

## THE ORGANIZATION OF ISLAMIC COOPERATION AND HUMAN RIGHTS

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*Abstract:* Today, regional human rights organizations, although they have appropriate mechanisms for the protection of human rights, often prioritize their priorities in monitoring the state of human rights in member states and taking appropriate measures to address human rights violations in those countries. The Organization of Islamic Cooperation (OIC), as a regional organization, has gone through various changes in respect of human rights law. In short, it could be described as an attempt to expand the standards of respect for human rights in Islamic countries. This paper analyzes the OIC's approach to human rights in three separate phases, including ignoring human rights, encountering international human rights law, and paying attention to human rights. Finally, the paper concludes that the documents and procedures of the OIC reveal that this organization has taken an extrinsic approach with an emphasis on the human rights situation of Muslims in non-member countries. Deviating from the traditional approach, the OIC, in its recent practice of monitoring the human rights situation in some member states, has shown a tendency towards a substantive approach of posting human rights law. And yet, the discriminatory response of this international organization to the violation of human rights in the member states leaves great anxiety and concern.

*Keywords:* OIC, Human Rights Law, Islamic countries, international organization, international convergence.

### INTRODUCTION

International organizations are often established at a time of profound and rapid change in international relations (Hooshmand & Mardani, 2022). An extensive and inexperienced set of international organizations was

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established immediately after World War II (Katzenstein et al., 1988, p. 650). International organizations saw themselves as embodying the characteristics of a mixed actor, capable of acting independently (Volker et al., 2012, p. 4). The solidarity of states in international relations essentially arose when a change in the principles of power and influence of each disturbed the balance of power relations between them. Therefore, in order not to exalt a superior power among them and consequently impose its will on others, a kind of intellectual solidarity arose among the states to balance power, which often had the same thinking in solving general socio-social problems and in overcoming world culture and civilization (Falsafi, 2004, p. 33). During the two world wars, efforts were made to develop the theory of Islamic unity as a political ideology. Some of these efforts have been made in the context of international meetings and conferences, including the Mecca Conference (June 1924), the Cairo Conference (May 1926), the Mecca Conference (June-July 1926), the Jerusalem Conference (1931), and the Geneva Conference (1935). The end of World War II brought the Islamic world into a new phase with unique features in its political life. Some of them are the independence of some Islamic countries such as Pakistan, the emergence of a new state called Israel, the emergence of nationalism as a new political force in the international arena, and so on. In this regard, several efforts were made by some Islamic countries or important Muslim personalities, which gradually paved the way for the establishment of an international Islamic organization. Finally, the OIC was established on the basis of the decision of the historic summit that took place on September 25, 1969, in Rabat. In this study, in addition to the pathology of convergence in the organization, we evaluate the positions of this regional international organization in the face of human rights. In this regard, we first examine the factors affecting the role of the OIC in the face of international issues and then evaluate the obstacles affecting the convergence in the Organization of Islamic Cooperation. Finally, we analyze the organization's position on human rights.

### **FACTORS AFFECTING THE ROLE OF THE OIC IN DEALING WITH INTERNATIONAL ISSUES**

The Islamic world represents the identity of at least 1.7 billion people who share a common religion rather than a geographical location. Although the charter of the OIC defines the formal decision-making process of the organization, it also defines the informal factors affecting the decision-making process within the organization, which is due to the heterogeneous context of the political and economic power of the member countries. According to

