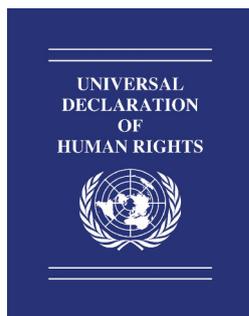


# An unholy alliance?

## Human rights and Šarī'a law within the Cairo Declaration of Human Rights in Islam



**DOI-Kurzanalysen**  
Ausgabe November 2019

**Deutsche Orient-Stiftung/German Orient-Foundation**  
**-Deutsches Orient-Institut/German Orient-Institute-**  
gegründet / founded by NUMOV 1960

Robin F. C. Schmahl

**An unholy alliance?****Human rights and Šarī'a law within the Cairo Declaration of Human Rights in Islam****I. Introduction**

In January 2019 the Parliamentary Assembly of the Council of Europe adopted Resolution 2253 on the matter of 'Sharia, the Cairo Declaration and the European Convention on Human Rights'. The resolution discusses an alleged incompatibility between *šarī'a* law and the European Convention on Human Rights and is the latest manifestation of the ongoing debate on a perceived conflict between two identifying factors for the West and certain non-Western societies: Human rights<sup>1</sup> and Islam, the latter either understood as religious dogma, *šarī'a* or political aspirations of Islamism in all of its forms. Human rights are predominantly understood as a historically conditioned, 'Western' concept due to their conception as an accomplishment of 'the West' in overcoming the horrors of the first half of the 20<sup>th</sup> century. However, due to the dominant role of Western nations within world politics and through the establishment of international institutions such as the United Nations, human rights evolved into the leading standard for international law, political conduct and simple interactions between states and individuals. This development gave the concept of human rights the double character of historically conditioned and extrinsically perceived 'Westernism' on the one hand, and 'universalism' as it was originally postulated and is currently acclaimed by today's human rights advocates on the other.

Returning to the Council of Europe's take on the issue, the discussion on a certain document has regained some attention within the current political discourse: the Cairo Declaration of Human Rights in Islam [CDHRI]. This paper tries to give a brief historical overview on the elaboration of the CDHRI and to substantiate the declaration's nature as primarily bestowing identity to and averting criticism from its signatories. The analysis will contain a short assessment of

the declaration's effects on human rights standards in signatory states. Building on that, it will try to provide a short, though apt breakdown of the document's theoretical issues, which carry profound consequences for human rights promotion. The paper tries to introduce the CDHRI as a worthy object of research for Islamic studies, especially concerned with *šarī'a* law and its role within international politics.

**II. Adoption of the CDHRI**

The CDHRI was adopted by the Organization of the Islamic Cooperation [OIC] – known as the Organization of the Islamic Conference until 2011 – at its 19<sup>th</sup> Islamic Conference of Foreign Ministers, held in 1990 in Cairo.<sup>2</sup> As "the second largest inter-governmental organisation after the United Nations with a membership of 57 states", the OIC aspires to be "the collective voice of the Muslim world" and "endeavours to safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony among various people of the world."<sup>3</sup> Having been put forward by Saudi Arabia at the World Conference on Human Rights in 1993 and published by the office of the High Commissioner for Human Rights in a volume on International Instruments in 1997,<sup>4</sup> the CDHRI became a legitimate international human rights document.

**III. Structure of the CDHRI**

Covering a variety of topics, the CDHRI consists of a preamble and 25 Articles, which range from essential civil liberties to participatory political rights and general statements on the relationship between the individual and God or society. Indeed, the declaration has been criticised for its omission of certain human rights aspects and its lack of proper legal mechanisms to sufficiently ensure the protection of human rights. But what seems truly conspicuous is the declaration's

<sup>1</sup> When talking about "human rights," this paper follows the perception brought forward by Abdullahi A. an-Na'im in an-Na'im, *Islam and Human Rights*, 2000, 95. When discussing Human Rights as "the particular conception of freedom and social justice that was articulated in the Universal Declaration of Human Rights (UDHR) of 1948, and more specifically defined in subsequent treaties and effectuated through a variety of implementation mechanisms".

<sup>2</sup> Al-Ahsan, *Law Religion and Human Dignity*, 2009, 572.

<sup>3</sup> OIC, [www.oic-oci.org](http://www.oic-oci.org), 2018.

<sup>4</sup> UN, *A Compilation of International Instruments*, 1997, 478-484.

insistence on the Islamic *šarī'a*. In total, the declaration gives 17 references to the *šarī'a*, which take several forms, although the most common phrasing alludes to “provisions of the *šarī'a*” [*aḥkām aš-šarī'a*],<sup>5</sup> such as in Article 7(b):

“Parents and those of their capacity have the right to choose the kind of education, which they want for their children with the obligations to consider their interest of benefit and their future in light of moral values and the provisions of the *šarī'a*.”<sup>6</sup>

In all references, a general statement on human rights is made but immediately set into limitation by *šarī'a* law. Article 24 and 25 seem to have been included to simply stress this notion, thereby carrying profound implications for every other article in the document:

“Article 24  
All the rights and freedoms stipulated in this declaration are bound by the provisions of the Islamic *šarī'a*.”

Article 25  
The Islamic *šarī'a* is the only source of authority for interpretation or explanation of any article of the articles of this document.”<sup>7</sup>

It becomes obvious that the document effectively subordinates human rights under *šarī'a* law, discarding their universality as well as inalienability, which are arguably two of their most decisive features.

#### IV. Effects of the CDHRI

To evaluate the effects of the CDHRI we should analyse whether it had any consequences for human rights standards within its

signatory states. There are several possibilities for such an endeavour, but one simple, though effective method is a brief consideration of indices relevant to the human rights situation in OIC member states. For the purpose of this analysis, the task of assessing human rights standards within all signatories of the CDHRI exceeds the limited scope of this paper. I will therefore concentrate on the observation of a few selected countries: Saudi Arabia as the dominant voice behind the CDHRI, Egypt as a powerful player within the overall political landscape of the Middle East, and Turkey as one of the few signatories to the document that is also a Council of Europe member state and signatory to the European Convention on Human Rights.

