

OIC/CFM-35/2008/LEG/RES/FINAL

RESOLUTIONS
ON
LEGAL AFFAIRS
ADOPTED BY
THE 35TH SESSION OF THE
COUNCIL OF FOREIGN MINISTERS
(Session of Prosperity and Development),

KAMPALA, REPUBLIC OF UGANDA

14-16 JUMADAL THANI 1429H
18-20 JUNE, 2008

INDEX

1.	Resolution No. 1/35-LEG on the International Islamic Court of Justice and Cooperation among Islamic States in the Judicial Field	1
2.	Resolution No. 2/35-LEG on Coordination and Follow up of Work on Human Rights	3
3.	Resolution No. 3/35-LEG on the Signing/Ratification of (Accession to) the Agreements Concluded in the Framework of the Organization of the Islamic Conference	8
4.	Resolution No. 4/35-LEG on follow-up on the OIC Convention on Combating International Terrorism	9

**RESOLUTION No. 1/35-LEG
ON THE INTERNATIONAL ISLAMIC COURT OF JUSTICE
AND COOPERATION AMONG ISLAMIC STATES IN THE
JUDICIAL FIELD**

*The Thirty-fifth Session of the Council of Foreign Ministers
(Session of Prosperity and Development), held in Kampala, Republic of
Uganda from 14 – 16 Jumadal Thani 1429, (18 -20 June, 2008),*

Recalling Resolution No. 12/5-P (IS) adopted by the Fifth Session of the Islamic Summit Conference held in Kuwait regarding the establishment of the International Islamic Court of Justice as a fourth principal organ in the OIC;

Wishing to speed up the establishment of the International Islamic Court of Justice and the commencement of its work so that it may contribute to the peaceful settlement of disputes among Member States;

Mindful of the importance of relevant resolutions, the latest being resolution 1/10-LEG (IS) adopted by the 10th Islamic Summit on the International Islamic Court of Justice and the provisions of the Ten-year Programme of Action to meet the challenges facing the Islamic Ummah in 21st century concerning the conflicts prevention and resolution and peace building;

Taking into consideration the provisions of Article 14 of the Amended Charter of the Organization of the Islamic Conference unanimously adopted by the 11th Session of the Islamic Summit in Dakar, Republic of Senegal (13-14 March 2008), which stipulates that the International Islamic Court of Justice established in Kuwait in 1987, shall constitute the principal judiciary organ of the Organization as from the date of the entry into force of its Statute.

1. **Expresses its appreciation** to the Member States that have ratified the Statute of the Court.

2. **Urges** the Member States that have not yet ratified the Statute of the Court and the amendment of the Charter to accelerate the completion of the ratification procedure and to deposit their instruments of ratification at the General Secretariat as soon as possible, so that the quorum needed for the Court to become operational may be attained.

3. **Stresses** the importance of the continued coordination and consultation between the State of Kuwait (the Headquarters State) and the General Secretariat in order to pursue optimal ways and means to accelerate the establishment and functioning of the Court.

4. **Invites** the Secretary-General to continue intensive contacts and consultations with Member States aimed at expediting the attainment of the necessary quorum of ratifications for establishing the Court and ensuring the commencement of its work.

5. **Also invites** the Member States and the General Secretariat to make efforts to raise awareness of the relevance of the Court, and its objectives and of the need for its establishment and functioning as an optional judiciary means to settle conflicts peacefully.

6. **Calls** on the Member States to consider promoting ways and means of cooperation among themselves in the judicial field and relevant research and studies.

7. **Requests** the Secretary-General to follow up the implementation of this resolution and to report thereon to the 36th Session of the Council of Foreign Ministers.

RESOLUTION NO.2/35-LEG
ON
COORDINATION AND FOLLOW UP OF
WORK ON HUMAN RIGHTS

*The Thirty-fifth Session of the Council of Foreign Ministers
(Session of Prosperity and Development), held in Kampala, Republic of
Uganda from 14 – 16 Jumadal Thani 1429, (18 -20 June, 2008),*

Recalling the noble motives and objectives of the glorious religion of Islam, which emphasizes the importance of human rights; and mindful of the universality and integral nature of Islamic laws on human rights and the prominent place of Human being;

Bearing in mind the objectives of the OIC Charter of promoting and encouraging respect for human rights and fundamental freedoms for all people without distinction as to race, sex, or religion;

Recalling all relevant Resolutions of the Islamic Summit and Foreign Ministers Conferences, in particular Resolution No. 49/19-P by virtue of which the “Cairo Declaration on Human Rights in Islam” has been adopted;

Aware of the need for strengthening the existing mechanism within the OIC for exploring ways and means to promote and protect human rights through, *inter-alia*, the formulation of a set of Islamic covenants on human rights;

