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## *Introduction*

**T**HE THREATS POSED by terrorism today are increasingly international, borderless, and diverse. If they are to be countered effectively, such threats require a truly coherent international response: state to state, state to international organization, and international organization to international organization, at the bilateral, sub-regional, regional, and international levels. The necessity of effective cooperation, not least through a comprehensive collective security system, was highlighted by the UN's High-Level Panel Report in 2004 in the following terms:

Today, more than ever before, threats are interrelated and a threat to one is a threat to all. The mutual vulnerability of weak and strong has never been clearer. ... No State, no matter how powerful, can by its own efforts alone make itself invulnerable to today's threats. Every State requires the cooperation of other States to make itself secure.<sup>1</sup>

Similarly, the role played by regional organizations has been recognized as an integral part of multilateral counter-terrorism cooperative efforts, in particular the necessity for stronger relationships to be developed between the UN and regional as well as sub-regional organizations pursuant to Chapter VIII UN Charter.<sup>2</sup> In terms of the legal framework within which such cooperation should occur, as the UN's High-Level Panel Report noted, 'the key is to organize regional action within the framework of the Charter and the purposes of the United Nations'.<sup>3</sup> Furthermore, such responses should occur within the wider international

<sup>1</sup> See Report of the United Nations (UN) Secretary-General's High-Level Panel on Threats, Challenges and Change, 'A More Secure World: Our Shared Responsibility' (2004) UN Doc A/59/565 (UN High-Level Panel Report) paras 17 and 24.

<sup>2</sup> See eg: UN Security Council (SC) Res 1631 (17 October 2005) UN Doc S/RES/1631, para 6; UN Global Counter-Terrorism Strategy 2006 (UN CT Strategy) in UN General Assembly (GA) Res 288/60 (8 September 2006) UN Doc A/RES/288/60, para 3(d), as reiterated during the subsequent biennial reviews of the Strategy by the UNGA in: UNGA Res 62/272 (5 September 2008) UN Doc A/RES/62/272, paras 2 and 4-5; UNGA Res 64/297 (8 September 2010) UN Doc A/RES/64/297, paras 2 and 4-5; and UNGA Res 66/282 (29 June 2012) UN Doc A/RES/282, paras 2, 4, 5, 16-17, and 26; 'Measures to Eliminate International Terrorism' resolutions, most recently UNGA Res 67/99 (14 December 2012) UN Doc A/RES/67/99, Preamble and para 2.

<sup>3</sup> UN High-Level Panel Report (n 1) para 272.

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rule of law framework<sup>4</sup>—namely the UN Charter, international human rights, international humanitarian, international refugee, and international/domestic criminal law—which underpin the UN Global Counter-Terrorism Strategy 2006 (UN CT Strategy).<sup>5</sup>

This overall aim of this book is to better understand the international counter-terrorism contribution of one such ‘regional organization’,<sup>6</sup> the Organization of Islamic Cooperation (formerly the Organization of the Islamic Conference) (OIC). In particular, it examines the OIC’s law-making activities within the framework of the UN CT Strategy framework. While Member State practice is far from perfect in terms of implementing the UN CT Strategy,<sup>7</sup> adopted without a vote by the UN General Assembly in its Resolution 60/288<sup>8</sup> as the UN’s first common strategic approach to tackling terrorism, this strategy nevertheless represents a baseline of international consensus and legitimacy, including regarding the applicable legal framework. Certainly, most of the UN’s membership is legally bound to adhere to at least most of its underpinning legal principles by virtue of being states parties to the relevant international conventions<sup>9</sup> and protocols and/or related customary international law norms.

The OIC has been selected for four principal reasons. One is that it is

<sup>4</sup> For an extensive examination of this framework in practice, see AM Salinas de Friás, KLH Samuel, and ND White (eds), *Counter-Terrorism: International Law and Practice* (Oxford, Oxford University Press, 2012).

