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# THE ORGANIZATION OF ISLAMIC COOPERATION IN CONTEMPORARY INTERNATIONAL SOCIETY

## LA ORGANIZACION DE COOPERACIÓN ISLÁMICA EN LA SOCIEDAD INTERNACIONAL CONTEMPORÁNEA

**Víctor Luis Gutiérrez Castillo\***

Summary: I. INTRODUCTION. II. THE ORGANIZATION OF ISLAMIC COOPERATION.  
III. OIC AND THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS. IV. ROLE OF  
THE OIC IN THE CONFLICTS FACINGS THE ARAB/MUSLIMWORDL. V. CONCLUSIONS

ABSTRACT: The Organisation of Islamic Cooperation (OIC) is an international organisation consisting of 57 member States of Muslim confession, also Palestina. This organisation is "the collective voice of the Muslim world" and works to "safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony". In 28 June 2011 during the 38th Council of Foreign Ministers meeting (CFM) in Astana (Kazakhstan) the organisation changed its name from Organisation of the Islamic Conference to its current name. The OIC also changed its logo at this time. The Organisation of Islamic Cooperation (OIC) has a permanent delegation of the United Nations and it's the second largest international organisation outside the United Nations. In recent years it has been increasing its importance in the international society and it has played an important role in regional conflicts

*RESUMEN: La Organización para la Cooperación Islámica (OCI) es una organización que agrupa a 57 Estados de confesión musulmana, incluyendo Palestina. Esta organización es la voz del mundo musulmán y trabaja para salvaguardar y proteger los intereses del mundo musulmán en el espíritu de promover la paz y la armonía internacional. El 28 de junio de 2011, durante la 38 reunión del Consejo de Asuntos exteriores en Astana (Kazajistán) la organización cambió su nombre de Organización de la Conferencia islámica al nombre actual. La OCI también cambió su logo en ese momento. La OCI tiene una delegación permanente en Naciones Unidas y es la segunda organización internacional más grande después de ésta. En los últimos años ha aumentado su importancia en la sociedad internacional y ha jugado un importante papel en los conflictos regionales.*

KEYWORDS: Islam, International organisations, Human rights, Contemporary international society, cooperation.

*PALABRAS CLAVE: Islam, organizaciones internacionales, Derechos humanos, Sociedad internacional contemporánea, cooperación.*

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## I. INTRODUCTION

The vast world of Islam cover a little more than fifty heterogeneous States (city-states, traditional monarchies, republics...) established after World War II and whose borders remains the subject of discussion. The evolution of the Muslim countries has been long and complex, albeit it is worth mentioning that they have been shaken by two great revolutionary processes since they became independent: a nationalistic one (in the 1950s) and a religious, Islamic one in the late 1970s. The main exponent of the former was Nasser, who conducted in Egypt a secular nationalistic revolution that later on spread to countries such as Syria and Iraq, where –much like in Egypt– heavily militarized republics, ruled by a single party and of a reformist nature from the social viewpoint, eventually unfolded<sup>1</sup>. A decade later, the prestige of these nationalistic States would start to decline, for even if both the republics and the monarchies hailed modernization as one of their top ideals, all practical efforts to that end merely scratched the surface, giving rise instead to a process of growing without real development that only served the purposes of the oligarchies and small centers of power. Domestic corruption; the rise of customer-oriented structures; very few, if any, democratic reforms; and the failure of modernization from a political –survival of authoritarianism– and an economic –inability to overcome underdevelopment– standpoint led in the long run to an environment prone to change. It is in this context that Islam thrived as an alternative to political nationalism and the conservative structures of the existing monarchies. By that time, Islam had already taken root in many societies, and its invocation had played a political role all along. Nationalistic regimes long self-defined as secular ended up embracing Islam as their identifying brand, trying to find in its tenets the political legitimacy they had theretofore lacked. Furthermore, the conservative monarchies that came into being after decolonization had always claimed to be keepers of religious authenticity who pursued religion in an attempt to find social order and a rationale for their traditional structure.

Under these circumstances took place the aforesaid second revolutionary process: the Iranian revolution. Spearheaded mostly by the masses –with the help of nationalists, communists, socialists and, of course, Islamism– this revolution enjoyed great popular support. The proposal to extend Islam to the social and political structure looked attractive to these masses, long pushed into the background. In general, Islam's broad social implications were unquestionable, as it presupposed a genuine alternative to what was known until then –to wit, socialist, nationalistic and other theses– and the recognition of social groups ranging from the religious moderates who favored reform to the most radical elements who advocated a swift transformation of society. The outcome of the Iranian revolution would be the advent of an *Islamist regime*, a system in which religion would be useful to design and legitimize power. On the other hand, the birth of the Islamic Republic of Iran would involve making Shiism, historically alienated in other States, “official” and

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<sup>1</sup> Further more information see NAZIH N. AYUBI, *Over-Stating the Arab State: Politics and Society in the Middle East*, 1996, I. B. Tauris Publishers, London/New York, pp. 135-158.

“institutional”. Moreover, it would cause great upset in the international community: whereas Islam created an atmosphere of great expectation in Muslim countries, it was cause for concern in the West and the Sunni community.

In order to restrain fundamentalism and the likelihood of widespread revolution, many Islamic governments carried out political changes in their States. There was also no lack of repressive measures and forthright opposition, as in the case of Iraq, which counted on the express support of the West to engage in a drawn-out, bloody war with Iran that would eventually consolidated the Islamic revolution. Thus Islam became socially and politically stronger and, in some cases –e.g. Iran, Sudan and Afghanistan– even formed the backbone of the whole legal and political system. At the same time, the constant political disagreement among certain Western governments (particularly the United States) and the belligerence shown by some of their allies (namely Israel) led in time to the radicalization of religious groups whose ambition was to be in power.

At any rate, it should be made clear that throughout history the Islamist organizations have filled up the opposition’s political space vis-à-vis the powers that be, mainly as a result of the authoritarian nature of most Islamist governments and, therefore, their exclusion from the institutions. In their capacity as adversaries, these Islamist movements ranged between a majority with a clear reformist slant –of an anti-establishment, protesting and antagonistic nature– and an anti-systemic minority –of a radical, extremist and violent kind– and thus conditioned the immediate future of their countries. Additionally, this state of affairs brought about a paradox: precisely as a result of the criticism leveled at them by the opposition and the community, the governments of Muslim-majority States gradually embraced Islam as a source of legitimacy. The influence of religion on the domestic legal system has played out in different forms and to different degrees, but one of the most significant of the legal changes is represented by constitutional shifts from popular sovereignty to divine sovereignty as the foundation for the state’s legitimacy and legislation<sup>2</sup>.

In the current setting of today’s world, these States have sought for international forums in which they can defend and protect their interests, and in so doing they have paved the way for the emergence of international organizations of a regional nature having quite different goals and whose geographic, political and economic diversity speaks for itself: the Arab League<sup>3</sup>, the African Union, the Arab Maghreb Union... However, none has managed to bring together all the Islamic States of the world. The only one that has taken Islam as the

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<sup>2</sup>An analysis of this development can be found in TADJINI, A. ‘Constitutionalization of Islam in Afghanistan, Iran and Iraq- A Step Back for the Position of Human Rights?’ *Nordic Journal of Human Rights*, vol. 4, 2011, pp 353-369.

