



## **DAR AL ISLAM ("THE HOUSE OF ISLAM"), THE WORLD ORDER AND THE ORGANISATION OF ISLAMIC CO-OPERATION/ CONFERENCE**

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**T**he rules governing Muslim society's relations and dealings with other nations and states are mainly drawn from three sources: - the Islamic Shariah, international treaties and agreements between Islamic and non-Islamic states, and the *de facto* conduct and attitudes of the Islamic states themselves. Meanwhile, the principles of international law and Islamic-international relations have evolved in response to changing situations, whether within individual states or within a broader global context.

There is nothing surprising about the fact that the Islamic Shariah should be clearly reflected in the principles of international relations, because Islam "explains all things", both spiritual and temporal. This is demonstrated in numerous verses of the Holy Qur'an, including:

**"We have sent down the Book in truth, that thou mayest judge between men, as guided by Allah: so be not an advocate for those who betray their trust." (Al Nisa'. 105).**

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and “...and We have sent down to thee the Book explaining all things, a Guide, a Mercy and Glad Tidings to Muslims” (*Al Nahl, 89*).

and “...This day I have perfected your religion for you, completed My favour upon you, and have chosen for you Islam as your religion.” (*Al Ma'idah, 3*).

What I should like to do in this article is take a look at *Dar al Islam* (“The House of Islam”) within the context of the present world order, with particular reference to the Organisation of Islamic Co-operation (ICO).

### (a) *Dar al Islam* (“The House of Islam”)

Islamic *fuqaha* (jurists) used the term *Dar al Islam* to describe the territories that were subject to Islamic rule; that is, the regions where the Shariah was applied and whose residents – Muslims, aspiring Muslims and *Dhimmis* (non-Muslim subjects) – enjoyed the security of living under Islam. In our view *Dar al Islam* comprises four elements:

- The “locational” element: i.e. the existence of a particular region or area of land.
- The “executive” element: i.e. the presence of rulers who apply the Islamic Shariah.
- The “regulatory” element: i.e. Islamic rulings being in force in the aforementioned region.
- The human element: i.e. where the inhabitants are Muslims or people living with the Muslim population in temporary or permanent security.

Abu Hanifa stipulates three conditions for *Dar al Islam*:

1. Its laws should be Islam-compatible – i.e. they should conform to the Shariah of Islam.
2. It should share common borders with Islamic territories; if all its neighbours are non-Muslim territories it is to be classed as *Dar al Harb* (“The House of War”) and forbidden to Muslims because of its geographical situation.

3. Its inhabitants – whether Muslims, aspiring Muslims or *Dhimmis* – should all enjoy the security enjoyed by Muslims.

These are the conditions for *Dar al Islam* according to the Hanafi school.

Here it would be appropriate to note that some Islamic *fuqaha* speak of “*Dar al Islam hukman*” (“The House of Islam in the context of the application of rulings”). This position is supported by al Sarakhsi:

“If [somebody] comes out to our [territory] in security, then no ruling [is applicable] regarding the distinction between the two “*Dars*” (“Houses”), because if such a person is from *Dar al Harb* he is free to return to it, while if a Muslim enters *Dar al Harb* in security, then from a ruling point of view he will be ‘of the people of *Dar al Islam*’”.<sup>1</sup>

The most common system adopted by Muslim *fuqaha* and scholars for dividing the world is the one which sees the world as comprising two “*Dars*” – *Dar al Islam* and *Dar al Harb*. However, other “*Dars*” also appeared as distinct categories, each with its own specific name. The main ones include:

### 1 – *Dar al ‘Ahd* (“House of Treaty”) or *Dar al Sulh* (“House of Truce”)

According to Shafi’i *fiqh* (jurisprudence), regions linked with the Muslims by peace treaties or states of truce are called “*Dar al ‘Ahd*” (“House of Treaty”) or “*Dar al Sulh*” (“House of Truce”).

### 2 – *Dar al Kufr* (“House of Unbelief”)

There is one trend in Islamic *fiqh* which speaks of a “new” type of “*Dar*” – neither *Dar al Islam* nor *Dar al Harb* – which is called “*Dar al Kufr*” (“House of Unbelief”). In *Al Sayl al Jarrar* (“*The Raging Torrent*”) Imam al Shawkani quotes the following opinion:

“*Dar al Islam* is [a region] where the two *Shahadahs* (testifying that there is no god but Allah and that Muhammad is His Messenger) and the

<sup>1</sup> Al Sarakhsi: *Al Mabsut*, Dar al Ma’rifah, Beirut, 2<sup>nd</sup> impression, Part 5, P. 51.



