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DEPARTMENT OF EU INTERNATIONAL  
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## Abstract

The purpose of this paper is to understand why and how the European External Action Service (EEAS) has developed a specific approach towards religion, an approach characterised by the focus on freedom of religion and belief (FoRB). The research question is to assess the level of autonomy and distinctiveness of religion as a policy issue. The European diplomatic strategy on religion reflects geopolitical and societal changes at the global scale. It is also an effort of the EEAS to assert itself as a political player and to reinforce the profile of the European Union (EU) in international relations. In practice, the handling of religion is framed by the usual EU policy-making: ideational incentives (advocacy for FoRB, display of European unity and identity) matter but are secondary to realist ones (interests and security concerns); the risk-averse culture of diplomats and European bureaucracies leads them to defer to the states and to prioritise a legal approach to religion. This paper draws on academic and institutional literature; the analysis of the adoption and implementation of the 2013 *EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief*; an online survey of EU Delegations around the world; and interviews with national and European officials.

## Introduction

The purpose of this paper is to understand why and how the European External Action Service (EEAS) has developed a specific approach towards religion, an approach characterised by the focus on freedom of religion and belief (FoRB). The research question is to assess the level of autonomy and distinctiveness of religion as a policy issue in this context. A first hypothesis is that the European diplomatic strategy on religion is part and parcel of a wider re-enhancement of faith matter due to geopolitical and societal changes at the global scale. A second hypothesis is that the rise of the EEAS as a political player on religious issues is driven by power games, both to assert itself regarding other institutions of the European Union (EU) and to reinforce the profile of the EU in international relations. A third and last hypothesis is that the handling of religion is framed by the usual EU policy-making: ideational incentives (advocacy for FoRB, display of European unity and identity) matter but are secondary to realist ones (interests and security concerns); the risk-averse culture of diplomats and European bureaucracies leads them to defer to the states and to prioritise a legal approach to religion.

Religion has become more and more an issue in international politics in the last four decades. Most frequently, it comes to the fore in a traumatic mode through its association with violence. Meanwhile, it is also considered as a possible resource to solve conflicts, bridge gaps between cultures or expand influence. This renewed salience of religion has led to considerations on whether political and intellectual debates should be reframed to acknowledge the changing interactions between politics, religion and modernity. As one of the most secularised parts of the world, Europe has been particularly subjected to such considerations. As a multi-cultural and multi-leveled polity with different traditions with regard to the sacred, and as a highly rationalised and realist political system, the European Union is bound to struggle to come to terms with this new state of play.

Freedom of religion and belief is the dominant repertoire of action in the contemporary political handling of religion under the *aegis* of human rights. The strategy to advocate FoRB developed by the EEAS illustrates how the EU is dealing with religious issues in its relations with the rest of the world. This paper does not aim to present an account of the academic debate on the re-articulation between secular and spiritual affairs in European politics and to document the mutations of faith and

secularism.<sup>1</sup> It rather analyses a case study on how the policy framework for European diplomats to advocate ForB in third countries has been adopted and implemented. The paper draws on several sources and methods: The analysis of the *EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief (EUFoRB)*<sup>2</sup> provides a practical example of the operationalisation of religion as a diplomatic object. A survey of how EU Delegations deal with religion in general and EUFoRB in particular was carried out in 2015 through an online questionnaire. Face-to-face interviews were conducted between 2013 and 2016 with European and national diplomats, civil servants and Members of the European Parliament (MEPs) as well as diplomats from third countries and representatives of civil society (see Annex for more details). Relevant official and non-official institutional literature was also consulted.

Two scenarios could explain why the EEAS has put religion on its agenda. A first scenario can be a mere acknowledgement of its significance as a parameter of external affairs. A second scenario, in a more normative version, is an advocacy for its positive contribution to world governance, the common good and the promotion of European values and interests. Both scenarios have a part of truth. The EEAS has elaborated a strategy on religion partly because of the necessity to deal with an issue that has become more prominent in international relations, and partly because of the opportunity to reinforce itself as a bureaucracy and the EU as a global actor. However, this European strategy remains timid in its value-based dimension and takes already well established venues at national and international levels to deal with religion.

Shifting to practices on the ground, the last part of the paper focuses on the action of the EEAS to advocate religious freedom. Two key features can be highlighted: the centrality of states' models and interests (both member states and third states); the preference for law as repertoire of action but the resurgence of politics on the field.

First, there is a strong continuity between national and supranational practices. The EEAS chiefly duplicates and hybridises the modes of action of the member states. For European diplomats posted in third countries, local states are the main interlocutors

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<sup>1</sup> Foret, François, *Religion and Politics in the European Union: The Secular Canopy*, Cambridge, Cambridge University Press, 2015.

<sup>2</sup> Council of the European Union. 'EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief', <https://eeas.europa.eu/sites/eeas/files/137585.pdf> (accessed 12 May 2017).

and direct interactions with civil society are managed with caution in order not to antagonise public authorities. Subsequently, the universalism of the principles underlying FoRB is challenged both by their divergent interpretations rooted in national cultures and interests within the EU; and by their adaptation to the country where every EU Delegation is operating.

Second, law is the main repertoire of action to handle religious issues and there is a propensity to reframe any religious dimension as a problem of religious freedom. This is a way to circumscribe a potentially controversial matter to the safe and consensual prism of human rights. However, politics is prompt to re-emerge, especially because internal and external European affairs overlap constantly.

The paper is structured as follows: the next section offers a quick reminder of the reasons and modalities of the 'comeback' of religion in international relations. The rise of the EEAS as a policy player on religion and religious freedom is then explained against this general background. Finally, the analysis of the action of European diplomats on the field shows the gaps between policy doctrine and practice and the competing values and interests at work.