Counterfactual case studies, i.e. trying to answer the question of *what would have happened* without the establishment of the CDHRI, are problematic in questions of methodology as they are mostly based on assumptions. However, answering the question of whether we can detect a significant change within the broader trend of human rights standards in certain states concomitant with the establishment of the CDHRI is possible and methodologically sound. For this purpose, we will examine several indices indicating human rights standards in the observed states over the course of several years and try to identify any significant change during or after the adoption process of the CDHRI. For this study, we will predominantly focus on the Civil Liberties Index, the Liberal Component Index, the Participatory Component Index and the Egalitarian Component Index.<sup>8</sup> With this, we will be able to perceive whether there are any significant trends emanating from the CDHRI's adoption in 1990 which are relevant to some of the document's core values, namely civil liberties,<sup>9</sup> political rights<sup>10</sup> and principles of equality.<sup>11</sup>

<sup>5</sup> In addition, the terms *šarī'a* and *šar'* can be found several times. These are etymologically related to *šarī'a*, whereas *šarī'a* could roughly be translated as “connected” or “belonging to the *šarī'a*” as well as “related to” or “prescribed by the *šarī'a*”, and *šar'* as “the law”. Though there are different alternatives within the Arabic language to the term *šar'* as “the law”, the most common form probably being *qānūn*, the authors of the CDHRI rather decided to use a term, which is etymologically related to *šarī'a*, thereby giving “the law” an inherent sense of “Islamic law”.

<sup>6</sup> OIC, *The Cairo Declaration*, 1990, A. 7(b).

<sup>7</sup> OIC, *The Cairo Declaration*, 1990, A. 24-25.

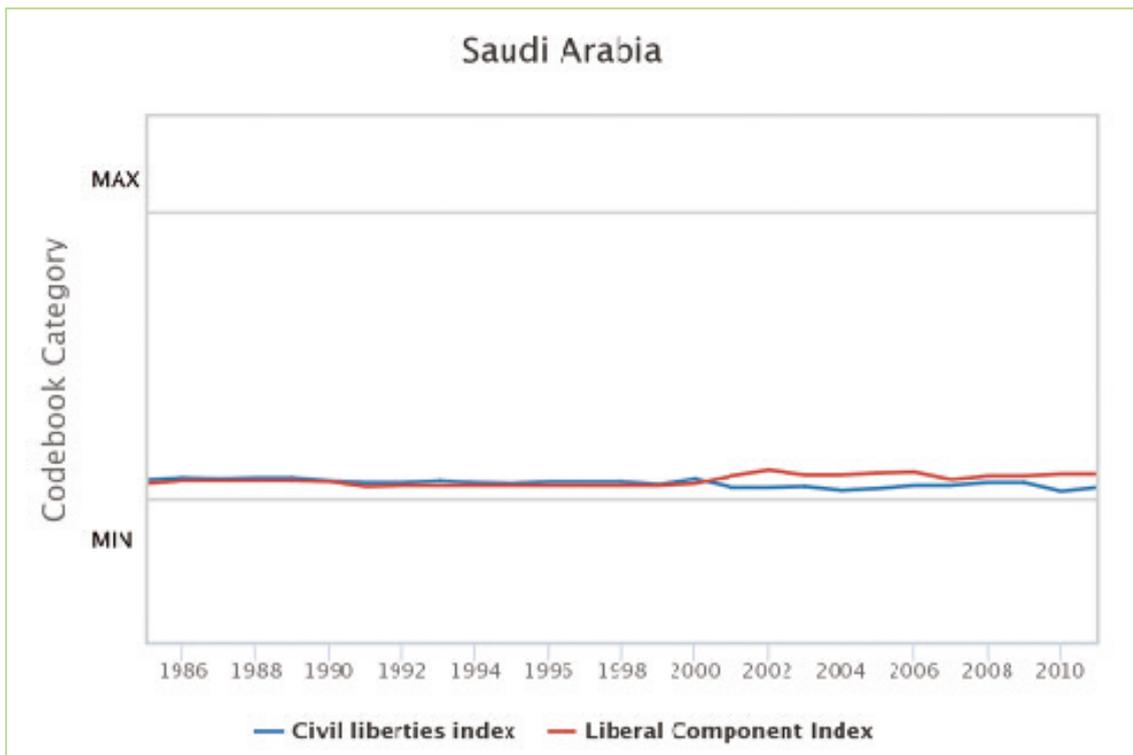
<sup>8</sup> All considered indices and the appertaining figures were taken from the Varieties of Democracy project [V-Dem]. The V-Dem project offers the largest social science database covering 177 countries and over 350 indices, which it in turn aggregates into mid- and high-level indices that comprehensively display all dimensions of democracy, combining a vast number of indicators in order to offer an exhaustive way to measure and understand all societal or governmental aspects of a given state. For more information on its methodology, see Lindberg et Al., *V-Dem: A New Way to Measure Democracy*, 2014.

<sup>9</sup> Those are enshrined in Articles 2, 4, 7, 9, 10, 11, 12, 13, 15, 16, 18, 19 and 22.

<sup>10</sup> Those are enshrined in Articles 20 and 23.

<sup>11</sup> Those are enshrined in Articles 1, 5 and 6.