*Salat* (canonical prayer) prevail and there are none of the features of Unbelief – even by intimation – unless [the party concerned] is protected [by a sponsor from within the *Dar*]. Otherwise, it is *Dar al Kufr* and, though there are differences of opinion about it, even if those two features [the *Shahadahs* and the *Salat*] are present it is obligatory to emigrate from there.”

Imam al Shawkani comments: “The relevant point is that the *Kalimah* (i.e. the *Shahadahs*) should prevail. If it is the People of Islam who determine what is obligatory and forbidden in the ‘*Dar*’ – to the extent that the Unbelievers living there are unable to manifest their *Kufr* (Unbelief) unless explicitly permitted to do so by the People of Islam, then [that territory] will be *Dar al Islam* and the presence of features of Unbelief in it will not have a harmful impact; this is because they will not be present as a result of any strength or aggressive power on the part of the Unbelievers, as in the case of the *Dhimmis* (Jews, Christians and “treaty peoples”) living in the Islamic lands. If the converse is the case, then the ‘*Dar*’ will also be in the opposite category.”

He adds: “With regard to the expression ‘even by intimation’, this is an invalid assertion and a nonsensical view, because these are questions over which the People of Islam hold differing opinions; some of them accuse each other of *Kufr* out of bigotry and because they have an intemperate and unreasonable approach to the Faith. Consequently, if the existence of this kind of phenomenon puts a region into the category of *Dar al Kufr*, then all the Islamic territories would need to be classified as *Dar al Kufr*, since there is not a single town or village which has not adopted either Ash’arite, Mu’tazilite or Maturid ideas and each of these sects would regard the other sects’ positions as *Kufr* on the basis of ‘intimation’.

“The fact is that there is no such thing as *Kufr* on the basis of “intimation”.

### 3 – *Dar al Riddah* (“House of Apostasy”)

Muslim *fuqaha* describe those regions whose inhabitants have abandoned Islam as *Dar al Riddah* (“House of Apostasy”). Al Mawardi<sup>1</sup> states that this category differs from *Dar al Harb* in four respects:

<sup>1</sup> Al Mawardi: *Al Ahkam al Sultaniyyah*, printed by al Babi al Halabi, Cairo, pp. 65-66.

**Firstly**, it is not permissible to conclude a mutual truce [not to attack] their territories, while it is permissible to make such a truce with *Dar al Harb*.

**Secondly**, it is not possible to reach an agreement with them over any property or funds they may have accepted in consideration of their apostasy.

**Thirdly**, it is permissible to reach an agreement with the people of *Dar al Harb* and for their women to be taken as captives.

**Fourthly**, those who have taken booty do not enjoy the right to own it, while they have the right to own property and funds taken from the people of *Dar al Harb*.

*Dar al Riddah* also differs from *Dar al Islam* in four respects:

**Firstly**, it is obligatory to fight the [people of *Dar al Riddah*] whether they are advancing or retreating, as is the case with the polytheists.

**Secondly**, it is permissible to take their bondmaids as captives, even those who do not surrender.

**Thirdly**, their property and funds become the property of all the Muslims.

**Fourthly**, marriage to them is invalid when the *'iddah* (designated time interval) has been completed.

#### 4 – *Dar al Istirdad* (“House of Recovery”)

The term *Dar al Istirdad* (“House of Recovery”) is applied to those lands lost by the Muslims to infidel conquest, in order to make Muslims feel that they have an obligation towards them. (As in the case of *al Andalus*, Palestine and other territories.)

These are some of the categories of *Dar* established by Muslim *fuqaha*.

Ibadi scholars have also expressed opinions on the concepts of *Dar al Islam*, or *Dar al Iman* (“House of Faith”), and *Dar al Kufr*, or *Dar al Jawr* (“House of Injustice”).



Imam al Nazawi says: “It is said: ‘If the “People of the *Dar*” – its imams and subjects – follow the path of justice, then it is *Dar al ‘Adl* (“House of Justice”) – [that is to say,] *Dar al Islam*.