<sup>3</sup>MACDONALD, R., *The League of Arab States: a Study in the Dynamics of Regional Organization*, Princeton: Princeton University Press 1965; GOMAA, A., *The Foundation of the League of Arab States: War Time Diplomacy and Inter-Arab Politics, 1941-1945*, London, Longman 1977.

agglutinating element of the organization, regardless of any geographic and cultural characteristics, is the *Organization of Islamic Cooperation* (hereinafter OIC).

## II. THE ORGANIZATION OF ISLAMIC COOPERATION

### 1. Evolution and objectives

Since 1924, the Muslim States have tried to bring the Islamic world into a single international organization. A number of landmark events laid the foundations of its final constitution, namely: a) the Third Islamic Conference (Jerusalem, 1931) that mostly gathered Muslim intellectuals; b) a first conference of political leaders in August, 1954, in which a bill was approved to that effect; and c) the Islamic Summit Conference held in Rabat in 1969, aimed at discussing the Muslim world's problems and interests. Finally, in 1972, the Third Islamic Conference of Foreign Ministers approved and adopted the Charter of the Islamic Conference Organization, giving rise to a new organization that put special emphasis on the notion of Islamic solidarity. Indeed, in the wake of the criminal arson perpetrated against the *Al-Aqsa* Mosque in Jerusalem on August 21, 1969, the Kings and Heads of State and Government of Islamic countries decided to organize the First Islamic Conference, held in Rabat, Morocco, from September 22 to 25. The outcome of this Summit was the expression of their solidarity with the Palestinian people and their commitment to foster mutual economic, cultural and religious cooperation. On March 23 to 25, 1970, King Faisal of Saudi Arabia convened in Jeddah the First Islamic Conference of Foreign Ministers, who decided to take steps for their own mutual international cooperation and create a forum for discussion about the main topics affecting the Muslim world. This forum would bring forth the Organization of the Islamic Conference, whose foundational platform –the Constitution of the Organization– was adopted in Jeddah in March 1972 by the aforesaid Summit of Foreign Ministers and put into effect on February 28, 1973<sup>4</sup>.

Years later, on June 28, 2011, the organization would change its name and emblem and thereafter became the *Organization for Islamic Cooperation*<sup>5</sup>. Currently consisting of 57 Member States, the OIC is open to all States that consider themselves Muslims regardless of their geographical location. Thirty of its present members are founders, plus the Palestine Liberation Organization (currently Palestine). Likewise, the Organization grants “observer” status to entities (such as the Moro Islamic Liberation Front of the Philippines or the Turkish Cypriot Muslim community), other international bodies (such as the African

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<sup>4</sup>IHSANOGLU, E., *The Islamic World in the New Century: The Organization of the Islamic Conference, 1969-2009*, Columbia University Press, New York, 2010.

<sup>5</sup> The Organisation of Islamic Conference changed name into the Organisation of Islamic Cooperation in June 2011, at the 38th session of the Council of Foreign Ministers. “OIC” as an acronym remains in use. Montreal International Forum, see: [http://www.fimcivilsociety.org/f/library/OIC\\_Overview\\_and\\_Analysis.pdf](http://www.fimcivilsociety.org/f/library/OIC_Overview_and_Analysis.pdf) (accessed on 15 January 2014).

Union or the Arab League) and even States like Russia.

The main objectives and commitments laid down in the Constitutional Charter of the Islamic Conference are to improve and strengthen Islamic friendship and solidarity among Member States; protect and defend Islam's true image and prevent its defamation; promote dialogue among civilizations and religions; strive to achieve integrated and sustainable human development, and ensure the well-being of the Member States. Furthermore, the Charter safeguards the right to self-determination and non-interference in the internal affairs of Member States as well as their sovereignty, independence and territorial integrity. The extent of these goals led to the inclusion of certain priorities on its practical agenda, which has turned "the question of Palestine" into the center of attention at every Islamic conference and a major topic of the Secretary-General's pronouncements. In fact, at the meeting held in Conakry in 2013, he called upon the Foreign Ministers to discuss the possibility of cutting ties or breaking off diplomatic relations with any State that recognized Jerusalem as the capital of Israel. Other issues addressed by the organization's agenda have been the countless conflicts suffered by or in its Member States, to wit, the Soviet intervention in Afghanistan (which led up to the Extraordinary Session of Foreign Ministers in Islamabad, January 1980), the Iran-Iraq conflict, the war in Bosnia-Herzegovina...

Nevertheless, beyond its interventions in conflicts, the OIC contributes in its capacity as subject of international law, to further institutionalize international society and develop its sources, but always from an Islamic perspective. Hence, for instance, the multiple international agreements that the OIC has championed in matters related to human rights, terrorism, education, and economy... Still, these initiatives have caused controversy, as in the case of the texts about human rights (Islamic statements discussed herein) or the adoption of covenants such as the Convention on Combating International Terrorism approved in 1999<sup>6</sup>.

This last text is a good example of the assertions mentioned above: Article 1 (2) presents a much-criticized definition of terrorism, namely

Any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperilling their lives, honors, freedoms, security or rights or exposing the environment or any facility or private property to hazards or occupying or seizing them, or endangering a national resource,

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<sup>6</sup>In 1999, the OIC adopted "the Convention of the Organisation of the Islamic Conference on Combating International Terrorism" (hereafter, "the OIC Convention"). The convention entered into force in 2002 after the deposit of the seventh instrument of ratification in accordance with Article 40 of the convention. The Convention contains two particular points of friction with general international law on terrorism. One is the broad definition of terrorism and the second is the exemption of certain causes for terrorism which the OIC endorses.

or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States.

A description viewed as vague and labeled by doctrine as conducive to “serious danger of the abusive use of terrorist prosecution against political opponents”. In Article 2, the Convention exempts acts that are committed in “people’s struggle including armed struggle against foreign occupation, aggression, colonialism, and hegemony, aimed at liberation and self-determination” from terrorism. The OIC has pushed for this exemption to be included in the international conventions against terrorism<sup>7</sup>. Along these lines, the Islamic Summit held in Mecca in December 2005 approved the Ten-Year Action Plan (TYAP) to meet the challenges facing Member States in the present millennium, including the promotion of tolerance, modernization, trade, good governance and human rights in the Muslim world.

In light of the above, three very interesting features of the organization can be outlined. First, OIC is the sole existing organization based on an identifying religious conception as an element of unity among its Member States and in which Islam is the only common denominator and the only source of identity and integration. In fact, Article II (A) (1) of the OIC Charter stipulates that its prime objective is to “promote Islamic solidarity among Member States”. Secondly, OIC is neither a regional body –its Member States are from four different continents– nor a universal organization, since only the States that practice Muslim faith can be granted membership. Thirdly, OIC takes a basically political stance on the question of Palestine, consistent with the prevailing frame of mind that prevailed during the Cold War, when the organization was established. Article VI (5) of the Charter indicates that OIC will have its headquarters in Jeddah (Saudi Arabia) until the liberation of Jerusalem. And, finally, OIC can be considered the world’s second largest organization after the United Nations, covering a geographical area of great strategic importance from an international standpoint. An interesting detail in this connection is that the organization has no provisions regarding the “expulsion” of a member, as it only envisages the possibility of “suspension” or “provisional loss”. Actually, several Member States have been suspended ever since the OIC was born, for instance, Sierra Leone in 1974, Burkina Faso in 1980 and, recently, Syria.