Fig. 1: Civil Liberties in Saudi Arabia 1985-2011

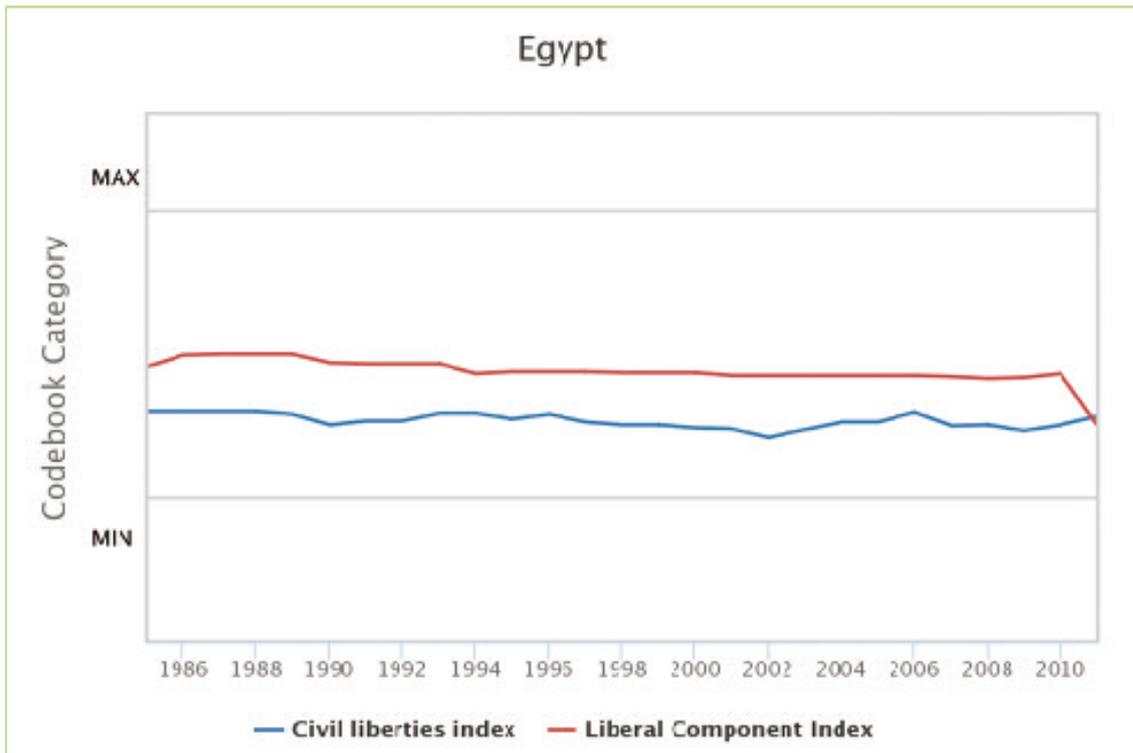


Source: V Dem

Essentially, we can perceive that civil liberty standards in Saudi Arabia have not changed but for an insignificant increase since 2000, which is only recorded by one of the two indices (Fig. 1). In the case of

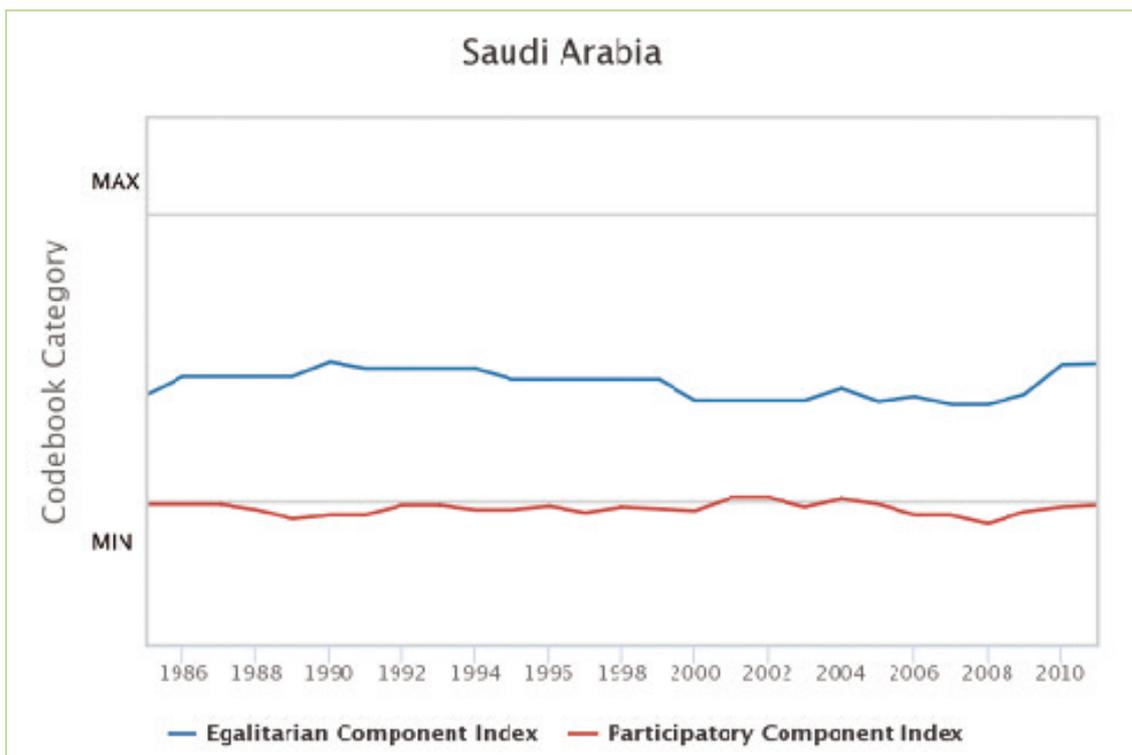
Egypt, we get a similar picture, only that the Liberal Component Index displays a slight decrease from 1990 to 2009 (Fig. 2). Turning to political rights and general equality, an analogous trend can be perceived: again, no