<sup>5</sup> UN CT Strategy, especially its Action Plan: Pillar IV, Preamble and paras 2–5; as reiterated during the subsequent biennial reviews in: UNGA Res 62/272 (5 September 2008) UN Doc A/RES/62/272, Preamble and paras 7–8; UNGA Res 64/297 (8 September 2010) UN Doc A/RES/64/297, Preamble and paras 7–8; and UNGA Res 66/282 (29 June 2012) UN Doc A/RES/282, Preamble and eg paras 8 and 11.

<sup>6</sup> As is examined in Chap 3, strictly speaking conceptually the OIC is an ‘intergovernmental’ rather than a ‘regional’ organization. For all intents and purposes, however, it is treated like other ‘regional’ organizations for the purpose of multilateral cooperation. See, for example, the outcomes of the biennial OIC–UN General Meetings on Cooperation between the UN and the OIC and their respective specialized organizations and agencies, pursuant to UNGA Res 50/17 (28 November 1995) UN Doc A/RES/50/17, and UNGA Res 63/114 (26 February 2009) UN Doc A/RES/63/114. The most recent one took place in Geneva, 1–3 May 2012, [www.ircica.org/ircica-participated-in-the-un-oic-coordination-meeting-held-in-geneva-1-3-may-2012/irc909.aspx](http://www.ircica.org/ircica-participated-in-the-un-oic-coordination-meeting-held-in-geneva-1-3-may-2012/irc909.aspx), accessed 14 December 2012.

<sup>7</sup> A key challenge remains how to ‘operationalize’ the UN CT Strategy, ie how to implement it effectively within UN Member States. See eg UNGA Res 66/171 (19 December 2011) UN Doc A/RES/66/171, para 15; UNGA Res 66/282 (29 June 2012) UN Doc A/RES/282, para 5; UNGA Res 67/99 (14 December 2012) UN Doc A/RES/67/99, Preamble, paras 2–3, 19–20. See further on this J Cockayne, A Millar, and J Ipe, ‘An Opportunity for Renewal: Revitalizing the United Nations Counterterrorism Program’ (Center on Global Counterterrorism Cooperation, Washington, DC, September 2010) i–ii, [www.globalct.org/resources\\_publications.php](http://www.globalct.org/resources_publications.php), accessed 25 January 2012.

<sup>8</sup> Similarly, the subsequent biennial reviews (n 2) of the UN CT Strategy by the UNGA have been adopted on the basis of consensus.

<sup>9</sup> Where UN Member States are not yet States Parties to some of the applicable international treaties, they are urged to do so and to implement their provisions within national law at the earliest opportunity. See eg UN CT Strategy, Plan of Action: Pillar IV, para 3; and UNSC Res 1373 (28 September 2001) UN Doc S/RES/1373, paras 3(d) and (e).

a relatively under-researched international organization, especially with respect to its law-making activities, representing an important gap in current scholarship and understanding. Efforts to bridge this gap are particularly important due to the

major role [of international organizations, IOs] in the transformation of the familiar state-centred international law landscape. IOs, which were almost non-existent in the early twentieth century, now outnumber states in a three to one ratio. Whether as law-makers, law shapers or dispute settlers, IOs have significantly changed the way in which international laws are made, implemented and enforced, as well as becoming forums in which state sovereignty is regularly defined, exercised and contested.<sup>10</sup>

Another motivating factor is the extent of the relevant experience of the OIC's membership on matters of terrorism and counter-terrorism, in that many of its Member States have been either the victims,<sup>11</sup> and/or have been linked to the direct or indirect perpetration,<sup>12</sup> of domestic and international terrorist acts beyond the experiences of most, if not all, other comparable intergovernmental or regional organizations with the exception of the UN itself. A third reason is that the OIC's membership represents a significant element of the UN General Assembly's membership (approximately 30%) and, as such, has significant potential to influence the shaping of UN law<sup>13</sup> and policy, focusing here primarily on terrorism-related matters. This is illustrated by the current impasse created by the OIC and its Member States in relation to achieving a universal definition of terrorism as part of the ongoing negotiations on the draft UN Comprehensive Convention on International Terrorism (draft UN Comprehensive Convention), which is examined in Chapter 9. Finally, the OIC is unique as an intergovernmental organization in terms of its self-stated Islamic character and objectives.