## **2. Structure and specialized organs**

Regarding its internal structure<sup>8</sup>, OIC consists of three bodies –two of them of a markedly interstate nature– namely the Conference of Kings and Heads of State and Government,

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<sup>7</sup>During rounds of talks in the UN General Assembly on a convention on terrorism, proposed by India, the OIC pushed for an amendment in line with Article 2 of the OIC Convention. Through this exemption the OIC was pushing the Pakistan line on Kashmir, and the Pakistani president referred to the fighters in Kashmir as “freedom fighters”, while the same fighters were referred to by India as “terrorists”.

<sup>8</sup>See [www.oic-oci.org](http://www.oic-oci.org). For a presentation of the structure and institutional functioning of the OIC see S. KHAN, *Reasserting International Islam: a Focus on the Organisation of Islamic Conference and Other Islamic Institutions*, Oxford: Oxford University Press 2001.

known as *Islamic Summit Conference* (Article IV of the Charter), the *Islamic Conference of Foreign Ministers* (Article V of the Charter) and the *Secretary-General of the Organization*. The former can be considered the supreme authority of the organization and its most important body, since it lays down the strategies to fulfill the OIC's objectives. The second could be described as an executive organ in charge of implementing OIC's policy and adopting all resolutions and recommendations. Finally, the *General Secretariat*, located in Jeddah (Saudi Arabia), is elected by the Islamic Conference of Foreign Ministers and entrusted with the task of representing the organization at international level. Throughout history, several Conferences have made significant contributions to OIC's development, among others those held in Lahore (1974), Mecca (1981), Casablanca (1984), Kuwait (1987) and Dakar (1991). This being said, it is worth pointing out that the OIC's Charter did not set up its own judicial organ from the very outset. It was not until the 5<sup>th</sup> Islamic Summit –held in Kuwait in January 1987– that the Draft Statute of the *International Islamic Court of Justice* (IICJ) was conclusively approved<sup>9</sup>.

Despite the fact that the Court is yet to become active for lack of ratifications<sup>10</sup>, its significance and originality cannot be denied. As to its composition and functions, Article 3(a) of its Statutes establishes that it shall be composed of seven judges, each elected to a four-year term and renewable only once. According to Article 4, these judges must be Muslim nationals of high moral standards, *Shar'iah* jurists of recognized competence, and experienced in international law. The jurisdiction of this organ, like other international courts, would be twofold: contentious and advisory, pursuant to Articles 21 and 42 of the Statute, respectively. As to the sources of law, Article 27 states that the Islamic *Shar'iah*<sup>11</sup> is the fundamental law of the Court and can only abide by general sources of international law (treaties, customs, general law principles, and international jurisprudence) as the second choice. This means that, for the first time in international law, a court would adopt the *Shar'iah* as applicable to solve international disputes.

Regarding the functioning of the court, interesting scenarios began to take shape in practice. For instance, if two Members States decided to solve a border-related problem in this court, the judges would base their decisions on the sources of Islamic law: the *Qur'an*

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<sup>9</sup> See M. LOMBARDINI, "The international Islamic Court of Justice: Towards and international Islamic legal system?", *Leiden Journal of International Law*, vol. 14, September 2001, pp. 665 - 680.

<sup>10</sup> Under Article 11 of the OIC Charter, 2/3 of the member states must ratify the statutes in order for the court to become operative. So far, the statutes have been ratified by only a few member states.

<sup>11</sup> There are two primary sources of sharia law: the precepts set forth in the Quranic verses (*ayahs*), and the example set by the Islamic prophet Muhammad in the *Sunnah*. Where it has official status, sharia is interpreted by Islamic judges (*qadis*) with varying responsibilities for the religious leaders (*imams*). For questions not directly addressed in the primary sources, the application of sharia is extended through consensus of the religious scholars (*ulama*) thought to embody the consensus of the Muslim Community (*ijma*). Islamic jurisprudence will also sometimes incorporate analogies from the Quran and *Sunnah* through *qiyas*, though Shia jurists also prefer reasoning (*'aql*) to analogy. See GÓMEZ GARCÍA, L., *Diccionario de Islam e islamismo*, Espasa, Madrid, 2009.

(the verbatim word of God) and the *Sunnah* (the revelation of God through the teachings and practices of the prophet Muhammad). Should they fail to find a principle they could apply to the dispute at issue, then they would have recourse to the secondary sources, that is, the classic codes of international law. Interestingly enough, however, the Statute makes no reference whatsoever to the school of religious law to be observed by the judges in court (*maliki*<sup>12</sup>, *hanafi*<sup>13</sup>, *shafi'i*<sup>14</sup>, *hanbali*<sup>15</sup>), which could forebode legal difficulties.

In addition to these domestic organs, OIC relies on several specialized bodies: IDB, ISESCO, ISBO and IINA. The *Islamic Development Bank*<sup>16</sup> (IDB) is the international finance guild for the entire OIC. Whilst offering services such as equity participation, non-interest loans and lease facilities, which contribute to the promotion of social and economic development within individual Member States and other Muslim communities throughout the world, the Bank also supports technical cooperation between Islamic Countries. Moreover, like the *Islamic Solidarity Fund* (ISF), the Bank provides relief to Member States that suffer natural and man-made disasters. The *Islamic Educational, Scientific and Cultural Organization* (ISESCO)<sup>17</sup> was formally established by the Eleventh Conference

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<sup>12</sup>The Mālikī school is one of the schools of Fiqh or religious law within Sunni Islam. It was founded by Malik bin Anas and it considers the rulings from ulema from Medina to be sunnah. Its adherents reside mostly in North Africa, West Africa, the United Arab Emirates, Kuwait, in parts of Saudi Arabia, Oman and many middle eastern countries, and parts of India. The Murabitun World Movement also follows the Maliki school.

<sup>13</sup>The *Hanafi* school is one of the four *Madhhabs* (schools of law) in jurisprudence (*Fiqh*) within Sunni Islam. The *Hanafimadhhab* is named after the Persian scholar AbūḤanīfa an-Nu'man ibn Thābit (699 - 767CE /80 - 148 AH), a *Tabi'i* whose legal views were preserved primarily by his two most important disciples, Abu Yusuf and Muhammad al-Shaybani. As the predominant school in South Asia, Central Asia, the Caucasus, the Balkans and Turkey, the Hanafi school has the most adherents in the Muslim world. The Barelwi and Deobandi movements, the two largest Islamic movements in South Asia, are both Hanafi. See GÓMEZ GARCÍA, L., *op. cit.*, pp. 202-203.