### **The 'new clothes' of religion in International Relations**

The modern state is not the outcome of a radical secularisation process, understood as a *caesura* from religion, but of the incorporation of religion into politics.<sup>3</sup> What is true in domestic politics also holds true for international relations. The 'restorative narrative' that has replaced the secularisation thesis as the main frame of religion in International Relations needs to be revised, as religion has never left according to Shackman Hurd:

Rather than bringing religion 'back in' to an allegedly secularised international public sphere, religion is not and never was entirely outside of power, in search of an opportunity to be publically resuscitated. To the contrary, religion is often wielded most powerfully by those in power, including states, market forces, institutionalised religions, international organisations, and others.<sup>4</sup>

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<sup>3</sup> Mavelli, Luca, "Security and secularization in International Relations", *European Journal of International Relations*, vol. 18, no. 1, 2011, pp. 177-199; Gorski, Philip, "Historicizing the secularization debate: Church, state and society in late medieval and early modern Europe, ca. 1300 to 1700", *American Sociological Review*, vol. 65, no. 1, 2000, pp. 138-167.

<sup>4</sup> Shakman Hurd, Elizabeth, "International politics after secularism", *Review of International Studies*, vol. 38, no. 5, 2012, pp. 944-946.

What is new is thus not the movement of religion in and out of foreign affairs but what is done to define and use it in political discourses and practices. If there is a change, it is indeed in the 'strategic operationalisation of religion' by the states. Before 9/11, states were assumed to deal with religion internally, or not at all. After 9/11, religion has visibly been re-established on the diplomatic agenda in two cases: when dangerous forms of religion escape the control of one country and are considered to be in need of international disciplining by coalitions of states; and when religion can be mobilised to promote the common public international good (humanitarian and development projects, human rights campaigns, transitional justice efforts, and so on).<sup>5</sup>

The nature of the strategic change is twofold: it concerns the internationalisation of religion, and the dichotomisation between 'good' and 'bad' religion. The new motto of foreign policy is to empower peaceful religion and to marginalise dangerous religion. Still following Shackman Hurd, actors such as the United States (US), the United Nations (UN) or the EU have played a key role in this process.<sup>6</sup> The dominant repertoire of action is law, and religious freedom tends to become the matrix to deal with religion. However, law and religious freedom are not neutral *vis-à-vis* religion as they privilege some religious forms over others (practices over beliefs for example) and subsequently some denominations over others (especially those with a clear hierarchy and institutional spokespersons able to voice their claims in the political arena).<sup>7</sup>

The debate on freedom of religion and belief is a good synthesis of the larger one on religion in international relations in terms of novelty vs. continuity; universalism vs. cultural singularity; state as solution vs. state as problem; power games vs. ideational incentives; internal vs. external affairs; and religion as source vs. answer of violence.

First, speaking of novelty vs. continuity, the literature describes the rise of FoRB as driven by different trends. It is frequently presented as part of the global 'third wave' of democratisation since the mid-1970s.<sup>8</sup> Other scholars analyse it as an outcome of secularisation, the de-privatisation of religion requesting more frequent interventions

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<sup>5</sup> *Ibid.*, p. 947.

<sup>6</sup> *Ibid.*

<sup>7</sup> Shackman Hurd, Elizabeth, *Beyond Religious Freedom: The New Global Politics of Religion*, Princeton, Princeton University Press, 2015.

<sup>8</sup> Witte, John and Green, Christian, "Religious Freedom, Democracy and International Human Rights", in Timothy Shah, Alfred Stepan and Monica Duffy Toft (eds), *Rethinking Religion and World Affairs*, Oxford, Oxford University Press, 2012, pp. 105-128.

by public authorities to regulate it in the public sphere. Cultural pluralisation of societies also plays its part by multiplying frictions between spiritual traditions and fueling reactions of cultural defence, especially regarding Islam. Laws on FoRB may be used by minority denominations to claim recognition, but also by majority faiths to defend their status to the detriment of smaller spiritual groups.<sup>9</sup> Freedom of religion is thus presented both as a consequence of societal decline of religion and differentiation between politics and religion and as a channel for the revival of religion into politics. Second, referring to universalism vs. cultural singularity, freedom of religion is hailed as a co-product of many religious and philosophical heritages that can work as a transcultural language.<sup>10</sup> Meanwhile, every denomination is prompt to claim the credit to have authored the notion of freedom.<sup>11</sup> Third, when it comes to the state as a solution vs. as a problem, the existence of a constitutional state that respects human rights and the separation of spiritual and secular affairs is a precondition for FoRB. But public authorities are frequently also the first threat.<sup>12</sup> Fourth, concerning power games vs. ideational incentives, freedom of religion is far from an immutable and neutral doctrine. Its framing is heavily dependent on the historical context. Its contemporary enunciation reflects the background of the Cold War, when Western countries promoted individual rights to oppose the collectivist version of freedom favoured by atheistic communist countries.<sup>13</sup> The resurgence of FoRB derives largely from US efforts to assert its global leadership and to disseminate a worldview congruent with its interests.<sup>14</sup> Fifth, concerning the shifting boundary between internal vs. external affairs, the notion of FoRB has been far from consensual in domestic American history<sup>15</sup>. There is a danger of duplicating abroad the cultural wars raging in American society and of

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<sup>9</sup> Ferrari, Alessandro, "Religious Freedom and the Public-Private Divide: A Broken Promise in Europe", in Silvio Ferrari and Sabrina Pastorelli (eds), *Religion in Public Spaces: A European Perspective*, Farnham, Ashgate, 2012, pp. 71-91.