With respect to this latter issue of the OIC's underpinning Islamic ideals and goals, much of recent international counter-terrorism discourse, policy and law-making decisions, since the terrorist attacks committed against the US on 11 September 2001 (9/11), have been expressly

<sup>10</sup> M Prost, *The Concept of Unity in Public International Law* (Oxford, Hart Publishing, 2012) 6.

<sup>11</sup> Al Qaeda has, for example, perpetrated terrorist attacks against Saudi Arabia, Jordan, Turkey, Indonesia, Pakistan, and Egypt.

<sup>12</sup> Current OIC Member States thus listed by the US Department of State are Iran, Sudan, and Syria (formerly also Libya). See US Department of State, 'State Sponsors of Terrorism', [www.state.gov/j/ct/list/c14151.htm](http://www.state.gov/j/ct/list/c14151.htm), accessed 5 August 2013.

<sup>13</sup> The concept of 'UN law' is explained in Chap 2.III.A.i. In terms of the OIC's potential influence, it describes itself in the following terms: '[T]he 57 member States (see n 15) of the OIC represent a formidable and influential voting bloc with the ability to effectively advance the objectives and principles of the OIC as well as to successfully oppose any measures that run counter to these objectives and principles and interests of the Islamic world', 37th International Conference of Foreign Ministers (ICFM) (2010) Res 41/37-POL, Preamble.

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or impliedly centred round issues concerning the Islamic religion and Islamic law (*Shari'ah*). Consequently, it is important to better identify, examine, and explain whether the OIC's stated Islamic nature may be relevant here and, if so, in what ways and with what potential implications for UN law-making and the achievement of the UN CT Strategy. This is significant not only for the purpose of better comprehending the OIC as an international organization, but also Islamic political entities more generally.<sup>14</sup> As is explained in more detail in Chapter 3, because the OIC's outputs represent the minimum baseline of consensus of its membership of 56 sovereign states,<sup>15</sup> they provide a useful starting point for better understanding the law-making approaches—and related issues concerning the relationship between Islamic and international/UN law norms—of its Member States. It is acknowledged though from the outset that each OIC Member State is unique in terms of its formal adherence (or not in the case of officially secular states) to *Shari'ah*, as well as the manner in which this is worked out at the domestic level.

The book considers these issues from an institutional law-making perspective through critical analysis and comparison of the OIC's law-making activities on matters of terrorism and counter-terrorism—which produce their own corpus of OIC law<sup>16</sup>—alongside the institutional law-making and policy decisions of the UN, focusing principally on the UN Charter, UN law, and the UN CT Strategy. This allows an assessment to be made of the relationship between these two organizations and the compatibility of their respective norms, primarily from a general international law perspective.

In terms of its methodology, the book essentially adopts a 'rules-based' approach in that it seeks to discern the existence of formally as well as informally binding—or at least influential—values, principles, and rules relevant to counter-terrorism responses within both the UN and OIC legal orders. This permits an examination of the law as it is (*lex lata*), the law as it should be (*lex ferenda*),<sup>17</sup> together with the identification

<sup>14</sup> The term 'Islamic political entities' is used here to denote Islamic political organizations (primarily the OIC) and Islamic states (notably the OIC membership) with law-making abilities.