<sup>14</sup>The *Shafi'i* school of thought is one of the schools of jurisprudence within the Sunni branch of Islam, adhering to the teachings of the Muslim Arab scholar of jurisprudence, *Al-Shafi'i* of the prestigious Quraysh tribe. Originally part of the early Ahl al-Hadith and Athari movement, the mainstream of school is now associated with the *Ash'ari* school of theology. The *Shafi'i* school is the dominant school of jurisprudence amongst Muslims in the Hejaz region of Saudi Arabia, Yemen, Syria, the Palestinian territories, Jordan, Egypt, Djibouti, Eritrea, Somalia, Ethiopia, Indonesia, Malaysia, Brunei, the North Caucasus, Kurdistan and Maldives. It is also practised by large communities in Saudi Arabia (in the Tihamah and Asir), Kuwait, Iraq, the Swahili Coast, South Africa, Thailand, Vietnam, Cambodia, the Philippines, Sri Lanka, Kazakhstan (by Chechens) and Indian States of Kerala (most of the Mappilas), Karnataka (Bhatkal, Mangalore and Coorg districts), Maharashtra (by Konkani Muslims) and Tamil Nadu. See GÓMEZ GARCÍA, L., *op. cit.*, pp. 130-131. AAVV., *Compendio di Diritto Islamico*, edizione giuridique Simone, Napoli, 2006, p. 29.

<sup>15</sup> The *Hanbali* school is one the schools of Fiqh or religious law within Sunni Islam. The jurisprudence school traces back to Ahmad ibn Hanbal (d. 855) but was institutionalized by his students. Hanbali jurisprudence is considered very strict and conservative, especially regarding questions of theology. The Hanbali school of jurisprudence is followed predominantly in Saudi Arabia and Qatar as well as minority communities in Syria and Iraq. The majority of the Salafist movement, though not all adherents, tend to follow the Hanbali school. See GÓMEZ GARCÍA, L., *op. cit.*, pp. 130-131.

<sup>16</sup> See <http://www.isdb.org/irj/portal/anonymous>

<sup>17</sup> See <http://www.isesco.org.ma>

when Resolution n°. 2/11-C approved the Statute of this newly created institution. Its headquarters are in Rabat, Morocco. ISESCO aims to promote cooperation among Member States in the fields of education, science, and culture. In the case of education, the organization recommends that Islamic ethics and values should be integrated in to the syllabus. In the area of science, the use of modern technology and the development of applied sciences are encouraged within the framework of Islamic ideals, whilst cultural and educational exchanges are organized with a view to promoting world peace and security.

By encouraging cooperation between Member States in the field of broadcasting vis-à-vis the exchange of radio and television programs among the broadcasting organizations of these countries, ISBO (*Islamic States Broadcasting Organization*<sup>18</sup>) nurtures cooperation among OIC Member States and also encourages them to come to terms with each other's religious and cultural heritage and social and economic progress. It also encourages feelings of brotherhood among Muslim peoples with a view to uniting them in the development of Islamic causes. More importantly, ISBO proclaims the principles of the Islamic *Da'wah* (preaching of Islam) and promotes the teaching of Arabic and other languages spoken in Member States. *The International Islamic News Agency*<sup>19</sup> (IINA) was formally established by the Third Islamic Conference (Jeddah, March 1972). Its main objective is to promote the exchange of information among news agencies in relation to cooperation programs designed to enhance mutual understanding of political, economic and social issues among Member States. It also aims to upgrade the professional standards of the media in all Member States on the basis of Islamic values.

### **III. OIC AND THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS**

Human rights have become a topic of discussion that divides societies and affects the policies developed by the governments of Islamic States and the international organizations in which they participate. This division manifests itself in the drafts, projects and final texts that private associations or public organizations have disseminated as proposals of human rights in Islam. Some of them clearly come close to the rights recognized in the classic universal texts of International Law, whereas others maintain that all rights, be they individual or collective, must submit to Islam, breaking away from international declarations that they only deem fit for the Western world's secularized culture. Accordingly, rather than human rights accepted and adopted by Islam as a whole, there are only proposals made by ideologically committed sectors at variance with one another<sup>20</sup>. Be that as it may, and any difference notwithstanding, the fact that human rights are captured in Declarations of international Islamic organizations highlights their acceptance by

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<sup>18</sup> See <http://www.isboo.org/>

<sup>19</sup> See <http://www.islamicnews.org.sa/>

<sup>20</sup> BERGERS, M., *Islamic Views on International Law*, Hague Academic Press, The Hague., 2008, pp. 105-117.

Muslim countries and their adaptation to both a variety of cultures and, especially, to the need to bring *ad usum* institutions and rights into line with the idiosyncrasies of the Muslim world. Islam's most liberal wing concurs with the universal nature of human rights –which they consider compatible with the main tenets of *Shar'iah*– and therefore reject the need to draft lists of Islamic human rights that, in the final analysis, entail religion<sup>21</sup>-based limitations and restrictions on international human rights.

Our study is focused on three texts put forward by OIC. The first one is the “Draft declaration of fundamental human rights and duties in Islam” (1979), followed by the “Draft document of human rights in Islam” (1981), and finally, the “Cairo Declaration on Human Rights in Islam”, adopted on August 5, 1990 by the Nineteenth Islamic Conference and held to be the ultimate proposal of Islamic Declaration.

The ideology that promotes and makes these Islamic declarations fruitful is the non-extreme traditionalistic line. In other words, one that accepts human rights formulated in the style of international texts provided they be subject to the religious law or *Shar'iah*, whose rules and principles condition, qualify, regulate and limit the body of universal human rights. In fact, the true basis of these rights is said to be addressed in the *Shar'iah* in their most refined and flawless conception, which effectively reconciles faith and reason. The result of this approach to Islam, as Mayer underscored, is a set of Declarations built upon a mixture of international principles and standards and Islamic rules and concepts. This explains why one of the most outstanding features of these Declarations is the diversity of their formulation and the fact that their content is contingent on the individual's qualities, religion and sex. Consequently, we are faced with rights and duties that differ depending as much on the individual's gender as on whether or not he or she is a believer (Muslim, Jewish, Christian, etc.)<sup>22</sup>.

### **1. Islamic Declarations on Human Rights: The *Shar'iah* as basis and boundary**

As we have seen, the common denominator of the OIC Member States, beyond any ethnic, linguistic or cultural diversity, is their people's Muslim beliefs and Islam's status as an official state religion<sup>23</sup>. That is why, to some logical extent, Islam and the

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<sup>21</sup>For a comprehensive discussion on the resurgence of religion in law, please see HIRSCHL, R., *Constitutional Theocracy*, Cambridge Massachusetts: Harvard University Press 2010; KEPEL, G., *The Revenge of God: The Resurgence of Islam, Christianity and Judaism in the Modern World*, Cambridge: Polity 1994. Also, CASANOVA, J., *Public Religions in the Modern World*, Chicago University Press, Chicago, 1994.

<sup>22</sup> For an interesting discussion about this sujet see MAHIOU, A., “Le Droit international on la dialectique de la rigueur et la flexibilité. Cours Général de Droit International Public”, *Recueil de Cours de l'Academie de Droit international de La Haye*, vol. 337, 2008.

<sup>23</sup>For a comprehensive discussion about official state religion, please see AN-NA'IM, A.A., *Islam and the Secular State: Negotiating the Future of Sharia*, Cambridge MA, and London: Harvard University Press 2008.

*Shar'iah's* principles, dictates and values are used as a point of reference to formulate means of human rights protection. What scholars of OIC-approved texts do find definitely surprising is how much they have made Islam dependent on the civil, political and social rights laid down in international declarations.