“[On the other hand,] if the majority and its rulers follow the path of injustice, then it is *Dar al Jawr* (“House of Injustice”), and *Jawr* is *Kufr* so it is *Dar al Kufr*. However, there is also a view that the *Dar* remains *Dar al Iman*. [For example, in the situation] when the Messenger of Allah (PBUH) died [and there was an outbreak of apostasy], the Muslims were unanimously committed to following the path of justice until Abu Bakr came forward [and put an end to the apostasy].”<sup>1</sup>

[Al Nazawi] adds: “If the Muslims are in possession of the *Dar* and its rulers and subjects, and the ‘People of Injustice’ come out [to confront] them, then, as the *Dar* will be their *Dar* – i.e. *Dar al Islam* – their only option will be to carry on fighting to defend it until they are defeated and the ‘People of Injustice’ prevail over them. Then it will cease to be *Dar al Islam* and become *Dar al Kufr*.”<sup>2</sup>

## (b) The “world order”

Where the “world order” is concerned, the Islamic Shariah has laid down rules which *Dar al Islam* is required to observe in its dealings with other states. From its earliest days Islam has strongly favoured the establishment of sound international relations with other countries and peoples. This is exemplified in the words of the Holy Qur’an: “O mankind! We created you from a male and female, and made you into tribes and nations, that ye may know each other. Verily he who is the most honoured

<sup>1</sup> Al Nazawi: *Al Musannaf*, Sultanate of Oman, Ministry of National Heritage and Culture, 1403 AH (1983), Part 10, p. 49.

<sup>2</sup> Ibid. pp. 49-50. In the same reference we find: “In our view *Ard al Harb* (‘The Land of War’) encompasses all of the polytheistic countries that are not in a state of obedience to the ‘People of Islam’ and their covenant – such as the Land of India, the Land of the *Zanj* (black people) and the like. As for those idolatrous countries – those whose people are permitted to enter the countries of the Muslims in safety and whose territories the Muslims are able to enter [in safety] - [in such cases] ‘licence’ is granted and there will be no fighting. With regard to a person who has been granted protection by the Muslims and he is safe from them, then he will be ‘*aminan*’ (secure from attack by them).” Ibid. Part 11, pp. 143-144.

of you in the sight of Allah is he who is the most righteous of you. And Allah has full knowledge and is well acquainted [with all things].” (Al Hujurat, 13)<sup>1</sup>

From the above verse one may conclude that the purpose of establishing international relations (i.e. relations of “*ta’aruf*”, or “knowing each other”) requires that:

1. A people should not impose superiority over another people.
2. A people should not be “closed in” upon itself.
3. A situation should be established that is conducive to *ta’aruf*, such as exchanges of diplomatic or consular representatives, the signing of international treaties, etc.
4. There should be a bar on anything that might result from not practicing *ta’aruf* (such as – for example – states, individuals or groups of individuals becoming “closed in” upon themselves), unless such a situation is unavoidable.
5. There should be equality between members of the human race and between states, so that preference should only be given on the basis of righteousness and good deeds.

Further endorsement of the Islamic principle of establishing relations between members of the human race can also be seen in the following verses from the Holy Qur’an:

“It is We Who portion out between them their livelihood in the life of this world: and We raise some of them above others in ranks, so that some may command work from others. But the Mercy of thy Lord is better than the [wealth] which they amass.” (Al Zukhruf, 32)

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1 On this verse it has been commented: “Allah created mankind from male and female to form blood relations, relations by marriage, tribes and nations. And from them He created relationships of acquaintanceship and interaction, for the wise reasons which He has determined and about which He knows best.” (Ibn al ‘Arabi: *Ahkam al Qur’an*, ed. ‘Ali al Bajawi, Dar al Jil, Beirut, 1407 AH/1987), Part 4, p. 1725; al Qurtubi: *Ahkam al Qur’an*, al Hay’ah al Misriyyah al ‘Aamah li’l Kitab, Cairo, Part 16, p. 342).



and “Allah forbids you not, with regard to those who fight you not for [your] faith, nor drive you from your homes, from dealing kindly and justly with them: for Allah loves those who are just.” (*Al Mumtahanah*, 8)

Al Shawkani says: “The Prophet (PBUH) and his Companions used to deal with the Jews who inhabited Madinah and the surrounding territories, and they regarded much of what is [currently] forbidden in our Shariah as being permissible. This was also how the Prophet (PBUH) and his Companions used to deal with the people of Makkah before the *Hijrah* as well as those who came to them from the different groups of Unbelievers. Throughout that period in which he dealt with many different people, he (PBUH) was never heard to say: ‘This is an Unbeliever and it is not permissible to deal with him.’ Nor did any of his Companions say such a thing. So if this was their way [they] dealt with Unbelievers [despite] the way they [i.e. the Unbelievers] lived and comported themselves [at that time], how could it not be permissible to deal with someone who is a Muslim, albeit one with some faults? After all, the mere fact of his being a Muslim prevents him from engaging in some of the things that Allah has decreed forbidden to him.”<sup>1</sup>