<sup>15</sup> The OIC considers its membership to comprise of 57 Member States, because it treats Palestine as being a sovereign state. See [www.oic-oci.org/member\\_states.asp](http://www.oic-oci.org/member_states.asp), accessed 25 January 2012. The UNGA came one step closer to such formal recognition during 2012 when—in great part attributable to the efforts of the OIC and its Member States—it afforded the Palestinian people 'non-Member State observer status' in November 2012. See 'General Assembly Votes Overwhelmingly to Accord Palestine "Non-Member Observer State" Status in the United Nations', Press Release GA/11317 (29 November 2012). As no sovereign state of Palestine has yet been formally recognized, for the purpose of the current discussion the OIC is treated as having a membership of 56 sovereign states together with representatives of the Palestinian people.

<sup>16</sup> The concept of 'OIC law' is examined in Chap 2.III.B.i.

<sup>17</sup> K Parlett, *The Individual in the International Legal System* (Cambridge, Cambridge University Press, 2011) 7.

of differentials between them which may be of law- and policy-making concern. This approach is principally informed by positivist,<sup>18</sup> policy,<sup>19</sup> critical<sup>20</sup> (especially postcolonial<sup>21</sup>), as well as Islamic theoretical scholarship due to the breadth and spectrum of the issues considered. As one scholar has commented, it is neither necessary nor particularly helpful to adopt or prefer any one theoretical approach in a 'rules-based' approach which is primarily concerned with examining 'the development of law and practice in concrete terms'.<sup>22</sup> Instead, for the current purposes, it suffices 'to posit that international law [or here, UN and OIC law] exists as a more or less determinate system, that its processes are, in some meaningful way, rule-based, and that changes in rules and processes can be identified with sufficient certainty'.<sup>23</sup>

In terms of the materials consulted, the research for this book spans from 1960 to the present day for UN documents;<sup>24</sup> and from 1969 (the creation of the OIC) to the present day for the OIC.<sup>25</sup> Not only do these time periods encompass the length, scope, and nature of the UN's and OIC's engagement with terrorism-related issues, but they permit the more accurate identification as well as assessment of emerging and established UN and OIC counter-terrorism law and trends, whether hard or soft in nature. Additionally, those materials traditionally associated with international law-making<sup>26</sup> are consulted also.

<sup>18</sup> See eg I Brownlie, 'The Reality and Efficacy of International Law' (1981) 52 *BYBIL* 1; and I Brownlie, *The Rule of Law in International Affairs* (The Hague, Martinus Nijhoff, 1998) ch 1.

<sup>19</sup> See eg R Higgins, *Problems and Process: International Law and How We Use It* (Oxford, Oxford University Press, 1994).

<sup>20</sup> See eg M Koskeniemi, *From Apology to Utopia* (Cambridge, Cambridge University Press, 2005) 210.

<sup>21</sup> A Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge, Cambridge University Press, 2005); BS Chimni, 'An Outline of a Marxist Course on Public International Law' (2004) 17 *Leiden JIL* 1; A Roberts and B Kingsbury (eds), *United Nations, Divided World*, 2nd edn (Oxford, Oxford University Press, 1993); RP Anand, 'Role of "New" Asian-African Countries in the Present International Legal Order' (1962) 56 *AJIL* 383, and 'Attitudes of the Asian-African States Towards Certain Problems of International Law' (1966) 15 *ICLQ* 55; and I Shihata, 'The Attitude of the New States towards the International Court of Justice' (1965) 19 *International Organisation* 213.

<sup>22</sup> Parlett (n 17) 9.

<sup>23</sup> *Ibid.*

<sup>24</sup> In particular, outputs of the UNSC, UNGA (including the Sixth Committee's ad hoc and Working Group on the Elimination of International Terrorism), human rights as well as anti-terrorism conventions.

<sup>25</sup> In particular, the outputs of its Heads of State Islamic Summits, ICFMs, annual alignment meetings held in New York prior to each new session of the UNGA, human rights as well as anti-terrorism instruments. All OIC instruments cited are accessible from the OIC's website, [www.oic-oci.org](http://www.oic-oci.org), accessed 5 August 2013.

