

NOREF Policy Brief

The Organisation of Islamic Co-operation's position on the protection of civilians in armed conflicts

Ishtiaq Ahmad

Executive summary

The protection of civilian Muslim populations in armed conflicts has been a consistent concern of the Organisation of Islamic Co-operation (OIC). However, until the eruption of the recent Libyan conflict, it was reluctant to support international action to this end in a member state.

In recent years the organisation has reshaped its approach towards humanitarian intervention in line with the UN's adoption of the Responsibility to Protect principle, which is why it partnered with the international community to protect the Libyan people from the Qaddafi regime's violent

onslaught. The OIC has adopted a similar stance on the Syrian crisis by calling for urgent UN Security Council intervention.

Under an assertive secretary-general, the OIC justifies its newfound proactive approach by referring to member states' legal and moral/Islamic obligations under the OIC Charter and recently adopted summit documents like the Ten-year Programme of Action. However, the OIC opposes the funding and arming of the Free Syrian Army, because it fears that this may only cause even greater loss of civilian lives in Syria.

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As the Muslim world's largest representative organisation, the Organisation of Islamic Co-operation (OIC) has always campaigned for the protection of Muslim people in violent conflicts by condemning instances of human rights violations in regional conflicts affecting Muslims and undertaking reconciliation efforts during conflicts between or within its member states. Over the years, a number of OIC contact groups, humanitarian missions and peace envoys have striven to mitigate the suffering of Muslims during such conflicts. In the case of intra-Muslim conflicts, the OIC is empowered by its charter to settle "any dispute that might arise among Member States by peaceful means such as negotiations, mediation, conciliation and arbitration". However, the charter's core principles of "non-interference in domestic affairs" and respect for the "sovereignty, independence and territorial integrity of each Member State" have constrained it from undertaking or supporting humanitarian intervention in a Muslim country – until the eruption of the Libyan crisis early in 2011.

The OIC does have a mechanism for protecting civilians during violent conflicts, even though its institutional efficacy in the past has been questionable. The Islamic Committee for the International Crescent was established in 1977 as a specialised institution to "alleviate the sufferings caused by natural disaster and war". In 1982 it was renamed the Islamic Commission of the International Crescent and assigned more specific functions, including the provision of "care and assistance to the victims of armed conflicts and wars" and co-operation with national and international organisations engaged in humanitarian relief, "in particular with the Red Crescent and the Red Cross". Towards this end, as recently as December 2011, the OIC and the United Nations Office for the Co-ordination of Humanitarian Affairs concluded a memorandum of understanding to work together more closely to provide people with life-saving assistance during humanitarian emergencies, including the "protection of civilians in armed conflict".

In the past decade the OIC has proactively helped the victims of natural calamities. The Ten-year Programme of Action approved at the 2005 Islamic Summit in Mecca envisaged an equally proactive role for the OIC in "conflict prevention, confidence-

building, peacekeeping, conflict resolution and post-conflict rehabilitation". Interestingly, this shift in the OIC's approach towards "man-made" conflicts coincided with the unanimous adoption of the "Responsibility to Protect" (R2P) principle by the UN General Assembly in 2005. The framework for implementing the OIC action plan included several R2P steps, such as response to "early warnings to neutralize potential conflicts in Member States" and regular "use by the Secretary General of his Good Offices in the settlement of conflicts within and between Member States". Secretary-General Prof. Ekmeleddin Ihsanoglu also seems to have played a pioneering role in articulating the OIC's discourse on humanitarian intervention. For instance, in an article in the *International Journal of the Red Cross* (December 2007) he refers to the exceptionally higher proportion of civilian deaths in the Iraq war and stresses "the need to rethink security in conflict areas by taking approaches with a stronger human orientation".

Thus, when the humanitarian crisis in Libya erupted in 2011 – with the Qaddafi regime threatening mass atrocities in response to peaceful protests on February 17th in Benghazi – the OIC had already pragmatically reshaped its position on the issue of civilian protection during violent conflicts in consonance with the international trend supportive of the R2P principle. Its initial and subsequent response to the Libyan crisis confirms the organisation's newfound willingness to compromise on the principle of impartiality and support international intervention for the sake of preventing human tragedy in a member state.

On February 22nd 2011 Secretary-General Ihsanoglu condemned in the strongest terms the "excessive use of force against civilians" in Libya. In his speech at the OIC's Council of Permanent Representatives meeting on the Libyan situation in Jeddah on March 8th, the OIC leader justified the need for international intervention to protect the Libyan people. The "perpetrations against Libyan civilians", he stated, had "reached a point where they could no longer be ignored". These practices, he added, not only violated the human rights provisions of international law, but were also "in contravention of the provisions enshrined in the OIC Charter and the OIC Ten-year Programme of Action relevant to good governance, democracy,

the sovereignty of law, and respect for human rights, let alone the required respect for Islamic and human values”.

