

THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS

THE  
ORGANIZATION  
OF ISLAMIC  
COOPERATION

A CASE STUDY OF INTERNATIONAL  
ORGANIZATIONS' IMPACT ON  
HUMAN RIGHTS

ANTHONY TIRADO CHASE

MATTERS OF CONCERN  
HUMAN RIGHTS' RESEARCH PAPERS

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**THE ORGANIZATION OF ISLAMIC COOPERATION: A CASE STUDY OF INTERNATIONAL ORGANIZATIONS' IMPACT ON HUMAN RIGHTS**

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# PREFACE

## THE ORGANISATION OF ISLAMIC COOPERATION AND HUMAN RIGHTS

**MARIE JUUL PETERSEN**  
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The Organization of Islamic Cooperation (OIC) is an intergovernmental organization established in 1969 with the purpose of strengthening solidarity among Muslims. Consisting in 57 member states, the OIC often refers to itself as ‘the UN of the Muslim world’. But unlike the UN, the OIC has historically challenged the notion of universal human rights, instead promoting a conception of Islamic human rights.<sup>1</sup>

In 1990, the OIC introduced the *Cairo Declaration on Human Rights in Islam*, presenting a set of Islamically defined human rights. While there is of course nothing that hinders a combination of Islam and human rights, the particular conception of Islamic rights promoted in the Cairo Declaration does conflict with essential principles of the UN Declaration on Human Rights. Nowhere in the declaration is there any mention of universal human rights; instead the declaration is expressly based on Islamic values, stating that “[a]ll the rights and freedoms stipulated in this Declaration are subject to the Islamic shari’ah” (Article 24), thereby robbing human rights of their inalienability.<sup>2</sup>

More recently, the OIC has become known for its promotion of the so-called defamation of religion agenda, challenging the right to freedom of expression. In 1999, OIC countries introduced the first of a series of resolutions asking governments to combat the defamation of religions. For the OIC, this was a much-needed step in the fight against rising Islamophobia, arguing that defamation of Islam often led to anti-Muslim discrimination. Western states, for their part, considered the resolutions contrary to free speech at best and universalizing blasphemy laws at worst. These states argued that religious people have a right to protection from discrimination and defamation—but religions do not.

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<sup>1</sup> Many member states have a poor human rights record; in fact some of the members are among the world’s worst human rights violators. Freedom House has listed nine OIC member states (Somalia, Sudan, Turkmenistan, Uzbekistan, Libya, Saudi Arabia, Chad, Guinea and Syria) as among the worst human rights violators in the world (Freedom House 2010).

<sup>2</sup> The full text of the declaration is available here: <http://www.oic-oci.org/english/article/human.htm>

In recent years, however, there are signs of the OIC moving towards a universal conception of human rights, strengthening its participation in the international human rights system. As part of a larger reform of the OIC, a Ten Year Programme of Action was launched in 2005, introducing a clear focus on universal human rights and the importance of mainstreaming them into all programmes and activities. The amended OIC Charter, adopted at the 11<sup>th</sup> Islamic Summit in Dakar in 2008, further strengthened this new focus on human rights. In his book, then Secretary General Ekmeleddin Ihsanoglu writes that the summit “ushered in a new era for the Organization and its members,” and he continues:

This new approach, in the objectives of the Charter, marked a great step forward in adapting to global human rights values and involves closer alignment of principle to the international instruments and the practices of other regional or intergovernmental organizations.

In 2011, a human rights commission was established with the purpose to support member states in their implementation of international human rights obligations. And the same year, the OIC co-sponsored a UN resolution on religious discrimination, at least on the surface signaling a move away from the anti-defamation agenda.

Optimists see these initiatives as signs of the OIC’s willingness to leave behind the Cairo Declaration, and instead promote a conception of rights that is more in line with international human rights. Skeptics see them as nothing but window-dressing. Some have pointed to the fact that the new human rights commission’s mandate is severely restricted, and that it has little room for the commission to actually do something about the serious human rights violations of certain OIC member states.<sup>3</sup> Others note that despite having abandoned the term ‘defamation’, the OIC still works actively for the introduction of blasphemy laws and other measures to criminalize criticism of Islam, to the detriment of the right to free speech.<sup>4</sup>

These issues were on the agenda at a workshop on the OIC and human rights in September 2013 hosted by the Danish Institute for Human Rights and involving a group of international scholars and experts on the OIC.<sup>5</sup> The group of scholars and experts met again at the ISA Joint Human Rights Conference in Istanbul in June 2014, organizing a panel under the heading ‘Islam and international organisations’. Some of the papers presented at the workshop and the ISA conference are now published in the Danish

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<sup>3</sup> See Marie Juul Petersen, *Islamic or Universal Human Rights? The OIC’s Independent Permanent Human Rights Commission*, Danish Institute for International Studies, 2012, and Turan Kayaoglu, *A Rights Agenda for the Muslim World*, Brookings Doha Center Publications, 2013.

<sup>4</sup> See Ann Elizabeth Mayer’s working paper in the DIHR series *Matters of Concern*.

<sup>5</sup> Prior to the academic workshop, DIHR hosted a public seminar with the participation of the international scholars as well as representatives from the OIC and its human rights commission. The discussions during the workshop and the seminar led, among other things, to the formulation of a set of recommendations to the Independent Permanent Human Rights Commission, published in the Turkish newspaper *Today’s Zaman* (see <http://oichumanrights.wordpress.com/2014/03/11/human-rights-experts-recommendations-to-independent-permanent-human-rights-commission/> for the full text of the recommendations).

# INTRODUCTION

Institute for Human Rights' working paper series *Matters of Concern*. With these papers, we hope to contribute to the ongoing discussion of the role of the OIC in the promotion of human rights, and more broadly, to discussions on human rights, international organizations and Islam.

The Organization of Islamic Cooperation's (OIC) recent engagements with human rights hold out the tantalizing promise of giving the human rights regime purchase within an important bloc of states that, at times, have been presented as collectively opposed to human rights. This promise, however, raises a number of difficult questions. Will the OIC's engagement with human rights helpfully advance human rights in the Muslim world or is it a problematic strategy to co-opt or even subvert human rights? And, more broadly, what does the OIC's engagement with human rights say about the ways in which human rights norms are independently impacted by international organizations, either positively or negatively?

This paper argues, specifically, that this engagement has more potential to be problematic than helpful in advancing human rights. An international organization like the OIC that is dominated by conservative, authoritarian states is unlikely to create political opportunity structures to advance human rights. Indeed, the OIC's record shows, if it has had any independent impact on human rights, it has been on creating opposition internationally and regionally to their expansion. Only when an international organization comes to be constituted in important part by democratic states and social movements does it present opportunities to advance human rights. The real focus in terms of what will move the pendulum toward greater human rights implementation, therefore, should be on a dialectic among international organizations, democratic states, and transnational and local social movements, not an organization like the OIC in isolation.