Islam lays down a range of principles which need to be observed within the context of contemporary international relations in order to maintain the stability of the world order. They include:

### **1 – The principle of retribution and reciprocity**

The principle of reciprocity is a universal principle affirmed by Islam. In this connection the Holy Qur’an says:

“If anyone acts in a hostile manner against you, then act in a hostile manner to the same degree against him. But fear Allah and know that Allah is with those who act righteously.” (*Al Baqarah*, 194)

and “And if you punish [an adversary], then punish [him] with an equivalent to that with which you were harmed. But if you are forbearing, it is better for those who are forbearing.” (*Al Nahl*, 126)

<sup>1</sup> Al Shawkani: *Al Sail al Jarrar al Mutadaffiq ‘ala Hada’iq al Azhar*, Supreme Council for Islamic Affairs, Cairo, 1415 AH/1994, Part 3, p. 21.

and “And those who, when an oppressive wrong is inflicted upon them, help and defend themselves. The requital for an injury is an injury equal thereto: but if a person forgives and makes reconciliation, his reward is due from Allah: Allah loveth not those who act unjustly. But indeed, if any do help and defend themselves after a wrong done to them, against such there is no cause of blame.” *(Al Shura, 39-41)*

## **2 – The principle of prohibiting secret diplomacy and the practice of open diplomacy:**

International law rejects secret diplomacy and gives its seal of approval to open diplomacy. Perhaps the best evidence of this is Article 102 of the UN Charter, which stipulates that every international agreement must be registered with the Organisation’s Secretariat and that any agreement not so registered will not be recognized or acted upon by any of the UN bodies. The purpose of this stipulation is to prevent secret diplomacy, particularly if it involves plans for acts of aggression or actions which are internationally illegitimate and based upon secret agreements.

It is one of the virtues of the Islamic Shariah that it prohibits any secret diplomacy aimed at committing acts of aggression or spreading corruption in the land.

This position is supported by the Holy Qur’an, which says:

“Turnest thou not thy sight towards those who were forbidden secret counsels yet revert to that which they were forbidden [to do]? And they hold secret counsels among themselves for iniquity and hostility, and disobedience to the Messenger. And when they come to thee, they salute thee not as Allah salutes thee, [but in crooked ways]; and they say to themselves: ‘Why does not Allah punish us for our words?’ Enough for them is Hell; in it will they burn and evil is that destination. O ye who believe, when ye hold secret counsel, do it not for iniquity and hostility, and disobedience to the Messenger; but do it for righteousness and in piety; and fear Allah, to Whom ye shall be brought back. Secret counsels are [inspired by] Satan, in order that he may cause grief to the Believers; but he cannot harm them in the least, except as Allah permits, and in Allah let the Believers put their trust.” *(Al Mujadilah, 8-10)*



This is further endorsed by: “Eschew all sin, open or secret; those who earn sin will get due recompense for what they have earned.” (*Al An’am*, 121)

and “Say: ‘The things that my Lord hath indeed forbidden are: shameful deeds, whether open or secret, sins and trespasses against truth...’” (*Al A’raf*, 33)

and “In most of their secret talks there is no good, unless one exhorts to a deed of charity or justice or conciliation between people; to him who does this, seeking the good pleasure of Allah, We shall give a reward of the highest [value].” (*Al Nisa’*, 114)

### **3 – The principle of goodwill and not betraying the trust of the other party:**

A distinctive feature of international relations in Islam is that betrayal of trust towards the other party is utterly rejected. Accordingly, goodwill is the guiding principle when dealing with others. According to the Holy Qur’an:

“We did indeed offer the Trust to the Heavens and the Earth and the Mountains, but they refused to undertake it, being afraid thereof; but man undertook it – he was indeed unjust and foolish.” (*Al Ahzab*, 72)

and “Allah doth command you to render back your Trusts to those to whom they are due, and when ye judge between man and man, to judge with justice...” (*Al Nisa’*, 58)

and “O ye who believe, betray not the trust of Allah and the Messenger, nor misappropriate knowingly things entrusted to you.” (*Al Anfal*, 27)

and “To orphans restore their property [when they reach their age], nor substitute [your] worthless things for [their] good ones; and devour not their substance [by mixing it up] with your own. For this is indeed a great sin.” (*Al Nisa’*, 2)

and “Those who unjustly eat up the property of orphans eat up a fire into their own bodies. They will be subjected to a Blazing Fire.” (*Al Nisa’*, 10)



and “O ye who believe, eat not up your property among yourselves in vanities, but let there be traffic and trade amongst you by mutual goodwill; nor kill [nor destroy] yourselves; for verily Allah hath been Most Merciful to you.” (Al Nisa’, 29)

The Messenger (PBUH) said: **“The one who has no amanah (honesty/loyalty/integrity) has no iman (faith)” and “Four things characterize a pure hypocrite and anyone who has a trace of them has a trace of hypocrisy about him until he abandons them. [These things are]: if he gives a promise he breaks it, if he speaks he tells a lie, if he gives an undertaking he proves treacherous and if he quarrels he behaves in an unseemly manner.”**

#### **4 – The principle of international cooperation:**

This principle has come to the fore particularly over recent years and it has been established in several areas: combating environmental pollution, extraditing criminals, economic development, exploiting marine resources, space exploration etc.

