

Monitoring Mechanisms to Ensure the Effectiveness of Negotiation Strategies with Non-Muslim States in International Law: A Case Study of Proposed Frameworks of the Organisation of Islamic Cooperation and Their Comparison with International Oversight Models

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Evaluating the effectiveness of negotiation strategies with non-Muslim countries in the field of international law requires the application of diverse theoretical frameworks that enable an in-depth analysis of the dynamics governing international relations and negotiation processes. These analytical frameworks are essential for understanding the complex interplay of national interests, cultural values, and power relations among states. The present study focuses on examining oversight mechanisms in international law that ensure the effectiveness of negotiations between Muslim and non-Muslim states. Relying on a comparative-analytical research method, this study investigates the fundamental principles of public international law, the norms of treaty law, and obligations arising from membership in international organizations. In particular, it analyzes the central role of the Islamic International Court of Justice—as a proposed institution within the framework of the Organisation of Islamic Cooperation—in institutionalizing supervision over negotiation processes. Furthermore, through a comparative analysis of oversight mechanisms in prominent regional organizations such as the European Union and the Organisation of Islamic Cooperation, this study seeks to explain how international supervision can enhance the efficiency and effectiveness of negotiations with non-Muslim states.

Keywords: Effectiveness of negotiation strategies, international law, non-Muslim states, Organisation of Islamic Cooperation, international oversight models

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1. Introduction

In the complex sphere of contemporary international law, intergovernmental negotiations perform a central function in regulating relations and in the peaceful settlement of disputes. When these dialogues take place between actors with distinct civilizational, cultural, and legal backgrounds—especially between Muslim and non-Muslim states—they confront, in

addition to conventional challenges, intensified identity-based and normative barriers (Cohen, 1997). In such a sensitive context, the formulation of effective negotiation strategies that simultaneously respond to national demands and remain grounded in authentic values, without the support of deeply rooted analytical frameworks and guarantee-based oversight mechanisms, is, if not impossible, at least beset by profound structural difficulties.



The central issue of this study is the examination of the hypothesis that the efficiency of negotiation strategies depends upon the existence of transparent, impartial, and effective oversight mechanisms within the framework of international law. In this regard, the principal question of the article is: “How can international oversight enhance the efficiency and effectiveness of negotiations between Muslim states and non-Muslim countries?” To answer this question, the study employs a comparative-analytical research method. By examining the fundamental principles of public international law, the rules governing treaty law, and the obligations arising from membership in international organizations, the author seeks to identify the existing gaps and capacities in oversight of negotiation processes (Ziaei Bigdeli, 2019). The focal point of this research is the analysis of the role of international judicial and quasi-judicial bodies, with emphasis on the proposed “Islamic International Court of Justice” within the framework of the Organisation of Islamic Cooperation (OIC), as a factor for institutionalizing and guaranteeing adherence to the principles of justice and fairness in negotiations (Salimi, 2021).

The study then undertakes a comparative analysis of oversight mechanisms in influential international organizations, such as the European Union as a symbol of an integrated legal order (Craig & de Búrca, 2015), and the Organisation of Islamic Cooperation as a representative of the Islamic world (Ahmad, 2018), in order to offer a theoretical and practical approach for strengthening the legal and negotiating position of Islamic countries within the international system. Ultimately, this research proposes a novel hybrid governance model for the OIC, the purpose of which is to transform the OIC from a dialogue-oriented institution into a pragmatic organization with effective oversight and enforcement capacity. This four-dimensional model is based on the selective integration of effective international mechanisms with the value-based and juristic foundations of Islam, and seeks to enhance the legitimacy and effectiveness of the OIC through the creation of institutions such as the “Islamic International Court” and a “smart enforcement system,” thereby turning it into a norm-generating actor in the international arena (Farajollah Ghasemi, 2019; Ghavam, 2021).

2. Theoretical Foundations and Types of Oversight Frameworks

2.1. *The Concept and Nature of Oversight Frameworks in International Relations*

Explaining the role and function of oversight mechanisms for ensuring the effectiveness of negotiation strategies with non-Muslim countries requires reliance on diverse theoretical frameworks that make possible an in-depth analysis of the dynamics governing international relations and diplomatic processes (Ghavam, 2021). These analytical frameworks function as indispensable tools for understanding the complexities arising from the interaction of national interests, identity-based values, and power dynamics in the international sphere (Dehghani Firouzabadi, 2017). In the specialized discourse of law and international relations, the term “oversight mechanisms” refers to a set of institutionalized structures and protocols responsible for monitoring, evaluating, and ensuring the proper implementation of international strategies and agreements (Fawzi, 2019). In the specific context of transnational negotiations, these mechanisms oversee the efficiency and effectiveness of the outcomes of diplomatic dialogue between Islamic and non-Islamic states by continuously monitoring the course of interactions and correcting potential deviations. The nature of such negotiations is inherently complex because it is rooted in a tense history, structural cultural gaps, and pluralism among normative systems (Ziaei Bigdeli, 2020). Therefore, a precise examination of these mechanisms is of strategic importance for facilitating intercultural understanding and deepening bilateral and multilateral cooperation in an interconnected global order. The historical evolution of negotiation models in the Islamic world—shaped by the experiences of colonialism, conflict, and the transition to the post-colonial order—has rendered the use of subtle, context-sensitive, and contingency-based strategies in dealing with non-Muslim states unavoidable (Ziaei Bigdeli, 2020).