# CHAPTER 1

## 1 PROBLEMATIZING THE OIC'S PROMISE

The Organization of Islamic Cooperation (OIC) has an ambiguous position in terms of international human rights. On the one hand, it has a consistent history of resisting human rights, both collectively in international fora and within its leading member states, such as Iran and Saudi Arabia. On the other hand, all of its member states have signed on to human rights treaties and many of its states have significantly engaged in building the human rights regime, including in the drafting of its basic legal instruments, well beyond pro forma signing of a few treaties.<sup>6</sup> This may help explain why the OIC's position on human rights has seemingly evolved in significant ways in recent years. Specifically, the OIC has moved from opposing human rights as such to pro-active engagements with human rights, including using human rights language to defend its positions in international fora and, more importantly, the establishment of an Independent Permanent Human Rights Commission (IPHRC) in 2011.<sup>7</sup> This holds out the tantalizing promise of giving the international human rights regime purchase within an important bloc of states that – despite those states' differing human rights positions and records – at times have presented themselves as collectively opposed to important expansions of human rights norms.<sup>8</sup>

This tantalizing promise, however, is problematic; indeed, it raises a number of difficult questions.<sup>9</sup> A first set of questions regards whether the OIC's engagement can or will substantively advance human rights in the Muslim world, or if it is even meant to do so – perhaps it is more a strategy to co-opt or block human rights than expand them? A second set of questions raised by the OIC's human rights' engagements is especially relevant to human rights and international relations scholarship. What does the OIC's engagement with human rights say about the ways in which human rights norms do or

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<sup>6</sup> Susan Waltz, "Universal Human Rights: The Contribution of Muslim States" in *Human Rights Quarterly* 26 (2004).

<sup>7</sup> Iona Cismas, "Introductory Note to the Establishment of the OIC Independent Permanent Human Rights Commission" in *International Legal Materials*, vol. 5, 6 (2011). This paper also draws on participation in a Danish Institute of Human Rights workshop on Human Rights and the Organization of Islamic Cooperation, September 2013. This workshop's recommendations are reproduced here: <https://oichumanrights.wordpress.com/2014/03/11/human-rights-experts-recommendations-to-independent-permanent-human-rights-commission/>

<sup>8</sup> Turan Kayaoglu, *A Rights Agenda for the Muslim World? The Organization of Islamic Cooperation's Evolving Human Rights Framework* (Brookings Institute: Washington D.C. and Doha, 2013).

<sup>9</sup> Marie Juul Petersen, *Islamic or Universal Human Rights? The OIC's Independent Permanent Human Rights Commission* (Danish Institute for International Studies: Copenhagen, 2012).

do not spread around the globe and how, in those continuous processes, they may be redefined for better and for worse?

This article argues in regard to the first set of questions that, as tantalizing as the OIC's engagement with human rights may be, this engagement has more potential to be irrelevant or even somewhat problematic than helpful in advancing human rights. There are three reasons for this. One, the future of human rights within the vastly diverse member states of the OIC depends on domestic, transnational, and international factors distant from the OIC's weak human rights initiatives. The OIC is simply not in a position to have a determinative impact on advancing human rights given its minimal on-the-ground presence within its member states. If the OIC is to have any substantial impact, it will most likely only be at the international level working as a bloc at the U.N. in opposition to rights' expansions, not in terms of implementing rights at the domestic level within its own states.

Two, there is strong reason to doubt that the OIC human rights' initiatives are even meant to advance human rights at the domestic level. It is certainly the case that the OIC's leading states increasingly see human rights as a threat both internally and regionally and are proactive rather than passive in addressing this threat. Saudi Arabia (the OIC's leading funder) has been particularly proactive in the wake of the Arab Uprisings (2010-2012) in undermining movements for greater democracy and popular empowerment within the Arab world – and has had considerable success in the counter-revolutionary process.<sup>10</sup> That states are using the OIC as a tool in this strategy is a far more realistic explanation for why and how the OIC is engaging with human rights – i.e., the OIC can help state efforts to co-opt and contain human rights. It may even be that OIC initiatives will result in changes in how human rights are defined in favor of state-centric interests. That the OIC's human rights concerns remain particularist – identified with the interests and identities of elites that dominate OIC states rather than those states' disempowered groups – indicates that its initiatives remain contrary to a consistent idea in human rights instruments; that they should aim to bring more groups into states' political communities, not reinforce existing power hierarchies. The strategic logic behind this is that it will bolster states' internal stability, in their own self-interest as well as that of regional and international interest in such stability. This is not, however, a strategic logic that makes sense from the perspective of authoritarian governments with only narrow bases of support, as with many leading OIC states.

Three, and extending into the second set of questions I posed, no matter what the OIC's on-the-ground position or geopolitical intentions, structurally it is unclear that the OIC is an international organization with the ability to be independent actor, at least in respect to advancing human rights. International organizations are unlikely to be leaders in advancing human rights unless they are constituted in significant ways by states and non-state social movements that either push them to do so or, at least, give the

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<sup>10</sup> Yara Bayoumy, "Saudi Shouts Support for Egypt's New Anti-Islamist Leader." *Reuters*, posted June 7, 2014, available at: <http://in.reuters.com/article/2014/06/07/saudi-egypt-idINKBNOEIOEL20140607>



international organization substantial purview to act independently. While this is sometimes the case for some international organizations, there is no evidence that this is the case for the OIC, as it remains dominated by non-democratic states that are threatened by the sort of popular empowerment envisioned in a human rights framework.<sup>11</sup> Indeed, if an international organization like the OIC that is dominated by authoritarian states is to have any impact at all, it is more likely to be negative. Even such a negative impact, however, helps us understand how increasingly contested human rights are, a backhanded testament to their importance. These continuing contestations take place in often clashing intersections among multiple actors at multiple levels, and the OIC has joined a battle which shows how vulnerable human rights are to being co-opted and used against, ironically, the purposes most commonly associated with human rights: protections of minorities and vulnerable populations from majoritarian state power.