The three aforesaid Declarations open with a profession of faith in Islamic dogmas and the *Shar'iah's* moral tenets, and this makes them lean, surprisingly, towards the theological basis of the human rights doctrine and, at the same time, conceal their real origins in the schools of thought of the Enlightenment and ideological liberalism<sup>24</sup>. The preambles to the Second and Third Declarations suggest that people's rights and liberties were enunciated by Islam since its very inception and, therefore, their observance is a matter of necessity, both ethical and religious. In fact, human rights in Islam are held to be superior to those proclaimed by International Law inasmuch as they fulfill the mandates revealed by God, and their commitment to spread Islamic concepts lies in the mission to help mankind attend a true balance between faith and reason and overcome the materialistic nature of today's civilization. Underlying these Declarations, then, is the wish to constantly stress its unswerving loyalty and orthodoxy to Islamic religion beyond any other considerations of ethical or political convenience. Hence their leaning toward texts of a theological nature or containing religious morality, which distinguishes them from and even challenge other universal international declarations considered by some as *Western ideological products*. This is somewhat contradictory if we bear in mind that the OIC Member States played an active role in the drafting of the 1948 Universal Declaration of Human Rights and other international texts on this topic<sup>25</sup>.

The divine basis of the rights recognized in every OIC Declaration is expressly asserted therein<sup>26</sup>. In the preamble to the First Declaration (1979) we read the following: "... human rights and duties in Islam are guided by imperative texts provided by the Creator (...) in such a way that man shall not be able to infringe them..." And the Third Declaration (1990), closely following the text of the Second Declaration (1981), emphasizes "... the universal rights and fundamental liberties (stem from) inalterable divine rules contained in the Book of God and transmitted to His Prophet to complete the preceding divine messages...". This implies religious punishment in case of infringement. The above Declarations state that the

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<sup>24</sup>TIBI, B., "Islamic Law/Shari'a, Human Rights, Universal Morality and International Relations", *Human Rights Quarterly*, vol. 2, 1994, pp. 277-299.

<sup>25</sup>For a comprehensive discussion on the relativism and Human Rights see SALEM AZZAM. "Universal Islamic declaration of human rights". *The International Journal of Human Rights*, vol. 2, Issue 3 Autumn 1998, pp. 102 – 112; HALLIDAY, F., "Relativism and Universalism in Human Rights: the Case of the Islamic Middle East". *Political Studies* vol. 43, 1005, pp. 152–167 and GUTIÉRREZ ESPADA, C. (dir.), *Nosotros y el Islam*, ed. Diego Marín, Murcia, 2012, pp. 119-129.

<sup>26</sup>MOTILLA DE LA CALLE, A., "Las declaraciones de derechos humanos de organismos internacionales islámicos", en CIÁURRIZ, M.J.; GARCÍA-PARDO GÓMEZ, D.; LORENZO VÁZQUEZ, P.; ROSSELL GRANADOS, J.; MOTILLA DE LA CALLE, A., (dir.), *Islam y Derechos Humanos*, Editorial Trotta, Madrid., 2006, pp. 27-52.

protection of these rights is an act of worship, so that any attack against them is forbidden by religion<sup>27</sup>. From all this we can deduce that these rights are also subject to, and conditioned on, God's law.

Such a consequence –the subjugation of rights and liberties to the Islamic *Shar'iah*– is found throughout the process of recognition of the rights included in the OIC Declarations. From the standpoint of religious law, it represents the superiority of the divine law of the Qur'an and the *Sunnah*, which conditions and restrains the divine laws created by human legislators. This statement, shared by other religions in their approach to human rights, is the key to understand the structure at the root of the Islamic Declarations we have studied: they accept many international rights in their original terminology (the rights to life, marriage, freedom of opinion and expression, education, religious freedom, work, physical integrity, ownership...), except that their content is limited and modified as a function of the content of the *Shar'iah* in its traditional conception. This is further noticeable in the fact that the said Declarations fail to mention rights that belie specific rules of the *Shar'iah*, thus limiting their exercise. This is the case, for instance, of the right to marriage, the granting of legal capacity, parental rights to choose their child's education, freedoms of opinion and expression, religious freedom, intellectual/scientific/artistic freedom, freedom of circulation, etc. In this way, Islamic law's role as limit and basis of the rights recognized in various Declarations is explicitly acknowledged by the assertion that "all rights and freedoms stipulated in this document are subject to the provisions of Islamic law"<sup>28</sup> and the remark that Islam is the only possible point of reference to interpret or clarify any article<sup>29</sup>. Taking the aforesaid into account, there is no doubt that by uplifting religion to a higher stage that restricts and regulates people's rights, Islam's Declarations make a clean break from their recognition at international level, where religious notions are never assumed as an element of human rights authentication. In conclusion, it is safe to say that by making human rights contingent on Islamic law rather than on people's intrinsic dignity, the OIC Declarations end up distorting their recognition and exercise. The "cultural factor" that in this case distinguishes human rights in Islam from those proclaimed at universal level involves restrictions and limitations *religionis causae* bound to be rebuffed as contrary to international standards<sup>30</sup>.

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<sup>27</sup> Article 13 of the Second Declaration (1981) and Articles 1 and 2 of the Third Declaration (1990).

<sup>28</sup> Article 24 of the Third Declaration (1990) and Article 27 of the Second Declaration (1981).

<sup>29</sup> Article 28 of the Second Declaration (1981) and Article 25 of the Third Declaration (1990).

<sup>30</sup> Further more information see TURAN KAYA OGLU, *A Rights Agenda for the Muslim World: the Organization of Islamic Cooperation's Evolving Human Rights Framework*, University of Washington, Tacoma, 2013.

## **2. Rights recognized in OIC Declarations: disagreement and concurrence with universal texts**

The basic principle of equality is covered by Islam's three Declarations, although a distinction is made between equality in dignity –based on the idea that man is God's creation– and equality before the law, which gives rise to different rights and obligations depending on the individual's religion and gender. This is particularly so in the case of the rights within the family, whose importance in Muslim society becomes apparent in the stress that the Declarations lay on this social group. For instance, man's and woman's roles in the family are clearly differentiated in the Declarations. According to Article 6 of the Third Declaration (1990), the male is responsible for the support and welfare of the family, and no mention whatsoever is made of the female. Another gender-related distinction, in this case with religious roots, is marriage. The obstacles to marriage recognized in the Declarations are different for men and women, with religion at the core of the problem<sup>31</sup>. On the other hand, it is significant that all three Declarations regard as illicit to ban marriage on grounds of race, color or nationality, but nowhere do they say anything about possible limitations or prohibitions for religious reasons. Actually, the First Declaration (1979) explicitly states that faith in God is a necessary condition and religious unity a requirement in Muslim marriages (Article 9), which leaves the door open to religion-based legal discrimination against marriage.