Oversight frameworks are recognized as the backbone of modern diplomacy, rooted in a specific historical-civilizational context and influenced by political, cultural, and religious dynamics (Simbar, 2018). These frameworks have evolved from early examples in the Islamic tradition, such as the Treaty of Hudaibiyyah—

which in Islamic history became a symbol of the capacity for peaceful engagement with the “other”—to complex contemporary paradigms shaped by globalization and technological transformation (Fawzi, 2019). The effectiveness of Muslim countries’ negotiation strategies in interaction with non-Muslim actors is a function of multilevel factors, including the historical background of relations, cultural-civilizational considerations, and the international balance of power (Simbar, 2018). Major tensions and disagreements in this field generally arise from conflicting interpretations of legal rules, the impact of geopolitical rivalries, and the challenges of institutionalizing adherence to international obligations. Among the key pillars in the design of effective oversight strategies are the integration of modern communication and monitoring technologies, the active participation of local and transnational stakeholders, and the establishment of transparent systems for data collection and analysis (Fawzi, 2019). These pillars provide a basis for enhanced accountability and transparency and significantly increase the likelihood of achieving desirable outcomes in negotiation processes.

2.2. *Legal Foundations and the International Normative Order*

The effectiveness of negotiation strategies in the international arena is inherently dependent on the existence of a solid legal framework grounded in the rule of law and supported by international judicial and quasi-judicial institutions (Ziaei Bigdeli, 2021). Public international law, by articulating and presenting a set of universal principles, functions both as a guide for conduct during negotiations and as a creator of a common legal language that promotes transparency, clarity, and predictability in diplomatic relations (Ziaei Bigdeli, 2021).

Obligations arising from the sources of international law, whether treaties or customary international law, create a binding and norm-generating framework for all negotiation-based interactions and establish expected standards of conduct for states (Amiri, 2019). In this respect, global and regional institutions, such as the United Nations and the Organisation of Islamic Cooperation, strengthen and facilitate members’ adherence to these norms by providing institutional platforms and oversight mechanisms (Ghari Seyed Fatemi, 2019). A deep understanding of these

frameworks is necessary, because the plurality and heterogeneity of domestic legal systems make such understanding indispensable for reducing legal risks and ensuring the effective implementation of agreements (Schreuer, 2012).

Among the fundamental principles of this legal framework are the obligation to comply with peremptory norms and the Charter of the United Nations—especially Article 2(4) concerning the prohibition of the threat or use of force—as well as the irreplaceable role of international judicial institutions such as the International Court of Justice in the interpretation, clarification, and oversight of the implementation of these rules (Ziaei Bigdeli, 2021). For example, the historic judgment of the Court in the *Nicaragua v. United States* case in 1986 decisively reinforced the legal foundations of the principle prohibiting the use of force and the obligation to respect national sovereignty (Amiri, 2019; Shaw, 2017). Similarly, the prosecution of war criminals before the International Criminal Tribunal for the former Yugoslavia represented a concrete manifestation of the concept of individual international responsibility and accountability for grave breaches of international humanitarian law (Mehrpour, 2022). The intelligent integration of these legal considerations and norms into the core of negotiation strategies significantly enhances negotiators’ capacity to reach durable, legitimate, and enforceable agreements within the complex setting of intercultural and inter-civilizational interactions (Simbar, 2018).

2.3. *The Institutionalist Approach to Oversight of International Negotiations*

The framework of liberal institutionalism, by placing central emphasis on the role of international structures and institutions, highlights the capacity of such institutions to regulate state behavior and facilitate transnational cooperation (Ghavam, 2021). According to this approach, the design and establishment of effective and durable institutional structures for overseeing negotiations with non-Muslim countries is vital, because these institutions optimize diplomatic interactions by reducing negotiation and transaction costs and strengthening mechanisms that ensure compliance with agreements (Dehghani Firouzabadi, 2017). Accordingly, and in line with liberal institutionalist reasoning,

international institutions provide the necessary platform for the continuation and deepening of international cooperation by organizing stable and predictable rules and norms (Dehghani Firouzabadi, 2017; Ghavam, 2021).

Moreover, by providing flexible and resilient institutional frameworks, international institutions make possible adaptation to dynamic international developments and changing conditions and, through this process, guarantee the effectiveness and continuity of oversight mechanisms (Zamani, 2021). Concrete examples of this function can be observed in the pivotal role of the United Nations in managing and containing international crises, or in the coordinating performance of the World Health Organization in confronting the global COVID-19 pandemic, both of which demonstrate the capacity of international institutions to facilitate multilateral cooperation (Zamani, 2021). Nevertheless, despite institutionalism's emphasis on the facilitating and functional characteristics of institutions, the decisive role of powerful actors, especially great powers, in designing, directing, and even shaping the functioning of these institutions cannot be ignored (Dehghani Firouzabadi, 2017; Ghavam, 2021).