These three arguments lead to one overarching conclusion: that the real focus, in terms of what will move the pendulum toward greater human rights implementation, should be on political opportunity structures created by a dialectic among various actors, not an organization like the OIC that is more properly seen as a human rights opponent. First among these actors are social movements potentially acting both as an instigator of changing norms and a mobilizer of political pressures regarding the advancement of human rights in domestic and international spaces.<sup>12</sup> Second among these actors are vigorously democratic states that give a context in which human rights-related social movements can flourish and have an impact in pushing states to support human rights as, in some sense, in their own interest.<sup>13</sup> And, third, when an international organization is in active dialogue with such states and social movements it has the potential to develop as an independent actor that can act to advance human rights.<sup>14</sup> It is in that context that an international organization can be an independent actor interacting with states and social movements in ways that create political opportunity structures that can be seized upon to advance human rights.<sup>15</sup> Until there is both such independence and a vigorous dialectic between it and democratic states and domestic and transnational social movements, however, the OIC will not by itself present a significant opportunity to advance human rights protections.<sup>16</sup>

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<sup>11</sup> Erin R. Graham, "International Organizations as Collective Agents: Fragmentation and the Limits of Principal Control at the World Health Organization" in *European Journal of International Relations*, vol 20, 2 (June 2014).

<sup>12</sup> Brysk, *Speaking Rights to Power* (New York: Oxford University Press, 2013). Ruth Blakeley, "Human Rights, State Wrongs, and Social Change: The Theory and Practice of Emancipation" in *Review of International Studies*, 39, 3 (2013).

<sup>13</sup> William Schulz, *In Our Own Best Interest: How Defending Human Rights Benefits Us All* (Boston: Beach Press, 2002) and Andrew Moravcsik, "The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe" in *International Organization*, 54, 2 (2000).

<sup>14</sup> Laura Landolt, "Externalizing Human Rights: From Commission to Council, the Universal Periodic Review and Egypt" in *Human Rights Review*, 14, 2 (2013).

<sup>15</sup> Michael Barnett and Martha Finnemore, *Rules for the World: International Organizations in World Politics* (Ithaca: Cornell University Press, 2004).

<sup>16</sup> On the flip side, however, it is worth noting that, by the same token -- even if the OIC's initiatives are meant more to change human rights toward protecting state elites rather than

In short, there is no reason to assume that the OIC's invocation of human rights will necessarily lead to human rights being advanced. Until now, there is little evidence that the OIC is anything but a tool of its most powerful states, a tool that has consistently been used to limit human rights' use by social movements within those states, transnationally, and internationally. Hence the provisional conclusion that the OIC's engagement with human rights is unlikely to have positive impacts until the OIC is more fully constituted by democratic states and independent domestic and transnational civil society movements. The barometer for a more optimistic conclusion will be if the OIC's human rights initiatives ever turn toward empowering the disadvantaged and marginalized in their state members' societies, something that has so far been lacking.<sup>17</sup>

This is not to say, however, that the OIC's engagements with human rights are academically uninteresting. To the contrary, getting a handle on the implications of these engagements is essential to a clear-eyed take on the OIC's role at the U.N. (especially at the U.N. Human Rights Council) and within its member states. The way in which the OIC may be having a negative impact on human rights spread is important to take into account when thinking about the impacts of international organizations. Reflecting on the OIC in this regard yields two important insights. The first of these concluding insights is that, as already indicated, it can help us understand what actually advances human rights and what is a mirage in that regard – what actors and contexts impact on human rights' spread or failures to spread?

A second concluding insight is of particular interest to scholars of human rights: how have the OIC's human rights initiatives impacted battles over what human rights are and will become? Studying the OIC can help us understand how human rights are constantly being contested and rolled back just as often as moved forward. It is important to conceptualize human rights as objects of such contestations that take place in intersections among many actors, as the case of the OIC makes clear. In that sense, the OIC can help us better grasp that human rights' spread are not about core principles being progressively implemented through efforts by elites that dominate international organizations. To the contrary, human rights are continuously being expanded, continuously being blocked, and in those processes continuously being re-conceptualized at multiple levels. Those reconceptualizations can be about furthering human rights potential for empowering marginalized population. Just as easily, however, they can be about furthering a contradictory conception, one that perversely uses human rights language to advance the power of states and their elites. It would seem that the OIC's aims in invoking human rights are in line with the latter.

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peoples -- this too is unlikely to succeed given the level of resistance to such a project which exists within civil societies both of OIC states and globally.

<sup>17</sup> Alison Brysk and Daniel Wehrenfennig, "'My Brother's Keeper'? Inter-ethnic Solidarity and Human Rights" in *Studies in Ethnicity and Nationalism* vol 10, 1 (2010).

## CHAPTER 2

# 2 THE OIC AND HUMAN RIGHTS: ACTIONS AND INTENTIONS

So what is the OIC? What is its history with human rights by reference to the Cairo Declaration on Human Rights in Islam? What does that history say about what human rights are more generally understood to be? What have been the OIC's human rights initiatives? And what does briefly reviewing these background questions say about the fundamental issue of whether or not the OIC's recent human rights initiatives will advance human rights or are even meant to advance human rights? Addressing this first set of questions will lay the groundwork for addressing the second and broader set of questions regarding the role of international organizations in how human rights norms are spread, blocked, and redefined.

The OIC currently consists of 57 member states, more than double its 25 members when founded in 1969 as the Organization of the Islamic Conference. Despite agreeing on a Charter in 1972 and growing into a membership that makes it the world's second largest international organization, in Marie Juul Petersen's terms, the OIC "has remained a peripheral, and in many ways irrelevant, figure on the international scene."<sup>18</sup> It is not just that the OIC pales in comparison to the United Nations and its family of agencies as a focal point of global politics, but also that it does not even have anything close to the profile of regional organizations like the Organization of American States, the African Union, the European Union, or even the Association of Southeast Asian States. This is due both to general political, economic, and social differences among the OIC's many states as well as the particularly intense splits among its most powerful members, specifically Turkey, Saudi Arabia, and Iran – this is vividly on display, for example, in Syria's brutal civil war in which these states are each backing distinct groups.<sup>19</sup> In short, beyond having no particularly cogent unifying impetus beyond vague invocations of Islam that ignore both Islam's diversity and conflicts among states and movements claiming to act under Islam's mantle, the OIC's most powerful states have had specific geopolitical rivalries that keep the organization from having a focused agenda, commonality of purpose, or any substantial on-the-ground programming. Indeed, the

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<sup>18</sup> Petersen, p 12.

<sup>19</sup> See, for example, Semih Idiz, "Turkey Locked in Regional Rivalry with Iran, Saudi Arabia" in *al-Monitor* posted May 20, 2014: [http://www.al-monitor.com/pulse/originals/2014/05/turkey-iran-saudi-arabia-odds-region.html?utm\\_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm\\_campaign=1929ca2d53-May\\_21\\_2014&utm\\_medium=email&utm\\_term=0\\_28264b27a0-1929ca2d53-93084761](http://www.al-monitor.com/pulse/originals/2014/05/turkey-iran-saudi-arabia-odds-region.html?utm_source=Al-Monitor+Newsletter+%5BEnglish%5D&utm_campaign=1929ca2d53-May_21_2014&utm_medium=email&utm_term=0_28264b27a0-1929ca2d53-93084761)

tiny budget (\$17.6 million in 2006<sup>20</sup>), the lack of a permanent building, and the shoddy status of its interim offices have long made clear the OIC's peripheral status to which Petersen refers.