<sup>10</sup> Bucar, Elizabeth and Barnett, Barbra (eds), *Does Human Rights Need God?*, Grand Rapids, MI, Eerdmans, 2005.

<sup>11</sup> Shah, Timothy and Hertzke, Allen (eds), *Christianity and Freedom, Vol: 1. Historical Perspectives*, Cambridge, Cambridge University Press, 2016; Shah, Timothy and Hertzke, Allen (eds), *Christianity and Freedom, Vol: 2. Contemporary Perspectives*, Cambridge, Cambridge University Press, 2016.

<sup>12</sup> Starck, Christian, "The development of the idea of religious freedom in modern times", in Silvio Ferrari and Rinaldo Cristofori (eds), *Freedom of Religion and Belief*, Farnham, Ashgate, 2013, pp. 3-17.

<sup>13</sup> Boyle, Kevin, "Freedom of religion in international law", in Silvio Ferrari and Rinaldo Cristofori (eds), *Freedom of Religion and Belief*, Farnham, Ashgate, 2013, pp. 73-101.

<sup>14</sup> Su, Anna, *Exporting Freedom: Religious Liberty and American Power*, Cambridge, MA, Harvard University Press, 2016.

<sup>15</sup> Smith, Steven, *The Rise and Decline of American Religious Freedom*, Cambridge, MA, Harvard University Press, 2016.

repeating the “tragedy of religious freedom”<sup>16</sup> worldwide. Finally, with regard to the link between religion and violence, some advocate the attacks against religious freedom as the source of rebellion by those who see their rights denied, and its re-establishment as key to social pacification. Others denounce the perverse effects of laws or politics that define conflicts in religious terms and harden cleavages, and sometimes create problems out of nothing when cultural diversity was particularly regulated by social practices.<sup>17</sup>

Overall, the way the EEAS deals with religion and more particularly with FoRB reflects these debates and tensions.

### **The progressive emergence of a European diplomacy of religion**

The empirical research presented here is deliberately limited. To embrace the full picture of how the EU relates to religion in foreign affairs, additional aspects would have to be included into the analysis such as the external dimension of the dialogue between religious and European institutions established by Article 17 of the Treaty on the Functioning of the European Union (TFEU); sectorial policies like development, humanitarian aid or culture; the action of national administrations; the global networks of religious civil society; and so on. Similarly, a comprehensive assessment of the European strategy on FoRB would demand to survey the role of the European Parliament; or to document the international environment constituted by the Council of Europe, the Organisation for Cooperation and Security in Europe (OSCE) or the United Nations Human Rights Council. The objective is here not to give an exhaustive account of these issues but to focus on a restricted sample.

To do this, it is possible to proceed in two steps: the first is to study the framing of religion by the EU’s diplomacy to see whether it is conceived as an issue to deal with willy-nilly or as a positive factor likely to improve global governance and/or to serve European interests and ideals. The second step is to assess the EEAS’ actions in the light of the six key dichotomies discussed in the previous section.

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<sup>16</sup> DeGirolami, Mark, *The Tragedy of Religious Freedom*, Cambridge, MA, Harvard University Press, 2013.

<sup>17</sup> Shani, Giorgio, *Religion, Identity and Human Security*, London, Routledge, 2014.

*How and why religion and FoRB became a policy object for the EEAS*

The reasons pushing the EEAS to become a political player on religious issues may illustrate a pragmatic approach (religion has to be dealt with because it is more and more on the agenda) or a normative one (religion is seen as an ethical source able to inspire European action in terms of efficiency, justice or democracy).

A pragmatic approach can be observed as the EEAS started to develop an expertise on religion by necessity and opportunity. My hypothesis is twofold: first, that religion has imposed itself as a pressing matter on the external agenda of the EU; and, second, that it has presented both opportunities and constraints to an EEAS that was still in the process of development. European diplomats come reluctantly to terms with highly controversial religious subjects that contradict their risk-averse professional culture. Meanwhile, they also take advantage of it to frame themselves as facilitators within the limits set by their legal and political resources. Overall, the practice of European diplomacy regarding religion does not differ much from the model offered by international institutions and EU member states. At the global, supranational and national levels, religion as a subject of foreign policy complies with the usual rules of diplomatic compromise, bureaucratic rationality and neutrality. The tendency is to treat it through the legal repertoire of human rights and to reduce it to religious freedom, which may diminish but does not eradicate conflicts between competing interpretations of basic principles.

Tackling religion 'because it is out here'

Religion arrived early on the agenda of the institutionalising European diplomatic service. As a relatively new subject in foreign policy, religion has not become fixed in a path dependency firmly establishing the distribution and codification of roles. It is nevertheless directly related to national cultures, traditional arrangements between churches and states, imperial histories and geopolitical interests. As such, it is highly symbolic and controversial. The EU's encroachment into this field has been closely scrutinised, all the more because it has no jurisdiction over the definition and management of religious issues. According to the Article 17 TFEU, the Union respects and does not prejudice the status under national law of churches and religious associations or communities in the member states. Extended to foreign affairs, this means that European diplomacy in matters of religion is heavily framed by the nature of the state as a role model, a partner and an interlocutor.