Fig. 2: Civil Liberties in Egypt 1985-2011



Source: V Dem

Fig. 3: Political Rights and Equality Standards in Saudi Arabia 1985-2011

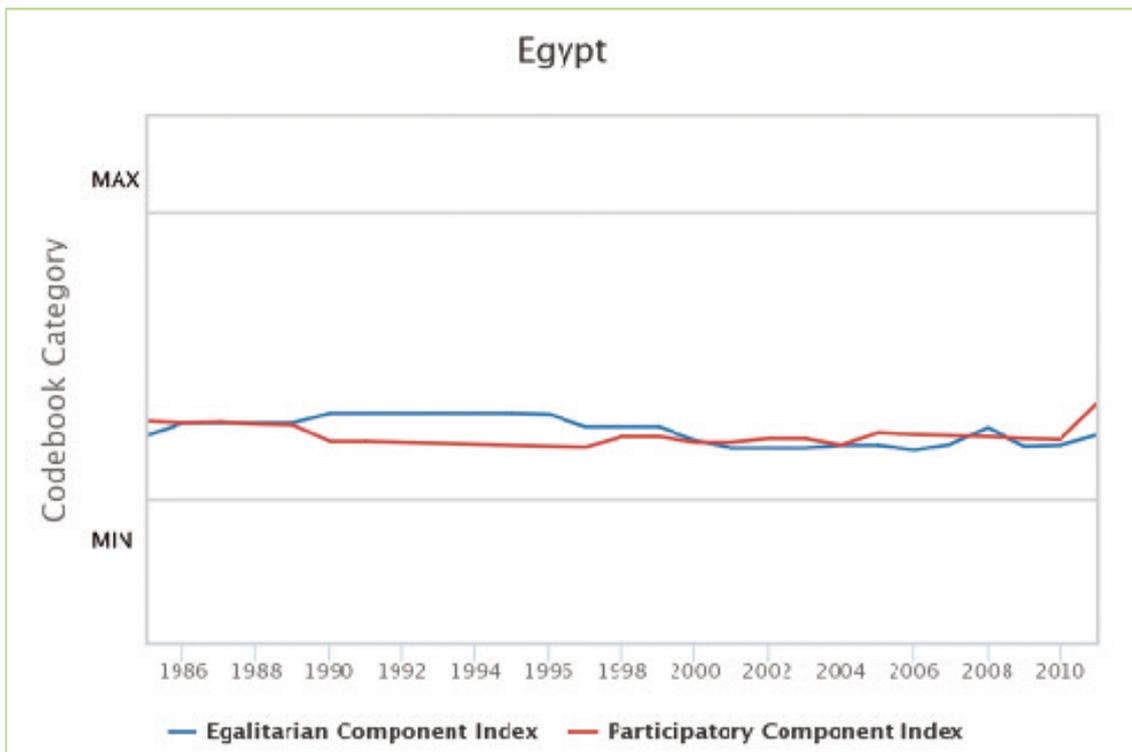


Source: V Dem

significant change in participatory political rights can be detected in Saudi Arabia (Fig. 3). Though equality standards start off with a much more favourable value, we either perceive no significant change at all or at least a

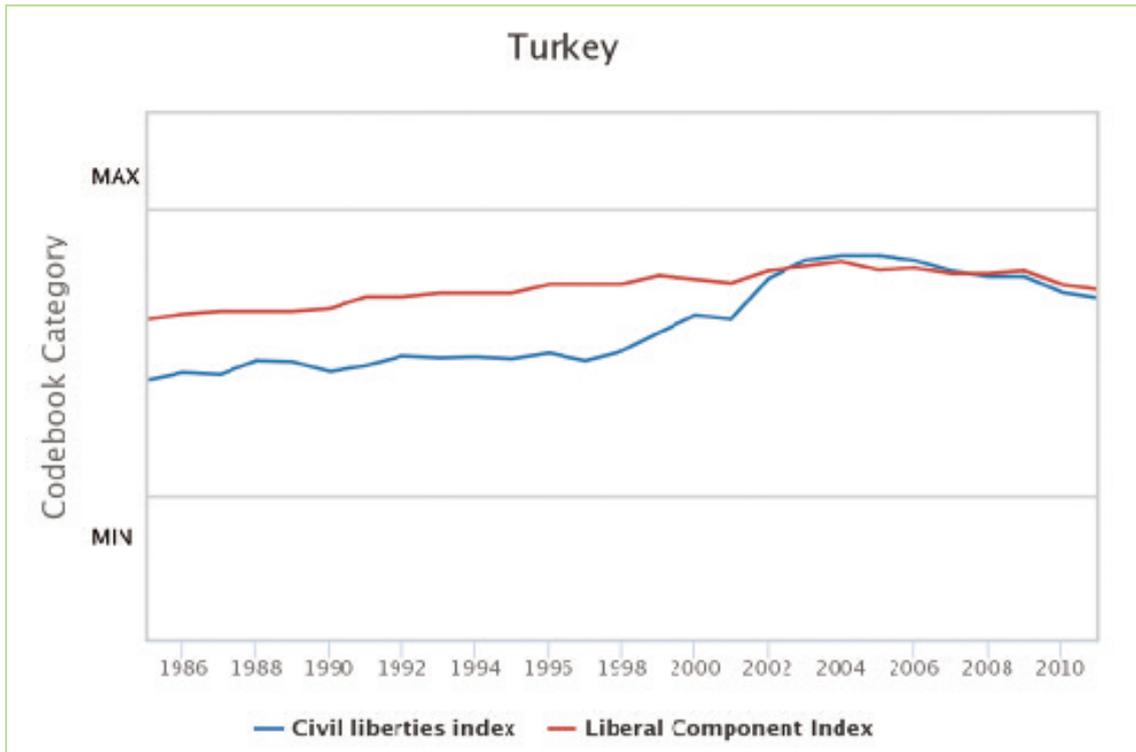
slight decrease until 2008. In the case of Egypt, a similar development is displayed, with either no significant change or a slight decrease since 1990, and a gradual increase to its original value of 1990 until the late 2000s (Fig. 4).

