attracting non-governmental investments (including foreign investments) to the budget of Daghestan. However, the efficiency of the enacted measures is substantially reduced by the corrupt and excessively bureaucratic practices of public officials.

A still more serious shortcoming of the religious policy conducted by federal and Daghestani authorities lies in their inability to take in the complex religious and social situation in the North Caucasus. The emergence of Wahhabites resulted not so much from the economic crisis as from the destruction of local Muslim culture and the social upheaval to which Muslims in the North Caucasus were subjected in Soviet times. This is why the Islamic reformist movement was born in Daghestan in the late 1970s when the economic crisis had not yet begun. The clumsy actions of the Russian government served to escalate the situation. By the late 1990s, interreligious clashes between various Islamic trends supported by Muslim religious leaders in Daghestan had reached the regional and even federal levels. By following the lead of the current SBMD leadership, Daghestani and federal authorities joined in the armed hostilities between Wahhabites and traditionalists that have lasted since 1998.

By treating the Islamic faith on an equal basis with political extremism disguised with Islamic rhetoric, the religious legislation in the centre and the republics constantly abuses administrative measures, thus provoking a violent response from Islamic opposition groups. An inclusive interpretation of Wahhabism is prone to persecution of religious dissidents in Daghestan and other republics of the North Caucasus. Besides this, since neither Daghestani nor federal authorities now have the means to repress Wahhabites by force, the radical Islamic movement is beginning to act underground. It is, in fact, the Islamic opposition leaders who profit from religious persecution, since it brings them numerous new followers in the North Caucasus and even in Moscow. In recent years, more political extremists and plain terrorists have joined the ranks of Wahhabites, using Islam as a handy disguise and justification for their anti-Russian activities.

There is now an urgent need to make changes in the federal programmes for religious and social reform. With the contribution from representatives of religious communities and experts from Daghestan, Moscow, and St. Petersburg, these programmes should be adjusted to meet the true needs of Muslims in the North Caucasus.

3. **Remarks by Mr. Boris Milosavljevic, Deputy Federal Secretary, Federal Secretariat for Religious Affairs, Federal Republic of Yugoslavia**

RENEWAL OF RELIGIOUS INSTRUCTION AND CO-OPERATION BETWEEN RELIGIOUS COMMUNITIES IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

The Idea of Co-operation between the State and Religious Communities

Striving to find the best possible solution for relations between the state and religious communities after a long period of state-imposed atheism (as it used to be in all Eastern European countries), we began studying different means of separation of the state and church. This was the first step in drafting the new law on religious freedom that we started two years ago.

In the beginning, not knowing how it should look at all, we knew, since there were quite a lot of difficulties in relations between the state and religious communities, as well as among religious communities themselves in our recent past, that we needed a special high-ranking organ on the federal level that would deal with all these issues. So, not knowing that creating the Ministry for Religious Affairs was going to be one of the expressions of our idea of relations between the state and the church, we created a new ministry on the federal level (the same ministries also exist on the level of the republics of Serbia and Montenegro). The main goal of the new ministry was to establish new relations between the state and religious communities by drafting a new law on religious freedom and by coordinating relations between the state and religious communities, as well as among religious communities themselves. During the process of drafting the law, we discovered that the best solution for our country would be a model of co-operation between the state and the church/religious communities. According to this model, the state could give some of its responsibilities to the religious communities, if this were in their mutual interest.¹

Two Years' Experience of the Federal Republic of Yugoslavia

After October 2000, following upon sixty years of the rule of an aggressive atheistic regime, the conditions were created for a new approach to relations between the state and religious communities not only regarding the harmonization of laws with European law but also regarding the possibility to develop an awareness of religion as an integral part of life of a believer-citizen.² In the previous period, as in all the socialist countries and in Yugoslavia, the concept was advanced through the education system that belief in God was a terrible thing, backward and primitive. The state's propagation of such an attitude, including the "ethical" questioning of religion as a mechanism used for manipulation in the context of the class struggle, not only radically restricted the human right to freedom of religion or belief but also contributed to the abuse of religious feelings at the time of the breakup of the former Yugoslavia.