The 2000s found attempts by the OIC to forge at least the foundation for greater common purpose and activity. This included a new charter in 2008, renaming itself the Organization of Islamic Cooperation in 2011, and the funding and awarding of an ambitious design for a permanent headquarters in Jeddah that is currently under construction. Most notably in regard to human rights, the OIC's 2008 Charter references human rights, but does so in a way that entirely passes over what had been the instrument for which the OIC had likely gained the most attention and certainly the most controversy during its first decades, its 1990 Cairo Declaration on Human Rights in Islam.<sup>21</sup>

Ignoring the Cairo Declaration, the 2008 Charter makes, instead, three notable pronouncements regarding human rights. One, in its prologue it calls on the OIC to "promote human rights and fundamental freedoms, good governance, rule of law, democracy and accountability in Member States in accordance with their constitutional and legal systems." Two, the Charter "reaffirms," in its opening "Objectives and Principles" section, the OIC's "support for the rights of peoples as stipulated in the UN Charter and international law." What is significant here is that, unlike in the Cairo Declaration, human rights are sourced from the United Nations and international law, not Islam. Nor are specific human rights provisions assumed to be overridden by *shari`a* law, as in the Cairo Declaration. Three, it called for the Independent Permanent Commission of Human Rights which, as noted, was formally established in 2011.

There had long been criticism by domestic and international human rights activists regarding the Cairo Declaration's shortcomings. As implied above, the Cairo Declaration is less an affirmation of human rights than a declaration of an intention to subsume human rights under Islamic law.<sup>22</sup> The new OIC Charter's failure to even reference the Cairo Declaration is indicative of two key points. One, an acceptance by the OIC that, as Turan Kayaoglu writes, its "shortcomings render the Cairo Declaration ineffective as a mechanism for the promotion and protection of human rights. In fact, Muslim advocacy groups, Muslim scholars of human rights, and even [now former] OIC Secretary-General Ekmeleddin Ihsanoglu largely ignore the Declaration in their discussions of Islam and human rights."<sup>23</sup> While not formally repudiated, in short, the failure to even mention the Cairo Declaration seems to affirm the OIC's acceptance of the wide-ranging criticisms to which it had been subject. Criticisms, it is fair to say, that had led to the Cairo

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<sup>20</sup> Toni Johnson, "The Organization of Islamic Cooperation: A Council on Foreign Relations Backgrounder," posted June 29, 2010. Available at: <http://www.cfr.org/religion/organization-islamic-conference/p22563#> (accessed on July 14, 2014).

<sup>21</sup> *Cairo Declaration of Human Rights in Islam* is available here: <http://www.oic-oci.org/english/article/human.htm> (accessed October 2nd, 2014).

<sup>22</sup> Ann Mayer has been the most persistent critic, see Ann Mayer, *Islam and Human Rights: Tradition and Politics* (Boulder: Westview, 2012).

<sup>23</sup> Kayaoglu, pg 10.

Declaration's insignificance, having failed to resonate with any international, regional or local constituencies, be they proponents or opponents of human rights.

These criticisms of the Cairo Declaration speak to a further point of importance: what human rights are or, perhaps more easily, what they are not. Kayaoglu summarizes four bases for rejecting the Cairo Declaration that, collectively, speak to this point in a revealing manner. One, that the Cairo Declaration's *shari`a*-based restrictions on human rights contradict internationally agreed upon human rights law. Two, that the ambiguity of those restrictions, due to vague definitions of what constitutes *shari`a*, is contrary to attempts in international human rights to develop increasingly specific definitions, instruments, and modes of implementation. Three, that using that ambiguity to empower (rather than limit) governments' ability to define what is or is not a human right is in direct contradiction with the use of human rights as a tool – a tool that, at best, can either restrain or direct state power in ways not entirely at the discretion of governments and that empowers those on the margins of power. And, fourth and last, that direct contradictions between the Cairo Declaration and international human rights law – reflecting, in Kayaoglu's words, that “the Cairo Declaration is the product of OIC member states with centralized, conservative interpretations of Islamic law that include Iran and Saudi Arabia”<sup>24</sup> – represents a significant diversion from the complementarity with international human rights law that has been sought in other regional systems. In other words, the European, Inter-American, and African human rights regimes each have tried to supplement rather than contradict international human rights. By contrast, the OIC's Cairo Declaration seeks to supplant and override international law.

These four criticisms of how the Cairo Declaration deploys, in Kayaoglu's terms, a “centralized, conservative” interpretation of Islam and human rights is what makes it a conceptual failure from a human rights perspective. These criticisms also speak, at least implicitly, to predominant conceptions of what human rights have come to be understood. While human rights have continued to evolve and to be contested, there has emerged through international treaties a tentative global consensus that anchors human rights to certain core continuities. Most generally, as noted above, human rights are meant to limit the power of the state as well as clarify the state's obligations to those under the jurisdiction, rather than reinforce the power of the state and elite groups that dominate in their states. More specifically, internationally agreed upon human rights standards are conceptualized as a framework to advance pluralist political communities, rather than ground political communities in norms identified with only one community. Human rights attempt to advance that pluralism through norms such as non-discrimination, rather than legitimize discrimination based on religious (or other) norms. And the rights regime has aimed to develop specific legal and political avenues to give those subject to discrimination or other rights' violations by the state tangible tools to resist such violations, rather than further empower the state. In short, human rights, as defined in internationally agreed upon instruments, have aimed both to make states take into account their pluralism rather than deny it and to limit the power of the

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<sup>24</sup> Kayaoglu, pg 10.

state to discriminate in favor of its dominant groups and against minorities and the marginalized.

Human rights have been elaborated upon with increasing precision in literally hundreds of legal instruments on which states have reached consensus. Despite the development of such specifics, its non-discrimination principle remains as concise a definition of human rights' core commitment as is possible. That commitment underlies the varied legal and political pathways through which human rights have grown into an avenue to limit and regulate the otherwise increasingly powerful modern state. Most importantly, to the degree that commitment has taken hold it means that human rights have moved away from being invoked on behalf of ethnic solidarity, per the European colonial model of insisting on the right to "protect" fellow Christians or the Cairo Declaration's focus on the rights of fellow Muslims) and into what, as noted before, Brysk and Wehrenfennig call "inter-ethnic solidarity." An ethno-nationalist model still has deep normative and political power, however, as numerous nationalist conflicts around the globe show. Even in states not technically in either international or civil wars with a ethno-nationalist dimension, we still see many heterogeneous states in which a dominant ethnic group and its elites are privileged. Such states have an inherent interest in blocking the legal and normative spread of countervailing idea of human rights, most often doing so in the name of protecting national security and sovereignty.