The EU is much more a follower than a leader in the global emergence of a diplomacy of religion. European institutions had received frequent invitations to contribute to international conferences on religion and lacked suitable staff to frame a response. The UN and the US have long acknowledged the importance of religious issues and of faith-based organisations. Since the 1990s, several EU member states have been exploring ways to deal with religion in their own diplomatic practice. The first attempts to develop expertise originated from individuals occupying various positions in national administrations. These persons constituted a 'like-minded group' that greatly helped in creating common practices. Some of them moved later to the EEAS where they elaborated supranational practices.<sup>18</sup> Despite these advances, religion remains "an exotic and esoteric business at best", to quote a Brussels diplomat.<sup>19</sup>

#### The impossibility of a normatively driven policy

Is there no trace of advocacy for the positive role of religion in the genesis of the EEAS' policy? The best answer is given by Pierre Vimont who was the executive secretary-general of the EEAS between 2010 and 2015. Vimont describes how religion is perceived as a 'quasi outcome' of human rights policy.<sup>20</sup> It had emerged before through other European competencies (trade, development, humanitarian aid), but member states draw strict red lines to limit initiatives of European institutions on the topic.<sup>21</sup> The focus on FoRB is partly a consequence of this assignation to the legal repertoire. Notwithstanding the reluctance of member states to a strengthening of the EEAS, their diversity of spiritual and philosophical heritages is also an obstacle. Frequently, European diplomats struggle to define a normative common position likely to be consensual enough to be promoted actively, or at least cannot do that quickly and clearly enough to act in due time.

Besides these structural constraints, the EEAS is also wary of denominational or ethnocentric biases. Some right-wing MEPs and non-governmental organisations

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<sup>18</sup> Bilde, Merete, "Religion and Foreign Policy: A Brussels Perspective", in Transatlantic Academy (ed.), *Faith, Freedom and Foreign Policy: Challenges for the Transatlantic Community*, Washington, Transatlantic Academy, 2015, pp. 156-160.

<sup>19</sup> Mandaville, Peter and Silvestri, Sara, "Integrating Religious Engagement into Diplomacy: Challenges & Opportunities", *Issues in Governance Studies*, vol. / no. ??? 67, 2015, pp. 1-13.

<sup>20</sup> Vimont, Pierre, 'Religion et droits de l'homme: une perspective européenne', in Denis Lacorne, Justin Vaisse and Jean-Paul Willaime (dir.), *La diplomatie au défi des religions*, Paris, Odile Jacob, 2014, pp. 329-335.

<sup>21</sup> *Ibid.*, pp. 329-330.

(NGOs) are keen to endow the EU with the responsibility of protecting Christian minorities worldwide. However, this would expose the bloc to accusations of privileging one denomination over others. Besides, Christian populations on the ground are frequently afraid of being singularised on a denominational basis and defended by a foreign power, as this creates risks for them of being accused of disloyalty to their own government.<sup>22</sup> Another danger for the EU's diplomacy is to appear as advancing a Western version of modernity, limiting faith to the private sphere, which is not congruent with the realities of other parts of the world. The attempts to promote the 'European way' of accommodating religion therefore have to be very cautious and flexible.<sup>23</sup> All these reasons explain why religion cannot work as an explicit ethical source or cause for EU diplomacy. It is at best an instrumental resource oscillating constantly between symbolic and pragmatic policy. The political genesis and institutional management of European Guidelines on FoRB illustrate the submission of religion to the usual rules of European policy-making.

#### *Religion through FoRB as a means rather than an end for the EEAS*

The European effort to formalise and disseminate a position on FoRB must reconcile contradictory requirements: compliance with the framing of FoRB by international institutions and affirmation of European singularity; respect for national diversity and display of European unity; advocacy for human rights and accommodation with local interests and sensibilities. These tensions are best illustrated by the production in 2013 of a 'doctrine' expressed through the *EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief*.

The Guidelines are a non-binding document intended to better explain EU institutions and policies relating to religion. They refer to the legal basis of the policy and offer advice to interested parties on the best way to address existing norms and approaches. One purpose of EUFoRB was to give practical and publicly available instructions to EU diplomats on the ground; another was that it should embody European unity as regards major principles. To search for the widest possible consensus, religious and philosophical groups were consulted as well as MEPs and experts in and outside of Europe. A number of key points emerged from these deliberations. Linking FoRB to other rights was not only a reassertion of the indivisibility

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<sup>22</sup> *Ibid.*, p. 331.

<sup>23</sup> *Ibid.*, p. 333.

of human rights, but also a way to merge religious issues with less controversial questions. Diplomats warned against two main dangers. First, endangered religious groups abroad should not be addressed as victims, but as citizens voicing legitimate claims. Meanwhile, the EU should also respect local authorities and avoid giving the impression of intruding into domestic affairs. Second, the EU should have a consistent and balanced discourse without double standards, and not criticise matters in some of its member states that are tolerated in others.

EUFoRB's reception was predominantly positive. Regarding civil society, both religious and philosophical lobbies had reasons for rejoicing and for regret. For Christian groups, the very existence of the Guidelines represented a success in that they recognised the significance of religion. However, their claims were not entirely satisfied. The EU is defined as impartial and not aligned to any belief or religion – in contrast with the state religion or privileges granted to majority denominations in some member states. Conscientious objection is limited to military service and does not apply to health services. Nonetheless, as much is left to implementation and to member states, well-established religious groups were sure of continuing to be heard by national authorities. Secularist organisations resented the existence of the Guidelines as an illegitimate autonomisation of FoRB from other human rights. They lobbied for an emphasis on freedom of non-religion. They also deplored the fact that the recommendation that blasphemy offenses be decriminalised in third countries was not explicitly targeted in the existing legislation of some member states. Such a matter was, however, not within the scope of a foreign policy document. Overall, trade-offs and subsequent conflicts were left to the level of practice. Caution and silence (for example regarding the absence of formal definitions of religion) leave ample room for uncertainty.