¹ According to the results of the 1991 census of the Yugoslav population (without Kosovo and Metohija and the municipalities of Bujanovac and Presevo where the census was not fully carried out) there are 80 per cent Orthodox (6,988,901), 5.36 per cent Muslims (468,713), 6.10 per cent Roman Catholics (533,349), 1.02 per cent Protestants (89,369), 0.01 per cent Jews (1,008), 0.005 per cent pro-Oriental cults (520), 0.16 per cent other religion communities (14,256), 0.09 per cent believers who do not belong to any confession (8,468), 1.95 per cent atheists (170,528), and 5.25 per cent (458,820) who did not reply.

² Before World War II, Yugoslavia's population was divided among six recognized religious communities: Serbian Orthodox Church, Roman Catholic, Muslim, Evangelical, Jewish, and Greek-Catholic. After World War II, the laws regulating the relations between the state and the recognized religious communities were abolished, and this was the illegal area that, despite the adoption of several laws (the last of which was the law on the legal position of religious communities of 1977, abolished in 1992) remained legally undefined. In the 1990s, with the abolition of these laws at the federal and republican levels because they had become obsolete, relations between the state and the religious communities (with the exception of the constitution) remained without the least legally defined regulations.

Renewal of Religious Instruction as an Example of Co-operation between the State and Religious Communities

One of the most frequently raised issues by the representatives of religious communities has been the return of religious instruction in the education system of the former Yugoslavia. It has been stated in talks that this action would rectify the injustice done to the religious communities under an act of the Ministry of Education after World War II, when religious instruction was excluded from the education system.³

For several reasons, the FMRA has met the demands of the religious communities to reinstate religious instruction in the elementary and secondary schools in the former Yugoslavia. First, the FMRA wanted to give state-run schools the ability to provide religious education. Second, the FMRA's team of legal experts concluded that, in comparing the legal regimes of the various countries in Europe, the dominant standard is that the state guarantees the realization of religious freedom, and the FMRA wanted to harmonize legislation in the former Yugoslavia with the legislation in most other European countries.⁴ Finally, the FMRA wanted to rectify the injustices imposed during the authoritarian, atheist regime.

Under Article 14 of the draft law on religious freedom, the state ensured religious education in state schools, thus fulfilling the right of taxpayers to have such instruction available for their children and leaving parents and children free to decide whether or not they would take advantage of the religious classes, depending on their convictions. This same article provides that the state can organize religious education for those churches and religious communities cited in the preamble to the draft law. Those parents and children who do not opt for religious instruction have the choice of classes in some other corresponding alternative subject that is deemed to develop ethical values, notions of humanism, moral tolerance, and understanding among peoples.⁵ As the state is not in a position to organize religious instruction for all the registered religious communities, it is obliged to do so only for certain members of the religious community, namely, for those who enjoyed this right before World War II.⁶ This solution has been adopted by a large number of countries and is not considered discriminatory vis-à-vis the smaller religious communities. Because religious instruction can be taught by elementary-school instructors, teachers, and professors who are already teaching other subjects, Article 14, Paragraph 5, of the draft law stresses their right to refuse to teach this subject. The same provision guarantees the right of religious communities to propose and approve which teacher in a particular school will teach the class on that community's religion.⁷

Since the main idea was to rectify injustice, religious instruction was provided to "old", or "traditional", religious communities.⁸ Smaller religious communities, of course, felt neglected (especially "larger

³ Up to the time when the first educational plan for the reformed elementary school came into force on 8 July 1949, several school plans and programmes were changed, especially during the first seven years after World War II (in 1947, there were even two such plans and programmes). The first of these published in 1945 did not radically differ from those in use in pre-war Yugoslavia, so that the subject of religious tuition had one hour of classes in the first to the fourth grade. The first plan was used only in the first half of 1946/47 school year, as the Ministry of Education of the People's Republic of Serbia printed a new second plan and programme on 8 February 1947, which contained nine instead of 11 subjects, with religious instruction and embroidery classes left out. The subject of embroidery was again introduced in the third plan that came out five months later on 20 September 1947.

⁴ Only four European countries do not teach religion in state schools: France, Slovenia, Albania, and Macedonia.

⁵ Draft law, *supra* Note 14, Article 14. Religious and civil education are elective subjects, taught in the first and second grade of primary and secondary schools. They shall be introduced in the subsequent grades of primary and secondary school as the pupils and students who enrolled in the first grade of primary and the first grade of secondary school in the 2001/2002 school year enrol in those grades.

⁶ *Id.*

⁷ *Id.*

⁸ Those who had law in Yugoslavia before World War II (Orthodox, Catholic, Muslim, Jewish, Evangelical, and Reformed Christian religious communities).

smaller” religious communities like 7th Day Adventists). Now we are trying to find options for them, particularly in local communities where they have larger numbers of believers.