Recognizing the obligations and endeavors of the Member States to promote and protect internationally recognized human rights while taking into account the significance of their religious, national, and regional specificities and various historical and cultural backgrounds, and with due regard to the “Cairo Declaration on Human Rights in Islam”;

Mindful of the universal and integral nature of Islamic values with respect to human rights, the prominent place of Man in Islam as vicegerent of Allah on earth and hence the great importance attached by Islamic thought to the promotion, encouragement, and respect of human rights;

Recalling also the UN Commission on Human Rights and the Human Rights Council's Resolutions entitled "defamation of religions" which expressed deep concern over the negative stereotyping of religions and at the way Islam is frequently and wrongly associated with human rights violations and with terrorism, and which also expressed concern over the space devoted by the printed, audio-visual, and electronic media to inciting violence, xenophobia, or related intolerance and discrimination towards Islam and other religions;

Reaffirming the universality, objectivity and non-selectivity of all human rights and also the importance of promotion and protection of human rights through cooperation and consensus and not through confrontation and the imposition of incompatible, alien and inhomogeneous values;

Expressing its deep concern over the attempts to exploit the issue of Human Rights to discredit the principles and rules of Islamic Shariah and to interfere in the affairs of Islamic States;

Having considered the relevant report of the Secretary General;

1. **Asserts** that human rights are universal in nature and must be considered in the context of dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds.
2. **Emphasizes** the necessity for the international community to address the human rights issue on an objective and indivisible basis, as far as all states are concerned, without selectivity or discrimination.
3. **Calls for** the necessity to consider human rights in their global conception and in all their civil, political, social, economic, and cultural facets within the framework of international cooperation and solidarity.
4. **Reaffirms** the right of States to adhere to their religious, social, and cultural specificities which constitute a heritage and streams of thought that contribute towards enriching the common international conceptions of human rights.
5. **Calls for** abstaining from using the universality of human rights as a pretext to Interfere in the states' internal affairs and undermine their national sovereignty.

6. **Recalls** the “States’ Right to Reserve”, where necessary, the right to express reservations on the international conventions, covenants, and agreements they subscribe to, as part of their sovereign rights.
7. **Expresses its deep concern** over the frequent and erroneous association of Islam with violations of human rights and the misuse of the printed and audio-visual media in propagating such misconceptions which lead to the reinforcement of prejudice and discrimination against Muslims and calls on the and calls on the Member States to undertake information activities to counter these activities.
8. **Strongly condemns** the increasing trend of Islamophobic measures in the Western countries and lays emphasis on the responsibility of those States to ensure full respect to Islam and all divine religions and the inapplicability of using freedom of expression or press as a pretext to defame religions, and to refrain from imposing restrictions, in any form whatsoever, on the cultural and religious rights and freedoms of people.
9. **Denounces** media campaigns and fabrications made by some quarters in non-Member States regarding the treatment of non-Muslim minorities and communities in the OIC Member States under the slogan of religious freedoms and so on.
10. **Expresses** the need to pursue, as a matter of priority, a common policy aimed at preventing defamation of Islam perpetrated under the pretext and justification of the freedom of expression in particular through media and Internet.
11. **Underlines** the necessity of developing a comprehensive strategy which would cover the media to counter Islamophobia, and requests the intergovernmental expert group on the follow-up of the Cairo Declaration on Human Rights in Islam, with the cooperation of the newly established Islamophobia observatory at the OIC General Secretariat, to hold extraordinary meetings for preparing a draft on the subject for its submission to the 36th CFM for consideration and appropriate decision.

12. **Commends** the valuable efforts of the Secretary General during his visit to Geneva from 12 to 15 March 2007 and his speech to the Human Rights Council as well as the intensive consultations with Senior Officials of States and International Organizations regarding human rights and the valuable contribution of the Open-ended Working Group on Human Rights and Humanitarian Issues at the United Nations Office in Geneva towards safeguarding the interests of the Islamic countries and decides to establish a similar working group at the United Nations headquarters in New York and **encourages** the OIC Member States to study the possibility of establishing regional arrangements in the field of Islamic human rights to boost their regional cooperation in this regard.

13. **Expresses** deep concern over any activities which may be carried out by certain Governmental and Nongovernmental Organizations which are supported by governments that use them to attack OIC Member States for political purposes and to further their foreign policy objectives in international forums.

14. **Exhorts all states** to take all appropriate measures, in the context of their national legislations and in line with international human rights instruments, to promote understanding, tolerance, and respect in matters connected with freedom of religion or creed.