The prompt response to the Libyan crisis by the OIC and other regional organisations paved the way for the adoption of two successive UN Security Council resolutions, nos. 1970 and 1973. The Executive Committee of OIC Foreign Ministers met in Jeddah on March 19th and called on member states to “contribute to the implementation of Resolution 1973 and to open contacts with the Libyan National Transitional Council (NTC)”. At the London conference on March 29th the OIC joined around 40 governments and international organisations to establish the Libya Contact Group as a focal point of international contact with the NTC as the legitimate governing authority of the Libyan people. Besides actively participating in successive contact group meetings during the year, the OIC leadership maintained its resolute stance on the Libyan crisis at the June 2011 Islamic Conference of Foreign Ministers in Astana, Kazakhstan.

The Astana Declaration that was issued after this conference called on “all OIC Member States and OIC institutions to take part in the on-going efforts aimed at providing humanitarian assistance to the people of Libya”. In the same month a high-level OIC delegation travelled to Tripoli and Benghazi to assess the work of the OIC Humanitarian Mission in Libya, which was established at the outset of the crisis with a co-ordination office in Benghazi. Throughout the Libyan crisis the OIC remained focused on protecting the Libyan people from a regime that had a deliberate plan to carry out mass atrocities. However, as soon as the Qaddafi regime fell in August 2011 the OIC leadership became more concerned with instances of urban violence – deliberate or incidental – with the possibility of civilians becoming the primary victims. The avoidance of retribution and vengeance emerged as a consistent theme in the organisation's policy pronouncements, with the secretary-general urging “all parties in Libya not to resort to retaliatory means and to comply with national and international laws”.

The OIC has adopted a similarly proactive stance on the humanitarian crisis under way in Syria since March 2011, with the secretary-general

consistently urging the Syrian leadership to shun “the excessive use of force against civilians” and reminding it of Syria's legal and human rights obligations under the OIC Charter and the Ten-year Programme of Action. For over a year it adopted a cautious approach to politically resolve the Syrian crisis internally and thus sent a peace envoy to Damascus in May 2011 and subsequently supported the Arab initiative and the six-point peace plan proposed by the UN-Arab League envoy Kofi Annan. The joint UN-OIC Humanitarian Mission also began operating in Syria during that time. In the OIC's policy pronouncements on the Syrian crisis, the Islamic principles of human compassion and dignity were frequently invoked to dissuade “all the perpetrators of violence” in Syria from resorting to violence against civilians.

However, in recent months growing frustration with the failure of the Arab League and UN observer missions and peace initiatives, together with the reported occurrence of deliberate massacres of civilians, seems to have compelled the OIC leadership to appeal to the UN Security Council to “take necessary and urgent measures to stop the bloodshed in Syria” and urge the opposition Syrian National Council to “unify their ranks”. The OIC leadership has also started actively participating in the meetings of the Group of the Friends of the Syrian People.

The OIC's conduct during the Libyan crisis and the unfolding civil strife in Syria clearly indicates that the organisation has come of age insofar as the issue of civilian protection in armed conflict within a member state is concerned. In both cases OIC deliberations on the protection of civilians in armed conflicts do not include any explicit reference to the concerned state parties' obligations under international humanitarian law (IHL) or, more specifically, the 1949 Geneva Convention and the Additional Protocols of 1977. However, the fact that the OIC supported international intervention in Libya and is now in favour of UN Security Council intervention in Syria implies that the sole motivation behind its proactive engagement in the two cases has been to protect civilians from deliberate acts of violence, as required under IHL. Towards this end, the OIC has used a legal argument by referring to the organisation's founding and more recent documents, as well as moral justifications

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by invoking Islamic norms forbidding the killing of civilians. Its 1999 Convention on Combating International Terrorism uses the same rationale to reject all “forms and manifestations” of terrorism, whose predominant expression in urban space primarily victimises civilians.

Saudi Arabia, Turkey, Qatar and the United Arab Emirates (UAE) are four Muslim countries that have actively pursued the humanitarian discourse on Libya and Syria. Their respective national approaches have mostly evolved in unison and been largely compatible with the OIC's unprecedented conduct during the two crises. Saudi Arabia's clout in the OIC arises from its role as its founder and as host of the General Secretariat. The fact that the OIC is led by an assertive secretary-general of Turkish origin gives Turkey a certain degree of influence

to determine its agenda, in consonance with that country's growing regional diplomatic profile in recent years. The same period has seen Qatar and the UAE pursuing an assertive foreign policy in co-ordination with Saudi Arabia. There is no doubt that particular regional political interests have determined these four countries' postures on the crises in Libya and Syria. The OIC's overall stance in the two instances has also mostly evolved along similar lines. Yet, at least in the Syrian case, the OIC leadership is careful to distance itself from the interventionist position being articulated by Saudi Arabia and Qatar – that of funding and arming the Free Syrian Army – because it fears that the pursuit of such an option may only add to the already serious urban and asymmetrical warfare situation, causing even greater loss of civilian lives and civilian suffering in Syria.