The Holy Qur’an endorses this principle in general terms as follows:

“...Help one another in righteousness and piety, but do not help one another in sin and aggression...” (Al Ma’idah, verse 2) and “O mankind, We created you from a male and female, and made you into tribes and nations, that ye may know each other.” (Al Hujurat, 13)

The Qur’an also says: “Is it they who would portion out the Mercy of they Lord? It is We Who portion out between them their livelihoods in the life of this world; and We raise some of them above others in ranks, so that some may command work from others.” (Al Zukhruf, 32)

These verses set out the underlying principles of international cooperation from several angles. They are:

- The rationale for it: This is affirmed by the expression “that ye may know each other”; this is achieved through cooperation between individuals, communities, states and peoples.



- What it consists of: Cooperation for the sake of all that is good (“righteousness and piety”) and rejection of all that is evil (“sin and aggression”).
- Its purpose: To promote what is good and virtuous and to fight corruption on earth and in relations between nations and peoples. It must be the Muslim’s practice to work for good and against evil.
- Its underlying principles: Mutual aid and support. Hence the Qur’an says: “It is We Who portion out between them their livelihoods in the life of this world; and We raise some of them above others in ranks, so that some may command work from others.” (*Al Zukhruf*, 32) That is to say, some should take others to assist them by employing them to satisfy their needs, so that they can help them in seeking a livelihood and regulating their lives.<sup>1</sup> This verse has been interpreted to mean: “If all were equal, there would be no employment and everyone would remain on his or her own.”<sup>2</sup>
- Its indispensability: This can be seen in the following words from the Holy Qur’an: “...so that some may command work from others. But the Mercy of thy Lord is better than the [wealth] which they amass.” (*Al Zukhruf*, 32) This shows that cooperation between members of the human race is a vital necessity – a point also affirmed by an Arab poet when he said: “People are for people, whether they are *Bedu* (desert nomads) or *Hadhar* (settled). Each is for each, and each serves even if he is not aware of it.” Furthermore, the Messenger of Allah (PBUH) said: “**And Allah gives aid and succour to [His] servant as long as the servant gives aid and succour to his brother.**”

## 5 – The principle of the higher Islamic rules:

The Islamic Shariah includes a number of rules that may not be broken under any circumstances (similar to what is known in contemporary

<sup>1</sup> See *Al Muntakhab fi Tafsir al Qur’an al Karim*, Supreme Council for Islamic Affairs, Cairo, 1992, p. 726.

<sup>2</sup> Imam al Qashiri: *Lata’if al Isharat*, al Hay’ah al Misriyyah al ‘Aammah li’l Kitab, Cairo, 1983, Part 3, p. 366.

international law as “compelling law” or *Jus Cogens*, which stipulates that it is not permissible to negotiate over matters that violate it). In Islam these rules are essentially based on this Saying of the Prophet (PBUH):

**“Every condition that is not in the Book of Allah is invalid, even if there should be a hundred conditions.”**

The Prophet (PBUH) also said: **“Any truce is acceptable apart from a truce that legitimizes the forbidden or illegitimizes the permissible.”**

Thus at the time of the Truce of al Hudaibiyyah he (PBUH) said:

**“By the One in Whose Hand is my soul, they shall not ask me for a plan by which they exalt those things which are sacred to Allah, except that I grant it to them.”**

## **6 – Establishing the facts:**

Because of the critical nature of any action in the sphere of international relations, it is essential that (provided this is at all possible) the powers that be should not be hasty in their responses to events. Issues should be studied from every angle and all options should be weighed up carefully to ensure that the correct conclusions are reached and the appropriate action is taken to serve the interests of the country and its people.

It is self-evident that foreign policy must entail establishing the facts of any development in the international arena, before clarifying the state’s stance and adopting a specific course of action in response to it.