In the context of that brief review of what the OIC is, controversies over its Cairo Declaration, and what criticisms of its Cairo Declaration indicate about what human rights have become and how they remain contested; one last piece of important background is how the OIC has engaged with human rights in recent years. More specifically, with what conceptualization of human rights do these engagements connect? On its face, the OIC's move from the Cairo Declaration to the Independent Permanent Human Rights Commission is part of a progressive embrace of human rights as embedded in the international treaties that have emerged out of global consensus around certain issues. Rather than trying to create a parallel structure in which human rights are subsumed within an Islamic framework, as we have seen the OIC has adopted the language of both international law and an implied universality of human rights. Is this shift substantial in the sense that, per this article's concerns, it indicates that the OIC has either the incentive or the ability to advance human rights, i.e. pay serious attention to the rights of various minorities – ethnic, religious, geographic, gender, or even sexual – within their state societies?

There have been three representative OIC human rights-related initiatives through which one can test this commitment.<sup>25</sup> First, at the U.N. General Assembly, in the wake

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<sup>25</sup> Kayaoglu notes, similarly, that none of the "specific items [on the OIC human rights agenda] will lead the IPHRC to criticize an OIC member state." Kayaoglu notes further, and quite cogently, that "as an intergovernmental organization, the IPHRC has no authority over non-member states, apart from moral authority as a human rights body. However, it did not build a moral authority through which it can have an influence over non-member states." Turan Kayaoglu, "The OIC's Human Rights Commission: Dead on Arrival?" (Copenhagen: Danish Institute for Human Rights Working Paper, 2014), pps 12 and 13

of the Danish cartoon crisis,<sup>26</sup> the OIC led a high profile response seeking to sanction repression of speech seen as an attack on Islam or, more generally, religion. As a signifier of its changing discourse, it did not frame this response as a desire to limit free expression as such. Instead, it argued for limits on free speech under the aegis of human rights, both in terms of human rights treaties references to legitimate restrictions on hate speech and, importantly, as an extension of the right to freedom of religion by extending that into a protection of religion through a ban on “defamation of religions,” in the language of the General Assembly resolutions the OIC supported, albeit without success.<sup>27</sup>

As Peter Henne writes, support for these resolutions actually continued to diminish each year until their annual introduction was eventually abandoned. More importantly, however, Henne demonstrates that support for the annually introduced defamation of religions resolution was centered among states with the lowest levels of democracy and highest levels of repression of religion. This would indicate it is naïve to take at face value OIC claims to be acting on behalf of actual religious freedom.<sup>28</sup> To the contrary, Henne’s analysis indicates that the driver of these actions was a desire for non-democratic regimes – such as those that have a leadership role in the OIC – to gain support from their domestic religious elites as a way to “justify their restrictive policies.”<sup>29</sup> In other words, despite rhetoric to the contrary, human rights as a way to be inclusive toward minorities were not the driver of these actions. To the contrary, human rights language was deployed to help elites further consolidate their domination over such minorities. In that context, the OIC attempting to use human rights to protect majoritarian religious orthodoxies from mocking or even blasphemous satire should be seen for what it is; a clear departure from the normative impulses that have led to human rights being invoked by disenfranchised groups in many parts of the world. To put a fine point on it, they are about justifying the empirical fact that defamation and blasphemy laws, as a rule, have been harshly implemented by state authorities to attack religious minorities within OIC states, from Pakistan to Saudi Arabia.

Second among these human rights-related initiatives, at the U.N. Human Rights Council the OIC has taken the lead in opposing an emerging movement to conceptualize human rights as applicable to sexual orientation and gender identity. Interestingly, it has done so in language that, rhetorically, positions it as a defender of human rights and their true essence rather than an opponent. As one example, see this OIC statement from February 2012:

We have been consistent in opposition to the attempts to introduce - at the United Nations - concepts that have no legal foundation in any international

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<sup>26</sup> Jytte Klaussen, *The Cartoons that Shook the World* (New Haven: Yale University Press, 2009).

<sup>27</sup> Human Rights Council resolution 7/19, “Combating Defamation of Religion” available at: [http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_7\\_19.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_19.pdf) (accessed October 2, 2014).

<sup>28</sup> Peter Henne, “The Domestic Politics of International Religious Defamation” in *Religion and Politics* vol 6, 3 (2013).

<sup>29</sup> Henne, p 512.

human rights instrument. The international community only recognizes the rights enumerated in the Universal Declaration of Human Rights. These rights were duly codified in subsequent international legal instruments. We note with concern the attempts to create controversial new notions or standards by misinterpreting the Universal Declaration of Human Rights and international treaties to include notions that were never articulated or agreed to by the UN membership.<sup>30</sup>

The OIC has done this in cooperation with conservative U.N. member states and the Vatican, and in a way that again raises doubts if this engagement on human rights is about commitment to an understanding of human rights as extending to the disenfranchised or if it is more about protecting the status quo. As explained by Iranian IPHRC Commissioner Mostafa Alaei at a Danish Institute for Human Rights workshop in Copenhagen, the OIC sees “human rights as a way to protect the rights of Muslims, especially Muslims in Europe, not LGBT groups...LGBT groups do not have human rights.” Leaving aside debates about LGBT or SOGI-related rights,<sup>31</sup> what is problematic here is an ethno-nationalist notion of human rights more as a tool to protect the rights of those of one’s own sectarian group rather than the rights of non-dominant sectors.

The position of Muslim minorities in Europe (and elsewhere) is a valid human rights concern, and it is vital to directly pressure at European states in that regard. Making this a primary aim of the OIC’s human rights initiatives, however, is more problematic – it is reminiscent of colonial era European concerns with protecting the rights of their overseas Christian brethren, as mentioned previously. This conceptualization is contrary to what human rights have become and what have lent them increasing normative power; an attempt to acknowledge and give a frame to the necessity of coming to terms with pluralisms of different sorts – especially ethnic pluralism – rather than remaining moored to ethnic nationalist solidarities.