2.4. The Realist Framework in the Analysis of International Negotiations

Realism, as one of the oldest and most influential paradigms in international relations studies, emphasizes three fundamental principles in the analysis of oversight mechanisms in negotiations: power, national interest, and the anarchic condition of the international system (Ghavam, 2021). This framework offers a strict and action-oriented approach, according to which states, operating in an inherently competitive and fear-driven environment, place the acquisition and preservation of power and security at the center of all their interactions (Dehghani Firouzabadi, 2017). Within this view, states predominantly use negotiation strategies that reflect a zero-sum logic and a win-lose pattern, focused on the maximization of national interest even at the expense of other actors (Dehghani Firouzabadi, 2017).

Realism functions as a foundational descriptive-explanatory theory and identifies the relentless pursuit of power and national interest as the principal drivers of state action in the international arena (Ghavam, 2021). The practical implication of this framework in the field of

law and negotiations with non-Muslim states is that, from a realist perspective, the rules and norms of international law acquire validity and obedience mainly when they are aligned with the strategic interests of the dominant powers in the system (Krasner, 1999). A striking example of this proposition was the blatant violation of international law during the military intervention in Iraq in 2003 without explicit authorization from the United Nations Security Council (Amiri, 2019). This theory assumes that states operate within an international system lacking any supranational authority, in which competition for power and the guarantee of security dominates relations (Ghavam, 2021). Consequently, negotiators viewing the world through a realist lens prioritize the preservation and advancement of the interests of their own state and generally rely on an instrumental combination of military force, whether threatened or used, and diplomatic bargaining in order to achieve their objectives (Dehghani Firouzabadi, 2017). The realist framework clearly demonstrates that the formulation of any effective negotiation strategy must necessarily take into account existing and underlying power relations, as well as the inherent potential for conflict among states (Dehghani Firouzabadi, 2017).

2.5. The Liberal Approach to International Negotiations

In serious contrast with the realist paradigm, liberalism offers a future-oriented and cooperation-centered perspective that considers the effectiveness of negotiation strategies to depend on the expansion of international cooperation, the effective role of institutions, and growing economic interdependence (Ghavam, 2021). This approach, assuming the instrumental rationality of states, maintains that international actors can benefit from the mutual and durable gains arising from cooperation and alliance through free trade, the conclusion of multilateral treaties, and structured diplomatic engagement (Fawzi, 2019).

This theoretical framework, by promoting the "win-win" model in negotiation processes, seeks to achieve comprehensive agreements that cover the lawful and legitimate interests of all stakeholders (Dehghani Firouzabadi, 2017). Contrary to the pessimistic outlook of realism, liberalism emphasizes the possibility and desirability of cooperation and interdependence among

states and supports forms of negotiation that reinforce common interests and enduring agreements (Ghavam, 2021). This paradigm challenges the foundational assumption that international relations are governed solely by calculations of power and instead insists on the significance of shared human values, principles of democratic governance, and institutionally grounded legal frameworks in organizing and moderating state behavior (Ghavam, 2021).

The practical implication of liberal thought in international law is that, from this perspective, international law can serve as a powerful facilitator of interstate cooperation by establishing and institutionalizing common rules and norms (Ziaei Bigdeli, 2021). A concrete illustration of this belief can be found in the creation of the World Trade Organization, which was established to regulate global trade relations on the basis of common, predictable, and non-discriminatory rules (Amiri, 2019; Motamedi, 2020). Accordingly, negotiation strategies inspired by liberalism generally focus on creating mutually beneficial scenarios and on building and strengthening trust and partnership-oriented relations among states, including relations with non-Muslim actors (Simbar, 2018).

2.6. The Constructivist Perspective in the Theorization of Negotiations

Constructivism, as one of the influential paradigms in the analysis of oversight mechanisms, places concepts such as identity, norm, and discourse at the center and emphasizes the determining role of these meaning-generating and social factors in shaping the behavior of international actors (Ghavam, 2021). By prioritizing social structures rather than exclusively material ones, collective identities, and normative systems, this approach makes possible a deeper and more contextualized understanding of international negotiation processes (Fawzi, 2019). This theory assumes that the behavior of states, beyond merely material and self-interested calculations, is profoundly influenced by and constructed through cultural, ideological, and discursive factors (Simbar, 2018).

Constructivist perspectives show that negotiation strategies must carefully take into account the political-civilizational identities and value systems of non-Muslim countries, because these factors construct the meaning

of actions and interactions and can have a determining influence on the ultimate outcomes of negotiations (Fawzi, 2019). Applied to international law, this framework regards it not merely as a body of imposed rules, but as a dynamic and social normative order possessing transformative capacity in the definition of interests and the behavior of states (Ziaei Bigdeli, 2021). A historical example of this effect can be seen in the gradual development and institutionalization of human rights norms following the adoption of the Universal Declaration of Human Rights in 1948, which progressively transformed the patterns of foreign policy and the legitimation of state action (Mehrpour, 2022).