The Shariah of Islam is aware of the importance of this principle in the present-day international context. According to the Holy Qur’an:

**“O ye who believe, if a wicked person comes to you with any news, ascertain the truth, lest ye harm people unwittingly and afterwards become remorseful for what ye have done.”** (*Al Hujurat, 6*)

The Qur’an also says: **“O ye who believe, when ye go abroad in the cause of Allah, investigate carefully, and say not to anyone who offers you**



a salutation: ‘Thou art not a believer,’ coveting the ephemeral goods of this life; with Allah are profits and spoils abundant...” (Al Nisa’, 94)

This was also the approach adopted by Solomon (PBUH) when he said: “Soon shall we see whether thou hast told the truth or lied.” (Al Naml, 27)

## **7 – Fulfilling one’s obligations:**

Being true to one’s word is a fundamental Islamic principle which the Qur’an affirms in numerous instances, including:

“...and fulfil [every] commitment, for [every] commitment will be enquired into [on the Day of Reckoning]” (Al Isra’, 34), “...those who fulfil their contracts when they undertake them...” (Al Baqarah, 177) and “O ye who believe, fulfil [all] obligations...” (Al Ma’idah, 1)

## **8 – Being just, even with enemies:**

The teachings of Islam show clearly that any action must be compatible with justice. In Islam, justice means a commitment to the truth and what is right, even when it entails being equitable in the treatment of one’s enemies.

In this connection the Holy Qur’an says: “...and let not hatred of others to you make you swerve to wrong and depart from justice. Be just; that is next to piety...” (Al Ma’idah, 8)

and “...and let not the hatred of some people in [once] shutting you out of the Sacred Mosque lead you to transgression [and hostility on your part]. Help one another in righteousness and piety, but do not help one another in sin and aggression...” (Al Ma’idah, 2)

and “Allah forbids you not, with regard to those who fight you not for [your] faith nor drive you out of your homes, from dealing kindly and justly with them; for Allah loveth those who are just. Allah only forbids you, with regard to those who fight you for your faith, and drive you out of your homes, and support [others] in driving you out, from turning to them [for friendship and protection]...” (Al Mumtahanah, 8-9)

## 9 – The principle of resolving international disputes by peaceful means:

Contrary to what many non-Muslims believe, Islam insists that it is wrong to resort to coercive measures as a way of settling international disputes. In fact, it endorses many of the principles and methods generally approved for resolving such disputes in a peaceful and amicable manner.

According to the Holy Qur'an: "...So fear Allah, and make conciliation between yourselves; obey Allah and His Messenger if ye do believe."  
(*Al Anfal, 1*)

It also says: "If two parties among the Believers fall into a quarrel, make peace between them..." (*Al Hujurat, 9*)

and "...Help one another in righteousness and piety, but do not help one another in sin and aggression..." (*Al Ma'idah, verse 2*)

and "The Believers are but a single Brotherhood; so make peace and reconciliation between your two [contending] brothers; and fear Allah, that ye may receive Mercy." (*Al Hujurat, 10*)

The meaning of these verses could not be clearer: there should be peace and reconciliation between disputing parties and a resort to force should be rejected as a means of resolving disputes between contending parties.

A peaceful resolution to any dispute is to be achieved either by an international treaty or through a decision issued by an arbitration body or judicial court. Equally, when making peace it should be assumed that the process must be preceded by steps such as negotiations, mediation, reconciliation, investigation, goodwill missions etc.

The question was well summed up by Ibn Jama'ah when he said: "Firstly, one's focus should be on achieving victory, and fighting should be one's last resort in achieving that aim of victory. In conflict, a wise mind is more effective than fighting, because the mind is the 'origin' and fighting is its 'by-product'."<sup>1</sup>

1 Imam Ibn Jama'ah: *Tahrir al Ahkam fi Tadbir Ahl al Islam*, Dar al Thaqafah, Doha, 1408 AH/1988, p. 160.



Al Mutanabbi also expressed this point in the following verses:

“Mind before the courage of the courageous  
The former comes first and the latter comes second.  
If the two come together in a free spirit,  
They will rise to the greatest of heights everywhere.  
A young man may stab his peers  
With his mind before knights can stab each other on the battlefield.”

### (c) The Organisation of the Islamic Conference (Organisation of Islamic Cooperation)<sup>1</sup>

The origin of the Organisation of the Islamic Conference (OIC) dates from an incident that took place on 21<sup>st</sup> August 1969 when a Jew attacked al Aqsa Mosque and burnt some parts of it down. King Hassan II of Morocco then called for an Islamic summit conference to be held in Rabat to discuss the attack, and in response the leaders of the Islamic states met there from 9<sup>th</sup> to 12<sup>th</sup> Rajab 1389 AH. At their meeting the leaders decided that their foreign ministers should meet in Jeddah to set up a permanent secretariat charged with liaising between the governments of the states concerned.