As is clear, this is by no means uncontested. Everything from the OIC’s hypocritical invocations of human rights to the U.S. Bush Administration’s equally hypocritical use of human rights justifications for overseas occupations show how states often employ human rights language for their own purposes. Opposition to SOGI-related rights is indicative of how the OIC has not moved toward extending human rights toward groups on its margins, but rather conceptualizes human rights as a way to justify majoritarian identity politics that depend on demonizing vulnerable minorities.<sup>32</sup> Political homophobia, as Bosia and Weiss discuss, has become a way for authoritarian states to

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<sup>30</sup> Statement by H.E. Prof. Dr. Ekmeleddin Ihsanoglu, Secretary General, Organization of Islamic Cooperation, at the High Level Segment of the 19th Session of the UN Human Rights Council. Available at:

[http://www.oic-oci.org/oicv2/topic/?t\\_id=6505&ref=2708&lan=en&x\\_key=sexual](http://www.oic-oci.org/oicv2/topic/?t_id=6505&ref=2708&lan=en&x_key=sexual) (accessed on July 26, 2014).

<sup>31</sup> Anthony Chase, “Legitimizing Human Rights: Beyond Mythical Foundations and Into Everyday Resonances” in *Journal of Human Rights* (Spring 2013).

<sup>32</sup> Arjun Appadurai, *Fear of Small Numbers* (Durham and London: Duke University Press, 2006).



instrumentally mobilize domestic support.<sup>33</sup> Not only does the OIC reflect this politicization of homophobia in some of its state members, but it is also using it to give itself reason to exist as an international organization. As noted previously, the OIC has had very little common purpose, and opposition to SOGI-related rights conveniently gives it an “Other” against which to define itself in a politically useful manner. But, again, in a manner that is problematic from the perspective that holds that human rights should be informed by a commitment to non-discrimination and to moving beyond ethnic solidarity.

So, in regard to these first two initiatives, there seems to be three problems. One, the use of human rights to justify repression of already disenfranchised religious and sexual minorities at the domestic level. Two, an attempt to move those justifications into internationally recognized human rights language, with the effect of downgrading the possibility of rights being protected and expanded. And, three, that these two initiatives regarding human rights have nothing to do with the implementation of human rights *within* OIC member states in a way that would protect those states’ minorities – ethnic, gender, ideological, or sexual – from violations.

It is for that reason that the aforementioned IPHRC is perhaps the only true test of whether or not these initiatives represent a substantial commitment to human rights, or if the move toward using international and universal language is merely superficial. In that regard, the IPHRC stands out for its failure so far to initiate any programming based on addressing internal human rights policies of OIC states. It is early yet, so a final verdict in this regard cannot be rendered, but there is certainly no reason (except for blind optimism) to assume that the OIC will divert from its previous policies. As Ann Mayer argues, conceptually the IPHRC is not so substantially different from the Cairo Declaration, old wine in new bottles as it were.<sup>34</sup> Empirically, there has been no substantive human rights programming to point to an intent to use the IPHRC to advance human rights.<sup>35</sup>

It is notable in this regard that, as part of its aggressive counter-measures in the wake of the Arab Uprisings, Saudi Arabia has bankrolled and otherwise supported anti-democratic forces around the Arab world. It has also moved to assert control over the OIC.<sup>36</sup> This began before the Arab Uprisings with the insistence that Jeddah would be the site of the OIC headquarters, overriding proposals that the OIC’s diversity be highlighted

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<sup>33</sup> Bosia and Weiss, *Global Homophobia: States, Movements, and the Politics of Oppression* (Urbana: University of Illinois Press, 2013).

<sup>34</sup> Ann Mayer, “The OIC’s Human Rights Policies in the U.N.: A Problem of Coherence” (Copenhagen: Danish Institute for Human Rights, 2014). Mayer notes regarding freedom of expression, for example, that “Based on a superficial impression, some may be persuaded...that the OIC’s positions on human rights have significantly evolved in the decades since it produced the Cairo Declaration....When carefully examined, however, the OIC’s record indicates....in actuality it remains wedded to its original position as articulated in the Cairo Declaration.”

<sup>35</sup> Turan Kayaoglu, “The OIC’s Human Rights Commission: Dead on Arrival?” (Copenhagen: Danish Institute for Human Rights, 2014).

<sup>36</sup> Kayaoglu, “The OIC’s Human Rights Commission.”

by having its headquarters in a country such as Indonesia. Saudi Arabia's bureaucratic dominance was pushed further after the Arab Uprisings when, against previous precedent that only non-Saudis would lead the OIC, it insisted the new Secretary-General be a Saudi, Iyad Madani. On taking office, Madani made a point of singling out for thanks Saudi King Abdullah ibn Abdulaziz for his nomination, giving a clear signal of the OIC's hierarchy.<sup>37</sup> This represents a geopolitical shift toward Saudi power, informed as it is by anti-pluralist, anti-democratic, and anti-human rights politics. With Madani taking over for Ekmeleddin Ihsanoglu, this shift was also reinforced on the individual level. It had been the relatively liberal Ihsanoglu who initiated the move away from the Cairo Declaration and toward the IPHRC.

So, in short, the test regarding this first set of questions regarding whether or not the OIC's engagement with human rights represents a significant commitment to advancing human rights within OIC states is straightforward. Is there evidence in the OIC's three human rights initiatives that the OIC is using human rights to empower minorities of different sorts within its various borders? At best, there is no evidence of principled engagement with human rights that would allow space to confront dominant power groups in OIC member states. At worst, to the contrary, in each case these initiatives seem to be more about reinforcing dominant majoritarian constructs of power internally and externalizing those problematic hierarchies into becoming regional and international legal norms.

This is most easily summarized by realities at the domestic, regional, and international levels. Domestically, the OIC has little to no on-the-ground human rights programming nor does it have the normative presence in the Muslim world to give it the legitimacy to act effectively on the rhetorical level to advance human rights. The OIC is simply not in a position to be an active, effective actor in this regard. Second, the OIC does not have a geopolitical incentive to do so. In the wake of Arab uprisings and movements in other Muslim countries, such as Iran's Green Movement, to the contrary the OIC has been a redoubt of authoritarian states in the region looking to counter democratic voices emerging from the street seeking represent the region's pluralism.<sup>38</sup> Thus far, this counterrevolution has been quite effective.<sup>39</sup> The OIC's failure to have any substantial human rights programming, and its turn into being an implicit instrument of Saudi Arabia, and its shared interests with other authoritarian states gives the empirical lie to the more human rights friendly rhetoric of the IPHRC.

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<sup>37</sup> OIC press release, "Secretary General Iyad Madani takes over the helm of the Organization of Islamic Cooperation, dated January 1, 2014. Available at: <http://www.oicun.org/9/20140102050619446.html> (accessed October 2nd, 2014).