### **European diplomacy on the ground accommodating religion in a secular way**

Considering the example of EUFoRB, there is no evidence of rupture between European diplomacy and past practices of EU member states. The implementation of the Guidelines is not homogenous and varies according to the region of the world, the status of the third country and the interests at stake. The state is confirmed as the main actor in the handling of religion, be it a protector of or a threat to religious freedom. Law may be the only legitimate repertoire to deal with religion but politics prevails in practice and there are constant interactions and occasional tensions between how

religion is dealt with in domestic and external affairs. Finally, the association of religion with violence is stronger than ever.

*The EEAS, an addition to but not a major transformation of national diplomacies of religion*

European practices of dealing with religion reproduce largely pre-existing policy trends in national diplomacies. The reception of EUFoRB in the EU member states illustrates this continuity. The attitudes towards the Guidelines oscillate between lip service and ignorance. There are significant differences between those countries that do not know the existence of the Guidelines, those that ignore it intentionally and those that acknowledge it as a useful clarification of European doctrine or as a straightforward reminder of human rights. Some are keen to mark their attention and to implement the document proactively. Austria claims to have been a driving force in the drafting of EUFoRB on behalf of its tradition of intercultural dialogue (e-mail interview 1). Greece forcefully situates its diplomatic action on FoRB under the European aegis (e-mail interview 2). Other small or medium-sized countries that have developed a specific diplomacy on religion describe a dual approach, balancing loyalty to multi-level European action with independent initiatives. This is the case for Finland (e-mail interview 3) and the Netherlands (e-mail interview 4). Larger states are more likely to ignore European Guidelines on FoRB, as they ignore the EEAS in general. Germany balances initiatives aimed at improving EU action (with criticism of its slowness and high degree of abstraction) with leadership aiming for direct influence in UN spheres, where one of its nationals (Heiner Bielefeldt, UN Special Rapporteur on FoRB) plays a key role (e-mail interview 5). French and British diplomacy, anchored in centuries of worldwide influence, are reluctant to support an autonomous EU foreign policy. To put things bluntly, the bigger the states, the bigger the stakes; and the more prestigious the context, the more limited the level of Europeanisation. As stated by a senior French diplomat in Washington: "The European dimension works well in countries where it is difficult. In Washington, when you are France, you do not need Europe" (Interview 4). Countries that are big diplomatic players have also a propensity to consider religion from a more political standpoint to tackle all the implications that FoRB cannot encompass. As a British diplomat emphasises, "officially it is human rights, but it is more than that. As a consequence of extremism, Islamic State, questions are: how do we understand religion better?" (e-mail interview 6). Europe is only a part of

the new policy context, not a driving transformative force of a new diplomacy of religion.

*Pragmatism vs universalism: European FoRB diplomacy adapted to contexts*

European diplomats' autonomy and agency depend on the stakes and on geography. They may have greater margins of initiative in a small African state of little strategic interest than in Washington, where every member state has its own agenda. Larger countries are more inclined to keep their cards close to their chest in political hotspots or in their traditional zones of influence. For smaller powers and those without strong diplomatic traditions, it makes sense to delegate complex matters to the European level, where expertise can be provided. The status of religion depends on a policy mix determined by the context and the issues. In places where major economic or security problems are pressing, spiritual affairs are less likely to emerge (unless they are part of the security problem). The more powerful the interlocutors, the less the EU may wish to upset them with human rights questions.

Russia offers an example of a dual European strategy: occasional partnership with religious civil society to defend human rights, but also to find indirect access to the ruling class. The EU Delegation in Moscow meets minority denominational organisations only with caution in order to avoid making them look like 'foreign agents'. Meanwhile, interactions with the powerful Russian Orthodox Church are instrumental in opening channels of communication with political authorities. Exchanges with religious NGOs are calculated to seek information and influence without causing offense. In Singapore, a country promoting 'secularism with a soul', the EU Delegation discretely monitors cases involving FoRB such as when an individual is taken to court for speaking out against a religion, thus creating in local terms 'racial and religious disharmony'. Another configuration is when denominational cleavages coincide with other divisions. In Belarus, religious freedom is a *casus belli* between the Orthodox majority population and the Catholic Polish minority. Hence, the EU Delegation in Minsk is extra careful to deal with religious matters. In Rwanda, European diplomats consider that FoRB is guaranteed by the constitution and is generally respected by the authorities. However, as the country is still deeply marked by genocide and ethnic divisions, meeting with religious groups is a priority in order to prevent further crises. These examples show how FoRB is always implemented in function of the specificities of each situation.

### *A preference to act with and through the states*

EU Delegations are the local voice of the Union in their host country. Three types of actions are commonly described, more or less in order of frequency and predilection: putting an issue on the agenda of regular meetings with national authorities; joint political initiatives with the national diplomatic services of member states; press releases and public statements. Diplomats prioritise the routinised dialogue with their local peers to express discontent or concern. When the gravity of the situation requires an *ad hoc* move, this is preferably made in coordination with the national diplomacies of member states, or with other international bodies (such as UN agencies). The strategy of final resort, publicly voicing disapproval, is a 'nuclear option', mostly used when the local authorities are unreliable partners, either because the state is failing or is authoritarian.

The prevalence of the state as driving force in the handling of religious issues is verified also regarding the limits assigned by member states to the EEAS. EU Delegations organise periodical meetings with national embassies and religion may crop up incidentally in the debate but there is no political discussion *per se* (Interview 4) for three reasons: a consensus on general principles; a focus on means rather than on ends; a distrust towards the lack of 'political capacity' of the EEAS. First, the idea that "there is not much discussion because basically it is not necessary to talk about something you agree upon" (Interview 5) is a recurrent *leitmotiv*. Next, diplomats prefer to deal with the 'how' rather than with the 'what', emphasising that religion is treated as business as usual: "Discussions deal with procedures for working together, on reaching considered decisions, using a bureaucratic approach such as we have with our own ministry of foreign affairs. There is little discussion on matters of substance, on major principles" (Interview 6). Finally, national diplomats are concerned by the EU Delegations' lack of reliability and reactivity. European officials are considered to be short of the political sense required to handle controversial subjects such as religion. Besides, they have to voice a 'European line' that takes such a long time to forge that it is impossible to move with the urgency imposed by a crisis. And when religion comes to the forefront, it is usually in a crisis context.