Constructivism, by focusing on the social processes of meaning formation that shape identities and even the interests of states, offers an alternative and deeply sociological explanation. This paradigm, theoretically formulated by scholars such as Alexander Wendt, emphasizes the importance of shared beliefs, normative values, and intersubjective ideas in shaping, sustaining, and transforming international relations and negotiation dynamics (Wendt, 1999). By correctly recognizing and understanding this underlying layer of belief systems and identity formation, negotiators can better manage the complexities of intercultural interactions and move toward consolidating agreements that are durable, legitimate, and based on mutual understanding (Ghavam, 2021).

3. Structural Analysis, Functions, and Challenges of the Organisation of Islamic Cooperation (OIC)

3.1. Establishment and Foundational Objectives

The history of the establishment of the Organisation of Islamic Cooperation may be traced to the burning of al-Aqsa Mosque in 1969 by the Zionist regime. This event was the principal catalyst and created the need for a unified institution to reflect the common voice of the Islamic world in the international arena (Fawzi, 2019; Salimi, 2021). The organization was founded with objectives such as strengthening Islamic unity, safeguarding al-Quds al-Sharif, and developing political, economic, and cultural cooperation among member states. Among its strategic resolutions is the "Istanbul 2016" resolution concerning the proposal to establish an Islamic international court, which indicates the members' determination—albeit limited—to

institutionalize cooperation within the framework of Islamic identity (Simbar, 2018).

3.2. Principal Organs and Their Functions

The Islamic Summit Conference is the highest decision-making organ and convenes every three years. Nevertheless, its decisions are largely political and recommendatory in nature and lack effective enforcement guarantees and a strong oversight mechanism (Ghavam, 2021).

The Council of Foreign Ministers is responsible for setting general policy at its annual meetings. Geopolitical disagreements and rivalry between influential powers such as Saudi Arabia and Iran are the most important factors weakening the cohesion and unity of the Council's positions (Dehghani Firouzabadi, 2017).

The Secretariat, headquartered in Jeddah, is responsible for coordinating and implementing decisions. This organ faces chronic budgetary shortages and a lack of specialized human resources, which obstruct the optimal performance of its missions (Fawzi, 2019).

The Independent Permanent Human Rights Commission, although charged with monitoring the human rights situation in member states, issues reports that are non-binding, and its operational independence from member governments has consistently been subject to doubt (Ziaei Bigdeli, 2020).

The Permanent Legal Advisory Committee is limited to providing non-binding legal advice and lacks any judicial or arbitral jurisdiction for adjudicating and settling disputes among members (Simbar, 2018).

3.3. Major Structural Challenges

The Organisation of Islamic Cooperation faces deep structural challenges that severely restrict its effectiveness.

The first challenge is the absence of effective oversight and judicial mechanisms. The organization lacks strong oversight bodies and independent judicial institutions comparable to the Court of Justice of the European Union or the dispute settlement organ of the World Trade Organization (Farhad Ghasemi, 2019). A concrete example of this weakness was the OIC's inability to play an effective and meaningful mediating role in the political crisis between Qatar and Saudi Arabia in 2017 (Farhad Ghasemi, 2019).

The second challenge is dependence on and influence from regional powers. Heavy dependence on the decisions and political orientations of major regional member powers, such as Saudi Arabia and Turkey, has seriously undermined the organization's neutrality and independence of action (Salimi, 2021).

The third challenge is severe weakness in monitoring the implementation of obligations. Structural weakness in supervising member states' compliance with international obligations is evident, to the extent that numerous instances of non-compliance—including the issue of the rights of Uyghur Muslims in China—have remained without a firm, coordinated, and effective organizational response (Ziaei Bigdeli, 2020).

4. Adaptation and Emulation by the Organisation of Islamic Cooperation from Leading Oversight Models (Case Study: the European Union and the African Union)

4.1. Learning from the European Union and the Court of Justice of the European Union

The Organisation of Islamic Cooperation can enhance its oversight capacity by adopting an adaptive and critical approach to the successful experiences of international institutions. In this regard, the European Union and the Court of Justice of the European Union, as the most successful examples of supranational judicial institutions, offer a valuable model. The OIC may, inspired by this model, proceed toward establishing an "Islamic International Court" with the following powers:

A. Harmonized interpretation of Islamic rules and their integration with the principles of public international law.

B. Judicial oversight of the implementation of agreements among members and also of obligations arising from treaties concluded with non-Muslim states.

C. Adjudication and settlement of disputes among members on the basis of an integration of Islamic standards and international law (Ziaei Bigdeli, 2020).

The principal challenge on this path is the inherent resistance of member states to transferring part of their judicial sovereignty to a supranational institution (Ghavam, 2021). As a practical step, the periodic reporting and oversight system of the European Union may serve as inspiration, and the OIC oversight body may be strengthened so that it can monitor members' commitments within the framework of instruments such

as the Cairo Declaration on Human Rights in Islam (Ghavam, 2021). Nevertheless, unconditional borrowing from the European Union model faces two major structural limitations.