Additionally, the religious element is also present in the regulation of the right to life in its every form: dependent and independent. Its proclamation is linked to the ban on the permanent interruption of fertility, abortion and infanticide. Again, religious law is what essentially puts a limit on the right to life, as stipulated in Article 2 of the Third Declaration (1990): "It is prohibited to take away life except for a *Shar'iah*-prescribed reason. In this connection, the right to safety from bodily harm is no less conditional, since it is the duty of the State to safeguard it and it cannot be breached "without a *Shar'iah*-prescribed reason". *Sensu contrario*, death penalty and bodily harm legalized by the *Qur'an* or the *Sunnah* are justified in the said Declarations. Other civil rights recognized by these Islamic Declarations are also conditioned by religious law. There are many examples: people will enjoy legal capacity in accordance with the *Shar'iah*, which stands out as a limitation to freedom of opinion and expression. Likewise, freedom of information may not be "exploited or misused in such a way as may violate sanctities and the dignity of Prophets"<sup>32</sup>; the right to seek asylum is not guaranteed if the request is motivated by an act which *Shar'iah* regards as a crime; the right to free movement is respected within the context of Islamic law; the right to own property and to enjoy the fruits of scientific, literary, artistic or technical production are not protected if they go against Islamic law; and

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<sup>31</sup>A comprehensive comparative analysis of the Cairo Declaration on Human Rights in Islam and universal rights is given by MAYER, A.E., 'Universal versus Islamic Human Rights: A Clash of Cultures or a Clash with a Construct?', *Michigan Journal of International Law* 1993/1994, 307, pp. 308-402.

<sup>32</sup>Article 22.3 of the Third Declaration (1990).

the right to resort to justice is equally subject to Islamic law, as per Article 19.4 of the Third Declaration (1990): “There shall be no crime or punishment except as provided for in the *Shar’iah*”.

The right to religious freedom, subject as it is to the harsh and unequivocal limitations that protecting Islamic faith entails, deserves a separate analysis. What the Second Declaration (1981) calls “right to freedom of worship” is followed by the prohibition of atheism, unlawful proselytism –ascertained through the use of coercive means– and the prohibition to take advantage of an individual’s poverty or ignorance to convert him to another religion. Actually, religious conversion is absolutely forbidden to Muslims, as laid down in Article 10 of the Third Declaration (1990): “Islam is the religion of unspoiled nature”. As far as the civil rights recognized in the Declarations are concerned, it should be remembered that no mention is made of two rights essential to the development of an individual’s social personality: the right of assembly and the freedom of association for private or public purposes. However, the texts include the political rights to participate in the administration of public affairs, assume public office, and exercise control over the government, albeit nothing is explicitly said about the democratic means and channels required by an election. As to social, economic or cultural rights, the Declarations prescribe the rights to medical care and social assistance, the right to work and the State’s obligation to safeguard people’s guarantees and provide for their self-development in fair conditions. Yet, nowhere do they say anything about the right to strike. Other rights based on and limited by the *Shar’iah* are also recognized, namely the individual’s right to receive a decent burial and have his last will respected after his death “...in accordance with the rules set out in the Qur’an and the *Sunnah*”<sup>33</sup>. The right to privacy in business and legitimate trade practices are also restricted by express order of the *Shar’iah*: usury is absolutely prohibited.

Religious inspiration is especially apparent with regard to the right to education, which is one of the fundamental rights granted to children and exercised mostly in the bosom of the family. The aforesaid Declarations point out that the father “... is the worthiest man capable of assuring the child’s education...”<sup>34</sup>, whereas the mother is assigned custody (*hadana*) or material sustenance of the minor. The father has the right and obligation to choose the type of education that he desires for the children in accordance with ethical values and the principles of the *Shar’iah*. This religious aim of education is laid down in Article 9 of the Third Declaration (1990), paragraph 1: “The State shall ensure the availability of ways and means to acquire education and shall guarantee educational diversity in the interest of society so as to enable man to be acquainted with the religion of Islam and the facts of the Universe for the benefit of mankind...”. Paragraph 2 states that “... every human being has the right to receive both religious and worldly education from the various institutions of education and guidance ... and in such an integrated and balanced manner as to develop his

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<sup>33</sup>Article 26 of the Second Declaration (1981) and, in similar terms, Article 30 of the First Declaration (1979).

<sup>34</sup>Article 11 of the First Declaration (1979).

personality, strengthen his faith in God and promote his respect for and defense of both his rights and obligations”<sup>35</sup>.

All of the above legalizes not only the teaching of Islamic religion at school but also the teaching of every other religious subject in keeping with the principles and values of Islam. Such is the task that Muslim States undertake to carry out in public education and the role of the public institutions in relation to social life, which is governed by religious morality. In this connection, Article 17.1 of the Third Declaration (1990) states, “everyone shall have the right to live in a clean environment, away from vice and moral corruption, that would foster his self-development; and it is incumbent upon the State and society in general to afford that right”. Imposing religious morality on society is also a right granted to individuals. Article 22.2 of the Third Declaration quotes an expression from the Qur’an that says: “Everyone shall have the right to advocate what is right, propagate what is good, and warn against what is wrong and evil according to the norms of Islamic *Shar’iah*.” Understood literally, this precept empowers any Muslim to demand observance of religious law in society if the relevant authority fails to do so.

Finally, these Declarations recognize people’s right to freedom and self-determination and to exercise control over their wealth and resources and decry colonialism –an evil suffered by most Muslim States– in categorical terms in the Third Declaration (1990): “... Colonialism of all types, being one of the most evil forms of enslavement, is totally prohibited ... It is the duty of all States and peoples to support the struggle for the liquidation of all forms of colonialism and occupation...” (Article 11.2). Nor is there in the Declarations any definite prohibition on war, either defensive or offensive, for religious reasons (*jihad*), even if somewhere in a Declaration we either find a strong denunciation of any attack against other people to appropriate their wealth or natural resources or confirm the acceptance of certain humanitarian norms in case of armed conflict. The Declarations never mention any means to protect and safeguard the said recognized rights. Only in the First Declaration (1979) reference is made to people’s right to “... employ any means necessary to guarantee and protect these rights” (Article 5). Therefore, it is understood that the effective protection of these rights is made subordinate to whatever mechanism the OIC Member States envisages in their respective codes.

#### **IV. ROLE OF THE OIC IN THE CONFLICTS FACING THE ARAB/MUSLIM WORLD**

The social movements and conflicts that Africa and the Middle East have suffered in the last few years have brought about political changes and clashes of undeniable international repercussion. Among others, the Iraqi War and the conflicts that took place in Somalia, Libya, Yemen, Mali, and Syria come to mind. In these cases, the role of the international

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<sup>35</sup>See MOTILLA DE LA CALLE, A., “Las declaraciones...*cit.*, pp. 27-52.

organizations has been (and still is) critical, as evidenced by the Resolutions of the United Nations Security Council, which are not without controversy. Nonetheless, irrespective of the stance taken by the UN and other Western bodies like the North Atlantic Treaty Organization (NATO) or the European Union (EU), the role of regional organizations in Member States –and especially the part played by OIC– that have been affected to a greater or lesser extent by recent conflicts merits our full attention<sup>36</sup>. In this respect, we must bear in mind that OIC has tried to spearhead the efforts to manage regional conflicts, which explains why its attempts at mediating have been a regular feature of the disharmony we have witnessed in Africa and the Middle East. In fact, OIC's role has been recognized by the UN, with which it has intensely cooperated since 1975, the year when OIC was accepted as an “observer member” pursuant to Resolution 3369 of October 10<sup>37</sup>. Both organizations have met at the highest level and extended these contacts to their specialized agencies ever since, as unquestionably proved by Resolutions 61/49 of February 12, 2007; 63/114 of February 26, 2009; and 65/140 of April 5, 2011, all of which advocate mutual cooperation to uphold international peace and security, foster free self-determination, and promote fundamental human rights. There is also the report titled “Follow-up to the cooperation between OIC and the United Nations” published by OIC itself<sup>38</sup>.