Fig. 4: Political Rights and Equality Standards in Egypt 1985-2011



Source: V Dem

Fig. 5: Civil Liberties in Turkey 1985-2011

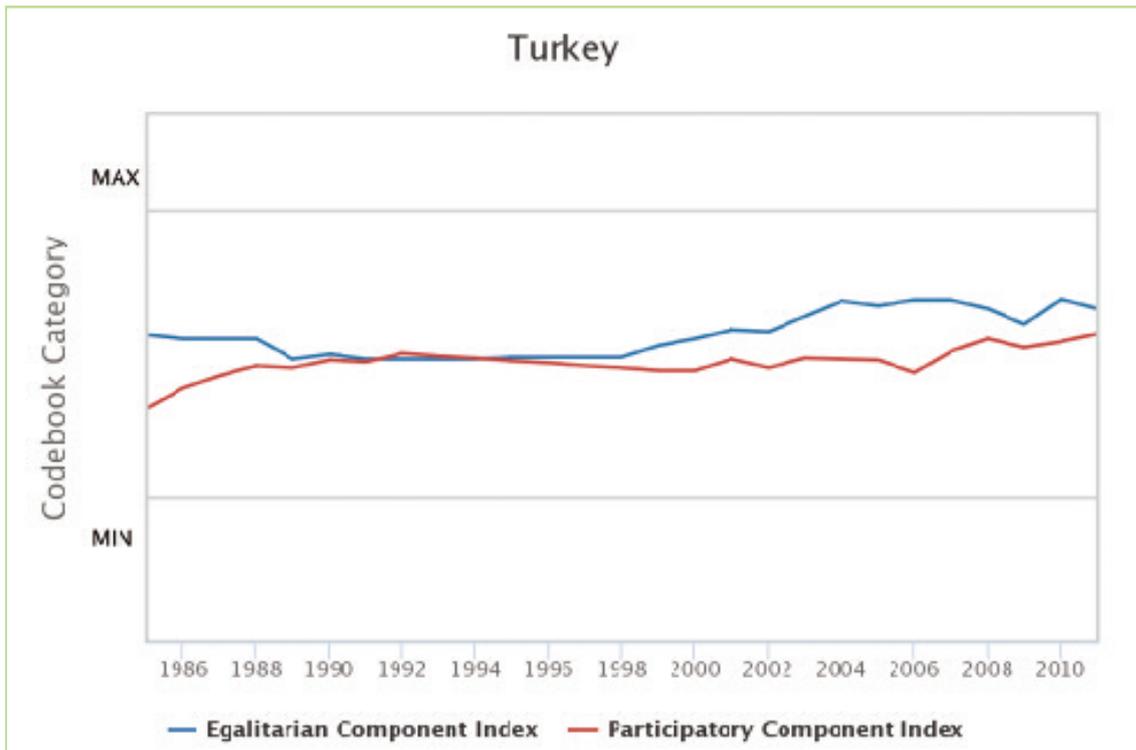


Source: V Dem

Interestingly, when observing the situation in Turkey we do get a different picture (Fig. 5 and Fig. 6). Here, the values stay more or less the same until the late 1990s. Starting in 2000, we are able to perceive a rapid

increase in civil liberties, with a peak around 2005-2008. In addition, equality standards have risen gradually since 1998, though participatory political rights seemed to stay more or less the same over this period, only to

Fig.6: Political Rights and Equality Standards in Turkey 1985-2011



Source: V Dem

increase around 2005. One might be tempted to understand the development since the late 1990s as a consequence of the CDHRI's adoption, but when considering another event which took place during that time, namely the start of Turkey's possible EU accession process, a clearer picture emerges. To understand this, we have to reconsider the broader network of human rights promotion, enforcement and protection in international politics.

### V. The OIC and human rights enforcement in an international context

The issue of human rights enforcement in an international context is indeed a delicate matter, as declarations such as the CDHRI are not legally binding<sup>12</sup> but rather used to declare a certain opinion on a specific matter as well as a shared paradigm, ideology or worldview by a divergent group of political bodies, thereby defining their shared identity.<sup>13</sup> Usually, this leads to the adoption of additional documents which carry legally binding features in order to manifest the ideas described in the declaration as laws and then enforce them institutionally.<sup>14</sup> This is exactly what happened with the Universal Declaration of Human Rights (UDHR), which not only defined the predominant means of conduct between states or individuals *ideally*, i.e. only as loosely demanded by its values, but also as a solid source of international humanitarian law through subsequent international treaties. With this, a variety of international organisations concern themselves with legal disputes over matters arising from human rights violations, and a countless number of national human rights institutions as well as non-governmental organisations are dedicated to the spread of human rights and monitoring human rights violations. Taking this into account, one might criticise the effectiveness of the enforcement of human rights or international humanitarian law, but there is at least no denial of the existence of a more or less established infrastructure which the international community can build upon in order to create politico-jurisdictional mechanisms which ensure the enforcement of human rights in the long run.

Around the time of the CDHRI's adoption, member states of the OIC had to face international criticism concerning human rights violations by this very infrastructure.<sup>15</sup> If the real aspiration of the CDHRI was a genuine belief in human rights and therefore the creation of an additional document which would enable a better enforcement of those within the OIC member states, one might consider how these countries used the CDHRI to build their own infrastructure to enforce human rights along *sharī'atic* lines. The disillusioning result of such an investigation is that there has not been a real advance of any kind since its elaboration for public institutions or organisations which dedicate themselves to the protection of human rights as they are evoked in the CDHRI. Of course, there are non-governmental organisations which are dedicated to the promotion of human rights in OIC member states, but those do not usually refer to the CDHRI, but rather to the protection of human rights enshrined in the UDHR of 1948 and subsequent, appertaining secular documents. Even more, al-Ahsan notices in his study "how successfully the OIC put this declaration into practice" that, although one might perceive a contradiction between human rights violations in certain countries and the demands raised within the CDHRI, the OIC has not made much of an effort to even raise questions on that matter.<sup>16</sup> For instance, in the case of Algeria and the vast number of verified human rights violations during its 1991-2002 civil war, al-Ahsan writes:

"It is noteworthy that because of the UN's commitment to [the] UDHR the UN Group [on Enforced Involuntary Disappearances] attempted to intervene in response to reports on human rights violations. But [the] CDHR [Cairo Declaration of Human Rights in Islam] also declares that, «Life is a God-given gift and the right to life is guaranteed to every human being ... it is prohibited to take away life except for a *sharī'ah* prescribed reason.» It is doubtful that *sharī'ah* would have approved acts of torture, disappea-

<sup>12</sup> Art. 38 of the statute of the ICJ defines exclusively the following five as binding sources for international law: international conventions, international custom, general principles of law recognised by civilised nations, and, as a subsidiary means, judicial decisions and the writings of "the most highly qualified publicists". United Nations, *Charter of the United Nations and Statute of the International Court of Justice*, 1945, Art. 38.