The first limitation lies in the difference in the level of integration. The European Union is a supranational union with common binding laws and institutions, whereas the OIC has consistently emphasized the principle of non-intervention and the absolute sovereignty of its members (Simbar, 2018).

The second limitation arises from conflict in normative foundations. Some of the fundamental norms of the European Union, such as rights relating to sexual minorities, are in clear tension with Islamic legal rules and the cultural values of the majority of OIC member states (Fawzi, 2019).

4.2. *The Alternative and More Practical Model: The African Union*

Because of its high degree of cultural diversity and shared developmental challenges, the African Union presents a more practical and realistic model for the Organisation of Islamic Cooperation.

The African Court on Human and Peoples' Rights is a successful example of a regional judicial institution from which the OIC may draw inspiration in creating an "Islamic Human Rights Court" with jurisdiction to receive complaints from individuals and non-governmental organizations (Dehghani Firouzabadi, 2017). Its judicial practice, including the judgment in *Ogiek v. Kenya* concerning minority rights, may provide a framework for addressing cases such as the legal status of Rohingya Muslims.

The membership suspension mechanism in the African Union, activated in response to coups or grave violations of democratic principles, may be adapted by the OIC for situations involving severe and systematic violations of Islamic norms, such as deliberate attacks on holy places (Farhad Ghasemi, 2019).

4.3. *Innovative Strategies for Strengthening the OIC Oversight System*

To strengthen oversight, it is necessary to integrate international standards with Islamic characteristics and to establish dedicated and innovative institutions. The proposed measures are as follows.

The first proposal is the establishment of an "Islamic Arbitration Court" for the settlement of commercial disputes among members and with non-Muslim states on the basis of a combination of Islamic law of transactions and international commercial law (Ziaei Bigdeli, 2020).

The second proposal is the institutionalization of an "Islamic peace-based mediation mechanism," drawing on the principle of peaceful reconciliation in Islam as a powerful framework for mediation in international disputes (Ziaei Bigdeli, 2020).

The third proposal is the formation of an "Integrated Oversight Committee," composed of jurists, legal scholars, and international experts, to monitor the implementation of member states' obligations in key areas such as combating Islamophobia and protecting oppressed Muslim communities (Fawzi, 2019; Ghavam, 2021).

The fourth proposal is the design of a "smart economic sanctions mechanism," involving a framework for imposing targeted and collective economic sanctions in response to grave violations of Islamic norms by states, similar to the coordinated action of member states against Denmark following the wave of media insults directed at the Prophet Muhammad. Such a mechanism could increase the costs of violating the essential norms of Islam and create deterrence (Fawzi, 2019).

5. **Proposals and Practical Solutions for Strengthening the Oversight System of the Organisation of Islamic Cooperation**

5.1. *Structural Reform and Institutional Strengthening*

The first and most necessary step is the implementation of structural reforms within the executive body of the organization, especially the qualitative and quantitative strengthening of the OIC Secretariat. This can be achieved through sustainable budget increases and the systematic recruitment of expert specialists in international law, comparative Islamic jurisprudence, and Islamic diplomacy. This measure is justified by the legal powers set forth in Article 15 of the OIC Charter and is aimed at improving the organization's technical capacity, executive ability, and rapid response potential (Ahmad, 2018; Salimi, 2021). Research findings likewise confirm that the absence of specialized human resources

and insufficient funding are among the fundamental obstacles to effective oversight (Salimi, 2021).

5.2. Institutionalizing Oversight Through the Creation of an Independent Judicial Organ

The next transformative step is the drafting, adoption, and establishment of the statute of an independent Islamic international court possessing judicial and oversight powers. This court may be modeled after the structure, jurisdiction, and procedural system of the International Court of Justice, while being fundamentally grounded in the established principles of Islamic jurisprudence and the scholarly consensus of different schools of thought (Shaw, 2017; Zamani, 2021; Ziaei Bigdeli, 2021). Such an institution could play a central role in unifying legal interpretation, monitoring the implementation of obligations, and settling disputes.

5.3. Strengthening Enforcement Mechanisms and Guarantees of Compliance

To ensure the practical operation of oversight, the strengthening and guarantee of enforcement mechanisms is unavoidable. The design and use of effective accountability tools, such as targeted economic sanctions, suspension of membership rights, or the imposition of trade restrictions, may operate as deterrent and coercive instruments to encourage non-complying states to observe their obligations. The effectiveness of such mechanisms has been demonstrated in the practice of international organizations, including Security Council Resolution 1267 establishing a sanctions regime against al-Qaeda and the Taliban (Mirmohammadi, 2020). This enforcement framework may be used both for supervising intramural organizational obligations and for monitoring trade and political agreements with non-Muslim states (Gorji Azandariani, 2016).

6. Roadmap for Realizing the Hybrid Model: Integrating Islamic Wisdom and International Effectiveness

The final model proposed in this study is a hybrid pattern that, while critically and selectively drawing on the successful mechanisms of international institutions, places the identity, values, and legal principles of Islam

at the center of its design. The realization of this model may be pursued through four key and sequential stages.