<sup>26</sup> These include treaties, decisions of national and international courts, national legislation, policy statements, press releases, etc. See further eg *Yearbook of the International Law Commission* (1950) vol II, 368–72; and I Brownlie, *Principles of Public International Law*, 7th edn (Oxford, Oxford University Press, 2008) 6–7.

Two of the central questions that are explored throughout the book are whether the respective legal orders and/or counter-terrorism norms of the OIC and UN are cooperative or conflicting in nature; and, where any difference is discerned, what the implications of this might be, with particular reference to adhering to and strengthening UN law, particularly those norms that underpin the UN CT Strategy. Where any tensions are identified, the analysis then explores whether these might in any way be attributable to the OIC's policies, practices, and resultant OIC law being influenced to at least some extent by its stated Islamic objectives and norms. Certainly, at least theoretically if not always worked out in practice, the UN and OIC are founded upon two quite different conceptual bases: the UN is universal and secular, emphasizing the rights of the individual; whereas the OIC is 'regional' and to some degree religiously inspired, concerned primarily with the needs of the universal collective *ummah* to which the rights of the individual must defer.

Two further important and related sub-questions are asked. The first, which is a primary focus of Chapters 5 and 6, is whether any hierarchy exists between the UN and OIC legal orders and/or their norms such that one (and if so, which one, and in what circumstances) prevail(s) over the other, with what law- and policy-making consequences. This incorporates consideration of the potential relevance and effect of religious norms, particularly those which appear to be of an 'Islamic preemptory nature'.<sup>27</sup>

The other is whether any references to and sought reliance upon Islamic norms by the OIC or its Member States are motivated by a genuine commitment to these religious obligations; or whether such religious norms are being politically exploited—politicized—for non-religious purposes. As one commentator has noted: 'The relationship between the sacred, as announced in the *Qur'an*, and the political is one of the ongoing, controversial debates within Islamic countries.'<sup>28</sup> A key issue here is whether any explanations offered by these political entities couched in religious terms, not least regarding any potential conflict of norms, are genuinely attributable to religious obligations; represent their political exploitation; or are a combination of both.

In terms of the method of considering Islamic norms, an in-depth analysis of *Shari'ah*—which has been done extensively elsewhere, including within Islamic international law scholarship<sup>29</sup>—is beyond the scope

<sup>27</sup> This concept is explained in Chap 5, particularly S III.

<sup>28</sup> D Littman, 'Universal Human Rights and "Human Rights in Islam"' in R Spencer (ed), *The Myth of Islamic Tolerance: How Islamic Law Treats Non-Muslims* (New York, Prometheus Books, 2005) 319.

<sup>29</sup> See eg M Baderin, *International Human Rights and Islamic Law* (Oxford, Oxford University Press, 2003); MT al-Ghunaimi, *The Muslim Conception of International Law and the Western Approach* (The Hague, Martinus Nijhoff, 1968); AA An-Na'im, *Islam and the Secular State: Negotiating the Future of Shari'a* (Cambridge, MA, Harvard University Press, 2008);

of this book. Consequently, where certain Islamic norms are believed to be of OIC law-making significance—and in the absence of agreement regarding the exact definition, scope, and meaning of these norms even amongst Islamic political entities and scholars—the approach is to identify as well as outline the spectrum of diverse jurisprudential interpretative approaches to particular norms and concepts, then to discuss their respective possible implications for OIC and UN counter-terrorism law-making. In doing so, the analysis draws upon diverse Islamic scholarship broadly representative of the three main interpretative approaches: conservative, moderate, and liberal. Certainly, it is crucial to draw upon such scholarship, and not to be limited to essentially Western-dominated ideas together with analytical prisms of international law, if a religiously inspired political entity such as the OIC is to be more accurately critiqued. As one commentator has observed:

In order for the West to fully understand and ultimately control international terrorism, it must first explore how Islamic legal theory, the *Shari'ah*, conceptualizes and responds to terror-violence. An informed conception of international terrorism will not be complete until the *Shari'ah* is included in the analysis.<sup>30</sup>