<sup>13</sup> Grant, *Encyclopaedic Dictionary of International Law*, 2009, 143-144.

<sup>14</sup> See for instance UNESCO, *Declaration*, 2019.

<sup>15</sup> Al-Ahsan, *Law, Religion and Human Dignity*, 2009, 572.

<sup>16</sup> *Ibid.* 575-589.

rances, and detention without trial. However, the OIC never raised any such question with the Algerian authorities. The Islamic Jurisprudence Academy also never initiated any public discussion on this subject.”<sup>17</sup>

In fact, al-Ahsan shows that organisations like the UN, Amnesty International and Human Rights Watch, which do dedicate themselves to the secular notion of human rights as they are formulated by the UDHR, have done continuous and successful work criticising, monitoring and even preventing human rights violations within OIC member states. He even suggests that proper improvements to human rights standards as they can be observed in the case of Turkey around the year 2000, are quite possibly the result of outside observers like Amnesty International “in order to satisfy EU pre-conditions for membership”<sup>18</sup>:

“Clearly, what *sharī‘ah*-inspired values of CDHR [Cairo Declaration of Human Rights in Islam] failed to achieve [...] European-inspired values of UDHR achieved in Turkey.”<sup>19</sup>

Keeping this in mind, it does seem reasonable to see the CDHRI as a means to avert criticism rather than to enforce human rights. Robert Carle analyses the situation most fittingly:

“The two most influential international Islamic statements on human rights, the Universal Islamic Declaration on Human Rights (UIDHR) and the Cairo Declaration on Human Rights [...] claim that *sharī‘a* guarantees the same rights as those embodied in the United Nations’ documents. At the same time, the UIDHR and the Cairo Declaration express reservations about the principles of equality and freedom enshrined in the UDHR. Equality and freedom have gained such international respect that the framers of these Islamic documents hesitate to condemn them openly. They rather seek to circumvent these principles by a variety of artifices. [...] These [...] are loopholes that allow Islamic nations «to be seated at the United Nations as a signatory of all

the conventions, while its officials ... make restrictive interpretations of principles that don’t admit of restriction – equality and freedom.» In their uncritical fusion of traditional *sharī‘a* and international standards of human rights, Islamist human rights formulations artificially harmonize the difference between the two traditions. In the process, the emancipatory content of human rights is compromised, if not completely nullified.”<sup>20</sup>

## VI. Purposes of the CDHRI

Al-Ahsan claims that the adoption of an additional human rights declaration to the UDHR by the community of Muslim-majority states does not seem surprising when taking into consideration the widespread scepticism towards the UDHR as a means of imperialistic policy.<sup>21</sup> Al-Ahsan’s argument does not concern itself with the question of why it took almost half a century for the member states of the OIC to formulate their own account on human rights if they were genuinely keen to protect those from becoming a mere means of interventionism. Rather, a reluctance during the cold war era to adopt human rights standards seems much more plausible, with new factors coming into existence which finally prompted the elaboration of the CDHRI.

Indeed, al-Ahsan later on does mention that Muslim-majority states around that time had to face vigorous critique by states and newly established non-state actors such as international non-governmental organisations like Amnesty International or Human Rights Watch. This factor was probably the first incentive which pushed Muslim-majority states to the adoption of the CDHRI. What supports this notion is the apparent interest of the OIC in improving its global perception during the phase of the CDHRI’s elaboration. Beginning with its 10<sup>th</sup> session in 1979, the OIC’s Council of Foreign Ministers was especially worried about “propaganda against Islam and Muslims,” stating that “there has been an intensification of propaganda against Islam and against Muslim countries”, which necessitated conveying an image of Islam “based on justice, equality, and the establishment of a sound international community

<sup>17</sup> Ibid. 579.

<sup>18</sup> Ibid. 591.

<sup>19</sup> Ibid. 591.

<sup>20</sup> Carle, *Revealing and Concealing*, 2005, 122-123.

<sup>21</sup> Al-Ahsan, *Law Religion and Human Dignity*, 2009, 572.

which promotes the interests of individuals and groups.<sup>22</sup> This concern was publicly repeated during every session of the OIC's Council of Foreign Affairs up to the first official mention of the idea of the CDHRI during the Council's 17<sup>th</sup> session of 1988, which stated "the importance of issuing a Document on Human Rights in Islam".<sup>23</sup>

Another indicator for this reading is the declaration's underlying appearance, which is not dedicated to the empowerment of individuals, the common conception of human rights in other documents that are genuinely keen to promote human rights standards. Instead, as Turan Kayaoğlu has noted, the document rather empowers *states*, quite possibly to offer a tool for the enforcement of *any* conception of human rights those states accept to *any* degree they see fit.<sup>24</sup> This enabled states to publicly refer to the CDHRI as a response to critique with regards to their human rights standards.

## VII. The CDHRI and the nature of *Šarī'a* law

Turning back to the document, it becomes apparent that, like the UDHR, it tries to describe a shared identity by all member states of the OIC. The Saudi Arabian foreign minister even "asserted that it embodied the consensus of the world's Muslims in rights issues" when presenting it at the World Conference on Human Rights in Vienna in 1993.<sup>25</sup> However, the values of the declaration failed to manifest themselves in other documents of binding character within international law. Therefore, we might assess that one of the CDHRI's main purposes was to avoid criticism by the international infrastructure on human rights promotion and create a pretext to cover acts of human rights violations. This purpose can not only be achieved by the lack of some sort of *šarī'atic* human rights enforcement in international law but also by the declaration's very references to the *šarī'a* itself.