The FMRA participated in the implementation of religious education in elementary and secondary schools. However, decisions regarding the plans and programmes are the competence of the republic’s Ministry of Education and, thus, of the republic’s government. As a result, the final work in this area – including the formation of a Committee of the Ministry of Education⁹ in which the representatives of the religious communities are present, the writing of textbooks, resolving the status of teachers teaching this subject, and, above all, the adoption of rules regarding the plans and programmes of religious instruction¹⁰ – has been carried out at the republican level in co-operation with the RMRA and the RME (the Education Ministry), representatives of religious communities, and the participation of a federal team of legal experts.¹¹

The legal framework within which religious (and civil) education was returned to schools in 2001 encompassed the government’s “Ordinance on the Organization and Conduct of Religious Education and Alternative Subject Teaching in Primary and Secondary Schools” of 27 July 2001, followed by amendments to the laws on primary and secondary education adopted in April 2002.

With the amendments to the laws on primary and secondary education adopted at the end of April 2002, the education system of Serbia was improved in three directions: the development of students as free and responsible persons was enabled, as religious education contains the most powerful pedagogical values in the history of human society; it was made possible for students to understand European culture and art, predominantly consisting of religious motifs; and one of the basic human rights has been ensured: upbringing in line with religious beliefs.

The type of qualifications of religious instructors is determined by the Minister of Education upon the joint proposal of the Minister of Religions and the churches and religious communities. Religious education may be conducted by a person with at least a two-year college degree for working in primary schools with pupils up to the fourth grade and a university degree for working with pupils from the fifth to the eighth grade and for working with students in secondary schools.¹²

The list of religious instructors is determined by the Minister of Education, again upon the joint proposal of the churches and religious communities. A religious instructor is appointed for each school by the churches and religious communities from the determined list each year.

The main joint project for religious communities was the renewal of religious instruction. For the first time, heads and representatives of religious communities had an opportunity to do something together and to see real results from their work. It was a very quick embodiment of the idea of co-operation between the state and religious communities. Even during the war in the former Yugoslavia, they used to meet each other at various conferences and hold discussions, but, for the first time, they have done something together. More important than the renewal of religious instruction is this first step of constructive co-operation. During this process, confidence-building started – confidence between the

⁹ The organization and conduct of religious instruction shall be monitored by a committee consisting of one representative of each of the traditional churches and religious communities and three representatives of both the Ministry of Education and Sport and Ministry of Religious Affairs. The Government of the Republic of Serbia shall appoint the committee from Paragraph 1 of this article. (“Ordinance on the Organization and Conduct of Religious Education and Alternative Subject Teaching in Primary and Secondary Schools”, of July 27 2001, Article 14).

¹⁰ *Official Gazette of the Republic of Serbia, Educational Herald*, No. 5, Oct. 20, 2001.

¹¹ The syllabus of religious education is adopted jointly by the Minister of Education and the Minister of Religions of the Republic of Serbia upon the proposal agreed upon by all churches and religious entitled to conduct religious education. Accordingly, the agreement of all churches and religious communities is a prerequisite also for approval of textbooks and other educational means for religious education.

¹² Pupils and students are awarded descriptive grades in religious and civil education. The grade does not affect the overall results of the student.

state and religious communities, as well as confidence among the religious communities themselves. The second very important experience was that the state could and should work on building that confidence and that the state could rely on religious communities and co-operate with them in its work. These two experiences are something new in our country that should be preserved as good and healthy grounds for further steps in confidence-building in South-Eastern Europe. If the authority of the heads of religious communities is acknowledged and the public expression of religious freedom is guaranteed by the states in the region, the religious communities would take their part of responsibilities for the process of reconciliation, and, in co-operation with the states, could become a factor of stability in the region.

Co-operation between States and Religious Communities in South-Eastern Europe

The wars in the region of the former Yugoslavia were not necessarily wars based on religion. The various populations that took part in the wars came from equally atheist environments. However, there was a great deal of manipulation of religious feelings and identification during the war years. These religious feelings and religious identification were present prior to the war in spite of the atheist school of thought, albeit in an inadequate way (religion was mainly identified with belonging to a particular national or ethnic group). Liberation from the communist past saw a parallel process of formation and learning of authentic religious values, such as respect for humanity, which all religions in the Balkans have in common. This process has led to the increase and affirmation of the authority of the heads of religious communities in the post-communist countries in the region. These heads of religious communities traditionally have had authority, which should now, once again, be recognized by regional governments. By reaffirming the authority of these religious communities, we hope to give them responsibility and make them accountable for the stability in the region.