It is hoped that the described approach for analysing both international law and *Shari'ah* throughout the book will assist the reader to better understand the OIC's institutional law-making activities as well as identify any underlying sources of potential normative tension existing between the UN and the OIC. Furthermore, it will be drawn upon simultaneously to explore and, where appropriate, challenge common scholarly and political assumptions regarding the OIC. Two significant assumptions are examined in particular. The first is that, due to the OIC's internal institutional challenges and weaknesses, its normative outputs, OIC law, are of minimal consequence either within or out with the domain of the OIC. The other concerns the believed irrelevancy of the OIC's stated Islamic nature, including from law- and policy-making perspectives, such that the OIC and its adherence to international law is no different to any other secular intergovernmental organization. Such assumptions are generally poorly substantiated, not least evidentially. Consequently, in response to these and related assumptions or observations about the OIC, the current book has sought to be very evidence based, often citing primary OIC sources that 'speak for themselves'.

M Hamidullah, *Muslim Conduct of State*, 7th edn (Lahore, SH Muhammad Ashraf, 1977); M Khadduri, *Islamic Law of Nations: Shaybani's Siyar* (Baltimore, MD, Johns Hopkins University Press, 1966); MC Bassiouni and GM Badr, 'The Shari'ah: Sources, Interpretation, and Rule-Making' (2002) 1 *UCLA J Islamic and Near EL* 135; and S Mahmassani, 'The Principles of International Law in the Light of Islamic Doctrine' (1966) 117 *Recueil des Cours* 201.

<sup>30</sup> DA Schwartz, 'International Terrorism and Islamic Law' (1991) 29 *Colombia JTL* 629.

It is not suggested here that the OIC is either a full manifestation of the universal Islamic community of believers, the *ummah*, or that it adheres fully to *Shari'ah*, for example in the same way as an 'Islamic' state may do (see further Chapter 2). Instead, as will become apparent, the careful, in-depth identification and analysis of OIC practice together with relevant Islamic norms throughout this book—which had no pre-determined agenda or sought outcomes—point to the OIC being an at least partial institutional expression of the primary objectives and ideals of the *ummah*. During the early stages of research for this book, the extent and manner in which this now appears to be the case was not expected. This was largely attributable to two factors. The first is that most of the limited existing scholarship on the OIC focuses on and/or argues in favour of its secular institutional characteristics and functions. The other is that much of broader contemporary scholarship and discourse regarding the relationship between international law and Islamic law norms seeks to reduce any margins of conceptual difference between them, not least in an attempt to encourage greater adherence to international law norms by Islamic political entities.<sup>31</sup> The extensive and painstaking research undertaken during the writing of this book, however, which included the analysis of hundreds of OIC primary materials—many of which were subsequently examined through the lenses of *Shari'ah*—certainly suggest that Islamic norms influence the substance of at least some OIC outputs. This appears to occur in different ways and at different times (for example, reflecting particular political contexts), with potential implications for international law-making more generally, and for counter-terrorism law-making and the achievement of the UN CT Strategy more specifically, as is examined in detail in Chapters 7–10.

The book is structured in three parts. Following the introduction, Part One (Chapters 2 and 3) introduces the key concepts as well as foundational principles of UN and OIC institutional law-making, which form the analytical backbone of the book's enquiries. More specifically, this part explains: the absence of a universally agreed definition of terrorism; foundational Islamic concepts (Islamic and Muslim, *ummah*, *Shari'ah*, and Islamic international law (*Siyar*)); the legal order framework (UN legal order and resultant UN law, OIC legal order, which produces OIC law); and finally the nature as well as law-making function of values, principles, and rules. Furthermore, it examines in some depth the institutional nature, characteristics, and activities of the OIC that are of particular law-making significance. Although the focus of the book is on counter-terrorism, both the foundational concepts examined, as well as the analysis of the OIC as an international organization, are of much wider law-making relevance and significance.