At the very core of this argumentation lies the impossibility of properly defining *šarī'a*, its provisions, laws and commands as a consistent legislative body. Though there is the

possibility to work consistently with the term *šarī'a* on the basis of an operational definition as a certain cultural phenomenon, attempts to define it as a coherent, consistent and homogeneous body of laws are doomed to fail, because of its very nature. As *šarī'a* signifies the laws and provisions guiding a proper Islamic way of life, the term tries to cover every position made within the Islamic discourse on matters of law, ritual practices, jurisdiction, legality, and sometimes even notions of political philosophy and ethics. Something which tries to embed such a huge set of positions on such a vast majority of topics within only one term has to be inconsistent, incoherent, heterogenic and ever-changing. The common perception of the *šarī'a* as one set of rules is absolutely false. This, of course, does not mean that any participant of the lively discussion of Islamic law has to accept every position made within it as true, but there is no denying that even a perceived false position is a part of *šarī'a* as a *whole*. The complicated nature of Islamic law as an *ongoing discussion* renders it very practical, though *vague* at the same time, which makes it a convenient tool for legitimisation.

Turning back to the CDHRI, the references made to the *šarī'a* could be explained by putting the nature of the *šarī'a* into the context of international politics. Member states of the OIC had been prone to committing human rights violations and had faced heavy international critique for that in the past. As it can be assumed that there had been a general reluctance to implement certain human rights standards within those states, the OIC members deemed it as necessary to establish a document which accepts human rights, as they are demanded by the international community, though deliver a pretext to cover human rights violations at the same time. By referring to the *šarī'a* the CDHRI successfully fulfils all those intentions and dangerously leaves the definition of *šarī'a* open to all conceptions the signatories could see fit for their purposes.<sup>26</sup> As it is impossible to define the *šarī'a* as one consistent body of laws, the possibility of using it to legitimise current practices of human rights violations becomes quite accessible. Additionally, state

<sup>22</sup> Council of Foreign Ministers of the Organization of Islamic Cooperation, *Resolution No. 31/10-P. Measures to counter propaganda against Islam and Muslims*, 1979.

<sup>23</sup> Council of Foreign Ministers of the Organization of Islamic Cooperation, *Resolution No. 44/17-P. On the Draft Document on Human Rights in Islam*, 1988.

<sup>24</sup> Kayaoğlu, *It's Time to Revise the Cairo Declaration of Human Rights in Islam*, 2012.

<sup>25</sup> Carle, *Revealing and Concealing*, 2005, 131.

<sup>26</sup> *Ibid.* 132.

actors can even actively change the *šarī'a* according to their will by having control over institutions or individuals which can have an active impact on it in any way suitable for the state actor. Ultimately, even if an Islamic system of international law enforcement was to be established, the ability of state actors to change the *šarī'a* renders this system useless for keeping those very actors in check.

### VIII. Conclusion

To conclude, with respect to the outlined research the Islamic discourse on human rights has been analysed mainly via the perspective of the works of intellectuals and scholars, and embedding a document of international politics such as the CDHRI within the inner Islamic discussion thus seems to be a task for which the proper terminology and scientific outlining has yet to be developed. However, with our understanding of human rights enforcement within an international context and the fundamental features of Islamic law as well as the roles those two play within international politics, we can come to the conclusion that with the CDHRI's perhaps intentional use of *šarī'a* law in an uncritical and undefined way, the document provides a dangerous pretext covering human rights violations instead of establishing a tool for human rights promotion.

There are several consequences we have to draw from this understanding: besides the

change of perception when it comes to the CDHRI, we have to ask what this means in evaluating the OIC. Though the organisation claims to protect the interests of the Muslim world, it apparently did not do so on an individual level of every Muslim during and directly after the elaboration of the CDHRI. Rather, it sought to empower Muslim-majority states. This conception is fundamentally contradictory to the aspired conception of human rights, which are formulated against states to the empowerment of individuals. If the OIC aspires to shift its commitment in accordance with secular human rights law, it either has to revise the CDHRI fundamentally, i.e. omitting the subordination of its articles under Islamic law and shifting the emphasis of state empowerment to the protection of the individual, or disregard it altogether.

We cannot fully determine what lies in the future of the CDHRI and the OIC. However, every advocate of human rights promotion has to consider the probability of the declaration turning into a source of international law by the adoption of subsequent binding documents. In such a case the CDHRI would have turned from a mere means to avert criticism with regards to human rights standards in OIC member states into an actual tool for human rights violations. Luckily, this has not yet happened, but it is nonetheless a matter of grave concern for everybody seeking to promote human rights in Muslim-majority states.

## Bibliography

AL-AHSAN, ABDULLAH, "Law, Religion and Human Dignity in the Muslim World today: An Examination of OIC's Cairo Declaration of Human Rights," *Journal of Law and Religion* 24 (2:2008-2009), 569-597.

AN-NA'IM, ABDULLAHI A., "Islam and Human Rights: Beyond the Universality Debate," *Proceedings of the Annual Meeting* (American Society of International Law) 94 (2000), 95-103.

AN-NA'IM, ABDULLAHI A., "Human Rights in the Arab World: A Regional Perspective," *Human Rights Quarterly* 23 (3:2001), 701-732.

CARLE, ROBERT, "Revealing and Concealing: Islamist Discourse on Human Rights," *Human Rights Review*, April-June 2005, 122-137.

COUNCIL OF FOREIGN MINISTERS OF THE ORGANIZATION OF ISLAMIC COOPERATION, "Resolution No. 31/10-P. Measures to Counter Propaganda Against Islam and Muslims," *Report and Resolutions on Political Affairs*, 10<sup>th</sup> Session of the Council of Foreign Ministers, Morocco 1979. Available at: [www.oic-oci.org](http://www.oic-oci.org).

COUNCIL OF FOREIGN MINISTERS OF THE ORGANIZATION OF ISLAMIC COOPERATION, "Resolution No. 44/17-P. On The Draft Document on Human Rights in Islam," *Report and Resolutions on Political Affairs*, 17<sup>th</sup> Session of the Council of Foreign Ministers, Amman 1988. Available at: [www.oic-oci.org](http://www.oic-oci.org).