Considering and providing the heads of religious communities in South-Eastern Europe with authority, responsibility, and accountability in the process of stabilization and reconciliation allows for a favourable atmosphere for the real reconciliation of Balkan peoples. This would be the result of continuous co-operation, leading to lasting peace based on solid foundations.¹³

¹³ Following these ideas, there is a plan to organize an International Conference of the Heads of Religious Communities of Southeastern Europe in Belgrade, 2003.

The participants of the conference would be:

- Heads and representatives of South-Eastern European religious communities;
- State representatives in charge of religious freedom and religious communities (from the European Union, South-Eastern Europe, and the United States);
- Experts in state-religious community relations; and
- NGOs, non-profits, and international organizations involved with the protection of religious freedom.

One of the main goals of the conference would be the final declaration, which would state the steps to be followed in the process of reconciliation and confidence-building and would stress some common goals:

- Declare the similarity or likeness of moral law in relation to freedom of religion in all South-Eastern European countries;
- Propose, allow for, and institute a continuous dialogue to discuss religious freedom;
- Promote mutual respect between religious communities and states in the region through long-term interaction between the religious communities, states, NGOs, and international actors in the region. We can distinguish the following four model relationships: 1. State-religious community; 2. Religious community-religious community; 3. NGO-religious community; 4. NGO-government;
- Allow for the avoidance of the risk of possible future misunderstandings, from the dogmatic level down to the respect for the followers of other religious groups, through greater understanding and tolerance of differences in religions (i.e., every religious community strives to increase the number of its followers; there are differences in the ways different religions achieve this goal). Genuine mutual respect is then the immediate result;
- Establish common goals between religious actors in the region. Mutual respect and common goals lead to a constructive and rational approach, which leads to further understanding and better communication, tolerance, and building of confidence. In this way, the religious communities become a factor of stability in the society and in the region;
- Institute, as a role of the state, the promotion of various levels of co-operation and assistance between religious communities within and between states; and
- Establish an environment for successful co-operation through: 1. the balancing of the regional and European framework (the context); and 2. the given historical conditions, thereby allowing the state to recognize the authority of the religious communities and their leaders by virtue of trust in them (contractual), also providing them with a framework for responsibility in the process of reconciliation and future relations.

4. Rapporteur's Report: Prof. Dr. Gerhard Robbers, University of Trier, Germany, Member of the OSCE/ODIHR Advisory Panel on Freedom of Religion or Belief

Looking into different models for religious instruction in public schools and into governments' responsibility for peace and education, the plenary session developed a broad picture of education – in many aspects expressing common convictions, in some respects disagreeing, and in some pointing at specific grievances and concrete matters of concern. We were reminded of the number of international documents relevant to education to further build on for a future of tolerance and mutual respect.

The conference agreed that religion forms an integral part of the human personality. Education must comprise religion. Whether this is the responsibility of religions themselves or is to be performed by the state, within public schools, or in the way that public schools leave time and space for private study in religion was left as a matter of regional and national experience, history, and discretion.

The participants agreed on the rights of parents to educate their children in their respective religion. No one may be coerced into religious education contrary to his or her beliefs.

There was a strong spirit that terrorism can in fact be overcome. Ignorance being the grounds on which terrorism can grow, there were warnings also not to underestimate or idiotize the adversary: those who organize and those who perform terrorist acts are often times highly learned and cunning people, misusing religion, though.

Therefore, education has to be inspiring. Religious instruction must show the true meaning of religion, being peaceful, tolerant, seeking and promoting good, stressing and promoting the positive, meaningful, value-founding identity of religion. Some insisted on inherent traits in religion to exclude others, leading to a need for reform and reformation within religions themselves.

The conference agreed on the central importance of dialogue: dialogue between religions and states, dialogue between religions, and dialogue within religions. That leads to the need for broad education for the states and cultures of the West to better understand Islam. And, please, do allow me a personal remark: I have always felt that in fact many in the West have to be better educated in understanding the deep and fruitful impact of Islamic culture on the West, like the teaching of Ibn Rushd, known but not well enough known in the West as Averroes, who brought Aristotle back to the West, and without whom Thomas Aquinas would not be what he is. Or Ibn Sina, in the West known as Avicenna, without whom the very basic structure of Western philosophy itself would not be, and cannot be, understood.