Article 29 of the Charter, the expenses of the organization must be covered by the members according to their national income, and in addition to the quotas set for each country, the organization also uses the voluntary contributions of the members. However, Saudi Arabia and Kuwait provide the largest budget for the organization. Therefore, the rich countries of the Persian Gulf will play a key role in financing the organization and, as a result, will have a high level of influence in the organization. This has influenced the political-cultural orientations of the organization and has provided a conservative approach to the issues and problems of the Islamic world (Fawzi Tuyserkani, 1998, p. 73). The dependence of the member states on the global power blocs has made the cohesion within the organization a function of cooperation or competition between the two superpowers and has left effects such as instability within the organization, which play a good role in dealing with the Palestinian issue. The side of the member states is evident. Also, for example, during the Soviet invasion of Afghanistan and the collective position of the organization to hold a special conference in this regard, it was opposed by Libya and Syria, and the mentioned countries, while boycotting the summit, considered it an action in the interests of imperialism. Support for Muslim minorities and Islamic liberation movements is also affected in many ways (Fawzi Tuyserkani, 1998, p. 60). Economic dependence, low level of per capita income, and unfair distribution of income and scientific and technological weakness are the main characteristics of Islamic countries (Arbabian, et al., 2013, p. 98; Hooshmand & Fateh, 2014, February). Since the impact on global equations and the adoption of positions in the form of international organizations depends on the economic system and the economic dispersion of the members of the organization, it seems that in addition to the fact that only a few countries influence the positions of the organization, other countries also cannot help the organization to take positions in this regard. In general, in terms of economic status due to oil revenues, oil-rich countries have the highest incomes and have higher economic power among other members and other countries due to a lack of access to sufficient mineral resources, poor industrial structure, or poor agricultural situation. They cannot play a role in this regard. The majority of the member countries of the organization are Arabs, and they are members of the Arab community, which has brought them closer together. The influence and quantitative and qualitative power of the Arabs within the OIC has caused the Arabs to also be approved by the organization. In general, it can be said that the positions of the OIC are, in many cases, reflections of the positions of the Arab League (Fawzi Tuyserkani, 1998, p. 68).

## **OBSTACLES AFFECTING CONVERGENCE IN THE OIC**

The main purpose of the organization was to converge and coordinate political affairs, but in terms of content, little was achieved and the member states differed on major issues. The member states should use the OIC as a place to implement a part of their unilateral diplomatic strategy (Ghaemmagham Farahani, 1998, p. 186). In examining the goals, principles, and policies of the organization, there are some issues that are in line with the interests of all members, and the organization moves towards integration around those issues. There are also some goals that the organization is fragmented to achieve. Issues such as advocating for the Palestinian cause, combating racial discrimination, emphasizing Islam, emphasizing international law and the UN Charter, and expanding economic, scientific, and technological cooperation among the member states have been areas of unity and cohesion. The way of fighting Israel has always led the organization to division (Fawzi Tuyserkani, 1998, p. 58). Political differences are the biggest obstacle to the convergence of Islamic countries and are the main reason for the failure of convergence measures and plans among Islamic countries. These differences are mainly due to differences in the political systems and structures of countries and, consequently, differences of opinion and conflicts of interest between countries, which lead to different orientations (Navakhti Moghadam, 2011, p. 200). The existence of a diverse governance structure in these countries has made it impossible for them to achieve structural unity and to succeed in bringing social systems closer together (Ghasemi, 1991, p. 284). Overall, the vast majority of governments in Islamic countries are either politically unstable or unstable. The objective manifestation of this can be sought in the occurrence of coups, revolutions, armed conflicts, continuous crises, ethnic and racial conflicts, and so on (Ghasemi, 2002, p. 94). Basically, proximity is one of the factors affecting culture, the economy, trade relations, political relations, and convergence between countries. The cultures of neighboring countries, due to their historical background, political-geographical divisions of countries, racial and linguistic, are moving towards interaction with each other, which leads to greater harmony in this field (Pirasteh et al., 2006, p. 51). Although Islamic countries share the essence of Islam, they have different views and perceptions of Islam and have different religions, which can always delay the intellectual context of any kind of unity of action. Of course, the OIC has understood this issue and has tried to fight to solve it as a major problem. One of its goals is to eliminate the misconceptions that have been spread by foreigners in Islamic societies (Fawzi Tuyserkani, 1998, p. 101). Religious

differences between the two main Sunni and Shiite axes pose the organization's performance against this factor, and as a result of the impact of this factor, the role of the organization in reducing tensions in the Middle East is small (Jansiz & Ahmadi Khoi, 2014, p. 110). Tensions between Shiites and Sunnis have led to unofficial ideological polarization stemming from religious differences and sectarianism among Islamic countries.