<sup>31</sup> See eg Baderin (n 29).

In Part Two (Chapters 4–6), the focus then turns to identifying and examining key concepts governing conflicting or cooperative legal orders as well as norms. These form central questions during the examination of specific counter-terrorism values, principles, and rules in Part Three (Chapters 7–10), particularly when offering possible explanations as to why some OIC norms and practices diverge from corresponding UN ones.

In Chapter 4, the relationship between international law and *Siyar* is examined, particularly between their respective sources. Additionally, the potential law-making implications of differing conceptions of legitimacy between international law and *Shari'ah* are discussed. Chapter 5 then introduces the notion of conflicting norms in international law, before the remainder of its analysis focuses on whether a hierarchy of legal norms exists not only within international law and *Shari'ah*, but also between them in the event of a normative conflict, and with what potential law-making implications for the relationship between UN and OIC counter-terrorism norms. Finally, Chapter 6 examines the conceptual relationship existing between two institutional legal orders, particularly to what extent a hierarchy of legal orders may exist between the UN and the OIC, drawing on the principles of monism and dualism, on Article 103 UN Charter, as well as on the principles articulated in, together with the potential wider implications of, the judgment of the European Court of Justice in the case of *Kadi*<sup>32</sup> regarding the UN Security Council's controversial 1267 sanctions regime.

The analysis in Part Three then examines the relationship existing between corresponding UN and OIC values (Chapter 7), principles (Chapter 8), and rules (Chapter 9) relevant to counter-terrorism law-making as well as for the effective implementation of the UN CT Strategy. In contrast to much of contemporary analysis of these or related issues, which tends to be confined to the discussion of principles and rules, the examination of those values which shape the latter is considered to be an integral part of an in-depth examination, with values representing part of the normative bedrock of UN and OIC law. Furthermore, examination of a wider spectrum of norms is helpful when seeking to form a more comprehensive and accurate picture regarding the extent to which the UN and OIC legal orders are cooperative or conflicting. Where significant divergences between corresponding UN and OIC norms as well as practices are identified within Chapters 7–9, the analysis then draws upon the potential sources of law-making tension identified in Part Two to examine whether themes of normative and/or legal order conflict may offer an at least partial, plausible explanation for them.

<sup>32</sup> Joined Cases C-402/05 P and C-415/05 P *Kadi and Al Barakaat International Foundation v Council and Commission* [2008] ECR I-6351.

More specifically, Chapter 7 examines four pivotal values that underpin the UN CT Strategy: the promotion of democracy, respect for human rights, rule of law, and tolerance. Chapter 8 then looks at principles, focusing on those most relevant to ongoing debates concerning self-determination struggles and the terrorism definitional impasse, namely: the principle of self-determination itself, as well as the principles governing the use of force in self-defence and related controversies regarding whether the scope of these principles might extend to non-state actors engaged in armed self-determination struggles. Finally, Chapter 9 analyses the function and consequences of rules within both the UN and OIC legal orders, as well as the relationship between them, focusing primarily on illustrative international human rights and selected anti-terrorism conventions, together with the OIC's Convention on Combating International Terrorism 1999.

The conclusion seeks to draw together and develop the key findings, in addition to initial conclusions, of Parts One to Three. In particular, it attempts to make sense not only of their significance for the institutional law-making relationship existing between the UN and OIC on terrorism-related matters, but more generally too. Furthermore, it attempts to answer other key questions posed throughout the book, especially whether (and if so, how) the OIC's stated Islamic values, ideals, and goals are normatively relevant; whether the UN and OIC legal orders and/or norms are cooperative and/or conflicting in nature; and what the wider implications of these findings are for UN law- and policy-making, both in terms of the UN's general engagement with the OIC as an inter-governmental organization, as well as in relation to matters of terrorism and counter-terrorism, notably the effective achievement of the UN CT Strategy's objectives including within OIC Member States.