<sup>38</sup> Sultan Sooud al-Qassemi, "Gulf States Embrace Post-Brotherhood Egypt" in *al-Monitor*. Posted July 10, 2013. Available at: [http://www.al-monitor.com/pulse/originals/2013/07/gulf-states-egypt-muslim-brotherhood.html?utm\\_source=&utm\\_medium=email&utm\\_campaign=7743#](http://www.al-monitor.com/pulse/originals/2013/07/gulf-states-egypt-muslim-brotherhood.html?utm_source=&utm_medium=email&utm_campaign=7743#)

<sup>39</sup> Asa Fitch, "Gulf Nations' Sway Rises in Egypt" in *The Wall Street Journal*. Posted July 1, 2014. Available at: <http://online.wsj.com/articles/gulf-nations-sway-rises-in-egypt-1404235734>

The point is not that human rights cannot become tools of state power to reinforce dominant structures of power. In fact they can and have been by many states and blocs – once human rights became a globally resonant language such cooptation has proven to be normatively useful. That is precisely why these OIC engagements need to be taken seriously. They indicate that the OIC is not serious about human rights as they are most commonly understood, but is very serious about seeking to turn human rights more toward being instruments of state power.

## CHAPTER 3

# 3 INTERNATIONAL ORGANIZATIONS: CAN THEY INDEPENDENTLY IMPACT HUMAN RIGHTS?

This leads into the second set of questions I posed. Moving beyond the issues of OIC's on-the-ground position or geopolitical intentions, there is the larger theoretical issue of whether or not any international organization is able to independently impact human rights. This debate can be framed in two ways. One, if the OIC's human rights' initiatives mattered, they might be indicative of such an impact, but if these initiatives are unlikely to advance human rights then they lend support to the notion that international organizations are mere tools of their state members, not independent actors. In regard to this frame, the evidence presented so far shows that the OIC is a case in which an international organization remains a tool of its most powerful state-members.

There is, however, also a second way to look at this debate. Could it be, on the one hand, that the OIC's adopting human rights as part of its mandate will unintentionally, even if inadvertently, advance human rights? Or, on the other hand, even if it is the case that the OIC is not advancing human rights, could it be that the OIC is still independently impacting human rights in a significant, albeit negative, manner? Looking at the OIC with these two more counterintuitive impacts in mind -- either inadvertent or negative -- may more insightfully engage the puzzle that the OIC's human rights initiatives present.

Regarding the more optimistic possibility, that there may be inadvertently positive impacts from the OIC's human rights initiatives, some international relations theorists have convincingly argued that even hypocritical state rhetoric can have an entrapment effect. In other words, mouthing platitudes about human rights or democracy inadvertently constrains these same states from acting in ways that are too obviously contradictory to their platitudes.<sup>40</sup> The United States can be held as an example of this. International embarrassment over Jim Crow segregation in the context of Cold War rhetoric regarding freedom was one factor that pushed the U.S. toward desegregation.<sup>41</sup> Similarly, the embarrassing contradiction between the U.S.'s democratization rhetoric and its support for authoritarian Latin American dictators is believed to be part of what led to a decline in the U.S. support for those dictatorships.<sup>42</sup> Could something analogous

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<sup>40</sup>Caroline Fleay, "China and the Limits of Transnational Human Rights Activism" in Olesen (ed.), *Power and Transnational Activism* (New York: Routledge, 2011).

<sup>41</sup>Michael Ignatieff (ed.), *American Exceptionalism and Human Rights* (Princeton: Princeton University Press, 2005).

<sup>42</sup>Kathryn Sikkink, *Mixed Signals: U.S. Human Rights Policy and Latin America* (Ithaca: Cornell University Press, 2004).

be the case in regards to the OIC and human rights – i.e., could the OIC’s open embrace of human rights, however cynical, end up unintentionally advancing human rights by entrapping the OIC into taking actions to sustain its new rhetoric?

It is, in fact, certainly reasonable to expect that a public embrace of human rights by the OIC takes the steam out of some states’ persistent objections against the theoretical validity or practical relevance of human rights. It is not just that cultural relativist arguments regarding human rights, already increasingly marginalized, become even more untenable when an OIC led by Saudi Arabia and Iran are, publicly at least, touting human rights’ relevance. More important is that, flowing out of this on a practical level, there may indeed be some specific issues on which this will open space for the expansion of discourse on human rights within the Muslim world. Nonetheless, if the OIC is indeed engaging with human rights as a means to cannily contain their spread, while entrapment may be one possibility it at least must be considered that a strategy of engaging with human rights in order to contain their spread may also succeed. Indeed, we have seen such strategies succeed in individual countries in the Middle East -- from Yemen to Jordan to Morocco – as they pose as defenders of human rights even as they violate them. This has been a smart strategy that indicates that not all rhetoric leads to effective entrapment. Certainly, in regard to the OIC, there is no evidence yet of any sort of entrapment effect. As detailed previously, the OIC still consistently acts to limit human rights.

The overarching issue regarding this more optimistic take is if the OIC presents a political opportunity structure for actors concerned with advancing human rights. If so, then it may indeed be an actor independently advancing human rights, even if it intends the opposite. Kollman and Waites speak directly to such opportunity structures in writing – regarding the inroads that human rights related to sexual orientation and gender identity (SOGI) have made in the international realm – that: Political opportunity structure includes factors such as how institutionalized a particular policy area in the international realm is, how open these institutions are to non-state actors, and how many allies advocacy groups can find within them. Because of the successful institutionalization of the international human rights regime and the widespread acceptance of human rights rhetoric, human rights NGOs have often found the international political opportunity structure reasonably favourable.<sup>43</sup>

Kollman and Waites point correctly to fruitful intersections between social movements and international institutions regarding human rights (even controversial SOGI-related rights) and give useful markers regarding the degree to which the OIC has facilitated those sorts of intersections.

Kollman and Waites leave out, however, a key variable: the state. Despite an increasingly complex roster of actors in global politics, states remain central. The state is particularly relevant in attempts to limit political opportunity structures for social movements

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<sup>43</sup> Kelly Kollman and Matthew Waites, “The Global Politics of Lesbian, Gay, Bisexual, and Transgender Human Rights: An Introduction” in *Contemporary Politics*, 15, 1 (2009).

attempting to advance human rights. This takes place on the domestic level with attempts to repress social movements working on democracy and rights; on the transnational level with attempts to frustrate such movements' abilities to forge transnational connections; and, on the international level, with attempts to block their access to international organizations.<sup>44</sup> In fact, the OIC is dominated by states that have a track record of working proactively in all three of the above-mentioned dimensions to block rather than advance voices that advocate human rights' relevance to intersection economic, political, and social issues.

This points to the necessity of highlighting the state; it is as a key actor in a dialectic with social movements and international organizations. Positive advances on human rights are a particularly good example of this. Even if international organizations are neither wholly independent nor the most important actor, they can have significant impacts in the context of being empowered by democratic states and pushed by vigorous civil societies. The Inter-American system's Inter-American Commission and Court of Human Rights, for example, ended up able to act to expand the scope of human rights' implementation, well beyond the political priorities of even its democratic member-states. This dialectic played a substantial role in Latin America's regional move in the direction of democracy and greater human rights protections, a move that was simulated by powerful local and transnational social movements.