### **THE OIC'S POSITION ON HUMAN RIGHTS**

In 1991 and 2005, the organization drafted the Cairo Declaration and the Convention on the Rights of the Child. Examining the content of these two documents and comparing the rights specified in them with how they refer to Islamic law and the way of looking at the government makes it possible to know more about the human rights approach of the organization at that time. Simultaneously with Secretary-General Ehsan Oglu, a ten-year action plan was prepared to face the challenges of the Islamic Ummah. In 2008, the organization's charter was amended to pave the way for the establishment of an Independent Permanent Commission on Human Rights in 2011. Examining the significant relationship between these three events and each on the complementarities of the other and the impact of these developments on the institutional activity of the organization in the field of human rights promotion has a significant role in understanding the recent approach of the organization.

#### **The approach of turning away from human rights**

In the early years, human rights did not have a place in the priorities of the OIC. The Declaration of the Islamic Leaders of Rabat and the former Statute of the Organization make brief references to human rights, and only the final section of the 1969 Rabat Declaration refers to the Charter of the United Nations and fundamental human rights (Declaration of the Rabat Islamic Summit, 1969, September 25). But this declaration is more concerned with Islamic law than with human rights (Gunn & Lagresa, 2016, p. 18). The former charter of the organization also states that the organization will be committed to the UN Charter and fundamental human rights, and this is the only passing reference of the organization to human rights in this document (Moinuddin, 1987, p. 18).

### **The approach to dealing with international human rights**

The OIC has not been able to bring about a change in human rights for many years due to the unfavorable records of Islamic countries (Petersen, 2012, p. 14). After overcoming the reversal phase, the organization faced many challenges with international human rights to put human rights issues on the agenda (Tirado Chace, 2015, p. 6). Until 2005, the organization rejected international human rights standards and sought alternatives to design an approach that was in line with Islamic teachings. At this point, the organization challenged the universality of human rights, prioritizing the establishment of alternative Islamic human rights rules. Due to its favorable relations with the United Nations and the resulting considerations, the organization did not directly reject international human rights, but rather, from the indirect orientation of the organization and the direct positions of some Islamic countries, the approach to international human rights can be inferred (Javid & Makrami Qartavol, 2012, p. 63). Based on this, the organization adopted the Cairo Declaration of Human Rights in 1991 and revealed its menus in it (Saden, 2010, p. 26). The Cairo Alam (Ekmeleddin, 2010, p. 181), which combines Islam and human rights, offers a special concept of human rights that contradicts the principles of the Universal Declaration (Kayaoglu, 2015, p. 9). The organization introduced the Cairo Declaration to the international community at the Vienna World Conference on Human Rights as the global Islamic consensus on human rights (Mayer, 2007, p. 31). The Declaration allows governments to implement their interpretation of Shari'a in their domestic law and practice (Adam, 2014, p. 1). One of the reasons for the organization's failure in human rights before 2005 was the lack of a clear plan for reconciliation between international standards and the current conservative policy among most member states (Kayaoglu, 2013, p. 3).

### **The approach to paying attention to international human rights**

A different approach to Islamic human rights should be sought from the time of Ehsan Oglu's administration in 2005 and the promising developments after that (Cismas, 2011, p. 1148). The organization, like many regional organizations, has witnessed significant changes in recent years (Gunn & Lagresa, 2016, p. 267). The organization's Charter was amended in 2008 by Islamic leaders, and special attention was paid to international human rights (Monshipouri & Kaufman, 2015, p. 5). The Charter included a set of structural reforms that provided a more normative and institutional