The foreign ministers of the Islamic states met in Jeddah in Muharram 1390 AH and agreed to set up the “Secretariat-General of the Organisation of the Islamic Conference”. Then in Shawwal 1390 AH they met in Karachi. Then at a subsequent meeting in Jeddah in Muharram 1392 AH they agreed upon the Organisation’s Charter, Article 1 of which stipulated:

“The member states shall establish the Organisation of the Islamic Conference”.

As an organization that has brought together the different countries around the world which comprise *Dar al Islam*, the goals and principles adopted by the OIC are necessarily fundamental to any stable, sound world order and reflect many of the principles we have referred to above.

<sup>1</sup> At the 38<sup>th</sup> session in Kazakhstan in June 2011 the Foreign Ministers’ Council decided to change the Organisation’s name to “Organisation of Cooperation”.

Let us take a brief look at those goals and principles.

### **1 – The Organisation of Islamic Cooperation/Conference (OIC)’s goals:**

A declaration of the goals that any legal entity aims to achieve is an important matter, since they determine the course that entity is destined to follow over the course of its lifetime. The International Organisations Law gives a dual significance to the text which stipulates the goals an organisation is expected to achieve: while from one angle those goals define the reason for its existence as well as its role, they also determine its “boundaries” by setting limits to the scope of its activities and functions as well as those of its subsidiary bodies. At the same time, defining an organisation’s goals also has an important part to play in interpreting the text of its charter and legal activities, since, if the organisation is restricted to operating within the limits set out by its goals, it follows logically that it may resort to any legitimate means in order to achieve those goals, even if they are not specifically endorsed by another text.

Article 2 (a) stipulates that the OIC’s goals are as follows:

- i – Fostering Islamic solidarity between member states.
- ii – Supporting cooperation between member states in the economic, social, cultural and scientific fields and in other vital areas, and carrying out consultations between the member states of international organizations.
- iii – Working to eradicate racial discrimination and eliminate imperialism in all its forms.
- iv – Taking the necessary steps to promote international peace and security based on justice.
- v – Coordinating activities aimed at ensuring the safety and security of holy sites, liberating them, and supporting the Palestinian people’s struggle and helping them to recover their rights and free their land.
- vi – Supporting the struggles of all Islamic peoples to enable them to uphold their dignity, independence and national rights.



- vii – Establishing a suitable climate for fostering cooperation and mutual understanding between member states and other countries.

## **2 – The OIC’s principles:**

Goals differ from principles, in that the goals represent the targets an organisation is expected to work towards and achieve, while its principles indicate the course the organisation and its member states (and sometimes non-members) are expected to follow in order to achieve those goals, as well as the approach they should adopt towards implementing them. The goal, then, is the “ultimate objective” which any organization aims to attain, while the principles represent a set of instructions that need to be observed “during and in order to achieve that target”. The principles, then, are the rules of conduct which must be respected so that the right climate can be created for the goals to be attained. Even so, it is not always possible to distinguish between goals and principles; hence it would be true to say that they may sometimes coincide temporarily. Whether or not this is the case, however, even at the final stage of an organisation’s “journey” (i.e. the goal), the principles need to be respected and remain at the forefront of people’s minds.

Article 2b of the Organisation of the Islamic Conference’s Charter stipulates:

“The member states affirm and pledge that in seeking to attain the Charter’s goals they are inspired by the following principles”:

- i – Complete equality between member states.
- ii – Respect for the right of self-determination and non-interference in the internal affairs of member states.
- iii – Respect for the sovereignty, independence and territorial integrity of every member state.
- iv – Resolution of any disputes that may arise between them through peaceful means such as negotiation, mediation, conciliation or arbitration.

v – In their relationships the member states will refrain from the use of force, or the threat of force, against the unity and security of the territories of any member state, or its political independence.

To bestow legitimacy upon the resolutions it issues, the Organisation makes reference as a matter of course to the goals or principles which have led to its bodies issuing their resolutions.

Resolution No. 2/3 – *qaf* – issued by the second Islamic Summit in Lahore (1394 AH/1974): says:

“In taking into consideration the goals and principles of the OIC’s Charter, particularly the common goal of fostering cooperation between member states in the economic, social and cultural fields, as well as in other vital areas, and consultation between member states of international organizations...”

Mention is also made of matters approved or decreed by other international organizations or groupings, particularly the United Nations.