### 1. OIC and the conflicts in Sub-Saharan Africa

Sub-Saharan Africa has seen two recent conflicts in which the religious factor has played a key role, one in Somalia and another in Mali. State failure in Somalia in 1991 triggered a civil war that claimed over a million lives and, together with the country's political instability, had considerable fallout worldwide, including the appearance of pirates in the Gulf of Aden that seriously endangered international sea navigation<sup>39</sup>. This state of affairs led the UN to intervene in the conflict in 1993, albeit with little political success. OIC, in turn, tried to contribute to the peace process by establishing a “Contact Group”, but its efforts were no more successful. Following the failure of these initiatives, the regional scuffles escalated into a military intervention by Ethiopia in 2006. In this context, OIC took part in the talks that ended up in August 2008 with the “Djibouti Peace Agreement”, signed by the countries involved and a number of international organizations that attended the process as observers. Moreover, OIC played a very important role in coordinating relief efforts in the Horn of Africa, stricken by a drastic shortage of food in 2011. In fact, under

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<sup>36</sup>For a comprehensive discussion on the OCI and regional challenges see TADJDINI, A., “The Organisation of Islamic Cooperation and Regional Challenges to International Law and Security”, *Amsterdam Law Forum*, vol. 4, n° 2, pp. 36- 48.

<sup>37</sup>Follow up Report on Cooperation between the Organization of the Islamic Conference (OIC) and the United Nations (UN), *Organization of the Islamic Conference*, Jeddah, September 2007. Vid. [http://www.oic-oci.org/english/conf/un-oic/OIC-UN\\_FOLLOW-UP\\_REPORT\\_rev3.pdf](http://www.oic-oci.org/english/conf/un-oic/OIC-UN_FOLLOW-UP_REPORT_rev3.pdf)

<sup>38</sup> For an interesting study about the role of the OCI in the conflicts see SHARQIEH, I., “Can the Organization of Islamic Cooperation (OIC) Resolve Conflicts?”, *Peace and conflict Studies*, vol. 19, n° 2, pp. 162-179.

<sup>39</sup>MARTÍN MARTÍN-PERALTA, C., “2013: Somalia y el Cuerno de África en la encrucijada”, *Documento de Opinión IEEE*, n° 12, 2013, pp. 9-11.

OIC supervision, many Muslim NGOs provided assistance to the Somali people to round off the international effort. After two tours in the field, OIC alerted the world to the pressing need to fight famine and decided to open an Office for the Coordination of Humanitarian Affairs (OCHA) in Mogadishu in charge of delivering food supplies to affected areas. OIC's outstanding involvement in the conflict is beyond any doubt, to the extreme that since 2012 the organization has served as Somalia's mouthpiece to report to the international community about the situation in that country, which is still closely monitoring.

In March 2012, Malian president Amadou Toumani Touré, a retired general who had led national democracy in 1991, was overthrown by a military coup d'état that unleashed a bloody conflict in which rebel Tuareg groups opposed to Mali's government since the 1950s were actively involved. After closing the borders and establishing a military junta, the pro-coup faction within the army justified their actions by saying that a firmer hand was needed to deal with the Tuareg separatists. Tension between the new government and the rebel ethnic group increased as a result, and grew even worse after the ousting of Libyan president Muammar al-Qaddafi, who had offered protection to the Tuaregs all through his mandate but whose fall forced their tribes to return to Mali, where they linked up with separatist movements in the northern part of the country. What followed was the emergence of a self-proclaimed State –Azawad– that nowadays spreads over two thirds of the national territory. In this sense, the "Islamization" of some Tuareg groups such as *Ansar al - Charia* and its collaboration with jihadist groups like *al - Qaeda of the Islamic Maghreb* (AQIM) also played an important role in the conflict.

In September 2012, the Malian government officially asked the United Nations to authorize a military intervention in the area, a request leading up to Security Council Resolution 2085 of December 20, 2012 approving the deployment of the International Support Mission to Mali to help the transitional government regain control over northern Mali. There had been no plans for an intervention before the end of 2013, but on January 9 that year the Malian authorities requested military assistance from France, which set off operation SERVAL<sup>40</sup>.

OIC's position on this conflict has also been particularly interesting. On January 28, 2013 OIC Secretary-general Ekmeleddin Ihsanoglu condemned the Malian radical force's behavior, and has often urged action against the war and for dialogue to attain a political settlement in Mali. Besides, he tagged the UN Security Council's decision as *hasty* and made public the Final Communiqué of the Islamic Summit held in Cairo in February 2013 that describes terrorism as contrary to "the values of tolerance, peace and moderation advanced by noble Islam".

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<sup>40</sup>Operation SERVAL is an ongoing French military operation in Mali. The aim of the operation is to oust Islamic militants in the north of Mali, who had begun a push into the center of Mali. Operation Serval follows the UN Security Council Resolution 2085 of 20 December 2012.

## 2. OIC and the conflicts in the Middle East

Countless conflicts have shaken the Middle East in the last few decades, so it would be impossible to review OIC's role in every one of them. Therefore, we will restrict our study to some of the most recent cases: Iraq, Syria, and the never-ending Palestinian conflict. OIC has been actively and permanently involved in the Iraqi situation. In the wake of the Gulf War –waged between Iraq and an international coalition headed by the UN following the invasion of Kuwait in August 1990– OIC adopted a Resolution in its 1997 Summit Conference in Tehran condemning the attack against Kuwait and appealing for respect of all UN resolutions on the matter. In this context, the organization considered that Iraq's aggression violated Article II(A) of the OIC Charter that lays down the principle of solidarity among Member States. The whole situation recurred years later on the occasion of the attack launched by a second coalition under US command. This time, at the Islamic Summit Conference held in Putrajaya (Malaysia) on October 16 to 18, OIC issued a Declaration reaffirming the value of the principles of self-determination, sovereignty, independence and national integrity of the States. Additionally, the document stressed the importance of the principle of non-intervention in Iraq's internal affairs, openly condemning any form of terrorism and calling upon all Member States to ratify the Convention on Combatting International Terrorism, put forward by OIC itself.

With regard to Syria, OIC has played a crucial role, both taking steps for cooperation and approving sanctions. In this connection, and in order to twist (Syrian president) Bashar al-Assad's arm, OIC seized upon the Islamic Summit held in Mecca, Saudi Arabia, in August 2012, to suspend Syria's membership in the organization<sup>41</sup>. The move had been previously approved at a preliminary meeting in the Saudi city of Jeddah and even recommended months before by the Arab League, and it was adopted despite Iran's opposition, voiced by that country all through a Summit billed as a showdown between Saudi Arabia –in favor of isolating Syria diplomatically– and the Iranians, who accused Qatar, Turkey and Saudi Arabia of arming the Syrian rebels. The Summit also rubber-stamped the so-called *Mecca Letter to promote Islamic solidarity*, which at once censured human rights violations in Syria and underlined the need to “preserve the unity, sovereignty and territorial integrity” of the Syrian nation, in light of rumors that the country might end up partitioned. At the present time, OIC is playing a key role in mediation and cooperation for development. To this end, the organization reached an agreement with the Syrian authorities in December 2013 to send humanitarian aid and a joint OIC-UN mission to Syria.