role for the organization in the field of human rights. (Bozorgmehri, 2017, p. 75). The new statute unveiled the organization's intention to promote good governance, the rule of law, and democracy in the member states. Further attention to human rights in the statute provided a good platform for the establishment of the human rights pillar of the organization. With this development, the organization expressed its willingness to communicate and cooperate with civil society organizations and non-governmental organizations in the field of human rights (Adam, 2014, p. 1). Normalization is the first step towards the realization of human rights. The OIC has taken a different approach to regulating human rights by drafting documents that define human rights policy. In the context of the organization's extensive reforms, the Ten-Year Action Plan for the Promotion of Human Rights is a very important document. (Monshipouri & Kaufman, 2015, p. 5) All aspects of the organization, especially human rights, have a special place in this program (Hausler et al., 2016, p. 145). Any norm that lacks a systematic structure is meaningless (Saffarinia, 2019, p. 41). Accordingly, the process of human rights regulation of the OIC without the establishment of an institution to monitor the implementation of human rights standards was a significant shortcoming in the human rights mechanisms of the organization. From this perspective, another sign of a change in the organization's human rights approach is the attempt to design and institutionalize human rights. Perhaps the culmination of human rights developments in the organization is the establishment of a human rights pillar. In 2011, the organization established the Standing Committee of the Independent Commission on Human Rights, with the aim of promoting human rights and assisting member states in fulfilling their human rights obligations (Mayer, 2015, p. 5). Another desirable development in human rights is the emergence of signs of the organization's tendency to defend human rights in the member states. Given that this practice is in the early stages of formation in the organization and its scope does not include human rights violations that have occurred in all member states, it should be evaluated from a position of fear and hope (Petersen & Kayaoglu, 2019, p. 123). However, in an interesting development, the organization has recently responded to human rights violations in several member states. The commission reviewed the human rights situation in Syria and called on the Syrian government to end human rights abuses immediately and unconditionally. At the 16th session of the Human Rights Council in 2011, the organization encouraged the Syrian government to restore peace and establish peace in the country, blaming it for human rights violations (Statement by Ambassador Zamir Akram, 2010, September 13–October 1).

In a move away from the organization's usual practice, the Summit on Human Rights Violations in August 2012 decided to suspend Syria's membership (OIC Islamic Summit Conference Resolution, 2012, August 14-15). The organization also endorsed the excessive use of force against citizens by the Libyan government at a meeting of the Human Rights Council on February 25, 2011, and agreed to a resolution against Libya and an invitation to establish a commission of inquiry to investigate human rights violations (UN Human Rights Council Resolution, 2011, February 25). In response to the human rights situation in Central Africa in 2014, the Commission acknowledged human rights abuses by the government and called for an end to widespread human rights abuses (Adam, 2014, p. 11).

## CONCLUSIONS

Despite the fact that the declaration of the Islamic leaders in Rabat and the former statute of the OIC referred to human rights, the organization did not pay attention to human rights in the first years of its activity. Not only did it fail to establish mechanisms for the protection of human rights, but it also failed to develop human rights instruments. Not even the preparation of the Declaration on Human Rights in Islam, the ten-year action plan, the amendment of the organization's statutes, the establishment of a permanent commission for human rights as the organization's supervisory body, and the preparation of the human rights charter. It did not provide a standard approach to human rights and human rights issues. The focus was on the protection of human rights outside the borders of the member states. After a period of disrespect for human rights, the organization undertook innovations towards the reform of the existing system. Recent favorable approaches to human rights reflect the organization's determination to take more seriously the protection of human rights and to revise the Cairo Declaration and the Convention on the Rights of the Child in line with this year's Universal Declaration of Human Rights. In doing so, the UN system should serve as a good model. This should be contributed to by the meetings of the Commission dealing with issues of human rights protection in the member states (as well as their violations in Syria, Libya, Afghanistan and the Central African Republic) by applying restrictive measures against the perpetrator states. This raises the hope that the organization is ready to deal more seriously with the state of human rights and to face their violations in the member states.



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