6.1. First Stage: Identifying Normative Convergences and Divergences

This preliminary stage is based on the systematic identification of the convergent and divergent aspects of Islamic standards and international norms.

A. Identifying points of convergence: the focus should be on shared universal principles such as justice, grounded in Qur'anic verse 90 of Surat al-Nahl, the preservation of human dignity, reflected in verse 70 of Surat al-Isra', and the promotion of the peaceful settlement of disputes, emphasized in the Prophetic tradition. These shared elements provide a solid basis for convergence with the foundational principles of the international system, including the objectives set out in Articles 1 and 33 of the United Nations Charter (Mousavi Bojnordi, 2018; Ziaei Bigdeli, 2020).

B. Managing points of divergence: this requires examining potential areas of conflict, such as family rights in relation to Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, or freedom of religion in apparent tension with the rule on apostasy in Islamic jurisprudence and Article 18 of the International Covenant on Civil and Political Rights. At this stage, the presentation of new ijthadi and comparative approaches in Islamic jurisprudence—such as distinguishing between the purely doctrinal dimension and the security-social dimensions of apostasy—may provide solutions for reducing normative tensions (Gorji Azandariani, 2017; Research Institute of & University, 2019).

6.2. Second Stage: Intelligent and Context-Sensitive Borrowing from Regional Experiences

This stage involves selective, condition-based borrowing from the mechanisms of successful institutions.

A. Learning from the European Union: mechanisms such as periodic reporting by member states and the framework of an independent court with contentious and advisory jurisdiction may be adapted, provided that the composition of its judges includes eminent jurists and international lawyers and that its judgments are rendered within the broader framework of the objectives of Islamic law (Zamani, 2021).

B. Learning from the African Union: flexibility in dealing with cultural diversity, and especially the mechanism of membership suspension, may serve as a model. Suspension of membership in relation to states committing grave and systematic violations of Islamic sanctities, such as the actions of the Zionist regime in al-Quds al-Sharif, may be justified by reference to the principle of consultation and the collective responsibility of the Muslim community in Islam (Farhad Ghasemi, 2019).

6.3. Third Stage: Establishing Specialized Hybrid Institutions

This stage operationalizes the hybrid model through the establishment of innovative institutions.

A. Center for Harmonization of Islamic Law and International Law: the principal function of this center would be to formulate guiding principles and coordinated interpretations of international obligations in light of established Islamic principles (Ghari Seyed Fatemi, 2016).

B. Global Network of International Islamic Jurists: this network would build a bridge between Islamic jurisprudence and international law by bringing together leading jurists from different Islamic schools in order to provide coordinated and expert juristic views on new international issues.

C. Specialized Court of Islamic Commercial Arbitration: this institution would combine the principles of Islamic law of transactions with accepted standards of international trade, such as the Convention on Contracts for the International Sale of Goods, in order to settle commercial disputes among members and with non-Muslim parties (Motamedi, 2020).

6.4. Fourth Stage: Designing Enforcement Guarantees and Preventive Diplomacy

The effectiveness of any oversight scheme depends on the existence of decisive enforcement mechanisms and active cultural diplomacy aimed at securing the participation of international institutions. This section, as the fourth stage in the realization and strengthening of the OIC, focuses on two principal axes: decisive enforcement mechanisms and preventive cultural diplomacy.

One of the principal axes in the realization and strengthening of the OIC is the development of decisive

and targeted enforcement mechanisms through smart sanctions. Their significance lies in the fact that, rather than exerting broad pressure on populations, they specifically target the violators of international law (Mirmohammadi, 2020). For example, “the prohibition of Saudi oil exports to the Zionist regime in the event of the destruction of al-Aqsa Mosque” would be an example of a smart sanction directed at a specific trade relationship. This approach, which enjoys greater legitimacy and is enforceable with support from international law, prevents harm to civilians (Cortright & Lopez, 2002). On this basis, the Security Council in Resolution 2170 of 2014 against ISIS used targeted sanctions including asset freezes and travel bans. This precedent offers a model for legalizing such measures (Amiri, 2019). In addition, the juristic basis in Islamic law may be found in concepts such as the prohibition of harmful cooperation and the blocking of pathways to aggression, which provide a lawful foundation for collective coercive measures, provided that the principle of proportionality is respected and harm to civilians is avoided (Gorji Azandariani, 2017).

Cooperation with neutral international institutions increases the legitimacy and effectiveness of executive oversight schemes (Ghari Seyed Fatemi, 2019). In this regard, the creation of joint monitoring and working groups between the OIC and institutions such as the Office of the United Nations High Commissioner for Refugees can make possible impartial monitoring of the condition of Muslim refugees, such as the Rohingya. The reports issued by such groups would carry substantial international credibility (Ghari Seyed Fatemi, 2019). Within a legal framework, this cooperation may be based on the Responsibility to Protect doctrine and the 1951 Refugee Convention. The OIC can contribute resources and expertise to international institutions while simultaneously overseeing the protection of the rights of Muslim refugees (Ghari Seyed Fatemi, 2019).