This sort of role for an international organization, however, becomes more and more unlikely the less an international organization's state members are committed to democracy and the more they are able to limit the voice of their domestic and regional civil societies and social movements. It is, therefore, unsurprising that the OIC is doing little to advance human rights given the context in which it works. Its engagements with human rights are more about blocking their use by local social movements than furthering human rights in any substantive manner. The optimistic "entrapment" argument regarding the OIC and human rights has to deal, thus, not just with the weight of evidence that shows the OIC is not working to advance human rights, but also with the underlying issue that the OIC is constituted primarily by anti-democratic states. This insulates it structurally from the sorts of states that can open passageways for civil society pressures. Such pressures could potentially give the OIC a more forceful push regarding human rights beyond what these states could or would do on their own. Indeed, how the OIC remains dominated by authoritarian states that are threatened by the sort of popular empowerment envisioned in a human rights framework indicates that if the OIC does have an impact, it will be in a contrary, negative direction.

There are two ways in which the OIC may be an actor that is in some sense an independent actor in ways that are having a negative impact. One, the OIC may be having some impact in normatively legitimizing conservative constructs of Islam held by states like Saudi Arabia; less conservative Muslim states seem to be accepting such positions as default in international fora. This has helped make conservative readings of Islam – some of which see human rights as in conflict with Islam -- mainstream among OIC states. Two, this has had its most tangible expression in having the OIC vote as a

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<sup>44</sup> Sydney Tarrow, *The New Transnational Activism* (Cambridge: Cambridge University Press, 2005).

bloc at the United Nations – particularly at the Human Rights Council – in ways that have had some success in blocking important human rights’ expansions.

In other words, the OIC’s initiatives may have an independent impact on human rights, but not in the way one might at first assume when presented with the IPCHR. States are not being impacted in the sense that they are being pushed to implement human rights within their domestic jurisdictions. Instead, the Muslim world’s pluralism – including the voices of states and, in the cases of more democratic states such as Indonesia, their peoples – is being subsumed into an organization that constricts the “Islamic world’s” diversity into the tight confines of the OIC’s positions on human rights. This is problematic for the internal politics of OIC state-members, reinforcing norms and structures that see human rights as a threat.

The OIC has externalized this by becoming a prominent player on the U.N. Human Rights Council, in regard to defamation of religions, gender identity-related rights, and other issues. There is no doubt this has had a significant impact on the Human Rights Council, slowing conceptual advancement of rights and blocking many state actions from the Council’s purview. At the same time, however, as noted above, support for the OIC defamation of religions resolutions diminished over time such that the OIC stopped introducing the resolution. The most recent vote at the Human Rights Council on sexual orientation and gender identity-related rights represented a similar setback for the OIC position. A resolution on combatting violence and discrimination based on sexual orientation and gender identity was adopted on September 26, 2014, over strong lobbying by OIC states and after defeating numerous OIC-proposed amendments.<sup>45</sup> It is notable that there has been an increase in Human Rights Council support since 2011 for attention to SOGI-related rights, represented by this resolution being co-sponsored by 46 states (analogous to how the OIC gradually lost ground on defamation of religions). Perhaps even more notably, OIC states’ unanimous opposition to SOGI-related rights fractured, with several OIC states abstaining rather than opposing the resolution. So, while the OIC may be having negative effects, they are also by no means uncontested, including from forces within the Muslim world.<sup>46</sup>

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<sup>45</sup>Resolution L.27/Rev 1, available at:

[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/HRC/27/L.27/Rev.1](http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/27/L.27/Rev.1) (accessed on October 7, 2014).

<sup>46</sup> Anthony Chase, *Human Rights, Revolution, and Reform in the Muslim World* (Boulder: Lynne Rienner Press, 2012).

# CONCLUSION

## CONCLUSION

This paper has argued that the OIC's initiatives regarding human rights are much less than meets the eye. It is not just that they are unlikely to advance human rights within OIC state-members. The more global impact is of helping block human rights' expansion or, perhaps more dangerously, advancing a conceptualization of human rights as a tool of state power. It is worth noting the theoretical assumption that underlies this argument: that human rights need to be understood not as a fixed entity, but rather as a legal-political language that can be invoked to advance any number of positions and interests.<sup>47</sup>

The reason the OIC's human rights initiatives are important, thus, is not so much that they have had a large impact. Their importance comes from how human rights are changed as their conceptualization is fought over in battles in which the OIC is now fully engaged. Indeed, human rights increasing centrality as a language of global politics has meant that conflicting positions and interests have attempted to control how human rights are defined and applied. It is certainly true that human rights have been most commonly articulated as resistance to illegitimate and discriminatory authority. In that spirit they have informed many struggles by marginalized populations, be that marginalization based in ideology, ethnicity, gender, or sexuality. Human rights language, however, has also been commonly appropriated by powerful actors for reasons that include justifying actions – including military invasions, in the case of the United States – that are motivated by reasons that have little to do with empowering the marginalized. I would place the OIC's initiatives firmly in that category. This makes them a disappointment for those living within OIC states who may hope for better implementation of a government's human rights commitments. They are also problematic for those tracking normative changes in terms of what human rights are and what they are becoming: will human rights become more a tool of state power than a tool with which to contest state power?

This is part of continuing normative, political, and legal contestations over what constitutes human rights. Beyond the general binary in terms of what human rights can be used to justify – state power or contesting state power -- there are any number of more specific battles in terms of how human rights' meanings continue to evolve. Are human rights simply about protecting citizens or can they be extended to those on the margins of nation-states, including indigenous peoples or undocumented refugees? Are

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<sup>47</sup> Anthony Chase, "Legitimizing Human Rights: Beyond Mythical Foundations and Into Everyday Resonances" in *Journal of Human Rights* (Spring 2013).



human rights about protecting free expression or limiting it in regard to hate speech? Are human rights about protecting the right to practice religion in ways that are contrary to dominant orthodoxies or are they about protecting those orthodoxies from what can be considered blasphemous attacks? To what degree can human rights move beyond supposed “core” protections to include those marginalized on the basis of gender identity or sexual orientation? Part of the reality of human rights place in global politics is both the contradictory ways in which they have been invoked – both contesting and advancing state power – and the ways in which there are continuing battles over how human rights are reimagined and defined.

In short, human rights should be seen as a site of struggle that can be contested from many sides. It is placed in that context that the OIC’s recent human rights initiatives become particularly interesting. The OIC shows international organizations can be an important part of such contestations, but not necessarily in the ways and with the results that might be hoped.

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