In comparison, the US State Department takes a slightly more positive view of its relationship with the EEAS as regards religion. There is a preference to deal directly with national diplomacies, but the European channel may be a catalyst. As stated by

American diplomats (Interview 7), “the EU has the ability to shape the conversation and to force member states to take some issues into account”. In short, the main interest of European diplomacy is to reach out to national powers.

*A constant combination between principles and pragmatism*

As an action repertoire, law offers the advantage of respecting EU institutional principles and practices by channeling religion through the competences of each institution. However, it does not suppress the divergences in the interpretations of fundamental norms stemming from different national cultures and interests. Politicisation of the management of religion is unavoidable when European diplomats have to face conflictual situations. EEAS practice consists of a back-and-forth movement between legal and political repertoires in the search for a fragile equilibrium.

For a diplomat dealing with religion, the legal approach offers many advantages. It is legitimate since the rule of law is the founding justification and the ultimate purpose of a democratic state. Law entails a presumption of objectivity and releases the agent from any personal accountability. It is held to be clear and capable of resolving any doubt by reference to a ‘pyramid of authority’. Yet, when putting policy into practice, the picture is far more troubled. European diplomats testify that there are no clear-cut instructions that might inform a homogenous *modus operandi* on religion. Recurrent topics emerge: pragmatism and its limits; sincerity; the gap between guidelines defined in Brussels and the flexibility required to comply with foreign contexts. Bringing together religious leaders to discuss religious freedom and appear on a photograph may be an end in itself for a Brussels headquarters checking boxes such as ‘dialogue with civil society’ and ‘promotion of human rights’. However, in their regular exchanges with local actors, those staffing EU Delegations and offices have to demonstrate the sense and continuity of European political action in order to maintain their credibility and audience. Pragmatism may also consist of adapting the law in order to avoid offending local sensibilities and initiating conflicts. Sometimes, there is a tacit agreement not to inform the headquarters extensively regarding arrangements that are stretching the official policy lines, leaving the actors on the field with more freedom but also more responsibility if things go the wrong way.

### *The association of religion with violence*

The treatment of religion predominantly through the prism of FoRB may have perverse effects well emphasised by the literature. Where and when there is no FoRB issue, religion is not an object of diplomatic interest. Only a violation of rights will attract attention to it. As a consequence, religion becomes invisible in Western-style democracies. By contrast, it is overemphasised in countries where FoRB is endangered. This may lead to exacerbating the opposition between a secularised safe Western world and a religious and dangerous rest of the world. This kind of opposition appears even more frequently when the EU deals with Muslim societies. Framing a geopolitical situation in terms of FoRB may also serve to conceal embarrassing issues. The Arab Spring uprisings were motivated by economic crises and calls for democratisation and dignity, but had a limited religious dimension from the outset. Western countries were nevertheless keen to interpret these social movements as a quest for religious freedom congruent with the European liberal model. This was a way to downgrade social claims and prevent any connection with protests contesting European economic policies such as the 'Occupy' and 'Indignados' movements.<sup>24</sup> FoRB may then contribute towards political diversions and containment of external challenges.

Responses to the survey of EU Delegations show how they adjust advocacy for religious freedom according to the level of insecurity. In situations of endemic violence, where no authority is able to impose the rule of law, FoRB is helpless. Therefore, the EU strategy is a constant search for a policy mix between security and human development, the latter encompassing human rights, including those related to religion. As an example, the EU Delegation in Tunisia balances in its reports to Brussels the democratic progress achieved on religious freedom and the fears inspired by religious terrorism. In contrast, faced by extreme religious violence such as in Niger due to Boko Haram and jihadists from Mali, the discourse of human rights is powerless. *Realpolitik* may lead to collaboration against terrorism with governments that are themselves threats to FoRB. In Kazakhstan, European diplomats criticised the prohibition of Jehovah's Witnesses publications by the same authorities with whom they collaborate to prevent Islamic radicalisation. Violence is a trigger to take the religious factor into account, with the risk of exaggerating its causality. It is also a reason to minimise it in terms of religious

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<sup>24</sup> Hyvönen, Ari-Elmeri, 'From Event to Process: The EU and the 'Arab Spring'', in Donatella Della Porta and Alice Mattoni (eds), *Spreading Protest: Social Movements in Times of Crisis*, Colchester, ECPR Press, 2014, pp. 91-116.

freedom if European interests demand it. The link between the level of violence and religion is thus multidimensional and not unidirectional.

*In the future, more of the same?*

Four years after the adoption of EUFoRB, what are the prospects? No substantial change in policy practices is discernible. FoRB has lost some of its gloss on the global level. Canada, a pioneer on the topic, closed its Office of Religious Freedom in March 2016.<sup>25</sup> The issue is still an axis of American foreign policy but it is increasingly criticised and the emphasis is instead put on the engagement of religious actors. The threat of religious terrorism reinforces the prioritisation of security over freedom. Against this background, the EU has routinely reasserted its commitment to promote FoRB as part of its global human rights diplomacy.<sup>26</sup> A recent unexpected development has, however, been the creation by the President of the Commission of the position of Special Envoy for the Promotion of Freedom of Religion or Belief outside the European Union.<sup>27</sup> This act came as a surprise to all, inside and outside the EEAS. In terms of policy doctrine, mandating a specific official on FoRB is not congruent with the usual EU line of considering human rights to be indivisible. It is more in tune with the long-standing US invitation to the EU to establish a high-profile agent with specific responsibility for religious freedom.<sup>28</sup> It duplicates similar positions that exist in international organisations such as the OSCE or the Office of the UN High Commissioner for Human Rights.