GRANT, JOHN P. AND CRAIG BARKER (EDS.), *Encyclopaedic Dictionary of International Law* (Oxford: OxfordUniversity Press 2009).

KAYAOĞLU, TURAN, "It's Time to Revise the Cairo Declaration of Human Rights in Islam," *Brookings Institution*, April 23, 2012, <https://tinyurl.com/y9g9doqx>.

LINDBERG, STAFFAN, MICHAEL COPPEDGE, JOHN GERRING AND JAN TOERELL, "V-Dem: A New Way to Measure Democracy," *Journal of Democracy* 25 (3:2014), 159-169.

ORGANISATION OF ISLAMIC COOPERATION, "i'lān al-qāhira ḥawla ḥuqūq al-insān fī al-islām," Cairo, 1990, available at [www.oic-iphrc.org](http://www.oic-iphrc.org).

UNESCO, "Declaration," *International Migration Glossary*, 2019, available at [www.unesco.org](http://www.unesco.org).

UNITED NATIONS, *Charter of the United Nations and Statute of the International Court of Justice* (San Francisco, 1945).

UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, "A Compilation of International Instruments," Vol. 2: Regional Instruments (New York and Geneva, 1997).

Alle Online-Quellen wurden am 28. Oktober 2019 verifiziert.

## Impressum

### Herausgeber

Deutsches Orient-Institut

Kronenstraße 1

10117 Berlin

Tel.: +49 (0)30-20 64 10 21

Fax: +49 (0)30-30 64 10 29

[doi@deutsches-orient-institut.de](mailto:doi@deutsches-orient-institut.de)

[www.deutsches-orient-institut.de](http://www.deutsches-orient-institut.de)

Es wurden keine Abbildungen, Kopien oder Übertragungen gemacht ohne Erlaubnis des Autors. Die DOI-Kurzanalysen geben ausschließlich die persönliche Meinung der Autoren wieder.

### Autor

Robin F. C. Schmahl

### Chefredaktion

Ludwig Schulz

Benedikt van den Woldenberg

**Copyright:** Deutsches Orient-Institut

Alle Rechte vorbehalten.

**Korrektur und Layout**

David Gibson

### Vorstand der Deutschen Orient-Stiftung

#### Vorsitzender

Philipp Lührs  
Senior Vice President Global Head of Projects  
Kuehne + Nagel (AG & Co.) KG

#### Stellvertretende Vorsitzende

Professor Dr. O. Faruk Akyol  
Direktor  
SARIAS Stiftung

Henry Hasselbarth  
Hasselbarth Consulting

Helene Rang  
Geschäftsführender Vorstand des NUMOV  
Inhaberin Helene Rang & Partner

#### Mitglieder des Vorstandes

H.E. Ali Bin Harmal Al Dhaheri  
Chairman of the Executive Board of Governors  
Abu Dhabi University

Dr. Gunter Mulack  
Direktor des Deutschen Orient-Instituts / Botschafter a.D.

Prof. Dr. Martin Neumann, MdB  
Mitglied des Deutschen Bundestages

Prof. Dr. Susanne Schröter  
Professorin für "Ethnologie kolonialer und postkolonialer  
Ordnungen" an der Goethe-Universität Frankfurt

Johannes Selle, MdB  
Mitglied des Deutschen Bundestages

Alf Sörensen  
General Manager  
ABC International Bank plc, Frankfurt Branch

Heino Wiese  
Wiese Consult

Johann Erich Wilms  
Vorsitzender des NUMOV  
Präsident der WILMS group

### Kuratorium der Deutschen Orient-Stiftung

#### Präsident

Dr. Ralf Brauksiepe  
Parlamentarischer Staatssekretär a.D.  
Managing Director der Vivawest GmbH

#### Vizepräsident

Prof. Dr. Mathias Rohe  
Rechtswissenschaftliche Fakultät  
Friedrich-Alexander-Universität Erlangen-Nürnberg

#### Mitglieder des Kuratoriums

Abdolvahid Afsari  
Tehran University

Svenja Ahlburg  
Manager Governmental Affairs  
WILO SE

Klaus Uwe Benneter  
Rechtsanwalt und Notar  
HEUSSEN Rechtsanwaltsgesellschaft mbH

Dr. Wolf-Ruthart Born  
Staatssekretär a.D.

Peter Brinkmann  
Journalist

Mathias Brüggmann  
Internationaler Korrespondent Handelsblatt

Henner Bunde  
Staatssekretär der Senatsverwaltung für Wirtschaft, Technologie  
und Forschung Berlins a.D.

Jürgen Chrobog  
Staatssekretär a.D.

Joachim Düster  
Stv. Botschafter a.D.

Thomas Ellerbeck  
Mitglied des Beirats des NUMOV  
Mitglied des Vorstandes der TUI AG

Prof. Dr. Yousef Abdul Ghaffar  
Präsident der Kingdom University in Bahrain

Günter Gloser  
Staatsminister des Auswärtigen Amtes a.D.

Stephan Hallmann  
ZDF Zweites Deutsches Fernsehen, German Television  
Foreign Affairs

Prof. Dr. Michael Köhler  
Stv. Generaldirektor für Zivilschutz und humanitäre Hilfe der  
EU-Kommission  
Professor at the College of Europe

Dr. Heinrich Kreft  
Botschafter

Dr. Hubert Lang  
Botschafter a.D.

Nizar Maarouf  
Sana Kliniken AG

Oliver Mayer-Rüth  
JARD-Korrespondent

Matthias Meyer  
Botschafter a.D.

Prof. Detlef Prinz  
Inhaber  
PrinzMedien

Dr. Nicolas Christian Raabe  
Mitglied des NUMOV Juniorenkreises

Dr. Gerhard Sabathil  
Botschafter a.D.

Adem Sari  
Managing Director  
SARIAS Investment GmbH

Prof. Dr. jur. Dr. phil. Peter Scholz  
Freie Universität Berlin  
Präsident des Amtsgerichts Charlottenburg

Oltmann Siemens  
Vertreter der Weltbank a.D.