The need for education in the mass media, a holistic education, and education for dialogue has been stressed, including human rights awareness programmes. Prevention costs less than combating terrorism.

Specific suggestions were made for further work:

- Education through exchange programmes: bring together the youth of the world;
- Analyse textbooks for the way they show religion – perhaps by establishing joint authorships of different religions;
- Beware of the needs of exiled people to be educated in their culture and religion;
- Investigate further the role of mass media and education other than school education;
- Continue and further expand ODIHR human rights awareness-raising programmes to reach adult populations; and
- Intensify education for everyone, especially women, the poor, and minorities;

One may perhaps summarize the manifold, sometimes matching, sometimes controversial, viewpoints put forward in the session by saying that education itself is a dialogue, and dialogue educates. Dialogue is education to be aware of where people and religions are alike and where they differ. And dialogue is education to respect, to respect the other in being different.

There is good hope to overcome terrorism by a dialogue of this kind in a long-term perspective. Sound education is the basis of progress.

The participants of the conference would be:

- Heads and representatives of South-Eastern European religious communities;
- State representatives in charge of religious freedom and religious communities (from the European Union, South-Eastern Europe, and the United States);
- Experts in state-religious community relations; and
- NGOs, non-profits, and international organizations involved with the protection of religious freedom.

One of the main goals of the conference would be the final declaration, which would state the steps to be followed in the process of reconciliation and confidence-building and would stress some common goals:

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- Allow for the avoidance of the risk of possible future misunderstandings, from the dogmatic level down to the respect for the followers of other religious groups, through greater understanding and tolerance of differences in religions (i.e., every religious community strives to increase the number of its followers; there are differences in the ways different religions achieve this goal). Genuine mutual respect is then the immediate result;
- Establish common goals between religious actors in the region. Mutual respect and common goals lead to a constructive and rational approach, which leads to further understanding and better communication, tolerance, and building of confidence. In this way, the religious communities become a factor of stability in the society and in the region;
- Institute, as a role of the state, the promotion of various levels of co-operation and assistance between religious communities within and between states; and
- Establish an environment for successful co-operation through: 1. the balancing of the regional and European framework (the context); and 2. the given historical conditions, thereby allowing the state to recognize the authority of the religious communities and their leaders by virtue of trust in them (contractual), also providing them with a framework for responsibility in the process of reconciliation and future relations.

VI Annex

OSCE Commitments Relating to Freedom of Religion or Belief

- **Helsinki, 1975 (“Declaration on Principles Guiding Relations between Participating States”, principle VII, par. 1 and 3)**

The participating States will respect (...) the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

(...)

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

- **Madrid, 1983 (“Questions relating to Security in Europe”, par. 12, 13 and 14)**

The participating States reaffirm that they will recognize, respect and furthermore agree to take the action necessary to ensure the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

In this context, they will consult, whenever necessary, the religious faiths, institutions and organizations, which act within the constitutional framework of their respective countries.

They will favorably consider applications by religious communities of believers practicing or prepared to practice their faith within the constitutional framework of their States, to be granted the status provided for in their respective countries for religious faiths, institutions and organizations.

- **Vienna, 1989 (“Questions Relating to Security in Europe”, par. 11, 16 and 17)**

(11) (The participating States) (...) confirm that they will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion (...)

(...)

(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, inter alia,

(16.1) – take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers;

(16.2) – foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;

(16.3) – grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their States, recognition of the status provided for them in their respective countries;

(16.4) – respect the right of these religious communities to

- establish and maintain freely accessible places of worship or assembly,
- organize themselves according to their own hierarchical and institutional structure,
- select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State,
- solicit and receive voluntary financial and other contributions;

(16.5) – engage in consultations with religious faiths, institutions and organizations in order to achieve a better understanding of the requirements of religious freedom;

(16.6) – respect the right of everyone to give and receive religious education in the language of his choice, whether individually or in association with others;

(16.7) – in this context respect, inter alia, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;

(16.8) – allow the training of religious personnel in appropriate institutions;

(16.9) – respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief,

(16.10) – allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;

(16.11) – favourably consider the interest of religious communities to participate in public dialogue, including through the mass media.

(17) The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief.