Finally, on the subject of OIC's stance on the Palestinian situation, we will restrict ourselves to offer a few short sentences, taking into account the complexity and duration of this case. Unlike other conflicts, the question of Palestine captured OIC's attention and became paramount to the organization since its very inception. We must not lose sight of

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<sup>41</sup>See BERENGUER HERNÁNDEZ, F.J., “La organización de Cooperación Islámica suspende a Siria”, *Documento informativo, IEEE*, nº. 52, 2012, p. 2.

the fact that it was in the aftermath of the arson perpetrated against the Al-Aqsa Mosque in Jerusalem on August 21, 1969, and precisely because of it, that the OIC was established. Innumerable times throughout its history and that of the endless Arab-Israeli conflict, the organization has made plain its rejection of the West Bank settlements, the boarding of the French ship *Dignité Al Karama*, and the policy of demographic change and land requisition... Besides, OIC was instrumental in the efforts leading up to the UN General Assembly's approval of Palestine as observer member and has made pressing appeals to the international community to support the establishment of an independent Palestinian State.

## **V. CONCLUSIONS**

By way of conclusion, it is worth pointing out that the role of international organizations of a regional nature is becoming ever significant in the peace and conflict management processes taking place in African and Middle Eastern countries. Even if there are many regional international organizations operating in these badly affected continents, the OIC has set the pace of the race to cope with the conflicts facing the Arab/Muslim world. The reason for the creation of the OIC is often explained by pointing to the need for Muslim solidarity following two events in recent history: the Arab loss of the Six Day War in 1967, and the 1969 arson attack against the Al-Aqsa Mosque, a holy site in Sunni Islam. As a result of these two incidents the OIC, we learn, was created to safeguard the interests of the Muslim world. Its ability as mediator has been acknowledged as much by its Member States as by the international community. Suffice it to mention the free-flowing relations it has kept and still keeps with the United Nations, as is evident from their joint missions in the Syrian conflict and the action OIC has undertaken together with regional organizations such as the Arab League and the European Union. OIC's leadership in the Muslim world has become all the more noticeable in the last decade on account of a number of circumstances, including a) its manifest independence from other regional organizations; b) the criticism leveled at the UN Security Council for its discretionary attitude towards certain international conflicts; and d) the decisions that it has adopted in spite of the rivalries existing among its Member States over religion –Shiites vs. Sunnis– politics – Qatar's pretensions to regional leadership– or economics. As a result of all these determining factors, OIC's voice has become pivotal around the world, which explains why various international organizations and even non-Muslim States like Russia have shown great interest in the process to be granted OIC observer status or that China has signed framework cooperation agreements with this organization.

## MEMBER STATES OF THE ORGANISATION OF ISLAMIC COOPERATION

| STATE                   | JOINED | NOTE   | STATE                | JOINED | NOTE  |
|-------------------------|--------|--|----------------------|--------|---|
| AFGANISTAN              | 1969   | Suspended 1980-1989  | UNITED ARAB EMIRATES | 1971   |   |
| ALGERIA                 | 1969   |  | SIERRA LEONE         | 1972   |   |
| CHAD                    | 1969   |  | BANGLADESH           | 1974   | Pakistan recognized Bangladesh at the start of the 2nd summit in, and subsequently invited, to attend the summit. |
| EGYPT                   | 1969   |  | GABON                | 1974   |   |
| GUINEA                  | 1969   |  | GAMBIA               | 1974   |   |
| INDONESIA               | 1969   |  | GINEA-BISSAU         | 1974   |   |
| IRAN                    | 1969   |  | UGANDA               | 1974   |   |
| JORDAN                  | 1969   |  | BURKINA FASO         | 1975   |   |
| KUWAIT                  | 1969   |  | CAMEROON             | 1975   |   |
| LEBANON                 | 1969   |  | COMOROS              | 1976   |   |
| LYBIA                   | 1969   |  | IRAQ                 | 1976   |   |
| MALAYSIA                | 1969   |  | MALDIVES             | 1976   |   |
| MALI                    | 1969   |  | DJIBOUTI             | 1978   |   |
| MAURITANIA              | 1969   |  | BENIN                | 1982   |   |
| MOROCCO                 | 1969   |  | BRUNEI               | 1984   |   |
| NIGER                   | 1969   |  | NIGERIA              | 1986   |   |
| PAKISTAN                | 1969   |  | AZERBAIJAN           | 1991   |   |
| PALESTINE <sup>42</sup> | 1969   |  | ALBANIA              | 1992   |   |
| SAUDI ARABIA            | 1969   |  | KYRGYSZSTAN          | 1992   |   |
| SENEGAL                 | 1969   |  | TAJIKISTAN           | 1992   |   |
| SUDAN                   | 1969   |  | TURKMENISTAN         | 1992   |   |
| SOMALIA                 | 1969   |  | MOZAMBIQUE           | 1994   |   |
| TUNISIA                 | 1969   |  | KAZAKHSTAN           | 1995   |   |
| TURKEY                  | 1969   |  | UZBEKISTAN           | 1995   |   |
| YEMEN                   | 1969   | From 1990 as Republic of Yemen united with People's Democratic Republic of Yemen | SURINAME             | 1996   |   |
| BAHRAIN                 | 1970   |  | TONGO                | 1997   |   |
| OMAN                    | 1970   |  | GUAYANA              | 1998   |   |
| QATAR                   | 1970   |  | CÔTÉ D'IVOIRE        | 2001   |   |
| SYRIA                   | 1970   | Suspended in August 2012 during the Syrian civil war                             |                      |        |   |

<sup>42</sup>Palestine succeeded the seat of the Palestine Liberation Organization following the 1988 Palestinian Declaration of Independence.

## **OBSERVER STATES**

| <b>STATE</b>  | <b>JOINED</b> | <b>NOTE</b>                 |
|---|---------------|-----------------------------|
| NORTH CYPRUS AS TURKISH CYPRIOT STATE <sup>43</sup> | 1979          | Designation changed in 2004 |
| BOSNIA AND HERZEGOVINA                              | 1994          |                             |
| CENTRAL AFRICAN REPUBLIC                            | 1997          |                             |
| THAILAND  | 1998          |                             |
| RUSSIA  | 2005          |                             |

## **OBSERVER INTERNATIONAL ORGANISATIONS**

| <b>ORGANISATION</b>               | <b>JOINED</b> | <b>NOTE</b> |
|-----------------------------------|---------------|-------------|
| LEAGUE OF ARAB STATES             | 1975          |             |
| UNITED NATIONS                    | 1976          |             |
| NON-ALIGNED MOVEMENT              | 1977          |             |
| ORGANISATION OF AFRICAN UNITY     | 1977          |             |
| ECONOMIC COOPERATION ORGANISATION | 1995          |             |

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<sup>43</sup>The Turkish Cypriots of Cyprus became an OIC “observer community” in 1979 under the name “Turkish Muslim community of Cyprus”. The 31st OIC Meeting of Foreign Ministers which met in Istanbul in June 2004, decided that the Turkish Cypriot Community (represented by the Turkish Republic of Northern Cyprus).will participate in the OIC meetings under the name envisaged in the Annan Plan for Cyprus.