The details of the establishment of the post of Special Envoy are significant. The announcement of the appointment of the first incumbent, Ján Figel, was made at the Vatican on 6 May 2016, on the occasion of the award of the Charlemagne Prize to Pope Francis. This casts a Catholic shadow on the new institutional role. Its place in the European bureaucratic constellation is also telling. The Special Envoy does not report

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<sup>25</sup> Lee, Morgan, "Canada Thinks It Has a Better Way to Defend Religious Freedom", *Christianity Today*, 4 June 2016, <http://www.christianitytoday.com/gleanings/2016/april/canada-closes-office-religious-freedom-orf-andrew-bennett.html> (accessed 12 May 2017).

<sup>26</sup> European Commission, "Action Plan on Human Rights and Democracy 2015 – 2019", 20 July 2015, p. 12, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/action-plan-on-human-rights-and-democracy-2015-2019\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/action-plan-on-human-rights-and-democracy-2015-2019_en.pdf) (accessed 12 May 2017); EEAS, "EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief – Implementation", internal document, July 2016.

<sup>27</sup> European Commission, "President Juncker appoints the first Special Envoy for the promotion of freedom of religion or belief outside the European Union", *Press Release*, 6 May 2016, [http://europa.eu/rapid/press-release\\_IP-16-1670\\_en.htm](http://europa.eu/rapid/press-release_IP-16-1670_en.htm), (accessed 12 May 2017).

<sup>28</sup> Thames, Knox, "Making freedom of religion or belief a true EU priority", Florence, EUI, 2012, <http://cadmus.eui.eu/handle/1814/23357> (accessed 12 May 2017).

to the High Representative of the European Union for Foreign Affairs and Security Policy but instead serves as Special Adviser to the Commissioner for International Cooperation and Development. The mandate of Figel', defined months after his entry into function, sketches a profile of go-between and interinstitutional player. A focus is put on action against radicalisation in third countries. In geographic terms, the emphasis is placed on the Middle East as the most critical area regarding FoRB. The creation of the position of Special Envoy is presented as largely due to the threat of ISIS/Da'esh and the systematic mass murder of religious minorities. Other zones of attention are North and Sub-Saharan Africa and South and South East Asia.<sup>29</sup> This thematic and geographic focus illustrates the usual link made between religion, violence and poverty. Finally, the Special Envoy was established for an initial mandate of one year, reinforcing the perception that this is an exploratory, fragile initiative.

The first incumbent is the Slovak Christian Democrat Ján Figel', the former European Commissioner for Education, Training, Culture and Youth. Figel' contributed largely towards building a position that he advocated within the European People's Party and among top EU officials.<sup>30</sup> He emphasised FoRB as a tool to tackle the migration crisis, as protecting religious minorities from persecution would keep them at home. He advocated also that Europe should rescue Christians at risk all around the world. The argument is then primarily instrumental and self-serving for Europe, and secondarily moral and civilisational. Figel's plea is fully in tune with the securitisation of religion and the conception that FoRB is interlinked with violence, with a normative note asserting the Christian identity of Europe.

From the start, Figel' was under fire by progressive forces regarding his track record as a Commissioner who financed the Vatican's World Youth Day in Cologne in 2005 despite the opposition of the European Parliament; as a supporter of the initiative 'One of Us' aiming to prevent European funding for research likely to destroy human embryos, including stem cells; and as a bedfellow with conservative American organisations such as the Political Network of Values. Fears were that he could

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<sup>29</sup> European Commission, "Mandate and work plan of the Special Envoy for the promotion of freedom of religion or belief outside the European Union", Brussels, 26 September 2016.

<sup>30</sup> TASR, "Figel' becomes EU's special envoy for freedom of religion", 9 May 2016, <http://spectator.sme.sk/c/20159054/figel-becomes-eus-special-envoy-for-freedom-of-religion.html> (accessed 12 May 2017).

influence EU development policy regarding LGBT rights, gender equality, and sexual and reproductive matters.<sup>31</sup>

Nevertheless, in April 2017, Figel was reappointed to another 12-month term as Special Envoy for the promotion of religion or belief outside the EU. This renewal was not taken for granted: “there has been concern in some diplomatic circles that the Special Envoy role, devoid of much backroom staff and based in the Berlaymont, rather than in the External Action Service, was too reliant on ‘soft power’ and Figel’s own charisma.”<sup>32</sup> Figel has indeed traveled widely and structured the communication around his personal meetings with religious dignitaries, visits in the field in developing countries and interventions at conferences.<sup>33</sup> The symbolic function of FoRB as a cause allowing to display European unity and principles gives crucial importance to public relations. The mandate attributed to Figel in September 2016 mentioned four deliverables that all relate to a communicative dimension:

reinforced and visible EU action on FoRB (...); stronger dialogue with religious or belief communities, civil society and other relevant stakeholders; a stronger EU voice and presence in international processes and initiatives on FoRB (...); increased visibility of EU engagement in FoRB through appropriate communication.<sup>34</sup>

The extent to which the challenge of raising the public profile of the issue and of the EU has been met is difficult to assess regarding the short span of time. Once again, the tools to do so range in the usual communicative resources of European institutions: conferences, networking, distinctions. An example is the creation in 2017 of an additional category in the Lorenzo Natali Media Prize, organised by the European Commission’s Directorate-General for International Cooperation and Development since 1992 and awarded to amateur and professional journalists for outstanding reporting on development and poverty eradication. This extra distinction targets outstanding reporting on freedom of religion or belief outside the EU.<sup>35</sup>

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<sup>31</sup> The European Parliamentary Forum on Population and Development, “Opponent of gender and women’s human rights appointed EU Special Envoy”, *Intelligence Brief*, no. 13, June 2016.