These include Resolution No. 1/10 – *sin* – issued by the Ministerial Conference in Fes in 1399 AH/1979, which stated:

“And on the basis of the principles and goals of the Organisation of the Islamic Conference and the principles and aims of the United Nations Charter...”

Resolution No. 5 -*ghain ‘ain* - (Islamabad 1400 AH/1980) says:

“With reference to Article Two of the Islamic Conference Charter and Article One of the United Nations Charter...”

Resolution No. 17/11 – *sin* – issued by the Ministerial Conference in Islamabad in 1400 AH/1980 on the establishment of foreign military bases in some Islamic countries – includes the words: “On the basis of the Charter of the Organisation of the Islamic Conference, particularly Article Two on goals and principles, and guided by the goals and principles of the Non-Aligned Movement...”

Like its successor organisation, the Organisation of the Islamic Conference sought to defend the interests of its members within the



framework of the contemporary world order. Some examples of this include:

Resolution 2/5 – *alif qaf* – issued by the OIC’s Ministerial Conference in Kuala Lumpur in 1394 AH/1974 – which urged its members to adopt a policy aimed at reforming the international monetary system on the basis of the following goals:

- a - Safeguarding the true value of their monetary reserves.
- b - Increasing the actual net value of the resources transferred from the advanced countries to the developing countries.
- c - Transferring an appropriate proportion of current international liquidity to the developing countries.

Resolution 21/5 – *sin (qaf alif)* – issued by the Islamic Summit Conference in Kuwait in 1407 AH/1987 on the US military attack on Libya in April 1986 – stated that it:

- i – Condemns America’s aggression against the Socialist People’s Libyan Arab Jamahiriya.
- ii – Regards aggression against any Islamic country as an act of aggression against all Islamic countries.
- iii – Demands that the United States should refrain from hostile acts of this nature, including manoeuvres in the Gulf of Sirte, which threaten the sovereignty of the Jamahiriya as well as international peace and security in the Mediterranean region.
- iv – Calls upon the United States to abide by UN General Assembly Resolution No. 41/38 and pay full compensation to the Libyan Jamahiriya for the human losses it incurred.
- v – Demands that all states should refrain from providing assistance or facilities for carrying out any hostile acts against the Jamahiriya.

Resolution 1 – *ghain ‘ain* – issued by the Ministerial Conference in Islamabad in 1400 AH/1980, following the Soviet invasion of Afghanistan, included the following:

**One:** Condemnation of the Soviet military aggression against the Afghan people.

**Two:** A demand for the immediate and unconditional withdrawal of all Soviet forces – to the last soldier – from Afghan territory, while stressing the need for Soviet forces in Afghanistan to refrain from all acts of violence and repression against the Afghan people and their *mujahidin*, and, moreover, calling upon all states and peoples to use all possible means to bring about a Soviet withdrawal.

**Three:** An appeal to the states and peoples of the world to support the Afghan people and provide assistance and relief for the refugees driven from their homes by the aggression.

**Fourth:** A recommendation that all member states should affirm their solidarity with the Afghan people in their just struggle to preserve their faith, national independence and territorial integrity and regain their right of self-determination.

**Fifth:** A declaration of full solidarity with the Islamic countries neighbouring Afghanistan against any threats to their security and prosperity.

**Sixth:** Authorisation for the Secretary-General to receive donations from member states, organizations and individuals and pay the sums collected to the competent authorities, based on the recommendation of a committee comprising representatives of three states, to be established by the Secretary-General in consultation with the states concerned.

**Seventh:** For member states to be invited by the competent bodies to discuss non-participation in the Olympic Games due to be held in Moscow in July 1980, for as long as the Soviet Union should fail to respond to the UN General Assembly's and Islamic Conference's calls for the immediate withdrawal of all its forces from Afghanistan.

**Eighth:** The OIC Secretary-General was charged with following up the points contained in this resolution and submitting a report on them to the 11<sup>th</sup> session of the Islamic Foreign Ministers' Conference.



## Conclusion

The above observations show that there is an unbreakable relationship between *Dar al Islam*, the world order and the Organisation of Islamic Cooperation (Conference). Within the framework of the world order *Dar al Islam* is required to comply with a range of principles endorsed by the Islamic Shariah which are also vital preconditions for sound, stable international relations. These principles are also embodied in the Organisation of Islamic Cooperation (Conference), particularly in these two respects:

**One:** The Organisation is required to embrace its goals and principles as practical propositions.

**Two:** In their actual implementation on the ground, particularly in the OIC's role as defender of the interests of the Islamic states and peoples when they find themselves in confrontation with other states and international organizations.