The second axis in the realization and strengthening of the OIC is preventive cultural diplomacy. This long-term strategy addresses the roots of tension and cultural misunderstanding and aims to reduce the atmosphere of distrust (Dehghani Firouzabadi, 2016). By establishing a permanent “Islam-West Dialogue Council,” the OIC could achieve continuous management of cultural crises (Ziaei Bigdeli, 2020).

The proposed functions of this council are as follows: monitoring the media, meaning the surveillance of Western and Islamic media in order to identify and respond promptly to offensive content before it escalates into crisis (Salimi, 2021); de-escalation, meaning the constructive management of sensitive issues such as cartoons and the hijab debate (Salimi, 2021); the production of educational content, meaning the preparation of shared materials for the promotion of mutual understanding and the struggle against Islamophobia (Salimi, 2021); and fact-finding committees, meaning the dispatch of joint committees of scholars and intellectuals to investigate sensitive issues and present impartial reports (Research Institute for & Cultural, 2018).

7. A Hybrid Governance Model for the OIC

The model proposed in this study offers a new paradigm of institutional governance for the Organisation of Islamic Cooperation based on the intelligent and selective integration of the most effective elements of international systems with the theoretical and value foundations of Islam (Farajollah Ghasemi, 2019). The ultimate purpose of this model is to move the OIC beyond its current condition as a largely dialogue-oriented and declaratory institution and elevate it into a pragmatic organization with effective oversight capacity, efficient judicial mechanisms, and the ability to guarantee implementation of obligations. This model may be formulated and implemented along the following four principal axes.

The first axis is a hybrid oversight-judicial institution. The leading international model in this area is the Court of Justice of the European Union, which achieves the highest level of legal integration through binding judgments (Omidi, 2016). The Islamic adaptation of this model would be embodied in the establishment of an "Islamic International Court of Justice," whose structure would combine fully qualified Islamic jurists and international lawyers, thereby ensuring that its decisions enjoy both juristic legitimacy and compatibility with international legal standards (Ziaei Bigdeli, 2021). The achievement of such an institution would be the creation of a dual legitimacy rooted both in Islamic jurisprudence and in successful global administrative models (Ghavam, 2021).

The second axis is a commercial-juristic dispute settlement mechanism. In the area of dispute resolution, the system of the World Trade Organization dispute settlement body is a suitable model due to its speed, specialization, and strong enforcement capacity (Motamedi, 2020). Its Islamic adaptation would require the establishment of an "Islamic International Commercial Arbitration Center" capable of resolving disputes through a combination of Islamic law of transactions and the principles of international trade law (Emami & Shahbazi, 2021). The outcome of this mechanism would be the reduction of commercial conflicts and the strengthening of South-South cooperation through the provision of a rapid remedy aligned with Islamic values (Ziaei Bigdeli, 2021).

The third axis is a pluralistic human rights framework. The European Convention on Human Rights and the Strasbourg Court represent the most comprehensive regional oversight system in this field (Ghari Seyed Fatemi, 2019). Its Islamic adaptation would involve using the Cairo Declaration on Human Rights in Islam as a cornerstone for a renewed and development-oriented interpretive effort. Fundamental Islamic concepts such as human dignity, justice, and consultation could serve as the basis for expanding and progressively interpreting the rights of groups such as women and minorities within an authentic framework (Mousavi Bojnordi, 2018). The result of this integration would be the creation of an independent and balanced discourse responsive both to Islamic values and to global concerns (Ziaei Bigdeli, 2020).

The fourth axis is a smart enforcement system. The international model, such as that of the European Union, employs tools including sanctions and suspension of membership rights (Amiri, 2019; Salimi, 2021). The Islamic adaptation for the OIC in this field would involve smart economic sanctions and suspension of membership, justified under juristic concepts such as the prohibition of harmful cooperation and as a legitimate collective international sanction (Gorji Azandariani, 2017). The result of this system would be increased compliance by members and strengthened internal cohesion of the organization through the raising of the costs of violating obligations (Farajollah Ghasemi, 2019).

8. Conclusion

This study, aimed at examining the oversight mechanisms that guarantee the effectiveness of negotiation strategies with non-Muslim states, with particular emphasis on the Organisation of Islamic Cooperation, has reached the following key findings.

First, there is a necessity for fundamental institutional transformation within the OIC. Despite its theoretical capacity, existing structural weaknesses, such as the absence of an independent judicial body and effective enforcement mechanisms, have prevented the OIC's oversight role from assuming practical form. The central solution is the establishment of an Islamic International Court of Justice combining juristic and legal expertise.

Second, conditional and context-sensitive emulation is feasible. Comparative analysis shows that the OIC can selectively benefit from the experiences of the European Union in the field of institutionalized judicial oversight and from the African Union in the field of flexible enforcement mechanisms.

Third, a hybrid theoretical framework for negotiation is required. The theoretical analysis demonstrates that negotiation effectiveness depends on the integration of three pillars: ethical-religious adherence to the principle of fidelity to obligations, intelligent use of international legal frameworks, and interest-based consideration of the overarching welfare of the Islamic community.