<sup>32</sup> Tempest, Matthew, “Figel reappointed as EU Special Envoy on religious freedom”, *Euractiv.com*, 12 April 2017.

<sup>33</sup> <https://twitter.com/janfigel?lang=fr>

<sup>34</sup> European Commission, “Mandate and work plan of the Special Envoy for the promotion of freedom of religion or belief outside the European Union”, Brussels, 26 September 2016.

<sup>35</sup> European Commission, “Lorenzo Natali Media Prize 2017”, Brussels, [https://ec.europa.eu/europeaid/lnp\\_en](https://ec.europa.eu/europeaid/lnp_en) (accessed 12 May 2017).

It is worth noticing that the reappointment of Figel' was largely commented in relation with internal as much as external political events, especially recent decisions by the Court of Justice of the EU regarding the possibility for employers to ban their workers from wearing religious or political symbols at work or the rise of distrust and discriminations towards Muslims in European societies. It illustrates that foreign affairs are still commanded by domestic politics.

## **Conclusion**

This paper aimed to understand the reasons and modalities of the action of the EEAS towards religion through the prism of FoRB. The research question was to assess the salience and distinctiveness of religion as a policy object in foreign affairs. A first hypothesis was that the European diplomatic strategy on religion is the reflection of the resurgence of faith at a global stage due to geopolitical and societal transformations. This hypothesis is partly verified as European initiatives on religion are externally driven by traumatic events, security threats and mimetism with other large powers and international institutions. However, the EU's policy is also in its modalities the outcome of the secularisation that singles out Europe compared to the rest of the world.

A second hypothesis was that the purpose of the EEAS' mobilisation on religious issues is both to assert itself regarding other European institutions and to reinforce the profile of the EU in international relations. This hypothesis is confirmed by our research within the strict limits set to European diplomats by their competences and political resources. As a relatively new entity, the EEAS has with FoRB found a cause to uphold, a cause that is consensual and symbolic enough to offer the opportunity for a statement of European unity and ideals. The added value of this policy remains, however, modest in terms of legitimisation and agency both for the EEAS and for the EU.

A third and last hypothesis was that religion and FoRB are 'business as usual' for the EU: ideational incentives (advocacy for FoRB, display of European unity and identity) matter but are secondary to realist ones (interests and security concerns); the risk-averse culture of diplomats and European bureaucracies leads them to defer to the states and to prioritize a legal approach of religion. This hypothesis is fully verified. The EEAS pays high attention to work in full agreement with member states to voice

European positions. It is also extra careful regarding public activities and interactions with civil society that could be perceived as controversial interferences in third states' affairs. Religion is handled as a security issue, religious freedom being the key to prevent or solve conflicts. It is reduced as much as possible to the repertoire of human rights, interpreted with flexibility to comply with local particularisms. In short, European diplomacy displays, in a hybridised version and with less political audacity, the practices of member states. Religion as an object of foreign affairs does not move much the usual policy lines and is most frequently encompassed in larger and more pressing issues.

## **Annex**

An online survey was developed with the support of the EEAS headquarters and sent to all 139 EU Delegations around the world. 38 responses were elicited between June and August 2015. This covers the following countries (in inverse chronological order of response, since some Delegations cover several countries): Russia; Uruguay; Nicaragua, Costa Rica and Panama; Benin; Belarus; Trinidad and Tobago; Nepal; Colombia; Rwanda; Singapore; Kazakhstan; Djibouti; Mauritania; Tunisia; South and North Korea; Canada; Niger; Chile; India and Bhutan; Cambodia; Bosnia; Georgia; Timor; Zambia; Serbia; Ethiopia; Switzerland and Liechtenstein; Gambia; Nigeria; Haiti; Equator; Mozambique; Zimbabwe; Botswana and Southern African Development Community; US; Iceland; Brazil.

In addition, interviews were carried out between 2013 and 2016 with European and national diplomats posted in the field and at headquarters. This analysis is part of a broader research framework also including a survey of national diplomacies of EU member states and transnational interactions.

## **Interviews**

The anonymity (name, function) was required by a large number of the interviewees.

### *Face-to-face interviews*

1. Interview with two EEAS officials, EU Delegation, Washington, 17/4/2015.
2. Interview with one official, French Ministry of Foreign Affairs, Paris, 23/2/2016.
3. Interview with four EEAS officials, Tokyo, 5/11/2015.
4. Interview with two French officials, Washington, 17/4/2005.
5. Interview with a Belgian official, Washington, 17/4/2015.
6. Interview with a German official, Washington, 17/4/2015.
7. Group interview with members of the Office of Religion and Global Affairs and other services, State Department, Washington, 13/4/2015.

### *Interviews by e-mail*

1. E-mail interview with an Austrian official.
2. E-mail interview with a Greek official.
3. E-mail interview with a Finnish official.
4. E-mail interview with a Dutch official.
5. E-mail interview with a German official.
6. E-mail interview with a British official

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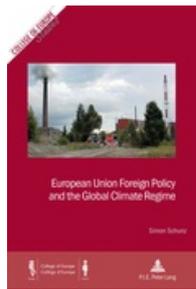
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