15. **Calls upon** Member States to continue their active coordination and cooperation in the field of human rights particularly in the relevant international forums in order to strengthen Islamic solidarity against any initiative that may lead to the use of human rights as a means of political pressure on any Member State, in particular for enhancement of their participation in formulation and codification of international human rights instruments based on Islamic Sharia.

16. **Decides** that the General Secretariat and the Member States shall undertake to follow up Member States' missions with the relevant international organizations, in particular, at the UN headquarters in New York and Geneva, and to hold meetings on appropriate occasions, to consider and discuss human rights issues with a view to adopting a unified position among Member States vis-à-vis campaigns and draft resolutions that target OIC Member States in relevant international fora.

17. **Requests** the Member States to sign and ratify the Covenant on the Rights of the Child in Islam as soon as possible.

18. **Appreciates** the activities of the Intergovernmental Expert Group on the Follow-up of the Cairo Declaration on Human Rights in Islam in its Eleventh Meeting, and calls upon it and its sub-committee to continue expeditiously their activities, in particular by holding several meetings in developing “Islamic Charter on Human Rights”, “Covenant on the Rights of the Women in Islam”, and also developing “Islamic Covenant against Racial Discrimination” in implementation of the resolution No. 60/27-P”; as well as “studying the possibility of establishing an Independent Permanent Body to Promote Human Rights in the Member States”, in pursuance of decisions of the third Extraordinary Session of the Islamic Summit Conference in Makkah in 2005, so that the new body may supervise the drafting of these covenants.

19. **Requests** the Secretary General to follow up the implementation of this resolution and submit a progressive report thereon to the 36th Session of the Council of Foreign Ministers.

**RESOLUTION NO. 3/35-LEG
ON THE
SIGNING/RATIFICATION OF (ACCESSION TO) THE
AGREEMENTS CONCLUDED IN THE FRAMEWORK OF
THE ORGANIZATION OF THE ISLAMIC CONFERENCE**

The Thirty-fifth Session of the Council of Foreign Ministers (Session of Prosperity and Development), held in Kampala, Republic of Uganda from 14 – 16 Jumadal Thani 1429, (18 -20 June, 2008),

Having considered the signing, ratification and accession status of the agreements concluded in the framework of the Organization of the Islamic Conference,

Noting that the minimum number of ratifications by Member States required for the entry into force of some of these agreements has not been reached as required by their provisions, and the importance of accelerating the ratification in order to support the role of the Organization and widen the scope of cooperation among Member States,

Taking note of the Report of the OIC Secretary General contained in (Doc. No. OIC/CFM-35/2008/LEG/SG-REP),

1. **Urges** Member States again to, as soon as possible, sign/ratify the various agreements concluded in the framework of the Organization of the Islamic Conference.
2. **Requests** the Secretary General to implement this resolution and to report thereon to the 36th Session of the Council of Foreign Ministers.

RESOLUTION No. 4/35-LEG
ON FOLLOW-UP ON THE OIC CONVENTION ON COMBATING
INTERNATIONAL TERRORISM

The Thirty-fifth Session of the Council of Foreign Ministers (Session of Prosperity and Development), held in Kampala, Republic of Uganda from 14 – 16 Jumadal Thani 1429, (18 -20 June, 2008),

Welcoming the approval by the 26th ICFM of the OIC Convention on Combating International Terrorism and noting with satisfaction its entry into force;

Recalling the 11th Session of the Islamic Summit Conference held in Dakar, Republic of Senegal, from 13 – 14 March, 2008, which called for an international conference under the auspices of the United Nations to define terrorism and to distinguish between it and the legitimate struggle of people under the yoke of colonialism and their right to self-determination, in accordance with the Charter of the United Nations and international law, as well as for a comprehensive treaty on international terrorism.

Reaffirming the determination to combat terrorist acts in all their forms and manifestations, including those where States are directly or indirectly involved;

Having considered the report of the OIC Secretary-General on the follow-up of the OIC Convention on Combating International Terrorism;

1. **Calls upon** all states not to grant asylum to these terrorists, and to take all necessary measures to help bring them to justice.
2. **Affirms** the determination of Member States to coordinate their efforts to combat all forms and manifestations of terrorism, including state terrorism, directed against all States and peoples.
3. **Reaffirms** that the struggle of peoples under colonialist domination or under foreign occupation, for their national liberation or to regain their right to self-determination, does not constitute an act of terrorism.

4. **Calls upon** Member States to follow up the OIC Convention on Combating International Terrorism and expedite their signing and and/or ratification of the Convention, and to coordinate their stands and cooperate in the light of the principles and provisions stipulated in the Convention at all international conferences and forums concerned with the issues of terrorism and international terrorism.

5. **Requests** the Secretary-General to follow up the implementation of this resolution and submit a report thereon to the 36th Session of the Council of Foreign Ministers.