Fourth, the study offers a package of practical solutions. The most important recommendations are structural reform and expert strengthening of the Secretariat, drafting and adoption of the statute of the Islamic court, designing a system of targeted smart sanctions, and developing preventive cultural diplomacy.

In its final synthesis, the proposed hybrid model enables the OIC, while preserving the authenticity of Islamic identity, to move beyond the status of a mere norm-receiving actor and become a norm-generating actor in the field of law and international relations (Dehghani Firouzabadi, 2017). By offering solutions that are at once indigenous, grounded in Islamic law, and global, grounded in successful institutional experiences, this model simultaneously produces operational effectiveness and international legitimacy for the organization (Ghari Seyed Fatemi, 2016). The findings of this study may serve as a strategic roadmap for policymakers in member states seeking the fundamental

transformation and strengthening of the oversight function of the OIC.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

References

- Ahmad, A. (2018). The Organization of Islamic Cooperation and International Law. In A. Reinisch (Ed.), *International Organizations and the Idea of Autonomy* (pp. 32-48). Routledge.
- Amiri, H. (2019). *Law of International Treaties and Intergovernmental Organizations*. Jangal Publications.
- Cohen, R. (1997). *Negotiating Across Cultures: International Communication in an Interdependent World* (Rev. ed.). United States Institute of Peace Press.
- Cortright, D., & Lopez, G. A. (2002). *Smart Sanctions: Targeting Economic Statecraft*. Rowman & Littlefield Publishers.
- Craig, P., & de Búrca, G. (2015). *EU Law: Text, Cases, and Materials* (6 ed.). Oxford University Press.
- Dehghani Firouzabadi, S. J. (2016). *Foreign Policy of the Islamic Republic of Iran*. SAMT Publications.
- Dehghani Firouzabadi, S. J. (2017). *Theories of International Relations*. SAMT Publications.

- Emami, K., & Shahbazi, A. (2021). *International Commercial Arbitration in Light of Islamic Jurisprudence*. Khorsandi Publications.
- Fawzi, Y. (2019). Developments in the Organization of Islamic Cooperation and Its Role in the New Global Order. *Foreign Policy Quarterly*, 33(2), 223-248.
- Ghari Seyed Fatemi, S. M. (2016). *Human Rights in the Contemporary World*. Shahr-e Danesh Publications.
- Ghari Seyed Fatemi, S. M. (2019). *Regional Human Rights Systems*. Ettela'at Publications.
- Ghasemi, F. (2019). *The African Union and the Organization of Islamic Cooperation: A Comparative Study in Institution-Building*. Imam Sadiq University Press.
- Ghasemi, F. (2019). *International Organizations: Function and Effectiveness*. Mizan Publications.
- Ghavam, A. (2021). *Principles of Foreign Policy and International Politics*. SAMT Publications.
- Gorji Azandariani, A. (2016). *Economic Sanctions in International Law and Islamic Jurisprudence*. Research Institute for Culture and Islamic Thought.
- Gorji Azandariani, A. (2017). *Apostasy in International Law and Islamic Jurisprudence*. Research Institute for Culture and Islamic Thought.
- Krasner, S. D. (1999). *Sovereignty: Organized Hypocrisy*. Princeton University Press.
- Mehrpour, H. (2022). *The International Human Rights System*. Ettela'at Publications.
- Mirmohammadi, S. M. (2020). *Smart Sanctions in International Law*. Khorsandi Publications.
- Motamedi, N. (2020). *The World Trade Organization and Settlement of Trade Disputes*. Institute for Legal Studies and Research of Shahr-e Danesh.
- Mousavi Bojnordi, S. H. (2018). *Jurisprudential Rules, Volume 3: Rules of Transactions and International Matters*. Majd Publications.
- Omidi, J. (2016). *Peaceful Settlement of International Disputes*. Mizan Publications.
- Research Institute for, H., & Cultural, S. (2018). *Dialogue Among Civilizations and Cultural Diplomacy*. Research Institute for Humanities and Cultural Studies.
- Research Institute of, H., & University. (2019). *Women and Family in Islam and International Instruments*. Research Institute of Hawza and University Press.
- Salimi, H. (2021). *The Islamic World and the International System*. Elmi va Farhangi Publications.
- Schreuer, C. (2012). *The ICSID Convention: A Commentary* (2 ed.). Cambridge University Press.
- Shaw, M. N. (2017). *International Law* (8 ed.). Cambridge University Press.
- Simbar, R. (2018). *International Organizations and Global Issues*. University of Tehran Press.
- Wendt, A. (1999). *Social Theory of International Politics*. Cambridge University Press.
- Zamani, S. G. (2021). Periodic Reporting in the European Union: A Model for the Organization of Islamic Cooperation. *Legal Research Quarterly*, 24(77), 139-164.
- Ziaei Bigdeli, M. (2019). *Public International Law* (45 ed.). Ganj Danesh Publications.
- Ziaei Bigdeli, M. (2020). *Public International Law*. Ganj Danesh Publications.
- Ziaei Bigdeli, M. (2021). *Contemporary Issues in International Law*. Ganj Danesh Publications.