- **Vienna, 1989 (“Co-operation in Humanitarian and Other Fields”, par. 32 and 68)**

(32) They (The participating States) will allow believers, religious faiths and their representatives, in groups or on an individual basis, to establish and maintain direct personal contacts and communication with each other, in their own and other countries, inter alia through travel, pilgrimages and participation in assemblies and other religious events. In this context and commensurate with such contacts and events, those concerned will be allowed to acquire, receive and carry with them religious publications and objects related to the practice of their religion or belief.

(68) They will ensure that persons belonging to national minorities or regional cultures on their territories can give and receive instruction on their own culture, including instruction through parental transmission of language, religion and cultural identity to their children.

- **Copenhagen, 1990 (Par. 9.4, 18, 24, 25, 30, 32, 33, 35, 36 and 40)**

The participating States reaffirm that

(9.4) – everyone will have the right to freedom of thought, conscience and religion. This right includes freedom to change one’s religion or belief and freedom to manifest one’s religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards;

(The participating States)

(18.1) – note that the United Nations Commission on Human Rights has recognized the right of everyone to have conscientious objections to military service;

(18.2) – note recent measures taken by a number of participating States to permit exemption from compulsory military service on the basis of conscientious objections;

(18.3) – note the activities of several non-governmental organizations on the question of conscientious objections to compulsory military service;

(18.4) – agree to consider introducing, where this has not yet been done, various forms of alternative service, which are compatible with the reasons for conscientious objection, such forms of alternative service being in principle of a non-combatant or civilian nature, in the public interest and of a non-punitive nature;

(18.5) – will make available to the public information on this issue;

(18.6) – will keep under consideration, within the framework of the Conference on the Human Dimension, the relevant questions related to the exemption from compulsory military service, where it exists, of individuals on the basis of conscientious objections to armed service, and will exchange information on these questions.

(24) The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured. Any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.

(25) The participating States confirm that any derogations from obligations relating to human rights and fundamental freedoms during a state of public emergency must remain strictly within the limits provided for by international law, in particular the relevant international instruments by which they are bound, especially with respect to rights from which there can be no derogation. They also reaffirm that;

(25.1) – measures derogating from such obligations must be taken in strict conformity with the procedural requirements laid down in those instruments;

(25.2) – the imposition of a state of public emergency must be proclaimed officially, publicly, and in accordance with the provisions laid down by law;

(25.3) – measures derogating from obligations will be limited to the extent strictly required by the exigencies of the situation;

(25.4) – such measures will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority.

(30) ... They also recognize the important role of non-governmental organizations, including political parties, trade unions, human rights organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities. ...

(32) To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice.

Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. In particular, they have the right

(32.2) – to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation;

(32.3) – to profess and practise their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue;

(32.4) – to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs;

(32.5) – to disseminate, have access to and exchange information in their mother tongue;

(32.6) – to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations.

Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights.

(33) The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take the necessary measures to that effect after due consultations, including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State.

Any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned.

(35) The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.

The participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned.

(36) The participating States recognize the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities. Such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice.

Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law.

(40) The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).

They declare their firm intention to intensify the efforts to combat these phenomena in all their forms and therefore will

(40.1) – take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(40.2) – commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property;

- **Budapest, 1994 (Chapter VIII, par. 27 and 28)**

Reaffirming their commitment to ensure freedom of conscience and religion and to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers, (the participating States) expressed their concern about the exploitation of religion for aggressive ends.

The participating States reconfirm that human rights are universal and indivisible. They recognized that the protection and promotion of the rights of migrant workers have their human dimension. They underline the right of migrant workers to express freely their ethnic, cultural, religious and linguistic characteristics. The exercise of such rights may be subject to such restrictions as are prescribed by law and consistent with international standards.

- **Istanbul, 1999 (Charter for European Security, par. 19)**

19. We (The participating States) reaffirm that respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE's comprehensive concept of security. We commit ourselves to counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-semitism. (...)

About the OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of several observation missions with thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, gender equality, and trafficking in human beings. The ODIHR implements more than 100 targeted assistance programmes every year, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR promotes the protection of **human rights** through technical assistance projects and training on human dimension issues. It conducts research and prepares reports on different human rights topics. In addition, the Office organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States. In its anti-terrorism activities, the ODIHR works to build awareness of human dimension issues and carries out projects which fundamentally address factors engendering terrorism.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihhr).